SENATE—*Monday, February 24, 1986*

The Senate met at 12 noon 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.

In a moment of silence, we should be remembering Ruby and Marty Paone, to whom a son of 8 pounds was born this morning. Ruby is still under the anesthesia from a cesarean. Let us remember Ruby and Marty, that all may be well. Thank you, Father, for them and for this precious child.

Father, all our hearts are concerned about the Philippines, and we pray for leadership and special wisdom in this matter.

Oh praise the Lord, all ye nations;
Praise Him all ye people.
For His merciful kindness is great toward us;
And the truth of the Lord endureth forever.—(Psalms 117).
Praise ye the Lord.
Praise God in His sanctuary;
Praise Him in the firmament of His power.
Praise Him for His mighty acts;
Praise Him according to His excellent greatness.
Praise Him with the sound of the trumpet;
Praise Him with the psaltry and harp.
Praise Him with the timbrel and dance;
Praise Him with stringed instruments and organs.
Praise Him upon the loud cymbals;
Praise Him upon high sounding cymbals.
Let everything that has breath praise the Lord.
Praise ye the Lord.—(Psalms 150).

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 a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for not to exceed 15 minutes.

There will be routine morning business, not to extend beyond 1 p.m. I might extend that period. In fact, I think I will extend it right now, and I ask unanimous consent that the time for routine morning business be extended to 1:30, with Senators permitted to speak therein for not more than 5 minutes each.

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

Mr. DOLE. Following routine morning business, the Senate will resume consideration of Senate Resolution 28, television in the Senate. Votes could occur during the day, but not after 6 p.m., as previously agreed to.

I also indicate that sometime this week we need to deal with either the House-passed bill or a Senate-passed bill dealing with, I would guess, six or seven areas in the massive piece of farm legislation we passed last December. There have been six or seven areas of either outright mistakes or misunderstandings or failure to understand certain provisions that we have been trying to work out on a bipartisan basis. If we can do that, we can address those matters.

One deals with dairy, and one deals with the position of someone in the White House, whether it should be Cabinet level or below. One deals with what we call yields, primarily wheat and feedgrain provisions. Another one, which Senators LEVIN and RIEGLE are particularly interested in, deals with planning. I think there is one additional provision we hope we can work out on a bipartisan basis, and we will try to pass that measure without much debate.

The chairman of the Agriculture Committee is willing to bypass the committee. I have discussed it with Senator ZORINSKY, and he feels the same way. So perhaps we can accomplish that.

We need to do it quickly because one item would be affected by Gramm-Rudman, which is effective March 1. The other provisions would be the so-called sign-up for farm programs which starts on March 3. Unless these provisions are changed by Congress and signed by the President, it will be too late. So it is of some urgency.

I hope we wind up TV in the Senate this week. If not, we are prepared to spend a little more time on it next week.

We are pretty much on schedule because the Genocide Convention did not take long. In addition, I understand there may be—may be; I am not certain—an agreement on the balanced budget amendment, which now may be bipartisan. I understand from the chairman of the Judiciary Committee that an agreement on the balanced budget amendment may be in the offing.

Is that correct?

Mr. THURMOND. Mr. President, we will be ready when it is brought up. I think an agreement has been reached.

Mr. DOLE. So it has fairly broad bipartisan support?

Mr. THURMOND. Yes, sir.

Mr. DOLE. I thank the chairman of the committee.

I reserve the remainder of my time.

BLACK HISTORY MONTH

Mr. DOLE. Mr. President, in 1926, Dr. Carter Goodwin Woodson, founder of the Association for the Study of Afro-American Life and History, initiated the first formal tribute to black Americans by establishing Negro History Week. This event has since become an annual tradition, and, this year we have designated the month of February as Black History Month.

BLACK HISTORY IN THE SENATE

In celebrating black history, I feel it is especially important to draw attention to the contributions made by blacks in the Senate. The first black to serve in either House of Congress was Hiram Revels, a Mississippi Republican. Although Revels was born free in 1822, he became politically active during the problematic period of Reconstruction. Thanks to the support of Republican Senators such as Henry Wilson and Charles Sumner, Revels was seated in the Senate in 1870, and later became the first president of Alcorn College in Rodney, MS.

The second black Member of the Senate was Blanche Kelso Bruce who was born a slave in 1841 in Virginia. He later fled from slavery to the free State of Kansas, where he opened the first elementary school for black Americans. His political career began when he moved to Mississippi, where he was elected sergeant at arms of the State Senate. From there he became sheriff then superintendent of education and, in 1874, was elected as a Republican to the U.S. Senate. During his term, Bruce voted and spoke on behalf of black Americans. His most important accomplishment was his investigation of the floundering Freedmen's Savings & Trust Co., which held over $57 million in ex-slaves' earnings. Bruce was instrumental in returning three-fifths of the depositors' money before the company went bankrupt due to corruption and incompetence. After the expiration of his senatorial term, Bruce served in the administrations of Presidents Garfield, Arthur,

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

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Harrison, and McKinley, before his death in 1898.

Finally, there was my good friend and former colleague, Edward William Brooke, who was born and raised in this city. He attended law school in Boston, and was admitted to the Massachusetts bar in 1948. His political career began in 1962 when he won a tough election for attorney general of Massachusetts, the second highest office in the State. In 1966, Brooke was elected as a Republican to the U.S. Senate. Whereas Hiram Revels and Blance Bruce were appointed to the Senate by their State legislatures, Brooke was the first black to be elected by popular vote, in a State that had less than a 2 percent black population and is predominantly democratic. Brooke served in the Senate for 12 years and was one of the most effective and articulate spokesmen for equality and justice to ever serve in this body.

CONCLUSION

These three men played an important role in tearing down racial barriers, and we learn from their experience that perseverance can overcome adversity. But as we reflect on the past accomplishments of these and other black leaders during Black History Month, we must also look to the future. I take great pride in the fact that the three black Members of the Senate have been Republicans, and am also honored to have had the opportunity to appoint the first black, Trudi Michelle Morrisson, as the Senate's deputy sergeant at arms. At the same time, I am troubled to know that no black has been elected to this body since Ed Brooke's defeat in 1978. Black Americans have made great strides in the political arena, but clearly, there remains a long road ahead. So I urge my colleagues to join me in paying tribute to the contributions of blacks throughout the history of the Senate. Let us look forward to the day when a black serving in the Senate will no longer be so uncommon an occurrence.

RECOGNITION OF THE MINORITY LEADER

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

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

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

Mr. BYRD. I yield the floor.

RECOGNITION OF SENATOR PROXMIRE

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

WHAT THE U.S. ARMS CONTROL AGENDA SHOULD BE

Mr. PROXMIRE. Mr. President, President Reagan and his administration deserve warm commendation for their decision to respond positively to Secretary Gorbachev's proposal to negotiate an arms control agreement. Secretary Gorbachev's proposal of a few weeks ago was far and away the most ambitious series of arms control options ever proposed by a head of state. The Russian leader declared his aim was the elimination of nuclear weapons from the face of the Earth by the year 2000. That extreme and transparently unrealistic proposition might have been designed to surpass the Reagan announcement that star wars would ultimately make nuclear weapons obsolete. These astonishing flights of fancy of the leaders of the two superpowers have created an aura of futile rhetoric for what should be the most serious business in the world—I might say in world history—that is, nuclear arms control negotiations. Former Secretary of State Kissinger has called this talk of abolishing nuclear weapons forever propaganda. Kissinger is right. True, throughout the nuclear age arms control negotiations have been halting, erratic and sadly ineffective. The two superpowers have been virtually unimpeded in building nuclear arsenals unrestrained by any of the arms control agreements. In spite of the limited Test Ban Treaty and the later 150-kiloton limitation on nuclear weapon testing, there has, in fact, been no practical limit on testing nuclear weapons. In spite of the Anti-Ballistic Missile Treaty which had the simple and single purpose of strictly limiting comprehensive missile defenses by either superpower, both countries have moved ahead about as fast as their individual technologies would permit in constructing missile defenses. And the U.S. star wars program is expressly designed to build exactly the kind of system the ABM Treaty was drafted to prevent.

SALT I and SALT II have been noble experiments in designing limits on the size of offensive nuclear arsenals. But what practical effect have they had? Obviously almost none. Both superpowers have built and deployed more than 10,000 nuclear warheads on land-, sea-, and air-based launchers. Ten thousand strategic warheads each. Some limitations. Does SALT I or II constitute any kind of serious limitation? If either treaty does how do we explain the fact that the National Academy of Sciences tell us that if just 1 percent of the present Soviet or American arsenal struck the cities of either the Soviet Union or the United States there would instantly be 35 or 55 million killed in the Soviet Union or in the United States. Tens of millions more would be terminal that is dying with virtually no medical care available. Each superpower has 100 times what it needs to devastate the other. Some arms control.

What can we conclude from this appalling situation? We can only conclude that to date the arms control treaties have provided no significant abatement whatsoever in the arms race. In the last few years we have seen a serious erosion in the limited remnants of arms control that remain. The ABM Treaty is sure to be a victim of star wars. If star wars is never deployed it will not be because the ABM Treaty prevented the deployment, it will be because a future President and a future Congress awakened to the technological idiocy and the trillion-dollar-plus extravagance of the star wars defense. The ABM Treaty will not stop star wars. The fact that it will not work will stop it. Even the pitifully feeble limitation placed by SALT II on nuclear deployment is likely to expire. The treaty technically died on December 31, 1985. It is kept alive by a President who has announced that this country will follow a policy of proportional response to that treaty. That means if we believe the Soviets have violated the treaty, we will select the part of the treaty that it suits our interests of the moment to violate to match that violation. This policy will sooner or later—probably sooner—destroy whatever small significance SALT II still has.

In spite of the grossly unrealistic nature of Secretary Gorbachev's announcement that his proposals were designed to eliminate all nuclear weapons everywhere by the year 2000, he did offer specific nuclear weapon limitations along the way that could permit serious and significant negotiations between the Soviet Union and the United States. But do not count on it. This Senator herewith offers a series of specific arms control limitations this country should pursue to take advantage of the Gorbachev announced proposals. Here they are:

First. Let us negotiate a ban on all nuclear weapons testing. We can and should take Secretary Gorbachev up on this proposition that he has made. But we should insist on a tight, thorough and detailed verification that would include the following: (a) The placement of at least 10 seismic monitoring stations throughout the U.S.S.R. and 10 throughout the United States; (b) these would be inspected frequently and without notice by international teams including Americans inspecting suspicious Soviet explosions and Soviets inspecting American explosions; (c) immediate referral to the Standing Consultative Commission of any alleged violation by either superpower; (d) a 1-year sunset on the treaty with renegotiation required. This would put great

pressure on both sides to comply or assume responsibility for gutting the agreement.

Second. The United States should agree not to proceed to any development, testing, production, or deployment of star wars, provided the Soviets agree to a mutual 75-percent reduction over 2 years in offensive missiles.

Third. Mutual agreement to destroy all conventional weapons that have an explosive force of more than 1 kiloton with the same verification measures required for the cessation of weapons testing above.

Fourth. Advance notice of all maneuvers or military tests of any kind or any activity that might be construed as within arms control treaties.

Fifth. Mutual military personnel reductions with frequent on-the-spot inspections to verify compliance.

Sixth. A meeting of the Soviet Union, the United States, France, China, and the United Kingdom to negotiate a reduction in nuclear warheads and megatonnage by all nuclear weapon powers.

Seventh. Superpower negotiations to destroy all biological and chemical weapons, buttressed by stringent verification and monitoring provisions to insure compliance.

Eighth. Negotiations with the four parties: The Soviet Union, France, the United Kingdom, and the United States to try to reach an agreement on intermediate nuclear weapons stationed in Europe.

Ninth. An agreement between the United States and the Soviet Union to intensify greatly both the verification of all nuclear agreements and the reliance on the Standing Consultative Commission. If this agreement is reached the superpowers should also agree not to resort to a policy of proportional response to treaty violations. Instead both superpowers should agree that if after resort to the Standing Consultative Commission either party to a treaty were convinced that the other is in violation, it would announce its intention to renounce the treaty. Would this kind of discipline work? I think it would. Here is why: It is the only sanction that can work in arms control involving the superpowers. Each country will only comply with an arms control treaty if it is convinced that the treaty is in its interest and if it knows that violations can be successfully monitored and that the other party will renounce the treaty if it is convinced that violations are taking place.

MYTH OF THE DAY: THE UNITED STATES IS NOW A PARTY TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the myth of the day is that the United States is now a party to the Genocide Convention.

How can this be? After all, did not the U.S. Senate make us a party to the Genocide Convention by our historic, and overwhelming, vote to give advice and consent to this treaty?

The answer is almost. But in the resolution of ratification, the Foreign Relations Committee provided that the United States will not formally deposit its instrument of ratification—the formal document making us a party to the treaty—until we have adopted the necessary implementing legislation.

That was only appropriate. We do not want our enemies making any propaganda charges that we have not taken all of the necessary steps to put this treaty into force.

So what is left to do? We must adopt legislation, consistent with our Consitutition, to make genocide a crime under our Criminal Code and to provide for trial of individuals accused of this crime before American courts and to establish penalties for punishment of those found guilty. As with all such legislation, it would be subject to Presidential signature and Supreme Court review to assure its constitutionality.

So the issue now goes to the House and Senate Judiciary Committees now. And they have an excellent draft of legislation with which to start—a draft written by the Nixon administration and submitted to the Senate by then—Assistant Attorney General William Rhnquist. The American Bar Association indicated a decade ago its strong support for that implementing legislation and we should now move ahead with it.

I hope that we can count on the continued strong support of President Reagan for this final step which will make us a party to the Genocide Convention.

So we are in the homestretch. But it is a myth that the struggle is over—yet. It will take continued, consistent support to make it happen.

A SALUTE TO THOSE WHO WORKED FOR RATIFICATION OF THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, in thanking a number of individuals who worked so hard and so long to secure ratification of the Genocide Convention, in my remarks on Wednesday I inadvertently neglected to mention several individuals whose work was very helpful in this effort.

From outside organizations, I particularly want to thank Laurens Ayvazian of the Armenian Assembly; Howard Kohr of the American Jewish Committee; Lenny Steinhorn; Sandy Elster of Amnesty International, who singlehandedly organized a major grassroots campaign in support of the treaty; Harry Inman, Rita Hauser, Art Rovine, Morris Abrams, and Charlie Brower, prominent members of the American Bar Association, who were so helpful in getting the ABA to reverse their position; former Ambassador Charles Yost, whose testimony regarding the difficulties that our diplomats faced as a result of our failure to ratify the Genocide Convention was so enlightening; as well as the insightful testimony of both Prof. Richard Gardner of Columbia University and Prof. John Murphy of Villanova.

In addition, Chuck Berk and Fred Tipson, former professional staff members of the Senate Foreign Relations Committee deserve special mention as well for the tremendous support they gave me and my staff in this effort.

And last, but far from least, is an individual who gave this treaty such a tremendous push when President Truman first sent the treaty to the Senate for consideration, Senator CLAUDE PEPPER. He was one of the treaty's most outspoken supporters during those first hearings in 1950 and it is important that his crucial role in those years not be overlooked today.

S. 2087, ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH BLOCK GRANT AMENDMENTS OF 1986

Mr. PROXMIRE. Mr. President, on behalf of myself and the distinguished Senator from Iowa [Mr. GRASSLEY], I am introducing legislation to amend the alcohol, drug abuse, and mental health block grant.

The change we are proposing is very simple: It requires that the Department of Health and Human Services in carrying out any sequester order mandated by the Gramm-Rudman-Hollings balanced budget legislation must apply that cut equally to all States and territories receiving funds under this block grant.

Our proposal is that simple. But the present language of the block grant has raised a question regarding the Department's ability to carry out the clear mandate of Gramm-Rudman-Hollings—for evenhanded cuts—and our proposal will make it clear that the Department is to meet that mandate.

BACKGROUND OF THE ADAMHA BLOCK GRANT

Mr. President, in 1981 Congress created the alcohol, drug abuse, and mental health [ADAMHA] block grant out of 10 separate categorical programs providing funds to the States and local community mental health centers. At that time it was determined that each State would continue to receive their share of all three funds in the future based upon the share they received in 1981.

This certainly appeared equitable on the surface in the rush to complete action on the 1981 Omnibus Reconciliation Act. But as we were to learn

later, it was far from fair. There was no particular problem with applying this approach to the alcohol or drug abuse funds which had been distributed to the States on a formula basis and were being distributed on a reasonably fair basis. The problem was the mental health funding, which did not go through the States but was distributed to individual community mental health center grantees. That funding was on an 8-year funding cycle, which increased in the early years and tapered off as the centers achieved financial self-sufficiency.

This meant that States, like Wisconsin, which had developed early in the program a number of community mental health centers and, were at the tail end of the funding cycle, received an insignificant amount of mental health funds in 1981. And the block grant distribution formula worked to lock us into a ludicrously small share of the total block grant funding when these funds were consolidated.

A number of States, including Iowa and Kentucky, faced a similar problem.

THE 1984 FORMULA CHANGE

As a result of this inequity, the authorizing committees in both houses attempted to assure that a larger portion of new funding for this block grant would be distributed to the States which had been inadvertently disadvantaged.

While the final formula is complicated, its essential features included a "hold harmless," a pledge to the States that they would not receive any less than they had in 1984 as long as the block grant funding was over $462 million; and, using two different formulas the block grant allocates a disproportionate share of the new funds to those States which were disadvantaged.

The block grant is now funded at $490 million and the 4.3-percent sequester order mandated by the Gramm-Rudman-Hollings legislation will require the funding to drop to $468 million.

The difficulty is the "hold harmless" contained in the 1984 legislation. The Department has concluded that since the 4.3-percent cut leaves the block grant funded above the "hold harmless" level of $462 million, they must take the cut solely out of that handful of States which had been disadvantaged in the past and were now receiving most of the funds being eliminated by the sequester order.

Mr. President, you can imagine what happens when the burden of a 4.3-percent cut is placed on the backs of just a few States. They lose and lose big.

For Wisconsin, this cut will be 15 percent, not 4.3 percent, and other States will receive no cut at all.

EQUITY, NOT SPECIAL TREATMENT

Mr. President, our proposal is not an effort to amend Gramm-Rudman-Hollings. The problem is not there but in the language of the ADAMHA block grant.

We are not asking for special treatment. We are not asking to exempt our States from the cut.

Ours is a simple plea for equity. As undesirable as any cut is, 4.3 percent from all States and territories, disbursements from this block grant is at least fair. That was the entire point of Gramm-Rudman-Hollings.

But forcing some States to face 15 percent cuts or more, while others face no cut is not equitable or fair, and our proposal will correct that inequity.

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

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

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1913(a) of the Public Health Service Act is amended by adding at the end thereof the following new paragraph:

"(5) In carrying out any order of the President under part C of the Balanced Budget and Emergency Deficit Control Act of 1985 which requires the sequestration, through the application of a reduction percentage, of budget authority provided for a fiscal year to carry out this part, the Secretary shall—

"(A) determine, in accordance with paragraphs (1), (2), and (3), the allotment which would be made under this part to each State for such fiscal year if such order were not in effect; and

"(P) apply the reduction percentage required by such order to be applied to budget authority provided under this part for such fiscal year by—

"(i) determining, for each State for which such an allotment is made for such fiscal year, an amount equal to the product of the allotment of such State calculated pursuant to subparagraph (A) and such reduction percentage; and

"(ii) reducing the allotment of each State calculated pursuant to subparagraph (A) by the amount determined for such State pursuant to clause (i).".

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1:30 p.m., with statements therein limited to 5 minutes each.

TAKING NAMES

Mr. MURKOWSKI. Mr. President, it is past midnight in the Philippines. As near as can be determined, there is a standoff between military forces loyal to the Provincial Government and forces loyal to President Marcos. For the Philippine people it is clearly a time of taking sides.

The Philippines is an independent nation and the United States has no intention of interfering in its internal affairs. Our President, President Reagan, is quite correct, however, in urging "in the strongest possible terms that violence be avoided as Filipinos of good will work to resolve the ongoing crisis."

The American people are indeed watching the events in the Philippines with great concern. The countdown for President Marcos has begun. We earnestly hope that President's words will be prophetic and violence will be avoided.

Nevertheless, it may be that an order resulting in violence will be given. Such an order would have the most adverse consequences on the American people and their attitude toward those who might seek refuge here for themselves or their capital.

Violent events in the Philippines are not without consequence in the United States. U.S. courts are open to victims of such violence who might wish to be compensated. The property of those who are principals or accessories to crimes in the Philippines can be reached by our courts.

In short, Mr. President, we are taking names. Those who might wish to use the United States as a place of refuge must consider the President's words very carefully.

THE LIABILITY CRISIS

Mr. McCONNELL. Mr. President, no one can deny the fact that there is a serious problem facing us today. It's been called the insurance crisis, the litigation flood, hyperlexis, and perhaps most appropriately, the liability crisis. Whatever it's called, the issue is the same—how to come to grips with the potentially devasting effects of too many lawsuits, unreasonable awards of damages, and the potential for economic disaster that's going about our daily lives now represents.

In recent times, we have come face to face with the problem. Insurance companies, apparently strapped by hemorrhaging liability costs, raise their rates 1000 percent, or cancel coverage entirely, putting small businesses and day-care providers out of business. City officials face ruinous liability for going about their routine, official duties. City council members refuse to serve, and little league baseball managers refuse to coach, all because of the growing threat of being sued.

America's passionate love affair with the courts is threatening to choke off the vibrance of our economic well-being. It has created a crisis of confidence among Americans in our court system, in our legal profession, and for its indifference to the problem, or, for its inability to cope with it, in our Government.

Several weeks ago, I introduced two bills aimed at stopping this flood, and solving the crisis. They are the Alternative Dispute Resolution Promotion Act, S. 2038, and the Litigation Abuse Reform Act, S. 2046. The first of these complementary bills would encourage the early settlement or other resolution of cases in litigation.

The second bill, the Litigation Abuse Reform Act, proposes a number of modifications in the law of damages in cases in Federal court. In essence, it seeks to introduce a degree of predictability to the legal system, and to put reasonable limits on the amount of judgments that may be awarded for product liability, negligence, and other tort cases. It also imposes additional sanctions on lawyers who file lawsuits without actually believing there is legal and factual support for an award of damages. Finally, it limits the fees lawyers can receive in a case so that a greater percentage of an award goes to the injured party.

Of course, litigation is not necessarily a bad thing, nor are the results of litigation to be uniformly condemned. A great deal of good has come from the creative use of the court system by lawyers and judges. The free and open access Americans have to the judicial process and to an independent trier of fact is one of the basic freedoms so fundamental to this great Nation. Yet we have an obligation to recognize that there is a limit, and that "all things in moderation" is perhaps the most sensible watchword for the day. I believe, Mr. President, that we have lost sight of the importance of moderation in our civil justice system.

I intend to pursue the reform I have introduced with S. 2038 and S. 2046 vigorously, because I believe these are the kinds of fundamental reforms we must make if we are to have a lasting impact on the problem. I urge each of my colleagues in the Senate to join me in this effort, and to cosponsor this legislation.

Finally, Mr. President, I noted that the Litigation Abuse Reform Act was highlighted by James Kilpatrick in his column yesterday, and I ask unanimous consent that the column be printed in the RECORD.

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

MCCONNELL BILL WOULD SLOW LITIGATION FLOOD

(Commentary by James J. Kilpatrick)

WASHINGTON.—There was the case of the professional gymnast who tried a one-and-a-half rollout flip from a trampoline and landed badly on a mat. There was also the case of a homeowner who stacked some Corning Ware dishes in his kitchen cabinet. One of the dishes fell off and broke. The owner suffered a serious gash.

A jury awarded damages of $14.7 million against the manufacturer of the mat. Another jury awarded $804,000 against the Corning company. The theory in the first case, says Kentucky's Sen. Mitch McConnell is that the manufacturer had failed to warn the gymnast of the potential danager in doing one-and-a-half rollout flips onto a mat that was 18 inches thick. The theory in the case of the broken dish was that Corning "failed to warn the owner that the dishes might fall and shatter if stacked five deep, with their lids inverted, in the kitchen cabinet."

McConnell cited the two cases earlier this month in the course of introducing the "Litigation Reform Act of 1986." Remarkably, the full Senate Judiciary Committee has scheduled the bill for immediate hearing. It will face thundering opposition from plaintiffs' lawyers, but the bill's purpose is admirable and its specific provisions might do a world of good.

The Kentuckian could have cited a hundred other cases that have turned on novel theories of product liability. There was the case of the Biro Manufacturing Co. of Ohio. In 1959 or thereabouts, it sold a hamburger grinding machine to the U.S. Air Force. In the course of time the machine was sold as surplus. It passed into private hands, and somewhere along the way it lost its safety guard. Twenty-seven years later, the company is being sued by a cook who injured his hand.

Such litigation has contributed heavily to the explosive expansion of civil litigation in American courts. Roughly 2 million cases are filed every year in state courts. Civil filings in federal courts have grown from 67,700 lawsuits in 1965 to 274,000 in 1985. (The 1985 figure is swollen by 57,000 suits brought by the government to recover defaulted loans and overpayments, but the increase is nonetheless impressive.)

The trend has provided a bonanza for lawyers who take the risk of launching suits for fees that are contingent upon their winning. It has meant misery, and sometimes bankruptcy, for respectable companies thought by juries to have deep pockets. As they used to say in springtime down on the farm, frog gigging is fun for the boys but hell on the frogs.

McConnell's bill, affecting federal courts only, would require that judgments of more than $100,000 be paid in installments over the estimated lifetime of the winning plaintiff. Jury awards would be reduced by offsetting payments from private insurers. Demonstrable economic losses, such as lost wages and hospital bills, would not be limited, but damages for pain and suffering would be capped at $100,000. Attorneys' contingent fees could not exceed 35 percent of an award for economic loss. Punitive damages would be paid not to the plaintiff or his lawyer, but rather to the registry of the trial court. Plaintiffs would have to establish by a preponderance of the evidence that the harm they had suffered "was the result of conduct manifesting a conscious disregard for the safety" of the injured party.

Finally, in an exceptionally useful section, McConnell's bill would impose court costs, fees and expenses on any lawyer who initiated a suit merely for the purpose of wangling a settlement out of court. There are the nuisance suits that many defendants wearily will settle rather than face the high costs of litigation.

Insurance companies, which have lost their shirts over the past couple of years, will applaud McConnell's effort. Plaintiffs' lawyers will fight like bobcats against it. My own thought is that a person who is injured by a manufacturer's provable negligence of course should recover appropriate awards, but punitive damages that provide a windfall to the plaintiff and a lush reward to the lawyer should be stopped. I hope the Senate agrees.

FILIPINO SOLUTION FOR FILIPINO PROBLEMS WITHOUT BLOODSHED

Mr. MELCHER. Mr. President, the hope of avoiding armed conflict resulting in bloodshed and the killing of hundreds, even thousands, of Filipinos was reaffirmed in a meeting in my office this noon with Philippine Labor Minister Blas Ople. Minister Ople's purpose in the United States during these most critical hours in Philippine history is to point out that negotiation to avoid bloodshed is critical for the Philippines and also essential for our relationship with the people of their country.

In order to avoid destabilizing the delicate balance that has existed in this power struggle in the Philippines during the past 72 hours, I believe it is important for the United States to recognize the facts as told to me last evening by Jaun Ponce Enrile, that their undertaking is "a Filipino solution for the Filipino problem of transferring the reins of power from Marcos to the new government of the Philippines under Corazon Aquino." I am acquainted with Defense Minister Enrile and hold him in high respect as a shining star in the Marcos cabinet and KBL Party. Gen. Eddie Ramos is a personal friend and the uncle of Ranjit Shahani, who was an intern in my office during the summer of 1984. Like so many of our own military officers, I regard General Ramos as I found him in meetings with him in Manila in 1983 and 1985 to be a professional soldier of great capability and integrity. Among the Philippine people he is, in my judgment, viewed as one of the most highly respected citizens of their country.

On Saturday after learning of the stand taken by Enrile and Ramos, I was able by telephone to talk to both of them and also to Cardinal Sin. They made their position very clear; they stated that they would avoid at all cost any use of weapons and would depend upon the outpouring of thousands of Filipino citizens backing their efforts along with declarations of support from components of the Philippine armed forces to gain a peaceful victory in forming a new post-Marcos government for the Philippines under Mrs. Aquino.

The declaration by Minister Enrile and General Ramos that the results in the recent election should recognize Corazon Aquino as the president-elect carries massive weight in the viewpoint of Filipino citizens whether they had voted for either Marcos or Mrs. Aquino. The position of Enrile and

Ramos carries great credibility and acceptance by the people of both political convictions. To avoid either a protracted stalemate with further damage to Filipinos or a revolution with armed conflict, which would debilitate and devastate the Philippines, Enrile and Ramos took their forthright stand to end any doubt and bring a rapid outcome to end the Marcos regime.

All too often the U.S. Government interferes too much in attempting to arrange foreign governments. During the past several days, President Reagan and his administration have performed remarkably well with restraint. That's as it should be, to allow as Enrile told me last night, "the Filipino solution for the Filipino problem" of forming a new government to conclude the Marcos regime.

United States stakes are vital in the Philippines which concern particularly our Mutual Alliance Defense Treaty, Clark Air Force Base, Subic Naval Base, and trade and cultural ties. During these particularly trying and dangerous hours for the transition to the new government it is of utmost interest to us that bloodshed is avoided. I fully respect the efforts that are being undertaken by Filipinos to accomplish that goal. The restraint to avoid using armaments has been a near complete success but could erupt at any time. It is noteworthy that Marcos has restrained General Ver and elements of the Philippine armed forces which he commands that might easily have been used to slaughter thousands of people. I recognize that that could still happen, but I fervently hope along with the 55 million Filipinos that attaining the goal of transition will remain peaceful.

FARMERS HOME ADMINISTRATION BORROWERS PROVIDED NECESSARY LOAN SERVICING

Mr. HELMS. Mr. President, the Agriculture Committee held a hearing on January 30 to review programs of the Farmers Home Administration.

Witnesses testified on two related issues involving this agency. First, the General Accounting Office reviewed the findings in its recent study of the FmHA farmers loans portfolio. Second, officials of the Department of Agriculture and the Farmers Home Administration discussed their revised regulations on servicing delinquent loans.

Recent reports in the national news media relating to the servicing regulations now being implemented by FmHA indicate the need to provide Senators with the information made available during the committee's hearing. I continue to be concerned about misrepresentation of how these regulations will effect FmHA farm borrowers.

Before undertaking an objective discussion of loan servicing, it would be instructive to review the quality of the FmHA farmers loan portfolio. This past September I requested the General Accounting Office to conduct a study of the farmer loan programs of FmHA and the financial condition of its borrowers. It is my understanding that this was the first such comprehensive examination of the portfolio ever conducted. The findings by GAO are helpful in understanding the magnitude of the delinquency problems of FmHA borrowers and the difficulty for the agency in attempting to responsibly address them.

Mr. President, one of the significant points in the GAO data is that there are approximately 37,000 borrowers who have not made a regularly scheduled payment on principal or interest in 3 years or more. During this time of delinquency, FmHA has continued to provide operating credit to keep these farmers in business. Also, over $2 billion was lent, during the first 6 months of 1985, to farmers who were either insolvent—having debts exceeding the value of their assets—or were classified as having "extreme financial difficulty"—a 70-percent debt-to-asset ratio.

In addition, information compiled by USDA indicates that approximately one-third of all FmHA farm borrowers were provided with servicing actions last year which enabled these financially troubled borrowers to stay in business.

To listen to the political rhetoric of late, one might assume that FmHA has been engaged in a determined effort to foreclose on delinquent borrowers. The facts prove otherwise. Indeed, it might occur to some to criticize FmHA for laxness in the management of collecting debts due the taxpayers and in extending new loans to persons who have no realistic prospect of repaying such loans.

The FmHA, as "lender of last resort," properly provides credit assistance to the riskiest farm borrowers who are not able to receive credit from private lenders. The credit title of the recently enacted farm bill contains several provisions which will provide FmHA with additional authorities to assist financially troubled borrowers and I am proud of our efforts in that regard. Testimony from USDA indicated that regulations will be published in the very near future to implement these provisions.

Any objective review of the farm credit situation must conclude that some farmers are not going to make it. This is unfortunate, but farmers who are hopelessly burdened with debt cannot be rescued even with the most generous of programs. I strongly believe we should do all we responsibly can to help those farmers who are viable, and to assist in the transition to other livelihoods for those who are not.

FmHA is charged with the responsibility of helping borrowers who pose the greatest credit risks—that is the intent of Congress. But, this agency also has an equally important responsibility to use taxpayers' money in an efficient and effective manner. My review of the new loan servicing regulations has convinced me that every appropriate means is being utilized by FmHA to ensure that both of these objectives are accomplished.

As most Senators are aware, servicing letters are now being mailed to appproximately 65,000 delinquent FmHA borrowers. The statement of FmHA Administrator Vance Clark before the Agriculture Committee offers a complete explanation and description of these letters and the revised regulations that require such notification of delinquent borrowers. I ask unanimous consent that the testimony of Mr. Clark be printed at the conclusion of my statement.

Mr. President, let me stress that no one in this Chamber is more sympathetic to the plight of farmers experiencing financial difficulty than this Senator. I have consistently supported programs to provide necessary assistance to producers who have reasonable chances for profitable operations and will continue to do so.

However, we must consider FmHA programs in a rational and fiscally responsible fashion, Certainly, the prudent servicing of this portfolio is necessary to ensure that each delinquent borrower is offered the full range of authorities existing under current law to help. When it is apparent that a borrower just cannot obtain a positive cash flow, then, of course, liquidation is appropriate in order that needless erosion of his equity position does not occur. When a farmer or rancher is caught up in a truly hopeless financial situation, with debts that can never be repaid from his operations, it is simply not in his interest, let alone the taxpayers', to have his remaining equity eroded away by continuing heavy negative cash flow operations.

Politically motivated misrepresentation of these loan servicing regulations can only foster needless confusion and stress for delinquent borrowers. I hope that farmers will not, once again, be forced to bear the brunt of such rhetoric.

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

REMARKS OF VANCE L. CLARK, ADMINISTRATOR, FARMERS HOME ADMINISTRATION

Mr. Chairman, members of the committee, I appreciate this opportunity to discuss the Farmers Home Administration's (FmHA) servicing regulations and notices to farm borrowers who are seriously behind in loan payments.

A brief background is necessary for a complete understanding of FmHA's goals and procedures.

For many years the Farmers Home Administration has been helping its farm borrowers who found themselves in economic trouble through no fault of their own. The agency routinely helped these farmers, when possible, through rescheduling or reamortizing loans and, in some cases, deferring part of their payments. The direction to the field to provide this assistance came from the national office through regulations and Administrative Notices.

In November 1983, the Federal District Court in Bismarch, North Dakota, issued a preliminary injunction, that later became permanent, which required Farmers Home to take steps to inform borrowers of the loan servicing alternatives available to them.

On November 30, 1984, the agency issued a proposed rule in the Federal Register to comply with the court ruling. Following the comment period and necessary adjustments, the regulations were issued as a final rule on November 1, 1985. The regulations, encompassing 63 pages of the Federal Register, covered all options and procedures in detail. Certainly, the agency made every effort to comply with the court's mandate to assure due process for every FmHA borrower.

The options are clearly spelled out in notices which are being sent to FmHA farm borrowers who were delinquent as of December 31, 1985. That date was selected because it is historically the lowest delinquency point of the year. Most of the loan agreements call for an annual payment which is due on or about January 1. So most borrowers receiving the notices are at least one year delinquent.

The intent of the notice is to alert the farmer that he or she is seriously delinquent in loan payments and to spell out the various options available to help bring the account current.

Those options include:

Rescheduling at regular rates and terms;

Rescheduling of operating and farm ownership loans at limited resource rates and terms;

Deferral of payments on principle or interest or both for 5 years;

Subordination of FmHA's security interest to another lender;

Restructuring by selling a portion of assets;

Paying the account current; and

Liquidating the account by selling, conveying to the Government or transferring the security.

Eligibility for these options is spelled out in detail in the regulations. Basically, to be eligible, borrowers must show that their delinquency is due to circumstances beyond their control; that they have lived up to all agreements made with FmHA; and that, with the extra assistance, they can eventually repay their loans.

All FmHA borrowers who have made no payments for three or more years as of December 31, 1985, or who have failed to properly account for security property, or who have abandoned the farming operation will be sent by registered mail a notice of "Intent to Take Adverse Action." It will cite the specific problem with the borrower's account and require the borrower to respond within 30 days.

When the borrower's response is received, an appointment is set up to review the borrower's financial condition. If one of the servicing options is approved, the notice to take adverse action is terminated. If the borrower fails to respond within 30 days or the servicing options cannot restructure the debt, FmHA will proceed to collect the account. Failure to respond within 30 days also forfeits any appeal rights.

Borrowers who are less than three years delinquent will receive a registered letter requiring them to contact the county office within 30 days to make an appointment to try to work out their loan problems. The same list of servicing options will be available to them. These borrowers will not receive a notice of intent to take adverse action.

The idea is to have the farmer and the FmHA county supervisor sit down together and develop a workout plan that yields a payment schedule that can be handled within the farmer's cash flow.

In addition to the options in the FmHA regulations, the Farm Bill contains a number of provisions that are presently being analyzed. They include the softwood timber section, conservation easements, and the homestead provisions.

Only after every option has been tried and failed will there be any move toward additional action. Even then, the borrower has a right to appeal FmHA's decisions.

It is expected, that with all the options and assistance available to FmHA borrowers, many will be able to work out of their financial difficulties. There are some who are so far behind that no amount of assistance can help. Of course, we cannot estimate the number of farmers that will be in that category until we have made every effort to help them work out a reasonable solution to their problems.

Mr. Chairman, this FmHA forbearance policy offers borrowers much more assistance than the policy of any other lending institution that I am aware of. The 5-year deferral option alone offers more relief to borrowers than typical state moratoriums which, at best, prohibit foreclosure for a year if the borrower can make interest payments.

I believe the Farmers Home Administration is making every possible effort to assist its seriously delinquent farmers under these regulations. Predictions by some of massive foreclosures under these regulations are unwarranted in my view.

We believe we are making a fair, reasonable and equitable attempt to provide every possible assistance to farmers who are behind in paying their debts to the government while, at the same time, carrying out our responsibilities to the Nation's taxpayers.

A TRIBUTE TO SENATOR JAMES O. EASTLAND

Mr. COCHRAN. Mr. President, last Friday, on February 21, funeral services were held in Ruleville, MS, for my distinguished predecessor in the Senate, James O. Eastland. On that occasion, Bill Simpson, who is a former member of the staff of Senator Eastland, delivered a eulogy. It was outstanding in many respects. It was eloquent, it was appropriate, it was from the heart.

Bill Simpson has been a tremendous asset for our State of Mississippi during the time he served as a member of the staff of Paul B. Johnson, Jr., who was Governor of our State, and as a member of the staff of Senator Eastland. On this occasion, he demonstrated again his great ability and his good judgment, and I am rising today to commend him, not only for the excellent eulogy which he delivered at Senator Eastland's funeral, but for his many years of dedicated service to the people of the State of Mississippi.

I ask unanimous consent that a copy of Bill Simpson's remarks be printed in the RECORD.

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

A TRIBUTE TO SENATOR JAMES O. EASTLAND

(By Bill Simpson)

At a dinner on the gulf coast I said that three of the linch pins in my life were my brother—Jim—Senator Eastland—and Governor Johnson.

It occurs to me—on this sad morning—that the Senator was an irreplaceable link in many lives—those of the high and mighty—and those of countless plain people. Eight Presidents achieved historic accomplishments through his leadership—and deserving citizens received Social Security checks because he cared.

I have always believed that one of his great strengths was the fact that he was a farmer. He brought the farm philosophy to living and working—to his actions in the political arena—to his relationships with men and women from every strata of society.

One of the many invaluable things I learned from him is that power is not evil—only its misuse is evil.

I was present when he employed the power and influence he had earned to rebuild lives and property smashed by storms and flooding. I was there when he waged successful battles to protect agriculture—to advance education—to promote our counties and communities—to guard our economic and financial systems. I saw him preside over the Federal judiciary from the district level to the U.S. Supreme Court. And—I saw him work equally hard to make certain that the individual citizen was not forgotten—or allowed to fall by the wayside.

The name—James Eastland—brings to mind immediately one of the finest of human virtues. I speak of loyalty. His sense of that term was encompassing—it included family—friends—country—State and people. "Friend" was an honored title in his usage. Its translation—to him—meant lasting—indeed—unbreakable.

The Senator was a man—and a leader—who—in my judgment—combined a vital balance between principle and practicality. In any situation where he held a strong conviction—he was immovable. No power or pressure changed his position. But—when the cause was important—and the circumstances right—he used the degree of flexibility required to bring the matter to a successful conclusion.

Should I be asked to describe his attitude toward the many political struggles in which he was engaged—I would use some words I learned long ago. They say:

"O Lord—in the battle that goes through life
I ask but a field that is fair
A chance that is equal with all in the strife
A courage to strive and to dare

"And if I should win let this be the code
With my faith and my honor held high

And if I should lose let me stand by the road
And cheer as the winners go by."

The Senator possessed that rare talent which allows a leader to fight with every resource he can command—and—emerge from the conflict without enemies. His unwavering practice of keeping his word—of total honesty with his colleagues and with citizens—of fairness always—of genuine courtesy and consideration to all—won him the respect—admiration—and affection of thousands from the Halls of Congress to the crossroads at home.

Even in the atmosphere of deep sadness and painful loss that surrounds us here—I suggest that a quiet note of celebration is in order. I believe—as we come to this parting with a man we will miss—it is fitting and proper to reflect—with pride—on a truly full and successful life.

Here is a husband and a father who enjoyed the closest of family ties. This is a family in which real love remained constant through all the years.

Here is a man who left a small town in Mississippi to rise to a position third in the line of succession to the Presidency.

Here is a leader of his Nation and of his State who went to Washington and came back with a spotless reputation.

In sum, our friend reached the top of the earthly mountain—rich in his family and in a legion of friends—successful in his profession—in farming—and in the field of political activity at the highest level.

I submit that any person—in any line of endeavor—would do well to follow the path marked by James Eastland in their public and private lives.

Some of us are given to using terms like "giant" and "great man" too loosely. I want to state to this gathering—as sincerely as I can—my firm belief that the Senator was a giant—a great man—one of the finest and most productive representatives of the people of Mississippi in all of our history.

I would close with a personal note and another of my beliefs.

The Senator will live in Simpson hearts as long as a Simpson heart is beating.

A question—from long ago—asks:

"What doth the Lord require of thee—except that thou do justly—and love mercy—and walk humbly with thy God?"

I am convinced that the Senator met that requirement even as he met many others in the course of the life of a good and decent man.

IN RECOGNITION OF DR. BERNARD J. DUNN

Mr. WARNER. Mr. President, I am pleased today to salute an individual who has done a great deal to enhance our Nation's national security.

Dr. Bernard J. Dunn of Middleburg, VA, one of the three founders of BDM International, Inc., will retire soon from the company that he started just over 25 years ago with his colleagues and friends, Dr. Joseph V. Braddock and Dr. Daniel F. McDonald.

In recognition of his retirement, I would like to take just a moment to recognize someone who has dedicated his career to improving the technical excellence of our Nation's military system.

It's impossible to talk about Dr. Dunn without talking about BDM Corp., a major employer and good corporate citizen in the Commonwealth of Virginia.

More than 85 percent of the company's revenue and earnings are derived from tests, experiments, designs, analysis, research, and systems services intended to strengthen the defense of the United States and friendly and allied nations.

As one of the company's three founders, all with Ph.D.'s in physics from Fordham University, Dr. Dunn established a foundation of technical excellence at BDM which still exists today.

He was the first president of the company, which has grown from 300 employees in 1970 to about 4,000 across the United States and abroad.

Dr. Dunn's insightful studies and analysis are too numerous to mention here, but his technical brilliance in such areas as operations analysis, command, control, and communications analysis, simulation and modeling, infrared research and countermeasures, cost-effectiveness analysis, arms control study, and many others is widely recognized.

Dr. Dunn's initiative and innovation have made him a valued asset for our country's national security.

Most recently, Dr. Dunn has held the position of corporate vice president and chief scientist at BDM as well as being a member of the board of directors.

Upon retirement he will remain on the board of directors.

I am proud to recognize the accomplishments of this outstanding individual and ask my colleagues in the U.S. Senate to wish him the very best in the future.

TRIBUTE TO SENATOR EASTLAND

Mr. HATCH. Mr. President, I would like to pay tribute to a remarkable man, the late Senator James O. Eastland of Mississippi. Senator Eastland was a patriot, a dedicated public servant, and a loyal father. He was proud to be called an American; possessed a rare love and respect for the U.S. Constitution; and spoke out continually in favor of a strong national defense. He was a dominant political force in Mississippi and in Washington, DC. He will be missed by all who knew him.

After my election to the Senate in 1976, I had the distinct privilege of being tutored by Senator Eastland in the law while I served on the Judiciary Committee. As a result of our discussions, I also gained a number of valuable insights into the operation of the Senate which helped me to become a more effective legislator. I grew to love and respect his wise counsel and patient, yet firm, manner. His persistent efforts to ascertain the original intent of the framers, who drafted the Constitution, has served as a guide to me while chairing the Subcommittee on the Constitution. I will always be in his debt. He was a trusted friend and colleague.

Born in Doddsville, MS, Senator Eastland was raised in the town of Forest. As a student he attended the University of Mississippi and the University of Alabama. He passed the Mississippi bar exam after studying law under the tutelage of his father.

He served two terms in the Mississippi Legislature from 1928 to 1932. In 1932, the same year he began managing the family's 5,400 acre cotton plantation in Sunflower County. Senator Eastland married Elizabeth Coleman. They had four children: Nell, Anne, Sue, and Woods Eugene.

In 1941, Senator Eastland was appointed by former Gov. Paul B. Johnson, Sr., to fill a seat in the U.S. Senate left vacant by the death of Senator Pat Harrison, who died on June 22. In 1942, he was elected to the Senate and served for six consecutive terms.

During his years of public service in Washington, DC, Senator Eastland served as chairman of several important subcommittees, including Immigration, Soil Conservation and Forestry, and Internal Security. In 1956, he assumed chairmanship of the Judiciary Committee. He served in that post for 22 years. No one in the Senate has ever served in a chairmanship for a greater number of years.

As chairman of the Judiciary Committee, Senator Eastland upheld a standard of fairness which earned him the respect and admiration of his colleagues. He also served as president pro tem of the Senate from 1972 to 1978. The Senate greatly benefited from his service in Washington. My sympathies, as well as those of my wife, Elaine, go to his wife, Elizabeth and their four children.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENDING ROUTINE MORNING BUSINESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that routine morning business be extended until 2:30 p.m.

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

RECESS UNTIL 2:30 P.M.

Mr. DOLE. Mr. President, in view of the fact that there will be a briefing on the Philippines for Republican and Democratic Senate leaders by the Secretary of State and Mr. Habib, which is going to start here in a few moments, I ask unanimous consent that we stand in recess until 2:30 p.m.

There being no objection, the Senate, at 1:31 p.m., recessed until 2:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. PRESSLER].

Mr. DOLE. Mr. President, the briefing with the Senate and House Republican and Democratic leaders on the Philippines is still in progress with the leadership of the Senate and House, as I have indicated, in S. 407.

Since a number of those Senator are also interested in TV in the Senate I think we would be best served by extending the recess until 3:15 p.m.

RECESS UNTIL 3:15 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 3:15 p.m. today.

There being no objection, the Senate at 2:31 p.m., recessed until 3:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HECHT].

RECESS UNTIL 4 P.M.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, since a number of Members are still being briefed on the Philippine problem and there are a number of other meetings going on involving direct participation of Senators, I move we stand in recess until 4 p.m.

The motion was agreed to and, at 3:15 p.m., the Senate recessed until 4 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. HECHT].

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. I yield the floor.

VISIT TO THE SENATE BY TURKISH PARLIAMENTARIANS

Mr. PRESSLER. Mr. President, it is my pleasure as the chairman of the European Affairs Committee to have hosted a coffee this afternoon for some Turkish Parliament visitors. We are very honored to have them with us. They are on the Senate floor.

I am proud and extremely privileged to present six senior Turkish parliamentarians to the U.S. Senate. They are Mr. Umit Haluk Bayulken, Mr. Ismet Ozaslan, Mr. Bulent Akarcali, Mr. Ogan Soysal, Mr. Halil Ibrahim Karal, and Mr. Kamran Inan.

Our fellow parliamentarians are meeting this week with Vice President BUSH, Secretary of Defense Weinberger, Deputy Secretary of Defense Taft, Assistant Secretary of Defense Perle, Under Secretary of State Armacost, and the Armed Services Committee, among others. The Senate Foreign Relations Committee hosted a coffee this afternoon for them at 3 p.m.

We are, indeed, privileged to have our Turkish colleagues meet with us at the beginning of what may be our most effective year of bilateral cooperation ever. Over the past few years, United States-Turkish relations have improved greatly, and we expect that 1986 will be even more encouraging.

Of course, at the base of our long relationship has been the extremely close United States-Turkish cooperation in NATO. The United States cherishes Turkish support in the protracted struggle against communism. Indeed, Turkey fought at our side in Korea, just as the United States worked to strengthen Turkey against the Communist menace in the immediate post-World War II period.

Recently, the United States-Turkish relationship has strengthened and deepened across a variety of fronts, not just the strategic. The United States has supported the difficult steps that Turkey has undertaken to turn its economy around, and warmly applauds the significant drop in inflation and the impressive real growth in GNP. The United States is also impressed by Turkey's serious attempt to reduce its budget deficit and foreign debt.

In terms of trade, the United States is appreciative of Turkey's moves to drop its tariff and nontariff barriers, and its general encouragement of foreign investment. Indeed, there appears to be no impediment to a significant increase in United States-Turkish trade and commerce, although there are some small areas such as steel and textiles where further progress can be made.

In addition, the United States has been impressed with the progress that has been made on human rights issues. My fellow colleagues share a recognition of how important are the cherished ideals of democracy, due process, and pluralism that are common to the United States and Turkey. Indeed, Mr. Akarcali of this delegation can take special pride in his efforts on this issue. He chairs the parliamentary, multiparty committee set up to investigate prison conditions. His effort, comparable to blue ribbon commissions in the United States on prisons, has just recently published its first report. We applaud this effort, and look forward to subsequent reports.

Finally, I am personally very appreciative of the efforts that have been made by the Turkish Government, its leadership, and its citizenry in improving bilateral ties with Greece. The Prime Minister initiated the dialog by beginning discussions with the Greek-American community in the United States, and by meeting with senior officials of the Greek Orthodox Church. Such discussions are extremely important in reducing an unfortunate legacy of misunderstandings that has marred bilateral ties, and complicated relations with the United States. I warmly encourage your future progress in this area, and know that the United States will continue to support its two important allies in the eastern Mediterranean.

I wish to express great welcome to our guests from the Turkish Parliament.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Allow me at this time to join in extending a very, very warm welcome to our distinguished visitors. [Applause.]

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. First, I want to join in welcoming our friends from Turkey, and I hope that Turkey, Greece, and the United States ever working together can particularly solve this very difficult Cyprus problem. I think it will improve relations all the way around. We applaud your presence here, and we are very pleased to have you.

SPOUSES DIVIDED BY SOVIET UNION

Mr. SIMON. Mr. President, I want to also call attention to Members of this body to the reception that is just commencing in room S. 207 for divided spouses. Some of them have been united, thanks in part to the help of my colleagues have given here in letting the Soviet leaders know that this is important. Some of those who will be in the reception are people who have yet to be with their spouses. There is perhaps nothing more basic than when you get married, you ought to be able to be with your spouse. Yet, for reasons that defy logic that is not always the case.

They are a remarkable group of people—courageous people who have wanted to live normal lives, but because of what nations have done to stand in the way, that has not been possible.

I urge my colleagues who hear this on the speaker system in their offices to join in this reception—we would appreciate it—to honor some very courageous Americans, and people who have joined us from the Soviet Union to recognize that there is a continuing problem.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

TV IN THE SENATE

Mr. ARMSTRONG. Mr. President, my desire to speak for a few minutes.

Have we closed morning business?

The PRESIDING OFFICER. We have not.

Mr. ARMSTRONG. Very well.

Mr. President, I wanted to take a moment to bring Senators, and others who may be following this in their offices over the closed-circuit audio system, a quick report of where I think we are on the television issue because I had indicated to a number of our colleagues that perhaps there might be some action forthcoming this afternoon.

It appears that will not be the case.

I think it is the intention of the majority leader to come to the floor presently and then, after a transaction, perhaps, of routine morning business, to take us out until tomorrow without any action this afternoon on the television issue.

As Senators know, a controversy is really starting to brew up over the question of the rules changes which had been attached to the underlying television proposal, rules changes which in the view of some are killer amendments, which I hope, myself, can be modified or taken off the resolution so we can get on with the underlying issue of televising the Senate.

Senators know that I have pending somewhere, at least at the desk if not pending, the amendment Calendar No. 420, which, in effect is the proposal recommended by the Senate Rules Committee. It just provides for pure vanilla television for a test period with no accompanying rules changes.

There is now pending before the Senate a proposal which incorporates not only television but a number of rules changes. I will not take time to speak on those now because I have previously outlined my concern. When we get back to it, I will speak at greater length.

In addition to the two amendments I have sent to the desk for printing, one to strike language relating to the germaneness requirement, and a second to strike language relating to the motion to proceed, I will also in due course send to the desk an amendment which would strike the last few lines of the amendment providing for expedited, fast-track handling of future rules changes. I hope Senators will really think about this because perhaps of all of the proposed changes in the rules of the Senate which concern me, this is the one which is really alarming.

If I understand it correctly, it would simply provide when the Rules Committee reports a package of rules changes, which might or might not include television, which might or might not include any of the changes already suggested by this resolution, and might be on any subject, might amend every rule in the book, that there would be only 20 hours of debate, there would be no opportunity for filibuster, and by a simple majority vote we would adopt that proposed rule.

It is my belief that that kind of a time bomb ticking away would not be in the best interest of the Senate and that it clearly ought to be eliminated or modified in some way.

I honestly do not think it was the intention of the sponsors of the pending amendments to create quite such a fast-track procedure. I would have no objection, for example, to a fast-track procedure that related only to things that were adopted by the Senate first in the regular way, after cloture, if that becomes necessary. But the notion of just an open-ended, any rule change, precloture process would not be agreeable to me.

Let me just state that specifically.

As it now reads, if I understand it correctly, any rules change which is brought to the floor or offered as a floor amendment under this resolution would be brought to a final vote after no more than 20 hours of debate and adopted or defeated by a majority of those voting, presumably by a vote of 51 Senators but conceivably as few as 26 if only a bare quorum were present.

While I do not have that amendment with me today, I will have it at the appropriate time.

Other than that, Mr. President, may I say that while there is an increasing sense of urgency among Senators who do not wish to see the rules amended at this time in the sweeping and dramatic manner proposed by the pending amendment, there remains, I think, a spirit of accommodation and a great desire to see if we cannot work something out. I want to get these amendments off of here, but I also want to work with my colleagues, some of whom think it is important that we have some changes in the rules. I will be trying overnight to meet with Senators to see if we can come to some agreement so that we can head off filibusters, so that we can head off a collision of wills and end up with a proposition that if not every Senator can support at least 80 or 90 of us can do so.

I yield to my colleague from South Dakota.

Mr. PRESSLER. I commend my colleague for the work he has done on this. I want to address a question to him. I am one of those who favors TV in the Senate and I favor rules changes, too. I hate to see one trip the other one up.

It seems as though we are in the situation where everybody says they are for TV in the Senate and everybody says they are for rules changes, but some have one little detail on one or the other. It is almost a parliamentary tactic to tie these together so that it almost guarantees that both will fail.

Why not have a vote on TV in the Senate and then have a vote on rules changes?

Mr. ARMSTRONG. I would say to the Senator I think that would be a very good process. In fact, it may work out in that way.

The Rules Committee, after looking at a range of proposals for television in the Senate and for rules changes, decided that tying the two together was not a good idea and sent to the Senate for its consideration a test of television with the understanding that permanent television would await the outcome of the test and during that time there would be further consideration of what changes in the rules, if any, were necessary and desirable.

I share the Senator's concern that there is sort of a reverse synergism here, that by tying the two together we make the passage of either revised rules changes or television less likely.

I am not sure of the Senator's feeling on each of the changes. I favor two of the proposed changes and am vigorously opposed to the other three.

Mr. PRESSLER. What about agreeing to six rollcall votes, one on TV and one on the five rules changes? Then we would settle the whole thing. What is happening here, and I am frustrated, is that under the cloak of tying these two together and under the cloak of some people objecting to one or the other in this line or that line, the whole thing is falling down and we are tied up in the Senate. Could there be a unanimous consent agreement that we will have six votes, one on TV on the Senate and one on each of the five rules changes and that would settle it, rather than tying them all together in one vote?

Mr. ARMSTRONG. I say to my colleague that is a possibility. I do not know if there are going to be five or six votes, but there will be, in my opinion, at least several votes, unless we are able to arrive at a package which is generally agreeable. I think that is at least a possibility, too; we are going to be working on that overnight. It would be my purpose tomorrow, or at whatever is the appropriate time, to offer an amendment to strike from the package one of the provisions which I personally find offensive. Presumably that would come to a vote in due course. Then another and another.

As a prelude to that, possibly as an alternative to the procedure the Senator has suggested, we are going to try to put together a package which would be agreeable to all, or at least a high majority of Senators.

One of the things that is interesting, I say to my friend from South Dakota, is that the objections to some of these rules changes, particularly to the three that I have previously mentioned, span the gamut of Members of both parties, those Senators who are generally thought of as the most liberal and those who are generally thought of as the most conservative expressing alarm about the drastic change in the procedures accompanying these rules. They are drastic changes. For that reason I hope we will approach it with some caution.

Mr. PRESSLER. I have previously said that if we bring TV into the Senate we would probably have a lot of rules changes in the form in which we do business on the Senate floor. Maybe we would not. I find it unfortunate that this issue is so blurred that it is going to fall by its own weight, having so much attached to it.

I have been mildly irritated by the fact that we have these things tied together. Why do we not attach rules changes to the defense appropriations bill or to the agriculture bill?

Mr. ARMSTRONG. I urge the Senator not to raise that for fear that it might happen.

Mr. PRESSLER. I think we are obfuscating the issue here. I would hope that the leadership, and the Senator is part of our distinguished leadership, will find a way that we Members in the back benches can vote on this, on each of the issues up or down. If there are six issues let us vote on them. I am sure the leadership in this room are skillful enough to arrange such a series of votes.

Here is another skillful leader, the Senator from Mississippi, who is with us. With all the skillful leaders here except me, everybody holding a leadership title except me, I am sure that such skill would bring it to five or six votes shortly.

Mr. ARMSTRONG. I thank the Senator for the encouragement that he has given to those of us who are trying to televise the Senate.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Colorado. He has indicated that there is a problem for some Senators in respect to certain provisions that are written into the package that is before the Senate, and specifically with regard to those that appear at the end, which provide for the "fast track" to use the distinguished Senator's expression. He has put his finger on an area that could stand some modification. I shall be working toward that end and with him, may I presume to hope.

The distinguished Senator from South Dakota [Mr. PRESSLER] asks why we do not use a defense appropriations bill or an agriculture appropriations bill to use as a vehicle for rules changes. I hope we would not pursue that course. I think that changes in the Senate rules, if there are to be changes, should be subject only to the decision of Senators; whereas, if there were an effort to attach a rules change to, say, a defense appropriations bill, then we would be letting the House of Representatives have a voice in rules changes in the Senate. We would also be sending that same package to the President's desk. He could veto the package. I do not want any President to be in a position either to veto or to indicate approval with respect to Senate rules changes.

The other proposal that the distinguished Senator from South Dakota made was that we agree to have separate up or down votes on TV in the Senate and on the rules changes in the measure before us—and soon. I think that is a good idea. Let the Senate work its will on each of those proposed rules changes and on TV in the Senate.

Let me say to the Senator from Colorado, the bottom line of what I want is TV in the Senate. In other words, the package that the Rules Committee reported out I can vote for; I have no problem with that. But I do know that there are Senators who want rules changes, and I, personally, feel that there should be some rules changes, whether or not we have TV in the Senate. I think the rules changes proposed by Mr. DOLE and I in the package before the Senate would be useful, particularly useful in the event of television in the Senate. I think those rules changes would require the Senate to shape up its act and conduct its business in a more expeditious and effective way as the American people look at the television set.

In any event, may I say to the distinguished Senator from Colorado and all Senators: That is my bottom line. If we cannot have the rules changes, I want still to have the trial period for television and radio coverage of Senate debate. I say once again, however, that there are rules changes that I believe—after having served both as majority leader and minority leader—are really overdue. I speak especially with reference to those that pertain to Senate rule XXII.

Most of us would probably agree on changes that would do away with the postcloture filibuster, which is the real filibuster. A filibuster has really just begun when the Senate invokes cloture, as we have seen in recent years.

I certainly want to work with Senators to see if we cannot reach a decision on these things sooner rather than later. Perhaps we could allow the Senate to work its will on the proposals that are in the legislation now before the Senate.

I hope we can get together this afternoon and try to resolve this.

Mr. ARMSTRONG. Mr. President, if the leader will yield, let me affirm that I share his sentiments. I am cautiously optimistic that we are going to be able to put together a package. I know that he has really advocated this, both in public and in private. What he has described as his bottom line, which is television in the Senate, is mine as well.

Mr. BYRD. I thank the distinguished Senator. I hope the Senate will, in the final analysis, approve more than just the bottom line of TV in the Senate. But whatever the Senate's will is, I can accept.

I yield the floor.

Mr. SIMPSON. Mr. President, I commend Senator BYRD on his comments, which I listened to. I happen to have heard some of Senator ARMSTRONG's remarks also, and Senator PRESSLER's. I share with my friend from South Dakota, my neighbor, the hope that we will get to some votes on this issue in one way or the other at some point, because we need to do that.

I must say that I speak only for myself when I say that, having managed bills on this floor, I enjoy legislating—it is more fun than anything else except it is the driest form of human endeavor if done correctly. This is legislating. It means hearings; it means meetings; it means compromising while not compromising yourself; it is the gut kind of hard work. It is not the camera; it is not getting your suit bleached out while you try to have an eight-camera hearing that so many in this place are skilled at. It is hard work, but very gratifying when you see something go through both bodies and obtain the signature of a President.

So I hope, in view of that, that we will deal with some rules changes. In my mind, many of them seem minimal but are so critically important.

We are getting near the close of today's Senate business. I hope we can get to that. But I would really appreciate it if someone could furnish me some remarkable tome or treatise on why it is good to be able to filibuster the motion to proceed.

I really do not want to hear too much about it right now, but perhaps someone could scribble it on the back of a matchbook and tell me why that is good for the U.S. Senate, unless, of course, you are just interested in a little raw, potent obstructionism, which can really gum up any leadership operation like the simple phrase, "Gee, I like that bill, but I am going to have to filibuster the motion to proceed."

I knew that I would create an interesting discussion at this point, Mr. President. It was a harrowing thing for me to do. I wish I had waited until the Senator from Colorado had retired to his chambers, but he did not, and now I am going to get the whole load.

Mr. ARMSTRONG. Mr. President, if the Senator will yield to me, he is not going to get the whole load, but since he asked for a tome, I would like to hand to my friend from Wyoming a "Dear Colleague" letter which attempts to discuss in a thoughtful, not an inflammatory way why the opportunity of Senators to filibuster the motion to proceed is an important prerogative of Senators.

I will not take time to discuss it at length except to say that the notion that it is used primarily for obstruction of the work of the Senate I think is a misunderstanding of what actually happens around here. On only 41 occasions in the last 60 years has cloture even been sought against debate on the motion to proceed, but what happens 41 times every month, maybe every week, is that a Senator will send in a hold, in effect saying to his leaders, "Please reserve my right to object when the motion to proceed is raised." That is a signal that he wants to be consulted and he wants to be brought into the process, to get into the scheduling, to have an amendment qualify. Where it really works, let me say to my friend from Wyoming, the distinguished assistant leader, is on a bill where nobody cares except two or three Senators. And a classic example of it which I cited last week but I would like to cite again—I think perhaps the assistant leader was not on the floor when I did so—is a bill like the Colorado wilderness bill or the Wyoming wilderness bill where 98 Senators do not care but two care deeply and the reason that they get together is precisely because they know that neither of them can move the bill on his or her own. In a specific case, in the Colorado wilderness bill during the time when our party was in the minority, I say to the Senator, I could not agree with my senior colleague in Colorado on the terms of the bill, and yet he could not bring it to the floor because every Senator, even a minority Senator, has the right to filibuster the motion to proceed.

Then subsequently when our party took control of the Senate, we could not bring a bill over his serious objection for the same reason. The effect of it was to force us to get together and work out a bill which when it finally did come to the floor did not occupy as much as 5 minutes, in fact maybe not 3 minutes, of the Senate's time. I believe that is the real purpose and underlying meaning of this opportunity to filibuster the motion to proceed. I honestly think those who feel it is delaying the work of the Senate are shoveling smoke because the record simply does not bear out the belief that it is frequently used in that way. As I say, only 41 times in half a century has there been a motion of cloture filed, and it is a valuable protection.

Now, you might say, if it only happened 41 times that we have had a cloture petition filed on this, maybe the opponents of this change are shoveling smoke, too, but I think not. I think the very fact that we rarely have such filibusters shows that our present system works pretty well. There is, if my friend would indulge me just a moment longer, an abuse in the process which I would like to clean up and I think he would, too, and that is this business where Senators call into the Cloakroom and say, "I want to put a hold on that bill" and then leave town. I think they have some right to be protected, and I believe the assistant leader and the leader are faced with that all the time. I do not endorse that for a minute. I think, by gosh, if a Senator wants to be protected, that means his rights are protected; he has a right to be notified when the matter is coming up and, if he wants, to be on the floor to say so on his own behalf and not have his leaders protect him for an indefinite period of time. But that abuse could be corrected without a rules change.

And so I thank my friend for yielding. I am going to hand to him, if I may, a written explanation of why I think this is an important prerogative of Senators and hope as he reflects upon it he will agree.

Mr. SIMPSON. Mr. President, I will read it and I will do it attentively. I appreciate it because I admire the Senator from Colorado. I work with him and know how able he is. I must say, if the issue has come up only 41 times, at least I can say in the last 5 years it has been my experience that it is becoming an art form around here as to filibustering the motion to proceed. It may not have been so 10 years ago or 20 years ago. I would love to hear the minority leader in his remarkable history of the Senate maybe, if he could, advise how many times that may have been done before we have made it such a device. But I just know from my own personal knowledge in the last 5 years, when you have the filibuster threat on a motion to proceed you are effectively tying up the Senate for 1 or 2 weeks. I do not see where that is good for the business of the Senate or how the Senate can work its will properly when you have two filibusters instead of one. We are not denying anyone, two Senators particularly, small States like my own, from doing whatever they need to do under the filibuster because they get that opportunity. When did we come to this double-layering process? That is the disturbing thing, if we are talking about quality of life in the Senate.

Mr. BYRD. Mr. President, will the distinguished assistant Republican leader yield?

Mr. SIMPSON. Indeed.

Mr. BYRD. Anent the quality of life in the Senate, I think that once in a while we ought to consider the quality of life for the majority leader. The mere threat of a filibuster on the motion to proceed is going to impact on that leader's thinking and on his action, because, otherwise, he can more efficiently and effectively schedule the program of the Senate. But if he is faced with a threatened filibuster on a motion to proceed to a matter, then he may not elect to proceed to take up such matter. Time and time again when I was majority leader I would go to the leader on the other side, Mr. Baker, and I would say, "How about this calendar order; we would like to go to that." He would say, "Well, I cannot agree to proceed by unanimous consent because I would have to check that out with another Senator." And I would say, "Well, how about calling him on the cloakroom line and see if he will give that approval." And he would say, "Well, he is out in Chicago, or he is out in the Midwest, far West or up North, or maybe out of the country and I cannot reach him." So faced with that kind of situation, then I had to try to call up something else. That is where his problem lies.

As to having a second chance at the filibuster, of course, there is more than a second chance because aside from the filibuster on the bill or resolution itself, once the Senate acts on it, the Senate can have three additional filibusters in getting the bill to conference—the motion to insist, the request for a conference with the other body, and that the Chair appoint the conferees. These are three separate motions, really, if they are divided, and a filibuster could be had on each of those three motions. And then, of course, when the conference report comes back before the Senate, there can be another filibuster or filibusters.

So there are ample places along the way where filibusters can develop. As to "holds," there is no Senate rule with respect to holds. There is a custom of honoring a Senator's request that a hold be placed on such a measure; but even so, the leader is not bound to recognize that hold for a moment or a few days. In most instances, as it has been stated, Senators request holds on bills so that they might be assured that they will be informed or contacted so they can be present when the matter is called up, or have an opportunity to offer an amendment. Most holds are for those purposes. But for a Senator to put a hold on a measure and just keep it there, 2, 3, or 4 months, thinking that that hold protects him from its being

called up, it is a only matter for the leadership to decide. The Senate itself is not bound.

If the leadership wishes to notify a Senator at some point that the leadership is going to have to proceed with a given measure, that is as far as a hold can really be effective.

Mr. SIMPSON. Mr. President, I appreciate the information from the minority leader. He is always helpful.

I will have three more arrows in my quiver now, when we get to that type of situation.

He is right. Whether he is the leader of this body, as he has been in the past, or whether it be our present leader, or whoever the leader is here, you have to have the machinery to do that. There are many, many ways to obstruct it. At some point, we have to deal with that honestly, and this is an opportunity, perhaps, to do so.

I am now very much in favor of television in the Senate. I was not at first, because of various things I will not go into at this time, but I am now a convert, and we are always good converts.

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

Mr. SIMPSON. I yield.

Mr. GORE. I thank the Senator for yielding.

Mr. President, I have been following the debate today about television in the Senate, and on previous occasions I have spoken in strong support of moving forward expeditiously toward television in the Senate.

Frankly, in spite of the opposition which has been expressed to various parts of the pending resolution, I feel some increased optimism that we are on a path that will lead to televising the Senate.

An important statement of the reasons why we should take that step was in today's edition of the Washington Post, on the editorial page, and I ask unanimous consent that the editorial to which I refer be printed in the RECORD.

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

[From the Washington Post, Feb. 24, 1986]

STAY TUNED FOR THE SENATE

Do you remember how much handwringing and worrying went on when the House Judiciary Committee decided to allow television coverage of impeachment proceedings in 1974? Even some politically knowledgeable people were concerned that members would grandstand, hog the camera and destroy the decorum of these extremely serious meetings. Instead, committee members rose to the occasion and brought credit to themselves and the House in allowing the American public to observe every step of the process. By 1979, the House had begun televising proceedings on the floor.

The Senate, meanwhile, has been relatively camera shy. Television coverage of committee hearings is allowed, but cameras are barred from the floor. After years of wrangling over whether to amend this rule, it now appears that senators are ready to take the big step. Some worry, though, that many Senate rules, devised in a more leisurely era, will make them look anachronistic, even foolish. Plans are being made to change some of these rules in preparation for television—to "clean up our act," says Sen. Robert Byrd—and that's fine.

There's no reason for lengthy, delaying quorum calls, for example, and more disciplined scheduling could be instituted. Nongermane amendments might have to go and electronic vote counting be adopted.

Hesitant legislators should have more faith in the viewing public. The people who would sit for hours watching the Senate debate are likely to be intelligent, involved citizens and fans of the legislative process. Within a single session many will be second-guessing the parliamentarian and futilely trying to prompt the debaters. They may be horrified by arcane rituals, inefficiency, and bluster, but they will understand and accept the rules that make sense.

As for the lense-louse factor—the fear on the part of some senators that others will pose and pontificate—the public will not be fooled. In years of watching televised committee hearings we all remember certain senators whose very appearance on the screen caused millions of viewers to rush to the bathroom, head for the refrigerator or go downstairs to move the laundry from the washer to the dryer. Television enables us to separate the wits from the windbags, and it is the former who have the most to gain by allowing coverage. Let the cameras roll.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 21, 1986, during the adjournment of the Senate, received messages from the President of the United States submitting sundry nominations and withdrawals, which were referred to the appropriate committees.

(The nominations and withdrawals received on February 21, 1986, are printed at the end of the Senate proceedings.)

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 Presiding Officer 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 RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 3, 1985, the Secretary of the Senate, on February 24, 1986, during the adjournment of the Senate, received a message from the House of Representatives announcing that pursuant to the provisions of section 2211 of title 19 of the United States Code, and upon recommendation of the chairman of the Committee on Ways and Means, the Speaker has selected the following members of that committee to be accredited by the President as official advisers to the U.S. delegations to international conferences, meetings, and negotiation sessions relating to trade agreements during the 2d session of the 99th Congress: Mr. ROSTENKOWSKI, Mr. GIBBONS, Mr. JENKINS, Mr. CRANE, and Mr. FRENZEL.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent until the close of business February 26, 1986:

S. 2085. A bill to amend the Agricultural Act of 1949 to require that milk assessments be increased during fiscal year 1986 to meet any deficit reduction requirements for milk price-support levels.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-2510. A communication from the Deputy Associate Director of the Minerals Management Service transmitting, pursuant to law, a report on 23 refunds of excess oil and gas lease royalty refunds; to the Committee on Energy and Natural Resources.

EC-2511. A communication from the Administrator of the General Services Administration transmitting, pursuant to law, a lease prospectus for the Social Security Administration in Wilkes-Barre, PA; to the Committee on Environment and Public Works.

EC-2512. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on the status of Department of Defense guaranty loans to various countries for the procurement of defense articles; to the Committee on Foreign Relations.

EC-2513. A communication from the Chairman of the D.C. Board of Elections and Ethics transmitting, pursuant to law, notice of the submission of a referendum petition relative to suspension of 1985 amendments to the Compulsory/No Fault Motor Vehicle Insurance Act of 1982; to the Committee on Governmental Affairs.

EC-2514. A communication from the special counsel of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of violations of regulations and mismanagement by officials of

the Office of the Chief of the Army Reserve; to the Committee on Governmental Affairs.

EC-2515. A communication from the special counsel of the U.S. Merit Systems Protection Board transmitting, pursuant to law, a report on allegations of mismanagement and a danger to public health at the Chinle comprehensive Care Facility, Indian Health Service, Chinle, AZ; to the Committee on Governmental Affairs.

EC-2516. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on competition in contracting; to the Committee on Governmental Affairs.

EC-2517. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "GAO's Annual Report on Activities of OPM, Fiscal Year 1985"; to the Committee on Governmental Affairs.

EC-2518. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "1980 Multiemployer Pension Amendments: Overview of Effects and Issues"; to the Committee on Labor and Human Resources.

EC-2519. A communication from the Assistant Secretary of Agriculture transmitting, pursuant to law, a report on the annual accomplishments of the Forest Service for fiscal year 1985 and the annual report on forest and rangeland renewable resources planning; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2520. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Norway; to the Committee on Armed Services.

EC-2521. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, the annual report on Defense manpower requirements for fiscal year 1987; to the Committee on Armed Services.

EC-2522. A communication from the Director of the Office of Personnel Management transmitting, pursuant to law, a report to Congress on the feasibility of application of section 1622 of the Defense Authorization Act of 1986 to persons born before January 1, 1960, who knowingly and willfully fail to register with the Selective Service System; to the Committee on Armed Services.

EC-2523. A communication from the Chairman of the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the Board's Monetary Policy Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-2524. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to strengthen aviation security programs; to the Committee on Commerce, Science, and Transportation.

EC-2525. A communication from the Vice President of Amtrak transmitting, pursuant to law, the Corporation's 1986 legislative program and its 1985 annual report; to the Committee on Commerce, Science, and Transportation.

EC-2526. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the I-66 high occupancy vehicle facility; to the Committee on Environment and Public Works.

EC-2527. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Social Security Quality of Services Generally Rated High By Clients Sampled"; to the Committee on Finance.

EC-2528. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide interim financing and borrowing authority, and for other purposes; to the Committee on Finance.

EC-2529. A communication from the Acting Secretary of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-2530. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-133 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2531. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-134 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2532. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-132 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2533. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-135 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2534. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 6-136 adopted by the council on January 28, 1986; to the Committee on Governmental Affairs.

EC-2535. A communication from the Assistant Secretary of State (Administration), transmitting, pursuant to law, the annual report on competition advocacy for calendar year 1985; to the Committee on Governmental Affairs.

EC-2536. A communication from the Attorney General of the United States, transmitting five drafts of proposed legislation designed to enhance the competitiveness of American industry; to the Committee on the Judiciary.

EC-2537. A communication from the Chairman of the President's Cancer Panel, transmitting, pursuant to law, the annual report of the Panel for calendar year 1985; to the Committee on Labor and Human Resources.

EC-2538. A communication from the Associate Director of the Information Management and Technology Division, General Accounting Office, transmitting, pursuant to law, a report entitled "ADP Acquisitions-Information on Navy's Personnel and Pay Computer Project"; to the Committee on Armed Services.

EC-2539. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the keypunch function at the Naval Shipyard, Philadelphia, PA, to performance by contract; to the Committee on Armed Services.

EC-2540. A communication from the Executive Director of the Securities and Exchange Commission, transmitting a draft of proposed legislation to amend the Securities and Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for fiscal years 1986 through 1988; to the Committee on Banking, Housing, and Urban Affairs.

EC-2541. A communication from the President and Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, and report on loan, guarantee and insurance transactions supported by the Bank to Communist countries during December 1985; to the Committee on Banking, Housing, and Urban Affairs.

EC-2542. A communication from the Secretary of the Interior, transmitting, pursuant to law, the first annual report on the progress of negotiations on California offshore oil and gas leasing; to the Committee on Energy and Natural Resources.

EC-2543. A communication from the Chairman of the Advisory Committee on Reactor Safety, Nuclear Regulatory Commission, transmitting, pursuant to law, the committee's comments on the Commission's Safety Research Program for fiscal year 1987; to the Committee on Environment and Public Works.

EC-2544. A communication from the Acting Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, the annual report on Medicare for fiscal year 1982; to the Committee on Finance.

EC-2545. A communication from the Director of the Office of Technology Assessment, transmitting, pursuant to law, a report entitled "Payment for Physician Services; Strategies for Medicare"; to the Committee on Finance.

EC-2546. A communication from the Acting Administrator of the Health Care Financing Administration transmitting, pursuant to law, a report on a new Privacy Act system of records to the Committee on Governmental Affairs.

EC-2547. A communication from the Director of the Administrative Office of the U.S. Courts transmitting a draft of proposed legislation to improve the operation of the jury selection system; to the Committee on the Judiciary.

EC-2548. A communication from the Commissioner of the Immigration and Naturalization Service transmitting, pursuant to law, a report on the number of waivers of grounds of inadmissibility for refugees under sections 207(c)(3), 212(a)(1), (3), (6), (9), (19), and (28), and a summary of the reasons therefore; to the Committee on the Judiciary.

EC-2549. A communication from the Chairman of the Nuclear Regulatory Commission transmitting, pursuant to law, the 1985 report on the administration of the Freedom of Information Act; to the Committee on the Judiciary.

EC-2550. A communication from the Secretary of Education transmitting a draft of proposed legislation to reauthorize the research and improvement activities of the Department's Office of Educational Research and Improvement; to the Committee on Labor and Human Resources.

EC-2551. A communication from the Commissioner of the Rehabilitation Services Administration transmitting, pursuant to law, a report on the conduct of the Projects With Industry Program; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Veterans' Affairs, with an amendment:

S. 2052. A bill to establish, for the purpose of implementing any order issued by the President for fiscal year 1986 under any law providing for sequestration of new loan guarantee commitments, a guaranteed loan limitation amount applicable to chapter 37 of title 38, United States Code, for fiscal year 1986 (Rept. No. 99-238).

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. PROXMIRE:

S. 2087. A bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments; to the Committee on Labor and Human Resources.

By Mr. HELMS (for himself, Mr. HUMPHREY, Mr. GRAMM, and Mr. EAST):

S. 2088. A bill to amend the Internal Revenue Code of 1954 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes; to the Committee on Finance.

By Mr. BENTSEN:

S. 2089. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

By Mr. PRYOR (for himself, Mr. WALLOP, Mr. GRASSLEY, and Mr. BOREN):

S. 2090. A bill to provide that the Internal Revenue Service may not before July 1, 1987, enforce its regulations relating to the tax treatment of the personal use of vehicles, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD:

S. 2091. A bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Energy and Natural Resources.

By Mr. PACKWOOD (for himself, Mr. PROXMIRE, Mr. BURDICK, Mr. QUAYLE, Mr. ABDNOR, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. KASTEN, Mr. BUMPERS, Mr. DIXON, Mr. FORD, Mr. LEVIN, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. SASSER, Mr. DECONCINI, Mr. SPECTER, Mr. PRESSLER, Mr. GRASSLEY, Mr. THURMOND, Mr. GORTON, Mr. EVANS, Mr. GORE, Mr. LEAHY, Mr. SIMON, and Mr. ROCKEFELLER):

S.J. Res. 278. A joint resolution to designate March 16, 1986, as "Freedom of Information Day"; to the Committee on the Judiciary.

By Mr. GORE (for himself, Mr. CHILES, Mr. DOLE, Mr. HOLLINGS, Mr. INOUYE, Mr. NUNN, Mr. QUAYLE, Mr. RIEGLE, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 279. A joint resolution to designate the month of October 1986, as "Lupus Awareness Month"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. PROXMIRE:

S. 2087. A bill to amend part B of title XIX of the Public Health Service Act to specify the method of determining State allotments; to the Committee on Labor and Human Resources.

(The remarks of Mr. PROXMIRE and the text of the legislation appear earlier in today's RECORD.)

By Mr. HELMS (for himself, Mr. HUMPHREY, Mr. GRAMM, and Mr. EAST):

S. 2088. A bill to amend the Internal Revenue Code of 1954 to deny a taxpayer's personal exemption deduction for a child who lives temporarily after an abortion, and for other purposes; to the Committee on Finance.

BENEFIT-FROM-HARM DENIAL ACT

Mr. HELMS. Mr. President, I am today introducing legislation, along with my distinguished colleagues from New Hampshire, Texas, and North Carolina [Messrs. HUMPHREY, GRAMM, and EAST], to correct the problem under current IRS rules of allowing taxpayers a dependency exemption in the case of a baby who lives momentarily after an induced abortion and then dies. If parents seek to destroy their own child through abortion, and the abortion momentarily produces a live instead of a dead baby, I do not believe that the parents should be rewarded with a tax break. This legislation, the Benefit-From-Harm Denial Act, will make sure that there are no tax incentives for an abortion resulting in a momentary live birth.

Mr. President, the tragedy which the Supreme Court inflicted on the United States when it legalized abortion in January 1973 is incalculable. Millions of living unborn babies have been killed, women have been mangled, families destroyed, and innocence lost. Congress should act to overcome the Roe versus Wade decision—root and branch—but it does not. Perhaps it lacks the courage, or the wisdom, or the will—frankly, I don't know.

But, Mr. President, with each passing day Roe versus Wade is producing effects in the law so bizarre and so ridiculous that not even a delinquent Congress can fail to see them. Who would ever have thought, for example, that our law would allow parents to take a tax exemption for a dependent—just like any other child in the family—when an induced abortion produces a baby who lives momentarily and then dies? What have the parents done for that poor victim of abortion to deserve a dependency exemption? Have they supported, cared for, or loved their baby in any way that corresponds to what Congress had in mind when it created the dependency exemption?

Of course not, Mr. President. In fact, they have engaged in conduct that was criminal in every State of the Union until the Supreme Court obliterated State abortion laws 13 years ago.

Mr. President, the problem of tax deductions for live birth abortions first came to my attention in late 1984 when I saw an article in the October issue of Fidelity magazine entitled, "Killing the Exemption," by James G. Bruen, Jr. Mr. Bruen described the sordid details concerning the background of Revenue ruling 73-156, which held that a dependency exemption may be taken for an infant who lives only momentarily and for whom a birth certificate is issued. On its face, the ruling did not mention abortion, but its original motivation very much involved abortion.

Mr. President, I ask unanimous consent that Mr. Bruen's article, "Killing the Exemption," from the October 1984 issue of Fidelity magazine, 206 Marquette Avenue, South Bend, IN 46617, be printed at this point in the RECORD.

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

KILLING THE EXEMPTION

Babies born in December are sometimes portrayed as last minute tax exemptions, and we are subjected each April to cartoons that show a father visualizing his tax returns while hugging his children. These depictions are humorous because they contrast with the still widespread (but obviously not universal) perception that children are priceless gifts. We also smile because the typical parent is animated by love, not economics; and we realize that a child is not a particularly good tax shelter since the cost of raising one greatly exceeds the amount of the exemption. Similarly, while the Internal Revenue Service frowns on frivolously claimed exemptions, the occasional report of someone claiming a pet as a dependent gives most of us a good laugh because we recognize the absurdity of equating humans and animals.

In allowing dependency exemptions when the taxpayer supports another person rather than a pet, the tax system incorporates the view that human life is special, that it is set apart from animal life. Or, to use terms that have become controversial, the tax system implicitly recognizes that human life is sacred or holy. And, although the amount of the dependency exemption is now inadequate, its very existence is a statement of public policy on the value of the family: the larger the taxpayer's family is, the less he has to pay; taxes are decreased not increased, because of an increase in the number of individuals in the family that use government services. The dependency exemption, then, can be viewed as inherently prolife, profamily legislation.

Moreover, the parent is allowed the full dependency exemption as long as he paid more than half of the child's support, regardless of the amount of that support or the length of time the child, once born, lived during the year. Thus, a six-year-old child who died early on New Year's Day may still be claimed by his parents as a dependent for the year. Similarly, a premature infant who died immediately after birth may also be claimed. While the six year old

and the premature infant probably received little or no government services during the tax year, while neither child contributed financially to the government, and while probably little of their parents' money was spent during the tax year to support them, a full dependency exemption in these and similar circumstances easily fits within the prolife, profamily characterization.

Indeed, the very issue of the applicability of the dependency exemption to an infant who dies shortly after birth was the subject of an Internal Revenue Service Ruling, 73-156, which appears on its face to incorporate a prolife profamily outlook. In its entirety, that Revenue Ruling states:

"A child was born alive during the taxable year, but lived only momentarily. Under the applicable state law, the child was considered to have lived, and thus both a birth certificate and a death certificate were issued. The medical expenses incurred in connection with the birth of the child were paid for by the parents.

"Held, the parents in the subject case may claim a dependency exemption under section 151 of the Internal Revenue Code of 1954 for their child born alive during the taxable year, even though the child lived only momentarily. For purposes of this Revenue Ruling, a child shall be considered to have lived where applicable state or local law treats the child as having been born alive, and where such treatment is evidenced by an official document, such as a birth certificate."

Even on the face of the ruling, however, all is not well. Its incorporation of the prolife, profamily outlook is only partial: while the ruling allows a dependency exemption "even though the child lived only momentarily," it also allows the states or localities to determine whether a child is "considered to have lived," and, therefore, inplicitly recognizes that it would be proper for a jurisdiction to decide that the child should not be "considered to have lived," and need not be "treat(ed) as having been born alive." This language, of course, raises the "question" of when life begins, invokes the spectre of infanticide, and shows that the ruling is not unequivocally prolife and profamily.

Beneath the surface of the revenue ruling, moreover, lurks an even more vehement antilife, antifamily animus: consistent with the wording of the revenue ruling, the parents of an aborted child who is born alive but who is then killed or allowed to die may claim a dependency exemption for that child. Think of it: parents who try to have their child killed before birth can pay less income tax if their child lives momentarily outside the womb before dying. If the child survives the abortion for a short time instead of dying inside of his mother, the child's killers can receive a tax break.

Does this interpretation of the revenue ruling sound farfetched? After all, proabortion activists generally oppose the issuance of birth and death certificates for the "waste-products" of abortion, don't they? Who would bother to get documentation for the Internal Revenue Service that the child they wished to kill actually lived momentarily after an abortion? Can't we safely assume that dependency exemptions are near the bottom of the list of things that concern aborting parents? Isn't this interpretation just an intellectual exercise undertaken by a lawyer who is able to see problems that don't really exist? If faced squarely with the situation, the Internal Revenue Service surely would disallow a dependency exemption claimed by parents whose child momentarily survived an abortion, wouldn't it?

To help answer these questions, I filed a Freedom of Information request with the Internal Revenue Service to obtain the records that underlie Revenue Ruling 73-156. Although the Internal Revenue Service withheld a number of documents and although it censored those that it did produce, the parts of the record that were revealed include handwritten notations that the case is "sensitive" and "controversial." The "sensitive" and "controversial" nature of the revenue ruling is not, of course, readily apparent on its face, and the uncensored portions of the documents that contain these words provide no explanation of them either.

One public document, however, reveals the reason for those tantalizing characterizations. Before the revenue ruling was issued, the chief counsel of the Internal Revenue Service was asked to concur or comment on a draft of the ruling. That draft was withheld from me by the Internal Revenue Service, but the chief counsel's reply memorandum, G.C.M. 35124, is public. The precise issue that provoked Revenue Ruling 73-156 is stated more clearly in that reply memorandum than in the revenue ruling itself. The memorandum asks: "whether a dependency exemption is allowable . . . to a taxpayer for his child who lived only momentarily after being prematurely born alive in a hospital in an operation to terminate a pregnancy by induced abortion."

The chief counsel's conclusion?

"[T]he subject taxpayer may claim a dependency exemption for his child born in a premature delivery induced by an abortion even though such child lives only monetarily [sic]. . . ."

So, the Internal Revenue Service has already faced the situation squarely, and it allows the exemption claimed by the parents who had their child aborted. But, why didn't the Internal Revenue Service disclose on the face of Revenue Ruling 73-156 that it was dealing with an aborted child? Was that fact unimportant to the Internal Revenue Service?

On the contrary, the chief counsel's comments, written two months before the decision in Roe v. Wade, proposed substitute wording designed to obscure the controversial fact that an abortion was involved:

"[I]n view of the highly sensitive nature of the subject of abortion we suggest that a more general revenue ruling broad enough to cover all live births regardless of their natural or artificial inducement would be the best approach in the subject case. . . . [W]e think that the proposed ruling unnecessarily focuses upon the morally and emotionally sensitive issue of abortion. Thus, we have prepared . . . a draft of a proposed revenue ruling . . . that would cover not only artifically [sic] induced abortion situations but all birth situations in which a child is born alive but lives only momentarily."

The Internal Revenue Service adopted that chief counsel's suggested method of avoiding public indignation and controversy, and his redrafted language was issued thereafter as Revenue Ruling 73-156. By using the tactic suggested by its chief counsel, the Internal Revenue Service successfully swept "the morally and emotionally sensitive issue of abortion" under the rug while simultaneously permitting a tax break to the aborting taxpayer.

One additional question remains, however: How could the Internal Revenue Service decide that the aborted child had been "supported" by the taxpayer? Again, the chief counsel's memorandum speaks for itself:

"Since the only expenditures made by the parents during the life of their child were those in connection with the abortion, the question of support narrows to whether the payment of medical expenses in connection with an abortion constitutes "support" within the meaning of section 152 of the Code. . . .

"Since the Service presumably would not question the existence of parental support where a child is born at 11:59 P.M. on December 31, or where a child dies at 00:01 A.M. on January 1, we do not think the Service should raise the parental support question where a child is born but lives only momentarily, even though such birth was caused by an artificially induced abortion. Any attempt by the Service to question the existence of support in the case of an artificially induced abortion which results in momentary life, but not to raise such a question in other cases involving momentary life, would have to take the form of an arbitrary allocation to the mother of the expenses of medical care attributable to the time period encompassing both the abortion operation and the child's momentary life. We think such an allocation would be extremely difficult to advance in a medical abortion situation where the life of the mother was at stake, and indefensible in litigation since it would, in effect, be reflective of moral rather than legal principle."

I don't know whether to laugh or to cry instead. I surely agree with the Internal Revenue Service that the case involved "parents" and "child" rather than a "woman" and a "product of conception." But the only "expenses incurred in connection with the birth of the child (that) were paid for by the parents" were the expenses incurred to abort the child, thereby ensuring the child's death. Welcome to Wonderland. Perhaps eager abortionists could increase their practices by advertising that they employ techniques likely to result in significant tax savings? To equate killing a child with supporting one is a perversion of the teaching that only in dying do we find life. Why should parents who deliberately kill their child—and provide him no other "support"—be allowed a dependency exemption for that child?

People joke that only two things in life are certain—death and taxes. Under Revenue Ruling 73-156, however, the Internal Revenue Service will let you avoid some of your taxes if you use the proper method to inflict death on your child, and that's not funny.—JAMES G. BRUEN, Jr.

Mr. HELMS. Mr. President, because of Mr. Bruen's article, I wrote the IRS Commissioner on December 31, 1984, and asked him about the applicability of Revenue ruling 73-156 to the situation of a live birth abortion. I ask unanimous consent that my letter to the IRS Commissioner be printed in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, December 31, 1984.

Hon. ROSCOE L. EGGER, Jr.,
Commissioner, Internal Revenue Service, Washington, DC.

DEAR MR. COMMISSIONER: A constituent has brought to my attention Revenue

Ruling 73-156 and its potential application to babies born alive after abortion. I enclose a copy of an article by James G. Bruen, Jr., which appeared in the October 1984 issue of Fidelity Magazine.

The existing anomaly would seem to be this. Under Revenue Ruling 73-156, parents could claim a dependency exemption under section 151 of the Internal Revenue Code for a child who was born alive and lived only momentarily after an induced abortion, even though the parents never intended to raise a child. Thus, a dependency exemption would be extended to parents whose only "support" for a child was to destroy it through abortion.

Obviously, there are many problems with such an interpretation of section 151. One of the worst may be that, at least in theory, a tax incentive would be provided for parents to seek an abortion in which the child is born alive then dies.

Is the above interpretation of section 151 required by Revenue Ruling 73-156? If so, what is the statutory language or legislative history supporting it?

Thank you for your help in this matter.

Sincerely,

JESSE HELMS.

Mr. HELMS. Mr. President, after many months of delay, I finally got a reply from the IRS dated July 17, 1985. The reply stated that Revenue ruling 73-156 would be clarified by a new revenue ruling and that the original general counsel's memorandum underlying 73-156 would be revoked.

Mr. President, I ask unanimous consent that the July 17 IRS letter and the subsequent Revenue ruling, No. 85-118, be printed at this point in the RECORD.

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

COMMISSIONER OF INTERNAL REVENUE,
Washington, DC, July 17, 1985.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: This is in response to your questions concerning a potential application of Revenue Ruling 73-156. You have asked about the circumstances under which a dependency exemption may be allowed if a child is born alive and lives momentarily after an induced abortion.

Revenue Ruling 73-156 holds that a parent may claim a dependency exemption for a child born alive during the taxable year, even though the child lives only momentarily. The ruling states that the exemption is allowed only if state or local law treats the child as having been born alive and if such treatment is evidenced by an official document, such as a birth certificate. Although the ruling does not mention abortion, a General Counsel Memorandum (GCM 35124) prepared at the time the ruling was issued suggests that a dependency exemption may be allowed even if the only expenses incurred by the parents are those of the abortion procedure itself.

After a careful review, the Service has determined that Revenue Ruling 73-156 should be clarified and that GCM 35124 should be revoked. The new revenue ruling, clarifying Revenue Ruling 73-156, will conclude that expenses for an induced abortion do not qualify as an item of support.

The clarified ruling will state the general rule that in order to claim an exemption for a dependent a taxpayer must satisfy the requirements of both Section 151(e) and Section 152 of the Internal Revenue Code. Section 151(e) of the Code provides for the year 1985 a $1,040 exemption for dependents who meet the provisions of that Section. Section 152 defines the term "dependent" and establishes a support test as part of that definition.

The ruling will state that a dependency exemption for a child may be claimed by a taxpayer only when it can be demonstrated that the support test of Section 152 has been met. Whether the support test is met is a question of fact and the taxpayer claiming the dependency exemption must show under all the facts and circumstances that over half of the child's support was received from the taxpayer. Expenses attributable to the support of the child, such as medical expenses, qualify as items of support for purposes of meeting the test. The modified ruling, however, will make clear that expenses for an induced abortion are not incurred for the benefit of the child and do not qualify as items of support.

With kind regards,

Sincerely,

ROSCOE EGGER.

SECTION 152.—DEPENDENT DEFINED

26 CFR 1.152-1: General definition of a dependent

Dependency exemption; child alive only momentarily; induced abortion expenses. Expenses incurred to induce an abortion do not qualify under section 152 of the Code as an item of support for a child born alive during the tax year. Rev. Rul. 73-156 clarified.

Rev. Rul. 85-118

ISSUE AND FACTS

Do expenses incurred to induce an abortion qualify under section 152 of the Internal Revenue Code as an item of support for a child born alive during the tax year?

LAW AND ANALYSIS

Section 151(e)(1)(B) of the Code provides for a dependency exemption for each dependent (as defined in section 152) who is a child of the taxpayer and who (i) has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student.

Section 152(a)(1) of the Code provides that the term "dependent" means a son or daughter of the taxpayer, or a descendant of either, over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer.

Section 1.152-1(a)(2)(i) of the Income Tax Regulations provides that the term "support" includes food, shelter, clothing, medical and dental care, education, and the like.

Rev. Rul. 73-156, 1973-1 C.B. 58, holds that a parent may claim a dependency exemption under section 151 of the Code for a child born alive during the taxable year, even though the child lives only momentarily, provided state or local law treats the child as having been born alive and the live birth is evidenced by an official document, such as a birth certificate. The ruling assumes, for purposes of its holding, that the "support" test of section 152 of the Code has been met.

The question of whether a taxpayer has met the support test of section 152(a)(1) of the Code is a question of fact, and the taxpayer claiming the dependency exemption must show, under all the facts and circumstances, that over one-half of the child's support was received from the taxpayer. Expenses attributable to the support of the child, such as medical expenses, qualify as items of support for purposes of meeting the support test. *See* section 1.152-1(a)(2)(i) of the regulations. Expenses for an induced abortion, however, are not incurred for the benefit of the child and do not qualify as an item of support.

HOLDING

Expenses incurred for an induced abortion do not qualify under section 152 as an item of support for a child born alive during the tax year.

EFFECT ON OTHER DOCUMENTS

Rev. Rul. 73-156 is clarified.

Mr. HELMS. Mr. President, these materials which I have put in the RECORD show that the IRS has made some effort to correct the problem of allowing dependency exemptions for live birth abortions. The principal improvment is the new position of the IRS that it will not allow the expenses of the abortion procedure itself to be considered as support for purposes of determining a dependency exemption. But does this change in the IRS position solve the problem as a practical matter?

I don't think so, Mr. President, and here's why. Let's say a parent paid $1,000 for a late-term abortion. A child was born alive, lived momentarily, and then died, and a birth certificate was issued. While the child was alive, $50 in medical expenses were incurred for the child's benefit, and the parent later paid the bill.

Nothing in the IRS letter of July 17 or Revenue Ruling 85-118 would prevent the parent from taking the full dependency deduction for the tax year of the live birth. The $50 of support gets the parent a $1,040 tax deduction, even though the parent killed the child by having the abortion.

Thus, Mr. President, the would-be corrective action by the IRS turns out to be more sterile logic than practical problem solving. The problem of tax breaks for live birth abortion remains, and that is why I am today introducing the Benefit-From-Harm Denial Act. It is virtually identical to H.R. 4041 introduced in the House of Representatives by Congressmen BLILEY and BARTON, with whom I have worked on this problem.

Mr. President, the bill basically accomplishes two things. First, it creates a new rule in the Tax Code that a taxpayer who causes the death of a dependent, including a baby born alive after an induced abortion, will not be allowed a deduction for that dependent. In essence, this part of the bill merely codifies the well-known principle of the common law that a wrongdoer shall not benefit from his wrongful act. It applies not only to the live birth abortion situation but to all situations in which a taxpayer causes the death of a dependent.

Second, the bill changes the Internal Revenue Code to make clear that the definition of medical care in section 213(d)(1)(A) does not include the expenses of an abortion. This change is necessary so that a tax incentive is not provided for abortion by treating its costs like other bona fide medical expenses. Revenue Ruling 73-210 holds in part that abortion expenses are included under the definition of medical care in section 213; this interpretation ought to be reversed. Abortion takes the life of an unborn child, and as such it should not be considered a medical expense for which a tax deduction may be available. American taxpayers should not, even indirectly, promote the deliberate destruction of innocent human life.

Mr. President, as the Senate considers the tax reform legislation we received from the House of Representatives, H.R. 3838, I hope we will also consider the changes to the Tax Code proposed by this Benefit-From-Harm Denial Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2088

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 "Benefit-From-Harm Denial Act".

SEC. 2. DEDUCTION FOR PERSONAL EXEMPTION DENIED FOR SPOUSE OR DEPENDENT IN CASE OF TAXPAYER WHO INTENTIONALLY CAUSES THE DEATH OF SUCH SPOUSE OR DEPENDENT OR FOR CHILD WHO DIES AFTER AN ABORTION.

Section 151 of the Internal Revenue Code of 1954 (allowing deduction for personal exemptions) is amended by adding at the end the following new subsection:

"(g) DEDUCTION DENIED IF TAXPAYER CAUSES THE DEATH OF A SPOUSE OR DEPENDENT.—

"(1) GENERAL RULE.—No deduction shall be allowed under subsection (a) for any amount determined under subsection (b), (c), (d), or (e) with respect to the spouse of, or any dependent of, the taxpayer if the taxpayer intentionally causes the death of such spouse or dependent.

"(2) COURT DETERMINATION OF INTENTIONAL CAUSE OF DEATH.—For purposes of paragraph (1), a taxpayer shall be considered to have intentionally caused the death of the spouse or a dependent of the taxpayer only if the Secretary determines that, on the basis of a criminal conviction of the taxpayer or a civil judgment against the taxpayer in a court of competent jurisdiction, there is a reasonable basis to believe that the taxpayer intentionally caused or substantially contributed to the death of such spouse or dependent.

"(3) DEDUCTION DENIED FOR CHILD WHO DIES AFTER ABORTION.—No deduction shall be allowed under subsection (a) for any child who—

"(A) is born alive after an induced abortion or an attempt to perform an abortion, and

"(B) dies as a result thereof (or of complications resulting therefrom).

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection."

SEC. 3. DENIAL OF DEDUCTION FOR ABORTION EXPENSES.

Subparagraph (A) of section 213(d)(1) of the Internal Revenue Code of 1954 (defining medical care) is amended by striking out the comma at the end and inserting in lieu thereof the following: "(except for the purpose of abortion unless the abortion was performed to save the life of the mother),".

SEC. 4. EFFECTIVE DATE.

The amendments made by sections 2 and 3 shall apply to taxable years beginning after December 31, 1985.

Mr. HUMPHREY. Mr. President, as an original cosponsor, I want to state my strong support for this bill.

Each and every one of us in this body should be deeply troubled that this bill even has to be introduced. It should disturb all of us that the problem addressed by this bill even exists. As we have seen in various newspaper accounts, and as my distinguished colleague from North Carolina has related, the Internal Revenue Service has allowed an absolutely absurd and morally unconscionable ruling propounded in 1973 to stand to this day. It is time to fully and thoroughly correct the IRS' 1973 ruling and its 1985 clarification.

It is true that the Internal Revenue Service has partially reconsidered some of its earlier decrees regarding the matter at hand. Last year, following inquiries from my distinguished colleague from North Carolina, the IRS reconsidered its appalling 1973 decree. As a result, a parent may no longer claim a tax exemption if his or her child lives briefly after an attempted abortion. I find it difficult to believe that it took the Internal Revenue Service almost 13 years to repeal such a ruling. Imagine, our Government, for 13 years, granted a tax exemption to parents who intended to abort their child, but who had the "misfortune" to have the baby survive at least a few moments.

But we are still left with what amounts to a morally bankrupt incentive to abort one's own child, because the IRS' clarification would permit the exemption if some small support—say, payment for a bed—was provided for the child before she died. All of a sudden, as a result of a botched abortion, what the parent once called "a product of pregnancy," he or she now calls "my dependent." What the parent once viewed as discardable tissue or as a burden that could not be supported, now may be viewed as a tax exemption worth over $1,000.

Clearly, the current status of the law cannot be tolerated, regardless of one's views on abortion. As people who oppose abortion, we cannot approve of persons benefiting from a tax exemption after they attempt to take the very life of their dependent child. Similarly, those who favor "choice"—who favor abortion—will oppose the use of taxpayer money to subsidize a parent who has attempted, but failed, to abort the child, and has not provided a substantial amount of support on behalf of the child.

Mr. President, I appeal to all of my colleagues to correct this unjust and intolerable subsidization of an activity that many of us abhor, and most of us prefer not to promote. Even those who have views opposite my own on the abortion issue cannot defend the proposition that American taxpayers should indirectly fund this hypocrisy. The bitter and cruel irony evidenced by the subsidization of parents who abort their children should not continue. I urge all my colleagues to support this bill.

Mr. GRAMM. Mr. President, today I am pleased to join my good friends and distinguished colleagues, Senators HELMS and EAST of North Carolina and Senator HUMPHREY of New Hampshire, in introducing the Benefit-From-Harm Denial Act. This legislation corrects a glaring loophole in the Internal Revenue Code as well as an apparent anomaly in an earlier Revenue ruling, and further applies the Federal Government's "no-subsidy" approach to abortion to include the nondeductibility of medically unnecessary abortions.

The Benefit-From-Harm Denial Act draws on the ancient common law principle that no person who harms another shall profit from such an action. Even though this principle is widely recognized, it is not written into the Internal Revenue Code making provision for personal exemptions.

This legislation amends section 151 of the Internal Revenue Code to disallow the taxpayer's personal exemption for his spouse or child if the taxpayer intentionally caused the death of his spouse or child.

The Benefit-From-Harm Denial Act also addresses an unusual element of the Internal Revenue Code spawned by a 1973 Revenue ruling (73-156) defining a dependent for purposes of the personal exemption. Under that ruling's broad and ambiguous language, the IRS held that a child who lived only momentarily before death may be claimed as a dependent for purposes of the exemption. However, under this same language, a child born alive as a result of an induced abortion or attempted abortion but who then dies as a result of or due to complications from the abortion would also qualify as a dependent.

Clearly this is a misapplication of the personal exemption; furthermore, no one could reasonably argue that parents are entitled to a dependency exemption for their aborted child

should that child inadvertently be born alive and then die following the abortion procedure. When the intent of the mother is to take deliberate action to prevent having a living child, and when this in fact is the result, it is profoundly inappropriate for the aborted child to be presented for tax purposes as a dependent. The purpose of the tax deduction for dependent children is to defray the costs to parents of providing for and raising a child. To allow this tax deduction for such an utterly different purpose is obviously inconsistent with the intention of the Congress and the purpose of the dependency exemption. This legislation clarifies the IRS's earlier ruling by disallowing such unintended deductions.

Finally, this legislation applies the traditional congressional standard of "no-subsidy" to abortion by denying the deductibility of abortion expenses under ordinarily deductible medical care, except when the life of the mother is endangered.

Mr. President, I believe this legislation is important in rectifying several significant loopholes in our tax code. Our laws are rooted in the ancient common law, one of whose most cherished and recognized principles is that no person shall profit from actions harming others. In addition, this legislation corrects an absolutely indefensible provision of the tax code and continues the standard congressional prohibition against any subsidy for abortion except when the mother's life is endangered. This legislation does not pass judgment on the troubling question of abortion itself and in no way restricts abortion beyond what the law now provides. It does set out and reaffirms a time-honored principle of our law. I encourage my colleagues to join me in supporting this long-overdue legislation.

By Mr. BENTSEN:

S. 2089. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

UNITED STATES-MEXICO HEALTH EDUCATION AND TRAINING ACT

● Mr. BENTSEN. Mr. President, today I am introducing S. 2089, a bill to establish a Health Education and Training Program in States along the United States-Mexican border.

In 1985, the University of Texas, in cooperation with the Carnegie Corp., sponsored a United States-Mexico Border Health Conference, which focused primarily on the difficulties inherent in providing accessible quality health care along our Nation's southern border. Participants in the Conference included both United States and Mexican officials and a broadly representative group of health professionals. Conferees were unanimous in their view that the health needs of area residents far exceed the ability of the existing network of providers to meet those needs, and that if we are to be successful, efforts to address identified problems will have to transcend geopolitical boundaries.

In the words of Mexican Deputy Secretary for Health and Public Assistance Dr. José Laguna Garcia:

> We are not talking about health delivery to Mexicanos, Americanos, Chicanos * * * we are talking about a body of people who belong to both of us (both of our nations), all of the time.

The border between the United States and Mexico encompasses a region which substantially impacts the social, economic, and health interests of both countries. Rapid and profound changes in the area during recent years have strained the capacity of local residents to respond effectively. Numerous devaluations of the Mexican peso (400 to 1 in 1985 as compared with 20 to 1 in 1980 and 12.5 to 1 in 1970), loss of State revenue due to the drop in world oil prices, the unprecedented influx of illegal immigration through this region, and severe unemployment problems have combined to overwhelm the existing health care network with additional demands for service.

According to testimony presented at the 1985 Conference and to hearings held during the last Texas legislative session, public health problems are serious and widespread. Many families do not have access to preventive or primary health care services, unacceptably large numbers of women and young children are at nutritional risk, and professionally trained personnel—particularly bilingual/bicultural nurses and allied health providers—are in short supply.

During its almost 12 years of involvement in this area, the University of Texas Medical Branch at Galveston has been instrumental in improving the educational training of local health professionals. While under contract to the Department of Health and Human Services, UTMB recruited promising young high school students with an interest in health-related careers, and worked closely with junior colleges and 4-year higher education institutions in south Texas to offer courses of study designed to alleviate demonstrated manpower shortages. In addition, UTMB restructured its teaching programs to allow more than 230 young physicians to spend a portion of their residency in south Texas.

Pediatric, family medicine, and geriatric residents were especially encouraged to participate. Over the course of the 6-year UT/Federal contract nearly 1,400 student nurses, more than 200 dental students, and several hundred allied health trainees, provided much needed care. It is interesting to note that 83 percent of the students recruited from south Texas into these programs have remained to practice in the region, and that they, and other practicing professionals, have benefited from thousands of hours of continuing education courses also sponsored by the UT Medical School.

While the record posted by UTMB in cooperation with local colleges and health providers is laudatory, problems associated with manpower shortages and access to services persist. Experts familiar with the health care network and community needs have made a compelling argument that the complexity and interrelated nature of problems in the area could be better addressed if they were approached cooperatively by skilled professionals from both sides of the border. By jointly organizing data, conceptualizing problems and developing action strategies, initiatives aimed at improving maternal and child health care, immunization programs, control of communicable diseases, sanitation and environmental health could be more efficiently targeted.

The bill I am introducing today authorizes the Secretary of Health and Human Services to make grants to States along the border which in turn will contract with schools or medicine or osteopathy to create border health education and training programs. The goal of such programs is to evaluate the manpower needs of the service area; to plan, develop and conduct training programs designed to meet those needs; to support educational opportunities for local area students interested in health related professions; and to periodically evaluate the effectiveness of the training activities offered by the programs. These activities are to be carried out in cooperation with similar initiatives in contiguous communities on the Mexican side of the border. No United States funding may be diverted to participating Mexican institutions.

Ten million is authorized for fiscal year 1987, and the Federal contribution is limited to 75 percent of total project costs. If additional financial support is required, the legislation specifies that, to the maximum extent feasible, it shall be raised from private sector sources. Available Federal funds are allocated among the eligible States according to a formula that takes into consideration Hispanic population, demonstrated need, and statisticially valid indicators of health status—for example, infant mortality.

Mr. President, years of experience and good will have taught us that the border between the United States and Mexico cannot be closed. In fact, with the development of positive collaborative efforts between out institutions of higher education, we will go a long way toward improving access to health care in area communities while ex-

panding educational opportunities for local students. I can think of no better investment as a long-term strategy for improving the economic well-being of the border region.

I ask unanimous consent that the text of S. 2089 be inserted in the RECORD.

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

S. 2089

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 "United States-Mexico Border Health Education and Training Act of 1986".

PURPOSE

SEC. 2. It is the purpose of this Act to require the Secretary of Health and Human Services to make grants to and enter into contracts with schools of medicine and osteopathy in order to—

(1) improve the supply, distribution, utilization, quality, and efficiency of personnel providing health services in areas along the border between the United States and Mexico; and

(2) encourage health promotion and disease prevention through public education in such areas.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "border" means the international boundary between the United States and Mexico;

(2) the term "school of medicine" has the same meaning as in section 701(4) of the Public Health Service Act;

(3) the term "school of osteopathy" has the same meaning as in such section;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "service area" means the area to be served by a border health education and training center, as designated by the Secretary under section 5(c); and

(6) the term "State" means Arizona, California, New Mexico, and Texas.

ALLOTMENTS

SEC. 4. The Secretary shall allot the amounts appropriated under section 6(a) for a fiscal year to States based on a formula prescribed by the Secretary which is based on—

(1) the population of Hispanic Americans in each State.

(2) the need of each State for additional personnel to provide health care services along the border; and

(3) the most current information concerning infant mortality and morbidity and other indicators of health status in each State.

GRANTS AND CONTRACTS

SEC. 5. (a) From the amounts allotted to each State under section 4 for a fiscal year, the Secretary shall make grants and enter into contracts with schools of medicine and osteopathy in such State for the planning, development, establishment, maintenance, and operation of border health education and training center programs. A border health education and training center program shall be a cooperative program of one or more schools of medicine or osteopathy and one or more nonprofit private or public health education centers located along the border.

(b) Each school of medicine or osteopathy participating in a border health education and training center program shall—

(1) provide for the active participation in such program by individuals who are associated with the administration of the school and with each of the departments or specialties in the school; and

(2) provide for the active participation in such program of at least two schools or programs of other health professions.

(c) The Secretary, in consultation with a school of medicine or osteopathy which receives a grant or contract under this Act, shall designate a service area along the border to be served by the border health education and training center program to be planned, developed, established, maintained, or operated by such school with such grant or contract. Such service area—

(1) shall not be located, in whole or in part, outside any State in which is located any school of medicine or osteopathy participating in such program; and

(2) shall not duplicate or overlap, in whole or in part, the service area of any other border health education and training center program supported by a grant or contract under this Act.

(d) Each border health education and training center program shall—

(1) evaluate the specific needs of the service area of the program for health care personnel;

(2) assist in the planning, development, and conduct of training programs to meet the needs identified pursuant to paragraph (1);

(3) provide for or conduct training in health education services, including training to prepare community health workers to implement health education programs in communities, health departments, health clinics, and public schools which are located in the service area of the border health education and training center program;

(4) provide for out conduct continuing medical education programs for all physicians and for other health professionals (including allied health personnel) practicing in such service area;

(5) support educational opportunities designed to provide secondary school students residing in such service area with education and training in the heatlh professions;

(6) assist in the coordination of health education and training programs in such service area with any similar programs carried out in an area of Mexico which is contiguous with such service area;

(7) provide for or conduct periodic evaluations and assessments of the effectiveness of the education and training activities carried out under the border health education and training center program in meeting the needs of such service area for health care services; and

(8) have an advisory board—

(A) of at least 8 members; and

(B) of which 75 percent of the total number of members are individuals from such service area, including health service providers and health service consumers from such service area.

(e) In making grants and entering into contracts under this section, the Secretary shall assure that—

(1) at least 75 percent of the total funds provided to a school of medicine or a school of osteopathy shall be expended by a border health education and training center program in the service area of such program;

(2) to the maximum extent feasible, the school of medicine or osteopathy will obtain from nongovernmental sources the amount of the total operating funds for such program which are not provided by the Secretary;

(3) no grant or contract shall provide funds solely for the planning or development of a border health education and training center program for a period in excess of two years; and

(4) no grant or contract shall provide funds to be used outside the United States except as the Secretary may prescribe for travel and communications purposes related to the conduct of a border health education and training program.

AUTHORIZATION OF APPROPRIATIONS; LIMITATION ON CONTRACT AUTHORITY

SEC. 6. (a) To carry out this Act, there are authorized to be appropriated $10,000,000 for fiscal year 1987, $20,000,000 for fiscal year 1988, and $30,000,000 for fiscal year 1989.

(b) The authority of the Secretary to enter into contracts under this Act shall be to such extent or in such amounts as are provided in appropriation Acts.●

By Mr. HATFIELD:

S. 2091. A bill to amend the provisions of the Federal Land Policy and Management Act of 1976 relating to the acquisition of public lands; to the Committee on Energy and Natural Resources.

OREGON-CALIFORNIA LAND EXCHANGE REVISION

● Mr. HATFIELD. Mr. President, I rise today to introduce a bill to amend provisions of the Federal Land Policy and Management Act of 1976 [FLPMA] as it relates to the revested Oregon & California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands in Oregon. The purpose of this legislation is to authorize the Secretary of the Interior to manage lands received in exchange for such revested or reconveyed lands under the same laws as the lands which were released.

Ever since the lands were returned to the Federal Government and particularly since the passage of the Oregon and California Sustained Yield Act of 1937, the Department of the Interior has sought land exchanges, where desirable, as a means of blocking up these checkerboard ownerships and bettering management practices. Where mutually advantageous, exchanges between the Department of the Interior and private owners, counties, and the State were encouraged.

Under the pre-FLPMA exchange provisions, the lands acquired assumed the identity and status of the lands exchanged. However, section 705(a) of FLPMA repealed the act of July 31, 1939 (53 Stat. 1144) which authorized the Secretary of the Interior to exchange such revested and reconveyed lands and required that the acquired lands be administered in accordance with the same provisions of law as the revested or reconveyed lands exchanged therefore. Consequently, the Department of the Interior—opinion of February 1, 1978—has determined

that section 206(c) of FLPMA does not give the Department of the Interior the discretionary authority to manage the acquired lands as revested Oregon & California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands, as the case may be. Lands acquired pursuant to sections 205 and 206 of FLPMA simply become "public lands." This situation obviously is an oversight and was not the intent of the Congress in 1976.

The repealed revested Oregon & California Railroad grant lands and reconveyed Coos Bay Wagon Road grant lands exchange law provided that those lands could be exchanged for private, State, or county lands either within, or contiguous to, the former limits of such grants when, by such action, the Department of the Interior was able to consolidate the U.S. land holdings.

The current law, as interpreted, acts as a disincentive for such exchanges that would otherwise be mutually beneficial to both the Federal Government and the localities. The management objectives of these grant lands differ from those of public lands. The receipts-sharing formulas are different, and the funding mechanism differs as well.

Therefore, due to potential revenue losses, county and State officials are reluctant to endorse otherwise good land use opportunities.

Let it further be stated that this legislation is in no way related to any legislation concerning land interchanges between the Bureau of Land Management and the U.S. Forest Service.●

By Mr. PACKWOOD (for himself, Mr. PROXMIRE, Mr. BURDICK, Mr. QUAYLE, Mr. ABDNOR, Mr. ARMSTRONG, Mr. BOSCHWITZ, Mr. DURENBERGER, Mr. GARN, Mr. HATCH, Mr. KASTEN, Mr. BUMPERS, Mr. DIXON, Mr. FORD, Mr. LEVIN, Mr. MOYNIHAN, Mr. NUNN, Mr. RIEGLE, Mr. SASSER, Mr. DECONCINI, Mr. SPECTER, Mr. PRESSLER, Mr. GRASSLEY, Mr. THURMOND, Mr. GORTON, Mr. EVANS, Mr. GORE, Mr. LEAHY, Mr. SIMON, and Mr. ROCKEFELLER):

S.J. Res. 278. Joint resolution to designate March 16, 1986, as "Freedom of Information Day"; to the Committee on the Judiciary.

FREEDOM OF INFORMATION DAY

● Mr. PACKWOOD. Mr. President, today, along with 29 of my colleagues, I am introducing a joint resolution which authorizes the President to proclaim March 16, 1986, as National Freedom of Information Day.

March 16 marks the 235th anniversary of James Madison's birthday. Mr. Madison, our fourth President and father of the Bill of Rights, is the American most responsible for many of the constitutional freedoms we enjoy today, in particular freedom of speech and the press.

James Madison is considered the architect of our Bill of Rights, yet his contribution to our democratic society is all too often overlooked. Mr. Madison understood the importance of free speech and a free press to a democratic government. He knew intuitively that if the American people had access to information about their Government then that Government would be more responsive to their desires. His vision of a society where everyone could openly express their thoughts has helped preserve the other freedoms guaranteed by the Constitution.

Thanks to the efforts of Mr. Madison and others like him, Americans can speak their convictions without fear of censure. A National Freedom of Information Day will remind the American people and the rest of the world that our freedom of expression plays a vital role in both shaping our country and preserving our liberties.

By proclaiming Madison's birthday as National Freedom of Information Day we will reaffirm the significance we attach to our most precious liberties. I urge the Senate to adopt this proposal honoring Madison and the principles for which he stood.

Mr. President, I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

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

S.J. RES. 278

Whereas a fundamental principle of our Government is that a well-informed citizenry can reach the important decisions that determine the present and future of the Nation;

Whereas the freedoms we cherish as Americans are fostered by free access to information;

Whereas many Americans, because they have never known any other way of life, take for granted the guarantee of free access to information that derives from the First Amendment to the Constitution of the United States;

Whereas the guarantee of free access to information should be emphasized and celebrated annually; and

Whereas March 16 is the anniversary of the birth of James Madison, one of the Founding Fathers, who recognized and supported the need to guarantee individual rights through the Bill of Rights: Now, therefore, be it

1. Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That March 16, 1986, is designated as "Freedom of Information Day", and the President is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

By Mr. GORE (for himself, Mr. CHILES, Mr. DOLE, Mr. HOLLINGS, Mr. INOUYE, Mr. NUNN, Mr. QUAYLE, Mr. RIEGLE, Mr. SASSER, Mr. STENNIS, Mr. THURMOND, and Mr. WARNER):

S.J. Res. 279. Joint resolution to designate the month of October 1986 as "Lupus Awareness Month"; to the Committee on the Judiciary.

LUPUS AWARENESS MONTH

● Mr. GORE. Mr. President, I rise today to introduce a joint resolution designating October 1986 as "Lupus Awareness Month."

Ask a doctor about lupus erythematosus and you will see a grimace of pain as he or she recalls the terrible effects of this disease. Skin rashes, fever, joint pains, weight loss, anemia, kidney malfunction, nausea, and mental and emotional problems are only some of the symptoms of this tragic disease, which affects an estimated 500,000 Americans. Yet most people have never even heard of lupus.

It is thought that lupus attacks the body by causing an allergic reaction. Current research suggests that, in victims of lupus, the body becomes allergic to normal components of the cells, forming antibodies designed to break down healthy tissue. In other words, the body of a lupus victim is trying to destroy itself.

A majority of individuals affected by lupus erythematosus are women in their childbearing years. With prompt attention, 80 to 90 percent of lupus victims can look forward to a normal lifespan. Proven treatment and therapy techniques can improve the quality of life for all. But treatment must begin promptly. All too often, delays resulting from the difficult diagnosis of this multifaceted and little-known disease result in the death of the lupus victim.

Even when prompt diagnosis takes place, physicians can only treat the symptoms of lupus. No cure is possible. This lack is one of the most important arguments in favor of a national awareness project. Increased awareness is instrumental in securing the early diagnosis that is essential to saving lupus victims from extreme pain or untimely death. More importantly, awareness points the way to a redoubling of research efforts. Only in this way can we hope to find a cure.

The tragedy of lupus erythematosus speaks strongly for a concerted effort to eradicate the disease. I believe that a national awareness month is a vital step in embarking on that important work. I urge my colleagues in the Senate to support the resolution declaring October of this year "Lupus Awareness Month."●

ADDITIONAL COSPONSORS

S. 174

At the request of Mr. GORE, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 174, a bill to provide for the

designation of 20 regional centers for the treatment of Alzheimer's disease and related dementia, and for other purposes.

S. 318

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 318, a bill to extend the Revenue Sharing Program for local governments through fiscal year 1991.

S. 945

At the request of Mr. THURMOND, the names of the Senator from Missouri [Mr. DANFORTH] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 945, a bill to recognize the organization known as the National Association of State Directors of Veterans' Affairs, Inc.

S. 1250

At the request of Mr. HEINZ, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1250, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit for 5 years, and for other purposes.

S. 1446

At the request of Mr. ANDREWS, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 1446, a bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of wars.

S. 1595

At the request of Mr. WARNER, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1595, a bill to prevent the implementation of Revenue Ruling 83-3 and other similar considerations affecting the housing allowances of the military and clergy.

S. 1773

At the request of Mr. LEAHY, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 1773, a bill to express the policy of the Congress on the number of members of the Soviet mission at the United Nations headquarters.

S. 1847

At the request of Mr. MITCHELL, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1847, a bill to provide for a Samantha Smith Memorial Exchange Program to promote youth exchanges between the United States and the Soviet Union, and for other purposes.

S. 1848

At the request of Mr. HATCH, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 1848, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish conditions for the export of drugs.

S. 1889

At the request of Mr. DENTON, the names of the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. STENNIS], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1889, a bill to amend title 11 of the United States Code, relating to bankruptcy, to prevent discharge of administratively ordered support obligations.

S. 1900

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. GLENN], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1900, a bill to amend the Foreign Agents Registration Act of 1938 by providing for the 5-year suspension of exemptions provided to an agent of a foreign principal convicted of espionage offenses.

S. 1901

At the request of Mr. ROTH, the names of the Senator from Ohio [Mr. GLENN], the Senator from Nebraska [Mr. EXON], the Senator from Colorado [Mr. HART], the Senator from Wyoming [Mr. WALLOP], and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 1901, a bill to amend the Foreign Missions Act regarding the treatment of certain Communist countries, and for other purposes.

S. 1917

At the request of Mr. BRADLEY, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 1917, a bill to amend the Foreign Assistance Act of 1961 to provide assistance to promote immunization and oral rehydration, and for other purposes.

S. 2042

At the request of Mr. ABDNOR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of S. 2042, a bill to amend the Agricultural Act of 1949 to provide for an equitable method of establishing farm program payment yields for the 1986 and 1987 crops of wheat, feed grains, upland cotton, and rice.

S. 2043

At the request of Mr. MURKOWSKI, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Illinois [Mr. SIMON], the Senator from Oklahoma [Mr. NICKLES], the Senator from Wyoming [Mr. WALLOP], the Senator from California [Mr. WILSON], the Senator from Florida [Mrs. HAWKINS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 2043, a bill to provide assistance benefits to dependent children of certain deceased members of flight crews of space flight vehicles of the National Aeronautics and Space Administration.

S. 2051

At the request of Mr. DIXON, the names of the Senator from Indiana [Mr. QUAYLE] and the Senator from Idaho [Mr. SYMMS] were added as cosponsors of S. 2051, a bill to ensure payment of the regular duties imposed on imported ethyl alcohol and payment of the additional duty imposed on ethyl alcohol when imported for use in producing a mixture of gasoline and alcohol or used otherwise as fuel.

S. 2054

At the request of Mr. NICKLES, the names of the Senator from Rhode Island [Mr. CHAFEE] and the Senator from Georgia [Mr. MATTINGLY] were added as cosponsors of S. 2054, a bill to provide that the National Aeronautics and Space Administration may accept gifts and donations for a space shuttle which may be named *Challenger II.*

S. 2067

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. HEFLIN] the Senator from Maryland [Mr. MATHIAS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2067, a bill to overturn the deferral of the Fiscal Year 1986 Urban Development Action Grant and Community Development Block Grant Program.

S. 2074

At the request of Mr. RIEGLE, the names of the Senator from Connecticut [Mr. WEICKER], the Senator from Maine [Mr. COHEN], the Senator from Montana [Mr. MELCHER], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from South Dakota [Mr. ABDNOR], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of S. 2074, a bill disapproving the proposed deferral of budget authority for Community Development Block Grant Programs.

S. 2075

At the request of Mr. LAUTENBERG, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Maryland [Mr. MATHIAS], the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 2075, a bill to overturn the deferral of Urban Development Action Grant funds.

S. 2079

At the request of Mr. NICKLES, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 2079, a bill to amend

the Legislative Reorganization Act of 1946 to reduce the compensation of Members of Congress for any fiscal year in which outlays for nondefense programs are required to be reduced under an order issued by the President for such fiscal year pursuant to section 252 of the Balanced Budget and Emergency Deficit Reduction Act of 1985 by the uniform percentage by which outlays for such programs are required to be reduced under such order.

SENATE JOINT RESOLUTION 200

At the request of Mr. THURMOND, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of Senate Joint Resolution 200, a joint resolution to provide for the erection of an appropriate statue or other memorial in or near the Arlington National Cemetery to honor individuals who were combat glider pilots during World War II.

SENATE JOINT RESOLUTION 256

At the request of Mr. TRIBLE, the names of the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Joint Resolution 256, a joint resolution designating August 12, 1986, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 262

At the request of Mr. WALLOP, the names of the Senator from Virginia [Mr. TRIBLE], the Senator from Georgia [Mr. MATTINGLY], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. DANFORTH], the Senator from South Carolina [Mr. THURMOND], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Nevada [Mr. HECHT] were added as cosponsors of Senate Joint Resolution 262, a joint resolution to authorize and request the President to issue a proclamation designating June 2 through June 8, 1986, as "National Fishing Week."

SENATE JOINT RESOLUTION 266

At the request of Mr. DENTON, the names of the Senator from Alaska [Mr. MURKOWSKI] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Joint Resolution 266, a joint resolution to authorize and request the President to designate the month of June 1986 as "Youth Suicide Prevention Month."

SENATE JOINT RESOLUTION 271

At the request of Mr. RIEGLE, the names of the Senator from New Hampshire [Mr. HUMPHREY], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Nevada [Mr. LAXALT], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 271, a joint resolution designating "Baltic Freedom Day."

SENATE JOINT RESOLUTION 275

At the request of Mr. D'AMATO, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 275, a joint resolution designating May 11 through May 17, 1986, as "Jewish Heritage Week."

SENATE JOINT RESOLUTION 276

At the request of Mr. DOMENICI, the names of the Senator from Florida [Mr. CHILES], the Senator from South Carolina [Mr. THURMOND], the Senator from Rhode Island [Mr. PELL], the Senator from Kentucky [Mr. FORD], the Senator from Michigan [Mr. RIEGLE], the Senator from Virginia [Mr. TRIBLE], and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of Senate Joint Resolution 276, a joint resolution to designate February 19, 1987, as "National Day for Federal Retirees."

SENATE CONCURRENT RESOLUTION 105

At the request of Mr. GRAMM, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Illinois [Mr. SIMON], the Senator from Utah [Mr. GARN], the Senator from New Hampshire [Mr. RUDMAN], the Senator from South Dakota [Mr. ABDNOR], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Indiana [Mr. QUAYLE], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Concurrent Resolution 105, a concurrent resolution to express the sense of the Congress that any tax reform provisions relating to tax-exempt municipal bonds take effect no earlier than January 1, 1987.

SENATE RESOLUTION 304

At the request of Mr. TRIBLE, the name of the Senator from North Dakota [Mr. BURDICK] was added as a cosponsor of Senate Resolution 304, a resolution to express the sense of the Senate that the present 3-year basis recovery rule on taxation of retirement annuities be maintained.

SENATE RESOLUTION 333

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut [Mr. DODD], the Senator from Montana [Mr. MELCHER], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 333, a resolution to express the sense of the Senate regarding the Urban Development Action Grant Program.

SENATE RESOLUTION 339

At the request of Mr. BYRD, the names of the Senator from Connecticut [Mr. DODD], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. PELL], the Senator from Iowa [Mr. HARKIN], the Senator from Georgia [Mr. NUNN], the Senator from Missouri [Mr. EAGLETON], the Senator from Arizona [Mr. DECONCINI], the Senator from Maryland [Mr. SARBANES], the Senator from Vermont [Mr. LEAHY], the Senator from Massachusetts [Mr. KERRY], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Resolution 339, a resolution to express the sense of the Senate with respect to proposals currently before the Congress to tax certain employer-paid benefits and other life-support benefits.

SENATE RESOLUTION 343

At the request of Mr. RIEGLE, the names of the Senator from Maine [Mr. COHEN], the Senator from Illinois [Mr. DIXON], the Senator from Connecticut [Mr. WEICKER], and the Senator from Montana [Mr. MELCHER] were added as consponsors of Senate Resolution 343, a resolution expressing the sense of the Senate with respect to the proposed rescission of budget authority for urban development action grants.

AMENDMENTS SUBMITTED

TELEVISION AND RADIO COVERAGE OF SENATE PROCEEDINGS

LONG AMENDMENT NO. 1588

(Ordered to lie at the desk.)

Mr. JOHNSTON (for Mr. LONG) submitted the following amendment intended to be proposed by him to the resolution (S. Res. 28) to improve Senate procedure, together with a notice in writing; as follows:

Mr. LONG. Mr. President, I hereby give notice in writing of my intention to propose the following changes to the Standing Rules of the Senate:

On page 14, line 7, insert "and" after the semicolon.

On page 14, strike out lines 8 and 9.

On page 14, line 10, strike out "(3)" and insert in lieu thereof "(2)".

On page 25, between lines 13 and 14, insert the following:

SEC. 15. Rule XXXIII of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

3. (a) Television broadcast coverage of Senate proceedings shall be provided only upon agreement of the Senate to a motion providing such coverage for a specific matter or specific time period under terms and conditions specified in such resolution.

(b) Television broadcast coverage provided by a motion agreed to as provided in subparagraph (a) may be terminated at any point upon agreement to a motion terminating such coverage.

(c) Debate on a motion under this paragraph shall be limited to two hours, to be equally divided between and controlled by the Senator making the motion and a Senator in opposition designated by the Chair, at the conclusion of which, without any intervening action, the Senate shall proceed to vote on the motion:

Provided, however, That one motion to table shall be in order at any time. The time provided for consideration of a motion under this paragraph shall be reduced by the amount of time used to consider a motion to table.

(d) No television broadcast coverage of Senate proceedings shall be provided when a meeting with closed doors is ordered.

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1589

Mr. ARMSTRONG (for himself, Mr. DIXON, and Mr. WEICKER) submitted an amendment intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

On page 23, strike line 3 through line 14.

ARMSTRONG AMENDMENT NOS. 1590 AND 1591

Mr. ARMSTRONG submitted two amendments intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

AMENDMENT 1590

On page 25, strike line 14 through page 26, line 3.

AMENDMENT 1591

On page 25, line 23, strike everything after "adopted" through "hours".

ARMSTRONG (AND OTHERS) AMENDMENT NO. 1592

Mr. ARMSTRONG (for himself, Mr. DECONCINI, Mr. HEINZ, and Mr. WEICKER) submitted an amendment intended to be proposed by him to the resolution (S. Res. 28), supra; as follows:

On page 23, strike line 19 through page 25, line 13.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of 2 days of hearings before the Committee on Energy and Natural Resources in Washington, DC. The hearings will be oversight hearings on the domestic and international petroleum situation and will be held as follows:

Wednesday, March 12, at 2 p.m. in room SH-219 of the Senate Hart Office Building and will be closed.

Friday, March 14, at 1 p.m. in room SD-366 of the Dirksen Senate Office Building and will be open.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Debbi Rice or Howard Useem at (202) 224-2366.

Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources.

The hearing will take place Thursday, March 20, 1986, 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC, and will be an oversight hearing on the implications of fees on imported oil.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-358, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Debbi Rice or Howard Useem at (202) 224-2366.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, February 24, to conduct a hearing on S. 1686, the "Renewable Energy/Fuel Cell Systems Integration Act of 1985"; and S. 1687, the "Fuel Cells Energy Utilization Act of 1985."

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

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the Budget scorekeeping report for the week of February 17, 1986, prepared by the Congressional Budget Office in response to section 5 of the first budget resolution for fiscal year 1986. This report also serves as the scorekeeping report for the purposes of section 311 of the Congressional Budget Act, as amended.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 24, 1986.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1986. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 32. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32 and is current through February 20, 1986. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

Since my last report no changes have occurred.

With best wishes,
Sincerely,

EDWARD GRAMLICH
(For Rudolph G. Penner).

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986

[Fiscal year 1986—In billions of dollars]

	Budget authority	Outlays	Revenues	Debt subject to limit
Current level [1]	1,073.0	986.9	793.6	1,963.5
Budget resolution, Senate Concurrent Resolution 32	1,069.7	967.6	795.7	[2] 2,078.7
Current level is:				
Over resolution by	3.3	19.3		
Under resolution by			2.1	115.2

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level excludes the revenue and direct spending effects of legislation that is in earlier stages of completion, such as reported from a Senate committee or passed by the Senate. Thus, savings from reconciliation action assumed in Senate Concurrent Resolution 32 will not be included until Congress sends the legislation for his approval. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,078.7 billion.

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986

[In millions of dollars]

		Budget authority	Outlays	Revenues
I.	Enacted in previous sessions:			
	Revenues			793,551
	Permanent appropriations and trust funds.	708,634	632,166	
	Other appropriations	554,277	543,994	
	Offsetting receipts	−190,586	−190,586	
	Total enacted in previous sessions.	1,072,325	985,573	793,551
II.	Enacted this session: Commodity Credit Corporation urgent supplemental appropriation, 1986 (Public Law 99-243).			
III.	Continuing resolution authority.			
IV.	Conference agreements ratified by both Houses: Federal Employees Benefits Improvement Act of 1986 (H.R. 4061).		4	
	Total		4	
V.	Entitlement authority and other mandatory items requiring further appropriation action:			
	Payment to air carriers, DOT.	26	24	
	Maritime, operating-differential subsidies.		3	
	Retirement pay for PHS officers.	3		
	Medical facilities loan guarantee.	2		
	Payment to health care trust funds [1].	(907)	(907)	
	Advances to unemployment trust fund [2].	(51)	(51)	
	Federal unemployment benefits and allowances.	65	64	
	Black lung disability trust fund.	46	46	
	Veterans compensation.	286	235	
	Veterans readjusted benefits.	180	137	
	Veterans pensions	10		

FISCAL YEAR 1986, SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 99TH CONGRESS, 2D SESSION, AS OF FEBRUARY 20, 1986—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Defense pay raise—military.	.....	675	.....
Compact of free association.	92	92	.....
Total entitlements ...	710	1,276	.....
Total current level as of February 20, 1986.	1,073,035	986,853	793,551
1986 budget resolution (S. Con. Res. 32).	1,069,700	967,600	795,700
Amount remaining: Over budget resolution.	3,335	19,253	.....
Under budget resolution.	.....	.....	2,149

[1] Interfund transactions do not add to budget totals.
[2] Note: Numbers may not add due to rounding.●

THE YOUNG ASTRONAUT PROGRAM (S. 1952)

● Mr. D'AMATO. Mr. President, I rise today to recognize the Young Astronaut Program and to express my support for the Young Astronaut Program Medal Act (S. 1952). I was pleased to join my distinguished colleague from Utah in cosponsoring this legislation on February 19, 1986.

This legislation was developed to heighten our youth's interest in the sciences. The Young Astronaut Program is a national program that has been in existence for about 1 year; it focuses on the sciences, math, and technological education for elementary and junior high school students. This program has done an outstanding job of increasing our youth's awareness of the sciences by using the excitement of national science activities.

The Young Astronaut Program should be commended for producing diverse classroom curriculum materials for grades one through nine, and for sponsoring field trips for our youth. A national newsletter also has been published by this organization for its member chapters. The Young Astronaut Program has been supported entirely by contributions from the private sector. However, the dedication and commitment of this program, its members, and its leaders deserve congressional recognition.

It is appropriate, therefore, that Congress recognize this program by passing S. 1952. This bill calls for the minting of medals to commemorate this program; it permits the Young Astronaut Council to sell the medals and to use proceeds to sponsor program activities in schools throughout the country. Mr. President, I hope my colleagues will join me in supporting S. 1952 to benefit our youth nationwide.●

ESTABLISHMENT OF A SPECIAL PANEL ON ASYLUM

● Mr. HUMPHREY. Mr. President, over 100 days have passed since the Soviet Freighter bearing Miroslav Medvid departed the United States. Despite the passage of almost 3 months, we know little more about the case today, than we did on November 9, 1985. What little we do know is disturbing. Last October a young man desperately attempted to seek asylum in the United States. He jumped twice into the waters of the Mississippi River, to avoid returning to the Soviet Union. Yet, for some reason, he was returned to his ship, against his will.

In order to get to the bottom of this case, I have introduced a resolution to investigate the handling of the defection attempt of Miroslav Medvid, and U.S. asylum procedure in general. This resolution (S. Res. 267) presently has the support of 59 of our colleagues, and endorsements from a wide range of organizations across the political spectrum. Earlier this month, the Guild of Catholic Lawyers, and the Committee on International Law of the New York State Bar Association, passed resolutions in support of Senate Resolution 267. I ask that the legislative report of the New York State Bar Association and a letter of support from the Guild of Catholic Lawyers be printed in the RECORD.

The material follows:

LEGISLATIVE REPORT OF THE NEW YORK STATE BAR ASSOCIATION

Senate Resolution No. 267, the Humphrey-Dixon Resolution, was inspired by the circumstances surrounding the apparent attempt of a Ukranian seaman, Myroslav Medvid, to defect to the United States. The Resolution calls for the creation of a disinterested panel to investigate the Medvid case and to review current U.S. procedures in handling defectors from Soviet Bloc countries.

The Committee on International Law supports the Resolution. The published accounts of the handling of the Medvid case have raised serious questions, not merely about the treatment of Mr. Medvid, but about the adequacy of existing procedures to protect the rights of persons seeking asylum in the United States. Among the aspects of this incident that merit further inquiry are the following:

1. Why was Mr. Medvid twice returned to his ship against his will and despite a request for asylum?

2. Why did an American civilian shipping agent assist in Medvid's return to the Marshal Konev? Moreover, when Medvid leaped a second time from the launch which was bringing him back to the Marshal Konev, why did the agent return to the Marshal Konev and obtain the aid and assistance of Soviet seamen, who allegedly beat Medvid, shackled him, and dragged him back on the ship kicking and screaming?

3. Despite knowledge of drugs used upon Medvid, why did the American physician who subsequently examined him not order blood and urine tests to see if drugs were currently in his system?

4. Why did the American physician not conduct a physical examination of Medvid's left arm, which was bandaged from the base of the fingers up to the arm pit? Why did the physical not include analysis of the slash marks on Medvid's finger tips, and the gradations of eechymosis on Medvid's right and left arm?

5. How did the Air Force psychiatrist reach the conclusion that Medvid jumped for the "glitter and gusto", and that he had no real desire for political asylum in this country?

These circumstances raise grave doubts about the adequacy of the procedures employed in reaching the conclusion that Mr. Medvid had changed his mind and wished to return to the Soviet Union. Furthermore, this incident calls into question the sufficiency of existing agency procedures to protect persons seeking asylum in the United States.

GUILD OF CATHOLIC LAWYERS,
Scarsdale, NY, February 6, 1986.

Re: Humphrey-Dixon Resolution No. 267.

Senator HUMPHREY,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUMPHREY: It is resolved that we, the members of the Guild of Catholic Lawyers of the State of New York, do hereby endorse passage of the Humphrey-Dixon Resolution, No. 267, currently pending before the Senate. Humphrey-Dixon inspired by the circumstances and events surrounding the attempted defection of the Ukrainian seaman, Myroslav Medvid, calls for a two-fold investigation by a disinterested senate panel: 1) to investigate U.S. asylum procedures for defectors from soviet bloc countries, and 2) to investigate the case of Myroslav Medvid.

The Guild of Catholic Lawyers supports this resolution due to the fact that published accounts of the handling of the Medvid case raises serious questions, not only with respect to the treatment accorded Myroslav Medvid, but also with respect to the adequacy of existing procedures to protect the rights of persons seeking asylum in the United States.

Moreover, the Guild of Catholic Lawyers supports the concept of a uniform U.S. approach with respect to defectors seeking political asylum in the U.S., without regard to distinctions made based upon the influence of political pressure groups, or preferential treatment of one ethnic group over another. U.S. policy in this regard should be based upon sound principles made applicable across the board when considering requests for persons seeking political asylum.

The United States has had the envious tradition of being the champion of universal human rights based upon freedom, equality and justice, and we believe it behooves us to apply these fundamental principles uniformly lest we be accused of double standards.

Thank you for your consideration of the foregoing.

Very Truly Yours,
GREGORY DE SOUSA,
President.●

TRIBUTE TO RONALD S. LAUDER

● Mrs. HAWKINS. Mr. President. I would like to pay tribute to Ronald S. Lauder. For the past 3 years he has wholeheartedly served as the Deputy Assistant Secretary of Defense for European and NATO Policy in which he

has distinguished himself. In recognition of this substantial contribution to the international security policy interests of the United States, President Reagan has just nominated him to be his Ambassador to Austria.

Ron Lauder went to the Office of the Secretary of Defense in January 1983 after serving as the Executive vice president of Estee Lauder, Inc., and chairman of Estee Lauder International Operations, with headquarters in New York City. Estee Lauder Cosmetics is the largest privately owned cosmetic company in the world. He organized and established 10 manufacturing plants. Previous to this he served as executive vice president of Estee Lauder International (1975-78), executive vice president, general manager, Clinique Inc. (1972-75), vice president sales promotion (1969-72) and Estee Lauder sales promotion director (1968-69). He also served in Paris with Estee Lauder S.A. France (1967) and in Brussels with Estee Lauder N.V. Belgium (1965-67).

Ron Lauder graduated from the University of Pennsylvania—Wharton School of Finance and Commerce—with a bachelor of science in international business (1965), the University of Paris (Sorbonne) with a degree in French literature (1964), the University of Brussels (School of International Business) with a certificate in international business (1966).

Ron Lauder was active with the Economic and Development Board of New York State (1972-78) and was finance chairman, New York State Republican Party (1979-83). He is a trustee for the Museum of Modern Art, a corporate member of the Council of Foreign Relations and a trustee of Mount Sinai Hospital. He speaks French and German fluently.

Ron Lauder is married to the former Jo Carole Knopf and they have two children, Aerin, 15 years old, and Jane, 12 years old, who will accompany him to Vienna, Austria.

Across the Potomac in the Pentagon, Ron Lauder has served for the past 3 years in the highest traditions of political office. He conducted bilateral relations with high-level officials associated with European governments on defense issues here in Washington on a day-to-day basis and in Europe during numerous trips to capitals. He played a major role in analyzing problems, defining policies and negotiating differences relating to defense cooperation, base agreements, and security talks with Greece, Portugal, Spain, and Turkey.

He successfully orchestrated key actions on conventional defense initiatives, armaments cooperation enhancement and the takeoff of emerging technologies within the North Atlantic Treaty Organization. This determination to improve NATO's conventional defense had much to do with the success of the Geneva summit. He also participated in the semiannual Defense Planning Committee ministerials in Brussels and the Nuclear Planning Group ministerials, providing the Secretary of Defense with invaluable counsel. He helped revitalize the United States and Canadian relationship after the Conservatives came into power in Ottawa. He initiated air defense negotiations with both Belgium and Italy and served as the president of the United States delegation conducting bilateral discussions with Yugoslavia.

Finally, closer to us in this Chamber, Ron Lauder established an effective liaison with the Congress and promoted a dialog with key Defense committees and Members on the troublesome but important issues of NATO burdensharing, European troop strength restrictions, military construction and security assistance to the base rights countries on the southern flank of NATO.

It is obvious that he has been involved in all of the major decisions of this administration on European and NATO policy issues. He is ready and eager for additional responsibilities.

Mr. President, on behalf of the people of Florida, I would like to salute Ronald S. Lauder for his many contributions, for his successes, for his sacrifices, for his patriotism, for his good citizenship, and his sense of public responsibility. He will continue to serve his country and he will indeed be a great Ambassador.●

THE FREE TRADE HOAX

● Mr. HEINZ. Mr. President, as the Congress begins what I expect will be a landmark debate in 1986 over the future course of our trade policy, I think Senators would benefit from a recent analysis that adds an element of historical perspective to the discussions.

Don Bedell, who authored the most penetrating analysis of the Smoot-Hawley Act I have yet seen, which I placed in the RECORD on two previous occasions, has just produced a dissection of what he refers to as the "Smith Myth"—the idea that Adam Smith was a free trader in the contemporary sense of the term. In fact, Smith's views were based on an acute perception of national interest not so very different from what we see now all over the world.

That is not necessarily to suggest that such a prescription is entirely appropriate for today's economic system, but the first step to developing intelligent policy is to understand what has gone before. Don Bedell provides that background concisely, and in doing so better prepares us to develop a modern trade policy that best reflects our interests.

Mr. President, I ask that Mr. Bedell's article be printed at this point in the RECORD.

The article follows:

THE VILLAINY OF THE FREE TRADE HOAX

If the current 13 year trend of expanding trade and payments deficits is to be reversed, 4 myths must be exposed and understood. The four comprise both the basis for much contemporary thought and theory, and typical federal government reactions toward them.

The first myth is that an international monetary system has existed since 1973 which smoothly and continuously redresses trade balances among nations and which rationally promotes an economic and equitable exchange of goods and services.

The second myth assumes the existence of a dispute settlement mechanism in the U.S., and internationally, which resolves international trade conflicts equitably and promptly in a timely way at minimum cost to petitioners.

Number three myth presumes the federal government is in control of an effective trade policy co-ordinating and implementing authority with clear policy objectives clearly defined.

Myth four rests on a profound mis-reading of international commercial and political history. It sweeps by the basic facts of history by denying that economic nationalism powered the trade policies of most trading nation-states from their very beginnings; for 600 years, as in the case of west Europe, and a mere 130 years for Japan, in a speeded up version of history.

This myth is known as the Smith myth, also known as a hoax. It assumes that nationalistic behaviour has finally given way to a general acceptance of the "free trade" ideas of Adam Smith's and the "comparative economics" of David Ricardo, roughly in the 40 years since the end of World War II. Or, that there is some prospect that the bitter competitiveness of economic nationalism will diminish through the blandishments of Smith and Ricardo and their latter day followers.

The first 3 myths are surely crucial to the development of a long overdue U.S. foreign policy that can be understood as consistent and balanced in the interests of all Americans.

But it is the fourth myth, the pervasive myth of Smith, that deserves special attention.

The pervasiveness of his visions has caused gross mis-readings and mis-interpretations of history, particularly since the end of World War II. The visionary goals he and his modern day interpreters have held out shielded American policy-makers from the harsh realities which they must daily confront. In short, Smith's myth has served to confuse the economic dream world with the real world of continuing bitter nationalistic competition. Only after that myth is fully exposed, for the fantasy it has been throughout history, can America proceed to deal effectively with the first 3 myths.

What has been the history and the prime trade motivation of America's trading partners? What has made international trade tick?

The motivations come in 2 parts.

The first has been the simple urge of individual merchants and manufacturers to negotiate an exchange of goods between the parties in accordance with agreed terms and in the self-interest of each party.

The second is the urge of individual governments to promote, protect and control such international trade for its own nationalistic purposes.

These are not new findings. Yet 2 fundamental facts of history continue to be ruled out of basic policy-making in the United States.

The first is that central governments in all trading nations, except the United States, began involving themselves politically in commercial matters very early in their history. For European countries such involvement began more than 600 years ago, (400 years before the U.S. became a nation in 1787), and it includes 130 years of compressed Japanese history. It presents a single and continuing pattern of international trade policy-making; central governments of all America's trading partners have controlled, or provided guidance and direction to, all major buyers and sellers (producers) within their political boundaries.

In this history framework, the world was offered the ultimate in "beggar-thy-neighbor" trade policies, uncounted plunder sparked by aggressive nationalistic political ambition, and the slaughter of millions of people.

The second is that Adam Smith's concept of "free trade" itself is not only antithetical to the nationalistic history of America's trading partners policies. Because of its basic reliance on *government* to insure that international trade practices are pursued for "the public good," (Smith's words), it is antithetical to America's current love affair with the concept of "free market forces." It is therefore, without relevance to history or contemporary policies.

Yet, it is the implication of this second finding that has been lost at the federal level in seeking to legislate programs for American trade.

Of crucial importance in this ancient government-industry partnership scheme is the fact that trade decisions continue being made solely on the basis of a government's perception of its individual national self-interest. Economic advantages have surely been a factor, but nationalistic political objectives have always been clearly overwhelming. Included also in achieving such perceived nationalist objectives, as history so clearly records, are countless examples of imposing trade terms by military force or economic blackmail.

Even Adam Smith recognized that basic principle of government involvement. "I have never known much good done by those who affected to trade for the public good." If, then, merchants do not operate for the public good, and cannot even be expected to assume such a role, who but governments can assume such a role? Perhaps he was a socialist? Or a "protectionist" when he wrote that retaliation was clearly acceptable "when some foreign nation restrains by high duties or prohibitions the importation of some of our manufactures into their country . . . Revenge naturally dictates retaliation, and that we should impose the like duties and prohibitions upon the importation of some or all of their manufactures into ours."

The government-industry partnership of our trading partners continues to challenge successfully an American system, established by law 100 years ago, which requires the *absence* of a partnership. With a deep historical appreciation of the "managed economy" threat to the U.S. which flows from the partnership, responses will continue to be misdirected and ineffective. The cost will grow each year, until Americans support harsh counter measures at last, and bitterness will flower. We have only to continue on the present path to witness measures of which we may not be proud as a nation, but cannot afford to continue.

With few exceptions, these 2 fundamentals of international trade history have been essentially untouched by faddish contemporary economic theorists, except in the U.S. Over the past 40 years economists have insisted that there exists, or could exist, some new overarching *worldwide* order of individual motivation based exclusively on *theoretical economic* considerations. The God they worship is Adam Smith and the scripture they study is his "Wealth of Nations" from which the "free trade" verse flows. That treatise was published 200 years ago in the simple early days of Britain's industrial revolution. The Saint they revere is David Ricardo, and the Gospel he proposed speculates about universal happy days of "comparative advantage," by and by.

An immeasurable torrent of words have been uttered and written about the thoughts of Smith and Ricardo, and outrageous and unsupportable claims made on their behalf. Economists and professors by the tens of thousands, principally in the U.S. but elsewhere as well, have succumbed to the Smith myth and its preposterous proposition that the international freedoms needed to allow "free trade" ("comparative advantage" as well) even to begin, much less to thrive, were in place! The record of American economists in the 1970s for forecasting trade and explaining economic cause and effect is a national tragedy. It is reminiscent of Alice in Wonderland. "'The cause of lightening,' Alice said very decidedly, for she was quite sure about this, 'is the thunder-no, no' she hastily corrected herself, 'I meant the over say.'" We might heed the Red Queen's admonition to Alice that once said she couldn't change it. "When you've once said a thing, that fixes it, and you must take the consequences."

Neither Smith's or Ricardo's theories has ever been, is now, or ever shall be, the foundation of *any* nation's international trade policy. To base policy options on such a prospect must, therefore, lead to grievous mistakes and miscalculations, as the post-War history of the United States conclusively demonstrates. Mr. Bruce-Briggs, a former consultant to the Hudson Institute, observes that "No country has adopted free trade because of the plausible arguments of economic science; rather free trade became a policy when nations found it in their economic interests." He took note of the English invention of the Industrial Revolution in the mid-19th century after the Dutch were crushed by England's mercantile system, thus providing Adam Smith a great opportunity to convince them of the benefits of "free trade."

Jacob Dreyer, of the American Enterprise Institute, made a very perceptive observation in 1983 that "free trade would be the best of all economic alternatives if it were the only objective of government to maximize the aggregate real income of their respective national communities and of the international community as a whole."

In 1971, the Senate Finance Committee concluded that the theory of "comparative advantage," for example, cannot serve as a useful policy guide because it "assumes complete mobility of labor, capital and management across international boundaries," and because it "assumes no government interferences with free market forces and flexibility of exchange rates." Because neither of the assumptions is valid, the theory cannot be valid.

World War II was the ultimate in nationalistic behaviour. Perhaps understandably, it became fashionable in the United States to avoid discussion of nationalism and how it might be internally reformed or modified. Despite 600 years of authentic history the deep international thinkers downplayed it as a relevant factor in policy considerations. The key new policy approach focused on "internationalism" into which some of the dreams of Adam Smith fit quite neatly. This simplistic, single plane notion of "One World," and "global interdependence" of nations emerged as the premier philosphical foundation of a preponderance of academic and economic thought. Many nationalistic actions have been very bad dreams. But to shove the concept into the attic has been a grievous error. When individuals fail to come to terms with their own bad dreams psychological evaluation is typically the remedy.

Sigmund Freud would surely look upon such mass rejection of the bad dream of nationalism's excesses as the product of emotionally disturbed patients. Why? Nationalistic behaviour, frightening as it has often been, is nothing less than the manifestation of the basic human need to "belong." People *belong* to a social group for personal expression, a religious group for solace and spiritual refreshment, and the ultimate nation-state political group for protection from hostile forces. The nationalism phenomenon, expressed in so many diverse and surprising ways, transcends social and religious organizations. It translates to "home" in a world perceived by most people as potentially or actually hostile and it remains a fundamental of human motivation.

William Safire put the matter in simple perspective. "Anyone who thinks nationalism is the wave of the past will surely be flattened by it." Had the nationalistic spirit died with the formation of the United Nations, that organization would be a resounding success today. The GATT would be an international body with the strength and wisdom to bring about a world trading community totally committed to living by the rule of law.

What have the internationalists, the interdependent world of nations' deep thinkers substituted for the rejected nationalism? Primary allegiance to an international "economic man" theoretical concept; that man does indeed live by bread alone. Further, they project the same failed worldwide conceptual view that a body of international monetarists can tinker its way into manipulating currencies to "allocate resources" more equitably. Both concepts fly in the face of history and the human nature that made much of it. Can anyone long remain convinced that policies based on such concepts alone will succeed where the United Nations and the GATT have so grossly failed?

Forgotten by most European leaders, and Japanese leaders as well, are the unmatched leadership efforts of the U.S. after World War II to resurrect those nations. Resurrecting them economically, however, did not include changing their basic habits and predispositions about what makes trade tick. They soon returned to their former habits and policies. The War had taught them little about the need to re-orient commercial policies away from past nationalistic ideas to a liberalized, open market system. Ameri-

cans, by and large, thought or hoped that such liberalization would be in their interests. The record shows a return to the patterns of the past, with modest exceptions.

Doesn't that record suggest that Americans expect too much a mere 40 years after it began asking its trading partners in 1945 to renounce their past and embrace a new world, e.g., the UN and the GATT? Is there real prospect that, now at last in the post-World War II period, the freedoms needed to permit the rule of law to function are in place? Can they be identified? Are we sure? If not, must not an alternative philosophical foundation more consistent with history, and its gradual evolution of institutions, replace the current, and exclusive, "interdependence" dream?

In the modern post-World War II period, are there nations who ever followed a "free trade" policy, or adhered to a "protectionist" policy? Let's look at that record.

The Japanese "miracle" after 1953 serves as an outstanding example of an imaginative and successful trade program, built on the most discreet use of every nuance of trade policy ever invented or devised. How to describe it? Was it "free trade"? Perhaps "Protectionist"? Or, rather "Mercantilist"? Debate has unnecessarily raged endlessly over this question. What are its main components?

The former President of Mitsui, Yohize Ikeda, described most of the key elements in a *New York Times* news report in 1984:

1. subsidies, loans and other kinds of financial aid and direct assistance to favored industries.

2. a tax system designed to promote a high level of savings and investment and designed to offer accelerated depreciation and tax deferrals.

3. tight control in interest rates enabling the government to direct resources to targeted industries.

4. exemption of Japanese companies from anti-trust rules when desirable.

5. Special incentives for joint research.

What he omitted was Japanese government import protection to favored domestic industries with export potential, strict foreign exchange allocation to control purchases of imported goods, and, interest rates for loans at less than market price and guarantee of re-payment to the bank.

There's no Adam Smith in that program. It's a deft, partly illegal, partly predatory, government-industry partnership arrangement which exploited every loophole in U.S. laws as quickly as they were revised.

Equally lacking in historical accuracy are efforts by many to portray the west European nations, likewise with no trade liberalization history, as some latter day form of "free trade" bastion. Their commercial histories reveal no attachment to any policy philosophy. On the contrary, use was made of any and all devices perceived to enhance the wealth of each nation. The eminent commercial historian Fernand Braudel describes well the potpourri of "policies" and the continuing mixture, confusing and overlapping applications, from the 13th through the 18th century.

Particularly confusing were the experiences of many countries in the 17th and 18th centuries applying what later historians refer to as the so-called "mercantilist" theory. One well known historian is certain there were as many "mercantilists invented the nation, unless it was the nation which, by inventing itself, invented mercantilism." Even Holland's brief flirt with "free trade" in the late 18th century was less than skin deep. Its cartels and monopolies were left intact, and its colonial policy was among the worst in all Europe. No Adam Smith there.

What about post-World War II Europe? Most monopolies and cartels were re-instituted, and most pre-War trade patterns were re-established as in the past as noted by the OECD in its 1983 study. The Treaty of Rome makes no mention of trade policy at all. The key emphasis was to attempt to bind them together for mutual survival by all means available, according to the European Economic Community Treaty. No Adam Smith there.

As for the rest of the world, there remain non-market countries, Taiwan and South Korea, which didn't exist as a trade force until after World War II, Latin American and African countries, China and India. All are centrally controlled countries with all the trappings: exchange control, support for export industries, protection against unwanted imports, subsidies, cartels and monopolies. No Smith.

The current debate on international trade policy too often focuses on use of terms, or epithets, like "free trade," or "protectionist". Clearly history shows that those terms should be viewed simply as 2 or many descriptions to describe the continuing and ever-changing economic and political interests of individual nations, at any given time, and for any given product or market. It is often "free trade" for one product or market, "protectionist" for another, and as national interests change so do the policies, and so on, and so on, and so on.

What to do?

Discard unquantified and mis-leading phrases and terms like "free trade" and "protectionism" and get to the basics of policy.

Return to basic laws of human nature, deal with nationalism as it now exists, and reject shallow, mechanical "tinkering" theories proposed by those whose record of forecasting and analysis of cause and effect has done the country a disservice.

Fear not the phrase "managed trade" since America is already well along toward that policy. Do a better job than the "managed economies" of our trading partners.

Prepare a Congressional and Presidential budget and forecast of international trade 1, 3, 5 and 10 years out, by industrial sector, based on what's best for all Americans. Include specific plans for reducing trade and payments deficits.

Fear not to retaliate when the cause is just. The statutory authority exists.

Cease threatening foreign nations to open markets. In the words of Adam Smith, punish them for intransigence.

Scrap GATT of the past, and reform it as a condition for any final solution of the upcoming multi-lateral negotiations.

Above all, re-assert the bold leadership that helped a devastated world out of the morass of World War II. The western world, and the entire trading world for that matter, is awaiting new and dramatic initiatives from the U.S.

The present course of the federal government does offer some new initiatives. But, they are not cause for any celebration that a brave new pragmatic trade program for the future is near at hand.●

COMMEMORATING THE U.S. DISABLED SKI TEAM (S. RES. 298)

● Mr. D'AMATO. Mr. President, I rise today in recognition of the accomplishments of the U.S. Disabled Ski Team. I was pleased to join my distinguished colleague from Connecticut by cosponsoring Senate Resolution 298 on February 18, 1986.

The U.S. Disabled Ski Team is a special group of athletes. Its members have displayed the courage and dedication necessary to qualify for both national and international sports competitions. Their commitment to excellence will be demonstrated during the month of April 1986 when they will compete at the World Disabled Ski Championship in Salen, Sweden.

Disabled persons long have shown excellence that has gone unnoticed. I urge my colleagues to change this trend. There needs to be a collaborative effort in recognizing the special achievements of the disabled.

This legislation is an effort to accomplish the goal of recognizing the dynamic commitment, energy, and skills of disabled athletes. They are truly deserving of commendation.

The Disabled Ski Team has been instrumental in changing misperceptions about disabilities. The participants of the World Disabled Ski Championships are prepared to show continued courage and skills during this prestigious event. I commend each team member.●

ESTONIAN INDEPENDENCE DAY: FEBRUARY 24, 1986

● Mr. SIMON. Mr. President, today marks the 68th anniversary of Estonian Independence. From 1918-40, Estonia enjoyed independence and freedom. The country saw cultural progress, as well as agricultural and economic development. Although Estonia is under Soviet rule, Americans recognize this day of independence and join with Estonians in their struggle for freedom.

In 1922, the United States recognized the Baltic republics of Estonia, Lithuania, and Latvia. In 1925, Estonia became the first country in the world to grant cultural autonomy to its minorities—Russians, Jews, Germans, and Latvians. This era of growth and prosperity ended abruptly in 1940 in a Soviet invasion. Estonia, along with the other Baltic republics, was incorporated into the Soviet Union.

In an attempt to gain total control over the Baltic population, the Russian Troops used violence. Over 665,000 Estonians, Latvians, and Lithuanians were deported to Siberia where thousands died in concentration camps. The violence continued when Nazi Germany invaded Estonia in 1944. Thousands were killed, but many Estonians managed to escape to freedom in the West. The Soviets regained control in 1944 and the Estonians continued their struggle through the 1950's. The struggle continues today in an attempt by the Estonian people to

maintain their individuality and culture.

Today, the Estonian population has been declining due to forced relocation of the people and colonization in the country by Russians and other immigrants. The Soviet Union is establishing Russian as the official language in Estonia in the attempt to break the traditions and values of Estonians. The Estonians face imprisonment if they dare to speak out against the violations of their national and human rights under the Russians.

The United States must continue to recognize the Estonian plight and appropriately demonstrate against the Soviet domination in the Baltic States. Estonian have made significant contributions to our culture, but their hopes and dreams of independence in their native country remains.

Mr. President, the Estonian American National Congress, representing many Americans of Estonian descent, has asked me to place a statement they will issue today, on the 68th anniversary, in the CONGRESSIONAL RECORD. I ask that the statement be printed in the RECORD.

The statement follows:

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June, 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, A Search for a Happy Country (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet dominaton Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1949, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields of artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty, of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!) Estonian American National Council.●

RISK-TAKING REWARDS

● Mr. SIMON. Mr. President, we have all had time to reflect on the explosion that destroyed the space shuttle and tragically killed its seven astronauts. Now, the President's Commission and NASA are going about the painful process of finding the cause. But the space shuttle tragedy has larger implications and lessons for us all. One of these lessons is the necessity of taking risks.

I ask that a column I have written on the challenge of risk taking be printed in the RECORD.

The column follows:

THE REWARDS OF RISK-TAKING

(A weekly column by U.S. Senator Paul Simon)

You can remember exactly where you were when word reached you about the Space Shuttle disaster. So can I. It's one of those things indelibly impressed on our minds.

Since that time, in one form or another, I have heard people ask the question: Should we be taking these risks?

The answer is clear: If humanity is to make progress, some risks have to be taken.

The most incredible space flight of all was that of John Glenn, now a United States senator, who crawled into a tiny piece of metal not much bigger than he is and became the first American to be hurtled into orbit.

The odds against his making it were much greater than those facing our latest seven heroes whose tragic death we saw.

And on that day of grief, John Glenn joined Vice President George Bush and Sen. Jake Garn, another former astronaut, in going to Florida to console the families.

I said to John, "It must have been tough, talking to those family members."

He replied that it was and then added, "I thought of my own children who were at that age when I went up. Before I went up I called them together and explained that it was a risk, that I might not be back, but that risks are essential for creating a better world."

John Glenn was, and is, right.

I have just returned from an airplane flight, less of a risk than a highway trip but more of a risk than staying home. When I got to the airport I crossed the street to get to my car, more of a risk than not crossing the street.

I ran for the United States Senate, requiring untold miles on highways and planes, to be elected to a body where there are security people around all the time because of the risks.

To be in a position to move a community, a nation or the world, risks have to be taken.

Everyone takes risks, sometimes foolishly, sometimes for a purpose.

Those of you who smoke are taking a risk, most people would say for no purpose, but some smokers would say for the satisfaction it gives them.

When you get into an elevator you probably take a greater risk than walking up the stairs, and get less exercise. But there are few of us who don't take elevators.

When you get married, you take a risk.

When you sign up for a college course, you take a risk.

Probably 20 or more times a day you take actions that involve conscious risk-taking. That is part of life.

The astronauts who were launched into space knew they were taking a risk, but they made the right decision to take the risk.

That is a part why we honor them. They knew the danger and volunteered anyway.

That's what heroes are made of.

And there is a small bit of hero in each of us.

Perhaps not much, but enough so that we will continue to conquer space, probe the depths of the sea, and perhaps one of these days even show enough courage to build a world of peace.●

MORATORIUM ON NUCLEAR TESTING

● Mr. SIMON. Mr. President, U.S. News & World Report is generally regarded as a conservative journal that does not go off on the deep end.

Recently its editorial director, Harold Evans, had an editorial comment on the back page that is generally reserved for editorial comment, calling on us to have a moratorium on nuclear test.

What Harold Evans has to say makes eminent good sense, and I urge my colleagues in both the House and Senate to read his comments, as well as people in the administration. We are not talking about some luxury item that might or might not be good. We may be talking about the survival of humanity itself. We have taken enough steps in the wrong direction; let us take a step in the right direction.

I ask that the Evans article be inserted at this point.

The article follows:

THE PRESIDENT'S CHANCE

(By Harold Evans)

The war is on for President Reagan's ear. Bud McFarlane is the first casualty. It is hard to believe that he has quit as national-security adviser because of personality tiffs in the White House. Hell, no, as the President would say. McFarlane is a Marine combat veteran. What is at stake in the conflicts in the administration is policy, not protocol, and the 600-pound gorilla in the Oval Office demanding daily attention is the Soviet Union.

How can the spirit of Geneva be kept alive? McFarlane was rewarded in his advocacy of a summit meeting by a brilliant performance from the President, but not by an arms deal. Geneva's fireside chats have raised expectations that cannot be satisfied by swaps of ballerinas and consuls. In Washington, the President has now to resolve the divisions between State and Defense on arms control in favor of a realistic effort. In Moscow, Gorbachev has to produce movement on Afghanistan and on the plight of the thousands of Jewish "waitniks."

The Scylla to avoid is the disillusion that followed the 1972 summit. The Soviet Union has not changed. It is not about to reform itself. It will remain a challenge. We cannot solve the conflict. We can only hope to manage it better—for our sake and the sake of those who are oppressed. But manage it better we can and must do: The Charybdis to avoid is the hot rhetoric and cold-war freeze of the '80s. That is futile and dangerous. It did not get more Jews out of Russia; it kept them in.

If there can be no giant leap forward, what small steps can be taken? There is one we can take before Christmas.

Gorbachev announced in July a Soviet moratorium on nuclear testing that would run to January, 1986, and beyond that if the U.S. joined in. We did not. We have carried out five more tests. Now, we have two weeks left to join the moratorium and thereby perpetuate it for both sides. Why not?

The question is littered with misconception and mystery. Richard Perle, assistant secretary of defense, has said the Soviets cannot be trusted. They "broke the 1958-61 testing moratorium." The record shows this is not so. It was President Eisenhower who, on Dec. 29, 1959, declared the 1958 voluntary moratorium at an end; and the French were the first with a test, on Feb. 13, 1960. It is not a question of trusting the Soviets. Of course we cannot take them on trust. Too much is at stake, and their system is too secretive. But arms-control deals that are verifiable are another matter. Gorbachev has said the Soviets will agree to seismic monitoring and onsite inspection. Why not take him up?

The mystery is this—that the principal reason the U.S. has turned down a comprehensive test ban seems to be that it would stop testing in the Excalibur program of the X-ray laser for the Stategic Defense Initiative. The laser is pumped by a nuclear explosion. But the President is right to insist that his concept of SDI is that it is non-nuclear. How can we possibly ever realistically—or honestly—test a weapon that requires a nuclear explosion in space in violation of not one but three arms-control treaties?

In that case, why not stop tests that do not add to our security but also complicate the fearful asymmetry of Soviet-U.S. arsenals and the chances of ending the arms race? Perle says testing "is indispensable to maintaining the credibility of our nuclear deterrent." Is it? Surely the Soviets know—as well as we do—that even without further testing we have for the next 100 years enough reliable warheads to destroy their society 10 times over. If the Soviets prolonged their moratorium, would we say we had nothing to fear because their deterrent had lost its credibility? Eliza Doolittle had the answer: Not bloody likely.

In 1963, it was President Kennedy who took the lead. He announced a U.S. moratorium on atmospheric tests that led to the 1963 Limited Test Ban Treaty. The Soviets have for more than 20 years followed the limits of that treaty. The world has been cleaner and safer for it. It remembers John Kennedy for what he did, and it will remember a Ronald Reagan who takes a similar small step for mankind.●

ESTONIAN INDEPENDENCE DAY

● Mr. BRADLEY. Mr. President, I am honored to join with many of my colleagues in the U.S. Senate to pay tribute to the brave Estonian people on the occasion of the 68th anniversary of the Declaration of Independence of the Republic of Estonia. On this day of celebration, I applaud the people of Estonia in their struggle for freedom, human dignity, and national independence.

The Republic of Estonia declared independence from Russia on February 24, 1918. Estonia was able to survive as an independent republic from 1918 until 1940. However, in June 1940 the Russian Army crossed into Estonia and occupied this once independent nation by force. Although Estonian sovereignty was short lived, citizens of Estonian ancestry fondly recall a time of self-determination when the Republic of Estonia was free from Soviet domination. To this day the Estonian people share the dream of restored sovereignty. Despite Soviet brutalities they have not lost their love of freedom and the pride in their separate identity.

The Soviet occupation of Estonia and the Baltic States is marked by the repression of the basic human rights we, as Americans, hold so dear. Under Soviet rule drastic actions have been taken to eradicate Estonian language, cultural values, artistic traditions, and religious freedom. Currently, very few Estonians are allowed to emigrate from their Soviet-occupied homeland. Although there are numerous examples of Soviet repression and cruelty in Estonia, the tragic plight of 2-year-old Kaisa Randpere deserves our immediate and continued attention. Kaisa's parents were forced to leave their daughter behind when they fled from Estonia over a year ago. Since then, Kaisa's parents have made repeated formal applications for an exit visa for their daughter. Each time, however, their application has been denied. Kaisa's grandmother, who has been watching the child, was fired from her job and threatened with imprisonment in a psychiatric hospital if she refuses to denounce the actions of Kaisa's parents. Soviet officials have even threatened that Kaisa will be placed in an orphanage.

I joined many of my esteemed colleagues in urging the President to bring up the case of Kaisa Randpere at the recent summit meeting in Geneva with Secretary Gorbachev. I believe that as we celebrate the spirit of Estonian independence we must also remember those who are not free, including Kaisa, and we must continue to speak out against Soviet human rights violations. We, as a nation, must not forget our struggle for freedom. On this day of recognition, let us rededicate ourselves to the cause of freedom as we support those who are speaking out against oppression.

Despite the attempts of the Soviet Union to dominate the Estonian people, their national spirit thrives. They are a people who are not willing to submit to their powerful adversary. I join my colleagues in praising the strong will of the Estonian people and in deploring human rights violations inflicted on these courageous people in their quest for freedom and dignity.

Mr. President, I ask that a copy of a statement issued by the Estonian American National Council and a copy of the Copenhagen Manifesto which reflects the finding of a distinguished panel of jurists regarding Soviet aggression in the Baltic States be printed in the RECORD.

The material follows:

STATEMENT

The people of Estonian ancestry everywhere commemorate the 68th anniversary of the founding of the Republic of Estonia on February 24, 1918. At the same time, they note with sadness the continued brutality of the Soviet occupation of Estonia which began in June 1940, when the Red Army rolled across the border to annex its neutral and peaceful neighbor. The Soviet

aggression against the Baltic states—Estonia, Latvia and Lithuania—was such a blatant violation of international law that the United States and almost all other Western countries to this day refuse to accord de jure recognition to the Soviet rule there.

As Soviet rulers even today seek to expand the tentacles of their oppressive system of governance in Afghanistan and elsewhere, we would do well to recall the fate of Estonia. During the brief period of its modern statehood the Republic of Estonia was in many respects a model country. Universal suffrage and the eight-hour work day were introduced at the outset, and the records of the International Labor Office in Geneva attest that the Republic of Estonia was in the forefront of humane social and labor legislation in general.

Estonia's land reform and its minorities' laws gained international fame and were often cited by the League of Nations as examples to emulate. Indeed, in recognition and appreciation of ethnic justice, the Jewish National Fund in Palestine in 1927 awarded its special "Golden Book Certificate" to the Republic of Estonia, the only country ever so honored by the Jewish people. The American author Marion Foster Washburne traveled around the world in search of "the happy country." And in her 1940 book, *A Search for a Happy Country* (Washington: National Home Library Foundation), she concludes that the Republic of Estonia was that happy country.

Under Soviet domination Estonia has suffered tremendously—demographically, politically, culturally. Thus, the country lost almost one-third of its prewar population between 1939 and 1948, due foremost to Soviet atrocities; especially brutal were the mass deportations of 1941 and 1949. After the war, there has been a steady influx of Russians; the share of the population which is ethnic Estonian declined in the present territory from 92% in 1939 to 68% by 1970.

While the minority laws of the Republic of Estonia were renowned internationally, Estonians today face grave pressures of russification and sovietization in their own ancestral territory. Creative freedoms in all fields of artistic endeavor have been severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine Estonian national identity. A few years ago Soviet authorities prohibited the use of Estonian in the defense of doctoral dissertations. More recently, the Communist Party's press in the university town of Tartu announced that the forced teaching of Russian would be introduced already at the level of the day care centers.

Today, it is virtually impossible for Estonians in their Soviet occupied homeland to travel abroad or to emigrate. Contrast this with the fact that in 1936 alone, for example, 120,889 Estonian citizens were able to travel abroad, and a few of them chose to emigrate. In the grips of the Soviet bear Estonia today has the sad distinction of having the world's youngest political prisoner, two year old Kaisa Randpere, who is forbidden by Moscow from joining her parents in the West. The Soviet aggression against Estonia and the unremitting, systematic violation of political and human rights, have been well documented by the United States Congress and the Department of State.

From the outset of the Soviet occupation Estonians have actively resisted and protested Moscow's actions. In the ancestral homeland such protests, even when they are nothing more than peaceful memoranda, result in long periods of banishment to the infamous Gulag, tortuous confinement to psychiatric institutions, and at times even murder in confinement, as happened with the late Jüri Kukk. In spite of this, Estonians in their Soviet occupied homeland as well as those in the diaspora in the Free World, will mark Estonian Independence Day once more on February 24th. The dream of the restoration of sovereignty of political and human rights, of freedom from Soviet Russian oppression lives on in the hearts of Estonians everywhere. Their aspirations, hopes and struggle for freedom are shared by freedom-loving people everywhere.

Elagu Vaba Eesti! (Long live Free Estonia!)

ESTONIAN AMERICAN NATIONAL COUNCIL.

COPENHAGEN MANIFESTO

The Baltic Tribunal in Copenhagen declares that the occupation and annexation of the once independent States of Estonia, Latvia, and Lithuania serve as prime examples of the violations of international public law and treaties ratified by the Soviet Union.

Mass Russian immigration has seriously damaged Baltic identity and political structure; language, culture, religion, even the learning of history in schools, have suffered under Soviet rule. The militarization of the Baltic States serves as a constant reminder of the continuing threat to world peace.

The right of the Baltic peoples to self-determination, to non-discrimination, and to non-interference on their ancestral soil must be reinstated. After hearing experienced witnesses on numerous aspects of life and law and practice in occupied Estonia, Latvia, and Lithuania, the Baltic Tribunal concludes that severe injustice has been and is being done to these people by the Soviet Union.

The fate of the three Baltic States is unique in human history. Nowhere else in the world are former parliamentary democracies occupied, annexed, and colonized by a conquering power. A unique fate deserves unique policies from the democratic governments of the world. We call upon them to raise the issue of Soviet occupation of the Baltic countries in all world forums, demanding freedom and independence for Estonia, Latvia, and Lithuania.

By this Copenhagen Manifesto we declare that the present situation in the Baltic countries is damaging the chance of peace and freedom in Europe and the world.

THEODOR VEITER,
Chairman.

PER AHLMARK.
JEAN-MARIE DAILLET.
MICHAEL BOURDEAUX.
JAMES FAWCETT.●

NATIONAL TEACHER APPRECIATION DAY

● Mr. CHILES. Mr. President, I recently introduced legislation (S.J. Res. 257) which would designate the first Friday of each May as "National Teacher Appreciation Day." I am pleased that over 35 of my colleagues have joined as cosponsors of this important resolution. In the House, companion legislation introduced by Congressman CLAY SHAW has gathered well over 200 cosponsors.

Today, I am happy to announce the endorsement of the American Federation of Teachers for this resolution. I ask that the letter of support from the AFT be printed in the RECORD.

The letter follows:

AMERICAN FEDERATION OF TEACHERS, AFL-CIO,
Washington, DC, February 19, 1986.

Hon. LAWTON CHILES,
U.S. Senate,
Senate Russell Office Bldg.,
Washington, DC.

DEAR SENATOR CHILES: The American Federation of Teachers applauds your effort, and the efforts of your co-sponsors, to designate the first Friday in May as National Teacher Appreciation Day.

Teachers struggle, often at great personal sacrifice, to provide a vital service to America's youth. However, many teachers feel their labors are unappreciated, that their role in society is denigrated.

Senate Joint Resolution 257 serves the need to give teachers greater recognition for their work.

Sincerely,

GREGORY A. HUMPHREY,
Director of Legislation.●

PROPOSED ARMS SALES

● Mr. LUGAR. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under the act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD at this point the notification which has been received. The classified annex referred to the covering letter is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, February 19, 1986.
In reply refer to: I-00569/86.

Hon. RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 86-24, concerning the Department of the Navy's proposed Letter(s) of Offer to Norway for defense articles and services estimated to cost $14 million or more. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[TRANSMITTAL No. 86-24]

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

(i)(U) Prospective Purchaser: Norway.

(ii) Total Estimated Value: Major Defense Equipment [Deleted]; Other [Deleted]; Total [Deleted].

(iii) Description of Articles or Services Offered: [Deleted].

(iv)(U) Military Department: Navy (SAI, JGN).

(v)(U) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None.

(vi)(U) Sensitivity of Technology Contained in the Defense Articles or Defense Services Proposed to be Sold: See Annex under separate cover.

(vii)(U) Section 28 Report: Case not included in Section 28 report.

(viii)(U) Date Report Delivered to Congress: 19 February 1986.

MILITARY JUSTIFICATION

[Deleted.]

[Deleted.]

(U) This sale will contribute to the foreign policy and national security objectives of the United States by improving the military capabilities of Norway; furthering NATO rationalization, standardization, and interoperability; and enhancing the defense of the Western Alliance.

[Deleted.]

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) The prime contractor will be Lockheed California Company of Burbank, California.

(U) Implementation of this sale will require the assignment to Norway of ten additional U.S. Government personnel for five months and two contractor representatives for one year.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

ORDER FOR S. 2085 TO BE HELD AT THE DESK

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 2085, the milk bill, be held at the desk until the close of business on Wednesday, February 26, 1986.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Tuesday, February 25, 1986.

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

ORDERS FOR TUESDAY

RECOGNITION OF SENATORS PROXMIRE AND SIMON

Mr. SIMPSON. Mr. President, following the recognition of the two leaders under the standing order on tomorrow, I ask unanimous consent that there be special orders in favor of the Senator from Wisconsin [Mr. PROXMIRE] and the Senator from Illinois [Mr. SIMON] for not to exceed 15 minutes each.

ROUTINE MORNING BUSINESS

Mr. SIMPSON. Following the special orders, I ask unanimous consent that there be a period for the transaction of routine morning business, not to extend beyond 12 noon, with Senators permitted to speak therein for not more than 5 minutes each.

RECESS BETWEEN 12 NOON AND 2 P.M.

Mr. President, I ask unanimous consent that the Senate stand in recess tomorrow between 12 noon and 2 p.m., in order for the weekly party caucuses to meet.

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

Mr. SIMPSON. At 2 p.m., the Senate will resume consideration of Senate Resolution 28, television in the Senate. Votes could occur during the day on Tuesday with regard to that matter.

RECESS UNTIL 11 A.M. TOMORROW

Mr. SIMPSON. Mr. President, there being no further business, I ask unanimous consent, in accordance with the previous order, that the Senate stand in recess until 11 a.m., on Tuesday, February 25, 1986.

There being no objection, at 4:46 p.m., the Senate recessed until tomorrow, Tuesday, February 25, 1986, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 21, 1986, under authority of the order of the Senate of January 3, 1985:

THE JUDICIARY

Daniel A. Manion, of Indiana, to be U.S. circuit judge for the seventh circuit vice Wilbur F. Pell, Jr., retired.

DEPARTMENT OF ENERGY

William F. Martin, of the District of Columbia, to be Deputy Secretary of Energy, vice Danny J. Boggs.

David B. Waller, of the District of Columbia, to be an assistant secretary of energy (International Affairs and Energy Emergencies), vice Jan W. Mares, resigned.

RAILROAD RETIREMENT BOARD

Charles J. Chamberlain, of Illinois, to be a member of the Railroad Retirement Board for the term of 5 years from August 29, 1984, reappointment.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Edward Nelson, Jr.
Clyde E. Robbins
Theodore J. Wojnar
Arnold M. Danielsen
Howard B. Thorsen

IN THE ARMY

The following-named officers for appointment under automatic integration in the Regular Army of the United States, in their promotion grades, under the provisions of title 10, United States Code, sections 531, 532, and 533:

To be colonel

Moody, James I., xxx-xx-xxxx
Peterson, Eugene, xxx-xx-xxxx
White, James W., xxx-xx-xxxx

To be lieutenant colonel

Flowers, George A., xxx-xx-xxxx

To be major

Andersen, William H., xxx-xx-xxxx
Babcock, John M., xxx-xx-xxxx
Barbosa, Hector J., xxx-xx-xxxx
Barnes, John H., xxx-xx-xxxx
Bearden, George, xxx-xx-xxxx
Beatty, Murel, E., xxx-xx-xxxx
Bengco, Jose C., xxx-xx-xxxx
Beverly, Paul C., xxx-xx-xxxx
Blickhan, Donald, xxx-xx-xxxx
Breaker, Donald xxx-xx-xxxx
Brown, Lloyd A., xxx-xx-xxxx
Burch, Phillip R., xxx-xx-xxxx
Burlingame, T., xxx-xx-xxxx
Call, Larry D., xxx-xx-xxxx
Carter, Troy G., xxx-xx-xxxx
Christopher, Jon B., xxx-xx-xxxx
Cooper, Richard A., xxx-xx-xxxx
Crews, James P., xxx-xx-xxxx
Demond, Dennis E., xxx-xx-xxxx
Dempsey, Terry A., xxx-xx-xxxx
Espino, Saul J., xxx-xx-xxxx
Enriquez, David J., xxx-xx-xxxx
Fair, Daniel, xxx-xx-xxxx
Fowler, Gene S., xxx-xx-xxxx
Gilman, Harry W., xxx-xx-xxxx
Grod, David, xxx-xx-xxxx
Hill, Greg W., xxx-xx-xxxx
Hill, Robert B., xxx-xx-xxxx
Kleinbrook, William L., xxx-xx-xxxx
Humphrey, John D., xxx-xx-xxxx
Isler, Albert C., xxx-xx-xxxx
Jones, Rodrick L., xxx-xx-xxxx
Kelman, Marvin C., xxx-xx-xxxx
Leroe, Robert G., xxx-xx-xxxx
Lura, Wayne T., xxx-xx-xxxx
Mercer, Jeffrey, xxx-xx-xxxx
Minsky, Barry J., xxx-xx-xxxx
Mitchell, Nevalo, xxx-xx-xxxx
Nichols, Delton, xxx-xx-xxxx
Oreilly, Edward, xxx-xx-xxxx
Owens, Johnny C., xxx-xx-xxxx
Pendrak, Gary A., xxx-xx-xxxx
Porter, Ronald J., xxx-xx-xxxx
Roberts, Stanley, xxx-xx-xxxx
Savage, Gerald L., xxx-xx-xxxx
Seel, Teddy R., xxx-xx-xxxx
Smith, Charles E., xxx-xx-xxxx
Spragg, Eduardo, xxx-xx-xxxx
Stagner, William, xxx-xx-xxxx
Simmons, Michele E., xxx-xx-xxxx
Stalker, James B., xxx-xx-xxxx
Steedley, Kerry, xxx-xx-xxxx
Strange, Herbert, xxx-xx-xxxx
Thomas, Jaime A., xxx-xx-xxxx
Todd, Roger W., xxx-xx-xxxx
Truitt, James T., xxx-xx-xxxx
Tyson, Granville, xxx-xx-xxxx
Waters, William G., Jr., xxx-xx-xxxx
White, H.R., xxx-xx-xxxx
Wildeman, Robert, xxx-xx-xxxx
Wilkinson, James R., xxx-xx-xxxx
Witt, William A., III, xxx-xx-xxxx
349X, xxx-xx-xxxx
315X, xxx-xx-xxxx
306X, xxx-xx-xxxx

The following-named distinguished honor graduates of Officer Candidate School for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531, 532, and 533:

Atanasio, Russell J., xxx-xx-xxxx

Frey, Neil J., xxx-xx-xxxx
Baker, David D., xxx-xx-xxxx
Bauman, Celia, xxx-xx-xxxx
Welch, Robert P., xxx-xx-xxxx

The following-named Reserve Officers' Training Corps, cadets for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 531, 532, 533, 2106, and 2107:

Anderson, John M., xxx-xx-xxxx
Keating, Joseph, xxx-xx-xxxx

The following-named officers from the Temporary Disability Retired List for reappointment in the Regular Army of the United States, in the grade of captain, under the provisions of title 10, United States Code, section 1211:

Castle, James M; xxx-xx-xxxx
Johnson, Michael V; xxx-xx-xxxx

IN THE ARMY

The Following-named officers for permanent promotion in the U.S. Army in accordance with the appropriate provisions of title 10, United States Code, sections 624 and 628:

DENTAL CORPS

To be colonel

Philip J.B. Stanley, xxx-xx-xxxx

CHAPLAIN CORPS

To be lieutenant colonel

Jack A. Wallace, xxx-xx-xxxx

ARMY

To be major

Peter G. Tuttle, xxx-xx-xxxx
John H. Viehe, xxx-xx-xxxx

JUDGE ADVOCATE GENERALS CORPS

To be major

Gene A. Dickey, xxx-xx-xxxx
Raymond M. Saunders, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Robert J. Werner, xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Mary J. Bryant, xxx-xx-xxxx

DENTAL SERVICE CORPS

To be major

Robert S. Carter, Jr., xxx-xx-xxxx
Paul L. Christianson, xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officer for promotion to the grade of colonel under the provisions of article II, section 2, clause 2 of the Constitution of the United States of America:

Lt. Col. Charles F. Bolden, Jr., U.S. Marine Corps, xxx-xx-xxxx/7511.

Executive nominations received by the Senate February 24, 1986:

DEPARTMENT OF AGRICULTURE

Richard E. Lyng, of Virginia, to be Secretary of Agriculture.

DEPARTMENT OF STATE

Ronald S. Lauder, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Evan Griffith Galbraith, of Connecticut, to be a member of the board of directors of the Overseas Private Investment Corporation for a term expiring December 17, 1987, new position.

WITHDRAWALS

Executive nominations withdrawn by the President February 21, 1986:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Glen A. Holden, of California, to be a member of the National Museum Services Board for a term expiring December 6, 1989, vice Anne Carroll Badham, term expired, which was sent to the Senate on April 17, 1985.

U.S. POSTAL SERVICE

Barry D. Schreiber, of Florida, to be a Governor of the U.S. Postal Service for the remainder of the term expiring December 8, 1992, vice Frieda Waldman, which was sent to the Senate on January 22, 1986.

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