SENATE—*Friday, June 26, 1987*

(Legislative day of Tuesday, June 23, 1987)

The Senate met at 8:45 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. GRAHAM].

PRAYER

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

Let us pray:

Whosoever would be great among you, let him be your servant.—Matthew 20:26.

Gracious God our Father, with deep appreciation, we thank You for those who serve public servants. In times like these, behind the scenes are long hours and hard work of dedicated staffs, indispensable to the operation of the Senate. Thank You for those who spend endless hours in reading and research—who keep the Senators informed as they debate and decide issues. Thank You for those who accurately record the volumes of words spoken. Thank You for those who keep records of all proceedings—those who guide on rules and order. Thank You for those who provide security in and around the buildings. Thank You for those who prepare and serve the food, for those who maintain buildings and grounds. Thank You for the people movers, vertically and horizontally. Thank You for the pages who are instantly available whatever need there may be for them. Thank You Lord, for the many without whom the Senate could not function. Bless them and their families. In the name of the Servant of servants we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

THE 23D PSALM

Mr. BYRD. Mr. President, in days like these I think of the marvelous strength-giving qualities of the 23d Psalm.

We are under great pressure, and sometimes it seems to me that we ought to lift our eyes, hearts, souls, and thoughts above this place here and pause to see and know that Thou art God.

The Lord *is* my shepherd; I shall not want.

He maketh me to lie down in green pastures: he leadeth me beside the still waters.

He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake.

Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou *art* with me; thy rod and thy staff they comfort me.

Thou preparest a table before me in the presence of mine enemies: thou anointest my head with oil; my cup runneth over.

Surely goodness and mercy shall follow me all the days of my life: and I will dwell in the house of the Lord for ever.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 5 minutes.

THE NUCLEAR ARMS RACE MOVES AHEAD AGAIN—TOMORROW, JUNE 27

Mr. PROXMIRE. Mr. President, once again I rise in this body to remind my colleagues that we are just 24 hours away from equipping still another B-52 with strategic cruise missiles. This B-52 will join our fleet of cruise missile equipped B-52's tomorrow, Saturday, June 27. Three weeks ago, on June 5, I rose to call the Senate's attention to the addition on that day of another B-52 armed with about 20 cruise missile warheads. And on May 22—2 weeks before that—I spoke out on the floor of the Senate to call attention to the addition on that day of yet another B-52 freshly armed with some 20 cruise missiles.

What irony. At the very time when American eyes are focused on negotiations in Europe loudly demanding world attention to negotiations that may possibly reduce intermediate nuclear arms, we are quietly, with virtually no public notice, continuing to modernize month by month, our strategic deterrent.

How destructive are cruise missiles? Once again, Mr. President, we must return to the only nuclear bombs ever dropped on places of human habitation: the Hiroshima bomb and the Nagasaki bomb. Each of those bombs utterly destroyed a major city. Each of those bombs ended the life of over 100,000 persons. Now, the Hiroshima bomb delivered about 15 kilotons of power on Hiroshima. The Nagasaki bomb carried about 22 kilotons. Get this—each of the 20 nuclear warheads that we will put on our modified B-52 tomorrow will carry 200 kilotons. So each of the warheads officially counted tomorrow will have more than 13 times the devastating power of the bomb that wiped out Hiroshima. Since each bomber will carry about 20 of these warheads, that means they can deliver almost 260 times as much destructive power on adversary targets—say 20 Russian cities as we delivered on Hiroshima 42 years ago.

This, Mr. President, is what this country is putting on our fleet tomorrow. Because we have been adding the newly cruise-missile equipped B-52's to our enormous nuclear arsenal, regularly and relentlessly, since last December, we have modernized our killing capacity just since last December in B-52's alone to nearly 3,000 times the destructive power that blasted and burned Hiroshima to a crisp. Meanwhile the world's attention focuses on negotiations to possibly reduce nuclear weapons in Europe by less than 10 percent.

And these new warheads are just for the added B-52's. In addition, we plan to deploy Trident submarines with a warhead arsenal that will dwarf the B-52 modernizations. I call attention to this because all of it is in direct and explicit violation of the SALT II Treaty signed by the President of the United States, but never ratified and now expired. A bipartisan majority of 57 Members of this body wrote President Reagan last December, pleading with him to reverse his decision to put the United States in deliberate violation of the SALT II sublimit of 1,320 multiple warhead systems. We argued that this action by the President represented an open invitation to the Soviets to proceed with their own nuclear warhead buildup which, as we said, they are "exceedingly well positioned to do in the very near future."

Now, Mr. President, what do we gain by this reckless policy of pushing ahead, madly piling on endless rounds of the most destructive weapons mankind has ever built. Think of it. We and the Soviets already have more than 10,000 strategic nuclear warheads each. If just 1 percent of this 10,000 warhead Russian arsenal should strike American cities they would instantly kill between 35 and 55 million Americans—according to the National Academy of Science. One percent, Mr. President. Is there any way this country could conceivably stop more than 99 percent of the Soviet arsenal from striking our cities? Assume that the administration's SDI or star wars defense works, assume it works perfectly. Assume it stops every single warhead carried by a Soviet intercontinental ballistic missile. Would that save the

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

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millions who live in our cities? No indeed.

The Soviets have been rapidly shifting much of their arsenal into bombers and submarines. The overwhelming majority of our most eminent scientists tell us that SDI cannot defend successfully against Russian ICBM's launched from the Soviet Union. But let's assume the scientists are wrong. Assume the American SDI stops every last intercontinental nuclear carrying missile launched from the Soviet Union. Would our country survive? No way. Why not? Because SDI cannot possible defend against nuclear missiles launched from close in Soviet submarines or Soviet bombers. And just as we are relentlessly modernizing the warheads on our bombers and submarines, with the death of SALT II the Russians will be doing the same.

Now, all of this costs money, very big money. It costs billions, endless billions. All of those billions, every cent, is utterly wasted. Do these billions contribute to the security of our country? Of course, not. Quite the reverse.

The arms race undermines our security. This Senator cannot conceive of a more insane policy than our persistent month-after-month policy typified by our action in the next 24 hours of violating a treaty that will certainly provoke a Soviet violation that will render the billions we spend on SDI useless. It is outrageous. It is obscene. What a way to go broke.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9 a.m., with Senators permitted to speak therein for not to exceed 1 minute each.

Mr. PROXMIRE. Mr. President, I also wish to thank the distinguished minority leader for graciously arranging last night that I could use some of his time. I reserve the remainder of his time. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

APPOINTMENTS TO THE NATIONAL COMMISSION ON INFANT MORTALITY

The ACTING PRESIDENT pro tempore. The Chair, pursuant to Public Law 99-660, announces the selection, made jointly by the Senate majority leader and the Speaker of the House of Representatives, of the following individuals as members of the National Commission on Infant Mortality:

James Thompson, of Illinois; Barbara Matule, of North Carolina; and Dr. William Hollingshead, of Rhode Island as representatives from State government, and

Lynda Robb, of Virginia; Richard W. Riley, of South Carolina; Dr. Julius Richmond, of Massachusetts; Dr. Herman A. Hein, of Iowa; and Margaret S. Wilson, of Connecticut as at large members.

S. 1414—THE COMMODITY CREDIT CORPORATION APPROPRIATION

Mr. KARNES. Mr. President, I rise today as an original cosponsor of S. 1414, legislation introduced by Senators McCONNELL, BOND, and myself. It is directed to relieve the plight of farmers who hold a yearly vigil waiting for Commodity Credit Corporation funds from an account that seems to dry up every summer like a farm pond, and with equally disastrous effects. Since coming to the U.S. Senate in March of this year, I have worked to develop legislation which will make Government work better and be more responsive to the needs of my fellow American farmers. This bill will do precisely that, for I believe it will restore the faith of farmers across the country in their Government's ability to keep its end of the bargain with the timely payment of Commodity Credit Corporation funds.

Today, as for the past 8 years, thousands of farmers are experiencing severe and unnecessary financial hardship. Now, farmers are used to hardship, and hardship takes many forms. Hardship may result from an act of will, or an act of negligence. Of course, hardship can result from an Act of God. But the hardship in this case results from inaction—inaction on the part of Congress, bordering on willful negligence in my mind, by failing to approve new CCC funds promised by prior congressional authority.

This situation is particularly frustrating because Congress seems to have failed to learn from its mistakes of the past. This problem is not new. This is only the latest episode in a sad history of interrupted payments and congressionally forced interruptions in farm operations. The Commodity Credit Corporation exhausted its funding authority last year as well as in previous years—each time causing instability and financial hardship to citizens who, in good faith, entered into contracts and agreements with the U.S. Government.

Mr. President, over the past days and weeks, many of my Democratic and Republican Senate colleagues, including both the majority and the minority leaders, have taken the floor to criticize the system that annually holds the American farmer hostage to the CCC supplemental appropriation process. And they are right. The CCC supplemental, and the farmers who depend on CCC payments, have indeed been held hostage—hostage to political gamesmanship on both sides of the aisle and on both sides of the Hill. Who wins in this game? Well, I don't know if anyone wins, but one thing is certain; the farmers of this country lose, and in a big way.

I have been advised that the USDA is in the process of preparing contingency plans to shut down ASCS offices, stopping all farmer transactions with the Federal Government through those vital ASCS offices when the CCC runs out of moneys in approximately 30 days. Mr. President, this would be an unmitigated disaster to agriculture! This year, with the lack of Senate and House conference progress to date on the supplemental appropriation, this unthinkable idea of closing down ASCS offices might actually come to pass. I ask my colleagues in the Senate and House who make up the supplemental appropriation conference to act immediately to pass the CCC supplemental appropriation. Moreover, I ask my colleagues in the Senate to join with me and care enough about our farmers to act to avoid this issue in the future.

Mr. President, the time has come to bring this shoddy and unresponsible way of doing business with our farm citizens to a halt. If such disregard of commitments and obligations would occur among Senators here in the Senate, immediate action would be taken to address the dilatory process. There is no good reason to ask our farmers to leave their farming operations to the whims of the congressional appropriations process year after year.

The bill that my distinguished colleagues from Kentucky and from Missouri, Senator McCONNELL and Senator BOND, and I have introduced is designed to prevent this problem from recurring next year and to assure that Congress provides two essential responsibilities to the farm families of Nebraska, as well as to all farm program participants across the country. These two responsibilities can be stated quite simply: First, to provide a degree of stability to citizens who reasonably rely on obligated Government payments under Federal farm programs, and second, to assure that the U.S. Government timely meets its just obligations. Mr. President, the first provision of our bill would increase the borrowing authority, not expenditure, of the Commodity Credit Corporation from the current level of $25 billion to $40 billion. Mindful of the

desire of Congress for program oversite, the second provision would change the status of the CCC account to that of a current, indefinite appropriation subject to the annual approval of the Appropriations Committees.

The Commodity Credit Corporation is experiencing heavy demand for its financial resources for several reasons. High levels of farm program participation, high levels of demand for nonrecourse loans, high levels of participation in the Conservation Reserve Program constitute several of the many reasons for the heavy demand on CCC funds. I might add that each of these reasons were sought by Congress when the Food Security Act of 1985 was passed. A current, indefinite appropriation would serve American agriculture more effectively than the current direct appropriation process. It would do this by: First, assuring no disruption of service at local ASCS offices; and second, by assuring people who enter into agreements with the U.S. Government that the payment provisions of these agreements will be honored in a timely manner by ensuring the viability of the account from which to make the payments.

Administration budget proposals in the past years have routinely requested a permanent, indefinite appropriation for the Commodity Credit Corporation and Congress has routinely rejected this proposal. However, the Senate Appropriations Committee has recommended the use of a current, indefinite appropriation for fiscal years 1986 and 1987 with the provision that it receive frequent reports of the CCC's financial position and its use of the current, indefinite authority. I agree with the Senate Appropriations Committee's legislative history on this issue and feel that a current, indefinite appropriation will assure Congress ample opportunity for annual review of the Commodity Credit Corporation while enhancing stability in American agriculture during a time when the industry is experiencing such volatility.

Let us do unto others—our American farm families—what we would expect if we were in their shoes. I implore my colleagues to join in a commitment to stop this annual Chinese water torture of farmers who participate in good faith, in Federal farm programs. The farmers of America are waiting.

I would like to thank and commend my good friends and colleagues, Senator McConnell and Senator Bond for their participation in introducing this legislation. Clearly, they recognize as I do that this legislation is necessary to force the Federal Government to fulfill its legislatively prescribed obligations to the Nation's farm program farmers. I urge our colleagues in the Senate to study this legislation and join us in the coming days as cosponsors to ensure that we do more than complain about the CCC problem—that we actually do something about it.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the text of S. 1414 was ordered to be printed in the Record, as follows:

S. 1414

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

SECTION 1. OBLIGATION AND BORROWING AUTHORITY OF THE COMMODITY CREDIT CORPORATION.

(a) Obligations.—The first sentence of section 4 of the Act of March 8, 1938 (52 Stat. 109, chapter 44; 15 U.S.C. 714a-4) is amended by striking out "$25,000,000,000" and inserting in lieu thereof "$40,000,000,000".

(b) Borrowing Authority.—The proviso of the first sentence of section 4(i) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(i)) is amended by striking out "$25,000,000,000" and inserting in lieu thereof "$40,000,000,000".

SEC. 2. ANNUAL APPROPRIATIONS TO REIMBURSE COMMODITY CREDIT CORPORATION FOR NET REALIZED LOSSES.

(a) In General.—The first sentence of section 2 of Public Law 87-155 (15 U.S.C. 713a-11) is amended by striking out ", commencing with the fiscal year ending June 30, 1961" and inserting in lieu thereof "by means of a current, indefinite appropriation".

(b) Effective Date.—The amendment made by subsection (a) shall apply beginning with fiscal year 1988.

MISSISSIPPIAN ELECTED PRESIDENT OF NATIONAL JAYCEES

Mr. COCHRAN. Mr. President, I rise to congratulate Gary Wilkinson of Meridian, MS, who has been elected president of the National Jaycees.

He will preside over and guide the activities of this important organization, which has more than 25,000 members in 5,500 chapters nationwide.

Mr. Wilkinson has been a leader in the business and civic activities in his hometown of Meridian, and he has proven his dedication to the betterment of his community, our State and Nation.

Our best wishes go to Gary Wilkinson and his family as he begins his tenure as national president of the Jaycees.

An editorial in his hometown paper, the Meridian Star, appropriately expresses the pride and respect Mississippians have for him, and I ask that it be printed in the Record.

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

Jaycees' Pick Brings Honor to Meridian

Meridianites should be honored by the fact that a fellow resident has been selected president of the national Jaycees.

It is an outstanding honor. Meridian businessman Gary Wilkinson was picked at the organization's 67th annual meeting, held this year in Reno, Nev., according to a spokesman for the United States Jaycees.

Mr. Wilkinson and his wife, Sally, plan to move to Tulsa, Okla., where they will live in the Jaycees Founder's Home with their two sons, Will and Sid. Meridian will miss them during their stay in Oklahoma.

As president, Mr. Wilkinson will serve as motivator and chief spokesman for the 25,000-plus members of the 5,500 chapters across the country. He will also serve as director of the executive board and as director of the executive committee.

The former owner of a local business, Mr. Wilkinson said his experience as a Jaycee officer in Meridian will serve him well during the one-year term. He is correct. That experience should help him take direction to the national organization—something he has already promised.

Mr. Wilkinson is no stranger to the Jaycee hierarchy. The former Meridian chapter president has also served as the vice president of the U.S. Jaycees. And, it was under his presidency that the Mississippi Jaycees captured the honor of "Best Jaycee State in America." The Meridian chapter was named "Most Outstanding Local Chapter in Mississippi" while he was president.

Locally, Mr. Wilkinson has demonstrated that his leadership is strong. He has carried that leadership through to the state level and will no doubt continue to do so as national president.

The Jaycees have made a fine choice, one of which they—and Meridian—can be proud.

MISSISSIPPIAN INSTALLED AS PRESIDENT OF THE NATIONAL FEDERATION OF PRESS WOMEN

Mr. COCHRAN. Mr. President, on Saturday, June 26, Mary Lou Webb of Meadville, MS, will be installed as president of the National Federation of Press Women at their convention in Williamsburg, VA. Mary Lou and her husband, David, are the editors and publishers of two weekly newspapers in my State, the Franklin Advocate at Meadville, and the Wilk-Amite Record at Gloster.

Mary Lou Webb has not only been a dedicated, able journalist, she and her family have been active in many aspects of community life, to help improve the educational, economic, recreation, and other opportunities for the people of that area. She has been active in leadership capacities in the press organizations in Mississippi and at the national level, and she is the first Mississippian, to become president of the federation.

The organizational meeting of the National Federation of Press Women was held 50 years ago in Chicago and was attended by 39 women from seven States. Today, it has 5,000 members from all 50 States. These members are women who have excelled in their profession and in their vigilance of the people's right to know, as embodied in our Constitution and Bill of Rights.

The federation has been recognized by the President and by State and local leaders, and was the first

women's press organization invited to send a delegation to the People's Republic of China.

The federation has provided a vehicle through which women of the press and news media could join to advance common objectives, including the promotion of the highest ideals in journalism.

Members include editors, publishers, writers, photographers, those in radio, television, public relations, journalism education, and free lance writers.

I applaud May Lou Webb for her leadership and achievements in journalism and community service, and I am confident that during her tenure as president, the National Federation of Press Women will benefit from her enthusiasm, dedication, intelligence, and willingness to work for the advancement of the organization's goals.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. If there is no further morning business, morning business is closed.

Under the previous order, the hour of 9 a.m. having arrived, the majority leader is recognized to call up Senate Resolution 238.

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

U.N. INTERNATIONAL CONFERENCE ON DRUG ABUSE AND ILLICIT TRAFFICKING

Mr. BYRD. Mr. President, I call up Senate Resolution 238.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution.

The legislative clerk read as follows:

S. Res. 238, a resolution of support regarding the United States delegation's participation at the United Nations' International Conference on Drug Abuse and Illicit Trafficking.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll. The time will be equally charged.

The assistant legislative clerk called the roll.

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

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

Mr. CHILES. Mr. President, the U.S. Senate is very dedicated to achieving international commitment against narcotic trafficking and drug abuse throughout the world. To that end, last year in the Anti-Drug Abuse Act the Senate strengthened U.S. policy with regards to international narcotics control and declared support for the U.N. International Conference on Drug Abuse and Illicit Trafficking.

As that Conference is underway in Vienna, Austria, we take the opportunity to commend the United Nations for the thoughtful work which has made this conference possible. We wish the conferees success in their efforts to provide the international community with guiding principles for the next decade. The threat inflicted by illegal drugs to all our peoples demands that we all cooperate to rid the world of these lethal substances.

The conference goals are our goals—effective and integrated efforts at the national, regional and international levels and to strengthen the commitment and ability of governments to cope with all aspects of the drug problem.

This drug problem is spreading to more countries, fueled by international demand and managed by an international cartel of all too successful criminals. Preliminary National Narcotics Intelligence Consumers Committee data reported in State Department's recent international narcotics control strategy report shows world wide production has increased again and U.S. imports of marijuana and cocaine continued to rise. The illegal drug industry in the United States is a $100 billion a year industry and billions of these dollars are leaving our Nation, going beyond the reach of our laws. Only international legal cooperation and assistance can help assure us and the criminals that those dollars can and will be stripped from the cartels no matter what country's banks they use.

With that understanding, we have been encouraging our State Department to negotiate mutual legal assistance treaties to fight the international drug cartels. Success to date has not been encouraging and at the current rate of progress it could take 10 years to put the desired treaties in force. Fortunately, the governments and representatives of many Conference countries have realized that along with the need for better adherence to existing treaties and conventions there is need to go further. At their request the Conference is addressing measures to facilitate extradition, standardize the international presentation of evidence, as well as finalize an additional convention to combat the illicit traffic.

With this in mind, today I am introducing a resolution which will send a message of our hopes and support to Attorney General Meese and our delegation to the Conference. I urge my colleagues to join me in showing the support of the U.S. Senate for this most important international Conference.

Mr. WILSON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mr. WILSON. Mr. President, I rise in support of the Chiles resolution, but I must say that I am troubled deeply by the fact that earlier this year, not so long ago, here on the floor, the Senate, in my judgment, defaulted on a responsibility that we had set ourselves under the Omnibus Drug Act we passed so recently last year.

I have no quarrel whatsoever with the stated goals of the resolution. No one could. On the contrary, as the Senator from Florida has indicated, this is an enormously profitable and enormously evil traffic.

My feeling this morning is that I hope this Conference in Vienna is an enormous success, but I am deeply troubled by the suspicion that perhaps even among some who will travel to it there will be some who do not share the conviction of the Senator from Florida.

In our Omnibus Drug Act we set provisions which would punish drug-producing nations if they failed to adhere to the basic minimum of civilized conduct that we are not just entitled to command from them but wise to command from them. On three Presidential certifications when compliance was required, evidence was adduced that in fact those standards were not being met. The Senate found that they had not been met but could not bring itself to face what was required under that act, and that is to bring about a penalty, to cut off U.S. assistance.

Mr. President, I think for as long as we engage in that kind of turning away, that kind of blinking, we are not going to be very convincing to the drug traffickers who use their enormous profits to engage in the kind of corruption of government that has led the drug-producing nations to continue to engage in and to expand upon this very traffic.

So, while I rose to support the Chile-Pell-Dole resolution, I do not think for a moment that anyone on this floor should delude themselves. The mere passage of a sense of the Senate resolution is not necessarily going to achieve very much because we are dealing with people who are hardened criminals, who have no respect for law, who have no respect for human suffering. They respect profit. Unfortunately, they have gained through the enormity of their economic influence the ability to actually control governments.

Until we recognize the root corruption that has prevented effective international cooperation in so many cases, we are going to be continuing to delude ourselves and the American people. If we were deluding ourselves alone, that would be one thing. But the cost of this delusion, our failure to be confident in achieving our goals, is measued in too many ways. But the most tragic, obviously, is by the increasing number of drug deaths from overdose.

Mr. President, I am not going to say more. It would be poor recompense to the good men who brought forward a resolution expressing a goal that we all share. I am simply saying we are going to have to do a great deal more. We speak in terms of a war on drugs. It is lipservice if we lack the resolve to really follow through. That is going to mean in some cases offending those who are presumably otherwise good neighbors.

If so, I say so be it. If they are incapable of making the minimum decent response required to safeguard their children and our own, I find that far more offensive than any affront that we might give to some imagined transgression against their sovereignty.

I thank the Chair and I yield the floor.

Mr. CHILES. Mr. President, I ask unanimous consent that the Senator from Florida [Mr. GRAHAM] be listed as an original cosponsor of Senate Resolution 238.

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

The ACTING PRESIDENT pro tempore. All time has expired. Under the previous order, a vote will now occur on Senate Resolution 238. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] is necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—94

Adams	Dixon	Humphrey
Armstrong	Dodd	Inouye
Baucus	Dole	Johnston
Bentsen	Domenici	Karnes
Bingaman	Durenberger	Kassebaum
Bond	Evans	Kasten
Boren	Exon	Kennedy
Boschwitz	Ford	Kerry
Breaux	Fowler	Lautenberg
Bumpers	Garn	Leahy
Burdick	Glenn	Levin
Byrd	Graham	Matsunaga
Chafee	Gramm	McCain
Chiles	Grassley	McClure
Cochran	Harkin	McConnell
Cohen	Hatch	Melcher
Conrad	Hatfield	Metzenbaum
Cranston	Hecht	Mikulski
D'Amato	Heflin	Mitchell
Danforth	Heinz	Moynihan
Daschle	Helms	Murkowski
DeConcini	Hollings	Nickles
Nunn	Roth	Symms
Packwood	Rudman	Thurmond
Pell	Sanford	Trible
Pressler	Sarbanes	Wallop
Proxmire	Sasser	Warner
Pryor	Shelby	Weicker
Quayle	Simpson	Wilson
Reid	Specter	Wirth
Riegle	Stafford	
Rockefeller	Stennis	

NOT VOTING—6

Biden	Gore	Simon
Bradley	Lugar	Stevens

So the resolution (S. Res. 238) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 238

Whereas, the United States delegation is participating in the United Nation's International Conference on Drug Abuse and illicit Trafficking in Vienna, Austria;

Whereas, according to the National Narcotics Intelligence Consumers Committee the eradication of illegal drug crops appears to be erratic and ineffective in regions throughout the world;

Whereas, addressing illegal drugs at their source is the most effective and cost efficient method of eliminating narcotics;

Whereas, the willingness of countries worldwide to eradicate illegal drug crops is crucial to the elimination of illegal drugs in all societies;

Whereas, nearly all of the supply of illegal drugs in the United States is imported from foreign lands and such international criminal activity necessitates international law enforcement and legal assistance;

Whereas, the narcotics supply in the United States has increased significantly over the last five years, especially with regards to cocaine which was estimated to be near 120 metric tons in 1986;

Whereas, the members of the United States Senate want to send a message to all nations that they are committed to the international narcotics control provisions set forth in the Anti-Drug Abuse Act of 1986: Now, therefore, be it

Resolved, That the Senate of the United States strongly urges the United States delegation to the International Conference on Drug Abuse and Illicit Trafficking to secure firm commitments from the governments of drug-producing and drug-transit countries—

To support initiatives which rate the reduction of drug trafficking and drug abuse as priorities in their governments domestic as well as international policy;

To reduce illicit drug crop production and drug transshipment;

To design and be party to more effective methods of sharing intelligence and information for cooperative international drug law enforcement;

To negotiate extradition treaties and mutual legal assistance treaties for mutual enhancement of efficient drug enforcement;

And, to support the initiative to develop a new Convention to combat illicit narcotic traffic.

SEC. 2. The Secretary of the Senate shall transmit this resolution to Attorney General Meese and the United States delegation attending the conference in Vienna as an expression of the United States Senate's support and best wishes for a most successful conference.

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1987

The PRESIDING OFFICER. The Senate will not resume the pending business, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1420) to authorize negotiations of reciprocal trade agreements, to strengthen the United States trade laws, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

The Chair will repeat the question. Who seeks recognition?

Mr. BYRD. Mr. President, a Senator is preparing an amendment to be called up within the next 5 minutes, I understand.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. President, I would like to address a question to the Senator from Ohio if I could.

Mr. METZENBAUM. I am sorry.

Mr. PACKWOOD. That is all right. There is no reason that the Senator should have been listening before this.

Is it my understanding the Senator from Ohio intends to ask for a unanimous-consent agreement to modify the plant closing provision?

Mr. METZENBAUM. That is correct, and that has been discussed and worked out with Senator QUAYLE, and I think Senator DOLE is aware of it, and I believe Senator HATCH is also.

Mr. PACKWOOD. I appreciate knowing that and for the staff who are listening, if I could get to that. I saw Senator QUAYLE going over to the Armed Services Committee. I do not know that he is prepared right now.

Mr. BYRD. Senator QUAYLE is present in the Chamber now.

Mr. QUAYLE. Mr. President, I think we are in the process of trying to get a unanimous-consent agreement that will be worked out. I do not think we are there yet. That is why I talked to Senator PACKWOOD because there are some parliamentary concerns that we have that we are working on and putting down on paper a unanimous-consent agreement. Once we have that down, we will share with the Senator from Ohio and the chairman and ranking member to see if that is agreeable to all interested parties.

Mr. METZENBAUM. The Senator from Indiana and I are in complete accord on that.

I say to the managers of the bill if they have something else they want to bring up so we not delay the Senate, we will step back temporarily. We do

not want to hold up progess on the bill.

Mr. BENTSEN. I say to the Senator from Ohio we would like to move ahead and hopefully we will have some of the Members offering amendments that we can consider now, and in the meantime I would think when the other issue arises before us that would be something to be managed by the ranking member and chairman of the committee.

Mr. METZENBAUM. I thank the Senator.

Mr. PACKWOOD. 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.

AMENDMENT NO. 323

(Purpose: To suspend most-favored-nation trade privileges to Romania until that government recognizes and protects fundamental human rights, and for other purposes)

Mr. ARMSTRONG. Mr. President, on behalf of myself and the Senator from Connecticut [Mr. DODD] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. ARMSTRONG], for himself, Mr. DODD, Mr. SYMMS, Mrs. HELMS, and Mr. NICKLES, proposes an amendment numbered 323.

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

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

The amendment reads as follows:

At the appropriate location in the bill, add the following:

Sec. . Congressional Findings.

The Congress—

(1) notes that the Department of State, in the publication Country Reports on Human Rights Practices for 1985, determined that "In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romania practice. . . . The party, through the Government, continues to restrict and control the right to free speech, free assembly and association, and the practice of one's religion.";

(2) is aware that overall emigration from Romania, and particularly Jewish emigration, has declined for the second consecutive year;

(3) is aware of numerous accounts from the Department of State, Congressional delegations, and various human rights organizations, that Romanian citizens are being arbitrarily harassed, interrogated, and arrested by Romanian government authorities for the exercise of civil and religious liberties;

(4) finds that official Romanian harassment of religious believers has not only been extended to the arrest of persons for carrying Bibles and other religious materials, but even carried to the point of destroying places of worship, including most recently the country's largest Seventh Day Adventist Church and the Sephardic synagogue in Bucharest;

(5) further finds that the United States trade deficit with Romania (which continues to be high) is a result of our extension of nondiscriminatory treatment (most-favored-nation treatment) to that country and can be construed as an endorsement of that nation's abusive internal practices;

(6) is aware of the severe limits placed on the rights of Hungarians and other ethnic minorities within Romania to express and maintain their cultural heritage, as is illustrated by the attempts made by the Romanian government to eliminate systematically Hungarian churches, schools, traditions, and even the Hungarian language from Romanian society;

(7) recognizes and emphasizes the continued dedication of the United States to fundamental human rights (as noted in section 402 of the Trade Act of 1974) and is concerned with Romania's commitment to those rights; and

(8) commends the President for withdrawing Romania's eligibility for duty-free treatment under the Generalized System of Preferences because of Romania's violation of "internationally recognized worker rights".

SEC. . OBJECTIVES.

The objectives of this Act are to effect—

(1) the termination of the current policies and practice of the Government of Romania under which—

(A) its citizens are denied the right or opportunity to emigrate,

(B) more than a nominal tax is imposed on emigration or on the visas or other documents required for emigration, and

(C) more than nominal taxes, levies, fines, fees, or other charges are imposed on citizens as a consequence of their desire to emigrate to the countries of their choice; and

(2) substantial progress in halting the persecution by the government of Romania of its citizens on religious and political grounds, and the repression by such Government of Hungarians and other ethnic minorities within Romania.

SEC. . DEFINITIONS OF RIGHTS REVIEW PERIOD.

As used in this Act, the term "rights review period" means—

(1) the 6-month period referred to in section 4(a); and

(2) each successive period of 180 consecutive calendar days occurring after the last day of the 6-month period referred to in paragraph (1).

SEC. . SUSPENSION OF NONDISCRIMINATORY TREATMENT FOR ROMANIAN PRODUCTS

(a) INITIAL SUSPENSION.—The products of Romania may not receive nondiscriminatory treatment (most-favored-nation treatment) during the 6-month period beginning on the date of the enactment of this Act.

(b) AFTER INITIAL SUSPENSION.—The products of Romania may receive nondiscriminatory treatment (most-favored-nation treatment) during any rights review period referred to in section 3(2) only if—

(1) no later than the 30th day before the close of the immediately preceding rights review period, the President submits to the House of Representatives and the Senate a document containing—

(A) a Presidential determination, and the reasons therefor, that the application of nondiscriminatory treatment to the products of Romania during the next rights review period will substantially promote the objectives listed in section 2,

(B) a statement that the President has received assurances that the policies and practices of the Romanian government will henceforth lead substantially to the achievement of such objectives, and

(C) based on such determination and finding, a recommendation by the President that nondiscriminatory treatment be applied to the products of Romania during the rights review period; and

(2) a joint resolution disapproving such application is not enacted, in accordance with the procedures referred to in section 5, before the close of the rights review period in which the document referred to in paragraph (1) is submitted.

SEC. . RESOLUTION DISAPPROVING NONDISCRIMINATORY TREATMENT FOR THE PRODUCTS OF ROMANIA.

(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the two Houses of Congress the matter after the resolving clause of which is as follows: "That the Congress disapproves the application of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania that was recommended by the President to the Congress on ", with the blank space being filled with the appropriate date.

(b) APPLICATION OF PROCEDURES UNDER THE TRADE ACT OF 1974.—The provisions of section 152 of the Trade Act of 1974 (relating to concurrent resolutions) apply to joint resolutions except that in applying section 152(c)(1), all calendar days shall be counted and 5 calendar days shall be substituted for 30 calendar days. Section 145(a) of the Trade Act of 1974 applies to documents transmitted by the President under section 4(b)(1).

SEC. 6. INAPPLICABILITY OF CERTAIN TITLE IV PROVISIONS.

On and after the date of enactment of this Act, section 401 and 401 of the Trade Act of 1974 do not apply with respect to the tariff treatment of the products of Romania.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that Senators SYMMS, HELMS, and NICKLES be added as cosponsors of the amendment.

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

Mr. ARMSTRONG. Mr. President, this amendment, if adopted and signed into law as a part of this trade bill, will suspend for a period of 6 months the most favored-nation-status of Romania. At the end of the 6-months period, under the terms of this amendment, they will revert to their present status as one of only three Communist nations which enjoy this privilege and highly-treasured trading status. They will continue, as under the present regime, to be subject to periodic review and recertification in order, after the 6-month suspension, to retain their most-favored-nation trading status.

The reason Senator DODD and I and the others who bring you this amendment seek to take this step—and, indeed, the reason why the other body, the House of Representatives, adopted an amendment virtually identical to our language a few days ago—is to make it unmistakably clear to the Government of Romania and others who may be interested that we are dead serious about human rights.

Most-favored-nation trading status is, in the Communist world, an extraordinary form of recognition and privilege. It is simply not our custom in this country to grant MFN status to most Communist countries. Only three have it. The Soviet Union does not, Cuba does not. In fact, only Hungary and the People's Republic of China in addition to Romania have this highly privileged status.

Mr. President, this was extended to Romania several years ago, a dozen years ago, more or less, upon the expectation that the result would be a significant improvement in human rights practices. This has not turned out to be the case. As a result, every few months, every year, indeed, since MFN status was granted to Romania, Members of Congress have considered the waiver of MFN status. And each time it has been considered, though with greater and greater reluctance on the part of many of us, the status has been extended.

We have now reached the point—and it was the decision of the House of Representatives as they considered the trade bill that we have reached the point—where we must take some additional step to make it clear that the United States cares deeply about this matter; that we are serious about linkage between MFN status and human rights, emigration, and other human rights, and that at least this moderate measure is an appropriate, graduated measure to take to express our concern.

I stress, Mr. President, that this is not a drastic or a severe approach to the problem. We are not in this proposal, if it is adopted, terminating MFN status for all time. In fact, under the terms of the Armstrong-Dodd amendment, MFN status will be restored automatically without the President or Congress or anybody else, at the end of 6 months. It is just what I have described, a temporary suspension.

Nor are we taking other possible steps. We are not severing other kinds of cultural or trade relations. We are not imposing any special punitive measures. We are not breaking diplomatic relations. We are not embargoing. We are not blockading. We are not doing any of the kind of things that would mark an attack on Romania. We are simply saying that if this country wishes to enjoy a privileged status, the most-favored-nation status which they have had for several years, that they must begin to bring human rights practices into line.

Mr. President, the reality of the situation is that Romania is one of the most repressive regimes in the world. It has one of the worst records of human rights violations in Eastern Europe or anywhere on this planet. Let me just mention a few incidents which have occurred in the last few months in Romania.

Wrecking crews destroyed the largest Seventh Day Adventist Church located in the center of Bucharest. When the bulldozers began, a number of parishioners who were occupying the church to prevent its destruction were injured.

Florian Russu was sentenced to prison for "parasitism"—that is the crime of not having a job—and remains under tight police supervision. He now suffers from ailments caused by beatings and by prison conditions.

Mihai Botez, a recognized mathematician and the principal dissident in Romania, is under threat of internal exile from where he will never be permitted to emigrate if his appeal is turned down.

A group of young working-class Romanians, affiliated with the National Peasant Party, have been subjected to police and judicial reprisals after having formed a Romanian Association for the Defense of Human Rights. The association's purpose is simply to gather information on human rights violations in Romania and is dedicated to "exclusively peaceful, nonnviolent, and civilized means" of dissent.

Mr. President, roughly 2 million ethnic Hungarians live in Romania. However, the Hungarian culture is being systematically suppressed by the Government. Gabriella Poth, a laborer, was stabbed and subsequently thrown out of the bus she was riding for speaking Hungarian. The same thing happened to Judith Nagy a month later. Both incidents, it is significant for the Senate to understand, occurred in a city in which at least half of the population is ethnic Hungarian.

Mr. President, a decade ago, many of us had high hopes for improved human rights in Romania. But these incidents and others which I could mention show that the opposite is true today. To illustrate how Romania is perceived in the West by those who have been watching the signals, I would like to quote briefly from a few recent news articles.

The Wall Street Journal says:

> Romanian President Ceausescu is razing synagogues and churches, persecuting Hungarians, bartering Germans and Jews and is making life in general in Romania about as miserable as possible.

The Wall Street Journal editorial continues:

> It's ironic that Romania, once a thriving land, should now have almost the lowest standard of living in Europe and be a country that in Mr. Gorbachev's eyes gives communism a bad name.

I do not have it before, me, Mr. President, but much the same theme appeared in a news account of Mr. Gorbachev's visit to Romania which appeared recently in the Washington Post. In essence, Mr. Gorbachev was portrayed at least as being disgusted with the circumstances he found in Romania by the fact that it is a brutal and repressive regime even by the standards of the Soviet Union.

This is important to understand, Mr. President, because one of the reasons Romania was given MFN status in the first place was the expectation that Romania would be independent of the Soviet Union, that it would pursue a line independent of the Warsaw Pact nations, and indeed, this is true. But that should not be understood to be a line which is independent and more liberal with respect to human rights than the Soviet Union or other Eastern bloc nations. On the contrary, it is a line of independence and even greater repression.

An article in the Washington Post by Jeri Laber, executive director of Helsinki Watch, a respected human rights organization states:

> There is no trust in Romania, where it is generally assumed that as much as one-third of the population is working directly or indirectly for the secret police. . . . Romanians cannot meet in groups, circulate writings, or even discuss with others their thoughts, suspicions and hopes. There can be no underground press in a country where the use of duplicating machines is tightly restricted and citizens are obliged each year to register with the police the type face of their typewriters. . . . While the people suffer, however, the president is razing large portions of historic Bucharest to build a $1.2 billion civic center that will be another of his monuments.

Mr. President, today, Romania, Hungary, and China receive MFN treatment under the Jackson-Vanik provision. Hungary and China, I think it is fair to say, have fairly good records of open emigration at the present time. In fact, I believe I can state accurately, reunification case that remains unresolved in Hungary, according to the administration.

China has increased its number of immigrants every year since 1979, and the number of immigrants is significant.

The same is not true of Romania. Romania fails to allow thousands of its citizens to emigrate and continues to harass those who apply to leave for the West. While Romania made attempts to comply with increased immigration requirements since 1984, since that time the number of people permitted to emigrate has dropped from 21,000 in 1984 to 17,000 in 1985 and

15,000 in 1986. It is true that this year, the monthly immigration figures for the first half is slightly ahead of last year.

It should be noted that there was little change until legislation was introduced in both Houses of Congress to suspend MFN.

At this time I think it would be premature to judge the results for the year but, Mr. President, my sense, just from talking to Members of this body who have themselves expressed concern about emigration cases involving Romanian persons, there have been a number of persons released, or the promise of such persons being released, even in the last few days, in preparation for the debate of this amendment and following the passage of a similar amendment in the House of Representatives.

Mr. President, I want to note in passing that to be absolutely dead level fair about this, that the United States has some share of responsibility for the decrease in emigration from Romania to the United States, because of certain legal barriers which we have imposed.

I note that in passing. But I think the overwhelming preponderance of responsibility for the decline in emigration remains the blame of the Romanian Government because of its refusal to abide by one of the most basic of all human rights, the right of a person to leave a country if he or she wishes to do so.

Mr. President, let me quote briefly from the description of Romania'ss emigration policy as outlined in the State Department's "Country Reports on Human Rights Practices" for 1987:

> Official policy continues to oppose emigration for any purpose but family reunification. Those who seek to leave Romania continue to face harassment designed to dissuade them and others who might be considering permanent departure. Successful application take between 1 and 5 years before exit approval is granted. The Government refuses to allow some Romanians to apply for emigration passports at all.

Mr. President, the evidence of this, the litany of harassment, of threats of arrest, of temporary arrest, of temporary exile, goes on and on and on.

There has also surfaced, recently, a dreaded report that Romania is selling ethnic Germans and Jews to the West. The accusations claim that for a price, passports can be issued to those living in Romania which will permit them to leave the country. These accusations have been given added credibility by a recent article from a well-known German magazine, Der Spiegel. In it, Herta Mueller and Richard Wagner, two recognized ethnic German writers who left their homeland of Romania were interviewed. The following exchange was reported:

> MUELLER (in response to questions about the German population in Romania and its desire to emigrate): Some want to leave and start all over again. For others it is practically impossible because emigration works with bribery. Whoever lacks relatives who will send foreign currency have no chances at all.
>
> SPIEGEL. The Federal Republic [of Germany, i.e. West Germany] has paid head taxes for about 12,000 Germans from Romania who emigrate yearly. The price tag is at this time at about DM 8,000 [or about US$4500] per person.
>
> MUELLER. To this you have to add another DM 8,000 in bribes. The relatives have to come up with this money . . .
>
> SPIEGEL. Do these bribes go to the employees or the authorities?
>
> WAGNER. No, there are always middlemen. In Timisoara there is one about which all the Banat is laughing, called the "gardener."
>
> SPIEGEL. Some kind of agent?
>
> MUELLER. Yes, the whole thing goes through middlemen between Secret Service, Party and emigrants. Not only bribes are involved, but also the houses and other valuables which the emigrants leave behind. This has become a whole business-branch.

It should be pointed out, that Jackson-Vanik specifically states that MFN privileges will not be granted to any country that "imposes more than a nominal tax, levy, fine, free, or other charge on any citizen as a consequence of the desire of such citizen to emigrate." It would take quite a stretch of the imagination to claim that DM 8,000 (or U.S. $4500) is a nominal fee for emigration. Yet, it appears that the administration is claiming just that.

Let me make it clear that I do not blame those who will pay large sums of money to get people out of Romania. In fact, if I had relatives in Romania, I would do my utmost to find a way to obtain their release. However, it is abhorrent that our Government chooses to look the other way when an obvious violation of United States law, and for that matter, international human rights agreements to which Romania and the United States are signatories, is occurring. Instead of giving preferential trading privileges to the Romanian regime, we should be seeking confirmation of the allegations that Romania is selling its citizens. If found to be true, we should be castigating that government in every international forum for its willingness to sell human beings as if they were slaves.

Perhaps we do not chose to do so because in a different sense we are paying our own form of ransom to the Romanian Government. Every year since 1975 we have waived the prohibition of granting MFN to Romania. This actions says, in effect, that we will give Romania a special trade concession if it will only please promise to improve its human rights and emigration practices. And each year the Romanian government has made a few promises, and has delivered to some extent on those promises, to be candid about it. As a result, we have brokered this MFN status, something of immense value, for a lot of promises and for very few results.

While Jackson-Vanik uses the specific right of free emigration by which to measure progress in human rights, it would be negligent to igore Romania's human rights abuses in other areas. This is particularly true in light of the fact that the United States Helsinki Watch Committee, among others, has called the Romanian Government "one of the most egregious offenders of human rights in Eastern Europe."

Mr. President, I would now like to address the issue of freedom of religion in Romania. Freedom of religion is rigidly controlled in Romania. Romania President Nicolae Ceausescu requires all religious denominations to be registered in order to practice their faith. While 14 denominations are registered, many others are not, subjecting their members to harassment, imprisonment, surveillance and unannounced searches. In certain cases, those imprisoned for their religious activities have been tortured.

Places of worship repeatedly face difficulties in Romania. As I mentioned earlier, last year the largest Seventh Day Adventist Church in Bucharest was bulldozed with many parishioners still inside. In addition, the only Sephardic synagogue in Burcharest was torn down, despite repeated interventions by the Israeli, American and Spanish Embassies. The Orthodox Church of St. Nicolae-Jitnita, built more than 200 years ago, was pulled down to make space for a movie theater. In fact, 14 historic Orthodox Churches and monasteries have been moved, partially dismantled, or destroyed during the present urban renewal campaign, according to a recent report published by the Heritage Foundation.

It is important to note that a significant part of the "urban renewal" will be a huge complex to the glory of President Nicolae Ceausescu and his wife, Elena.

The Ceausescu regime carries out other forms of abuse against religious believers as well. The printing and dissemination of religious literature is tightly controlled. The government has agreed to permit the printing of 5,000 Bibles in Romania. However, many of us remember that this most recent promise was obtained after the Wall Street Journal (June 14, 1985) and other newspapers reported that some 20,000 Hungarian Bibles disappeared for some time, only to reappear as recycled toilet paper much later!

The Romanian Constitution guarantees freedom of speech and press, however, domestic dissemination of information is severely circumscribed. All media are State owned, rigidly controlled, and used primarily for party and government propaganda. The unauthorized importation or distribution

of foreign publications is forbidden. Radio transmission from Hungary is regularly jammed. Numerous people have been harassed and imprisoned for speaking out or writing about negative aspects of the Ceausescu regime. Ion Puiu, a 68-year-old leader of the National Peasant Youth in the early postwar period, has 17 years of detention behind him and is now being harassed for composing a message to Soviet leader Mikhail Gorbachev. Puiu has been repeatedly subjected to lengthy interrogations by the police at all times of the day and night and has been beaten while in police custody as well as being fined exorbitant amounts of money on fabricated criminal charges. His type of treatment by the authorities is not an isolated incident.

Physical and mental degradation and torture have been reported repeatedly throughout the years. According to the State Department's "Country Reports on Human Rights Practices, cases of mistreatment include "cells which are badly ventilated and poorly heated, bad food in extremely small quantities, difficult working conditions, long periods of isolation, excessive use of force by guards, overcrowding, and segregation of persons deemed 'dangerous to the State' because of religious belief or for other reasons." Arrest and detention are often arbitrary. Take, for example, the case of Ioan Ruta who was arrested on trumped up charges after his wife chose to stay in the United States while on a business trip. While in prison his health deteriorated seriously, but for many months he was refused permission to emigrate even though a U.S. hospital offered him full medical treatment. Ruta was recently released from prison and just this week was permitted to emigrate—ironically, just in time for our debate today on MFN.

In addition to poor treatment of prisoners, there have been several allegations of severe beating and death as a result of police brutality in the past few years, including the mysterious death of an ethnic Hungarian actor, Arpad Visky and the death of Gheorghe-Emil Ursu while he was detained by the police.

This illustrates Romania's most serious and growing human rights problem. That is the abuse of ethnic Hungarians.

The case of Visky is illustrative of Romania's most serious and growing human rights problem. Abuses of the ethnic Hungarian minority range from the closing of Hungarian language schools and the frequent prohibition against Hungarian language writings, theater and other cultural activities to serious incidents of arrest and house searches to disappearances. According to the Committee for Human Rights in Rumania, Hungarians in Romania are the "object of a carefully planned, systematic and aggressive campaign of forced assimilation."

Labor rights are also severely restricted. Unemployment is a crime known as "parasitism" for which individuals can be arrested and imprisoned. Employees are frequently required to "volunteer" to work lengthy hours or to perform uncompensated days of labor to make up for lagging production, according to the State Department. Only labor unions under government control are permitted to operate. Those that do operate are able to do little to improve poor health and safety standards. Workers do not have the right to bargain collectively. In the past, the Government's reaction to strikes, or the advocacy of the right to strike, has been harsh repression.

Political rights are nonexistent. The State controls every significant aspect of the country's life. State Security deals harshly with criticism of the regime. There are no free elections and political activities are only carried out with the permission or involvement of the Communist party.

For all intents and purposes, Romania violates virtually every area of human rights.

So my question, the question which is addressed in the amendment before us today which Senator DODD and I, and others, bring to you is, why, under such circumstances, do we give special trading privileges to the Romanian Government? The argument that we hear is that somehow by granting MFN status, we are encouraging Romania to take steps which are independent of the Soviet Union. I want to emphasize this point because in due course I am sure that someone is going to argue that case here on the floor of the Senate.

First, we should understand the reasons for any perceived independence that exists in Romania. Consider what I was told by a high-ranking Romanian defector who was once the personal aid of President Ceausescu, Gen. Ion Pacepa:

> It is true that Romania's political position within the Warsaw Pact embodies a degree of genuine independence and is an irritant to the Soviet Union. Until now, however, the pragmatic purpose of that posture has been solely to increase Ceausescu's personnal stature and to attract Western money and technology to help build communism in Romania. Regardless of its nominal "independence", according to Pacepa, Romania still maintains close intelligence ties to the Soviet Union and serves as a conduit for the transmission of embargoed Western technology to Moscow.
>
> From time to time, Romania has undertaken highly visible actions to show its alleged "independence." For instance, it was the only Soviet bloc nation to participate in the Los Angeles Olympics. While Romania was lauded in the West for its actions, one would be hardpressed to find any lasting effect participation in the games had for the Romanian people. Once again, it was a ploy that cost the Romanians nothing, but it received huge dividends in terms of Western good will for its actions.
>
> One frequently used measure of so-called "independence" is a country's United Nations voting record. In this case, Romania's record is only a percentage point or two better than the Soviet Union's, and in some respects it is even more radical. For example, Romania is particularly noted for its intransigence at Helsinki meetings.

In some ways, as I alluded to at the outset, Romania's so-called independence is 180 degrees out of phase with the kind of independence which thoughtful people in the United States and elsewhere would like to see.

According to Dr. Juliana Pilon, senior policy analyst at the Heritage Foundation, Romania, as one of the world's largest arms dealers sold more than 3 billion dollars' worth of armaments between 1979 and 1983. While the majority of the arms went to the Soviet Union, some $310 million went to Libya's Qadhafi. Another $120 million went to North Korea.

In addition, Romania supplies military assistance to the Palestine Liberation Organization and other Soviet-backed national liberation movements. To quote General Pacepa again, "Romania conducts paramilitary training schools for members of the Western Communist parties, who receive training in sabotage, diversion, and guerrilla tactics." From my way of thinking, this is not the type of independence which our Government should be encouraging or rewarding by U.S. trade policy.

As well as being unreliable as an independent Communist country, Romania, as a trading partner, is in other ways short of a good example of fair and free trade. The United States Trade Representative lists Romania as one of the countries most frequently subject to antidumping actions; 1986 was the fifth year in a row that the United States had a large trade deficit with Romania. During the past 3 years, our trade deficit ratio with Romania has averaged 3.4 to 1. Is this a country to which we want to continue to give special trading benefits so that Romania imports can be sold in the United States more easily? I would urge my colleagues to think very carefully about our trade relationship with Romania.

In the final analysis, as concerned as I am with Romania's trade deficit, with the arms shipments, with the support of terrorism and with Romania's less than reassuring foreign policy, I am even more concerned about America's responsibilities as leader of the free world.

Mihai Botez, the noted Romanian mathematician and human rights advocate I mentioned at the beginning of my remarks has raised an issue that should strike a note of concern for all Members of the Senate. He states in

an article entitled "United States-Romanian Relations Between 1968-84: An Independent Survey From Bucharest" (1985):

U.S. foreign policy has supported almost unreservedly the interests of the Romanian government during the past 15 years. The novelty that becomes visible now . . . is the possibility that the Romanian people, as a result of the gradually more apparent separation between people and government, may, being in a latent conflict with its government, begin to perceive the U.S. policy as being contrary to the interests of the Romanian people, or at least indifferent to them. Paradoxically, the adversaries of the present unpopular regime—such as the Soviets—gradually regain some credit in the eyes of the common people, exasperated at shortages, disorder, and corruption. Contrary to any political logic and in violation of traditional Romanian hostility toward Moscow, the ordinary Romanian is less and less inclined to hope for support from those in whom he had placed all his hopes—as the Americans—but who are "betraying" him now by allying themselves with his oppressors.

The issue is pretty well summed up in one of his final comments.

Botez further states:

The West has proved to be associated with the most incompetent, backward, and injurious to the people alternative of communism.

As a footnote to these words, I was informed just earlier this week, that Mihai Botez is being sent into internal exile to the town of Tulcea where he will be forced to work on projects that are of a sensitive nature. The result of this action, if he is unable to appeal the decision, as I expect he will be, he will never be permitted to emigrate from Romania because he may have had access to privileged information.

My hope is that Mr. Botez will be free to choose whether he wishes to stay where he is or emigrate to the country of his choice. However, we shouldn't fool ourselves into thinking that once his case is solved, things will get better. Because after Mr. Botez is free, there will be others who are denied their rights who will speak out, only to suffer a similar fate. It is part of a consistent pattern that goes on in Romania.

We must not forget that Botez is a victim of the type of criminal harassment of human beings that goes on day after day in Romania. Make no mistake, the Romanian Government is playing with people's lives to serve its own purposes—and that purpose is increased concessions from the West to keep the present regime in power.

These are strong words, Mr. President, but they are most unfortunately true. The people of Romania are suffering under a terrible dictatorship. And they are beginning to view the United States as part of the problem rather than part of the solution because they know the privileges granted under Jackson-Vanik provide the economic support that keeps the Ceausescu regime in power.

Romania may not be a large country—it has only 23 million citizens. However, the world will not judge us kindly if we snuff out the last flame of hope for a better life in Romania. We are not asking a great deal with this legislation. It is merely a 6-month suspension of MFN to send the signal to the Romanian Government that the United States is serious in expecting Romania to live up to its part of the bargain—namely, respect for human rights, and most specifically free emigration. It will also send an important message to the people of Romania—that we are not in lockstep with the present regime, but rather, we believe in basic rights for all people, including the 23 million Romanians whether they are Christians, Jews, ethnic Hungarians or Germans, labor or political activists, or simply the average Romanian who wants the opportunity to live in peace from government harassment.

Temporarily suspending MFN is a modest but important step. Do not be fooled by those who argue that suspending MFN would force the Romanian Government into even more repressive actions. Clearly, MFN is too important to Romania for the regime to take negative action—for such action would deny them MFN at some later time.

Instead, we should break out of our complacency and stand up for what is right. The House has already acted to suspend MFN to Romania by a vote of 232 to 183. The votes were bipartisan, as is the support for this amendment here in the Senate. I hope today that the Senate will join our House colleagues in sending a strong message of hope and freedom to the people of Romania.

Mr. President, I want to emphasize, as I yield the floor, that the amendment which Senator DODD and others and I bring to the floor does not match the seriousness of the crimes against human nature which are occurring every day in Romania. We have, for what we think are good and sufficient reasons, not brought before the Senate a severe or drastic amendment. We are not suggesting a permanent termination of MFN status, although that may well happen at some point. We are not suggesting that we take the kind of adversarial measures which would make it impossible to have an improved relationship in the very near future with the Government of Romania. Instead, we are saying for a brief period, for 6 months and with automatic reinstatement, we believe MFN status ought to be suspended.

It is a message, it is very little more than that. But it is a message which, for the sake of human rights in Romania and for the honor of our own country, it is politically important that we send.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Colorado for the statement on this issue in which he reiterated with great clarity and specificity the various charges that have been raised, not only most recently but over the last number of years with regard to Romania.

Let me say to my colleagues here that this is almost the 12th year in succession, beginning with my tenure in the House, that I have proposed a resolution on this issue. For 12 straight years beginning in 1975, I have offered a resolution on MFN for Romania. For years, I have done what almost all of us have done. In the final hour, I have joined with those who have said, send message, send a signal; maybe there is reason to believe that Romania will get that message and will change. I have never changed my position in many years on this issue, but I, as many people over a period of time, begin to get exhausted. We have reached a point over 12 years where not only has the situation not gotten better, it has gotten substantially worse.

What we have seen in the last several days is an act of a play that has been carried out year after year. Just as this body or the other body begins to vote on MFN status, just as we begin to cast our votes, usually two or three people are released, some message is sent that there is reason to believe that there has been a change of heart. For 12 straight years, this has been played out.

Again we find that same tactic being used. I hope there would be some indication that perhaps this is a real change. But as the Senator from Colorado has pointed out, what we are proposing here is so modest it is almost embarrassing: Suspend MFN for 6 months, as maybe after 12 years, we might want to say to Romania, we are a little tired of the performance.

So today, I urge my colleagues to support this proposal.

The vote that follows this brief debate will be an opportunity to take a moderate but concrete step in defense of human rights. This will be a vote for human rights that may actually have consequences beyond rhetoric.

Every single day, dozens of letters are signed in Congress, in support of human rights, dozens of resolutions cosponsored, hearings held, speeches delivered. I do not underestimate the significance of these actions, I regularly engage in them myself. I think that, from time to time, they have some worth or merit. They are, however, basically risk-free feel-good activities, championing human rights on the cheap, so to speak.

Every now and then the opportunity arises to really do something about

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human rights, a move that requires making a real decision, involving assessing the risks and the readiness to pay a necessary price. This is such a decision. It is for real.

I have not arrived to this decision in a careless fashion. I have followed the human rights situation in Romania all through my congressional career, some 12 or 13 years. Much more often than not in these 12 years I sided with those who, while condemning the human rights abuses of the Romanian Government, elected to let them escape with a warning in the hope that our conciliatory attitude will be reciprocated and the human rights policy of the Government will improve as a result. These decisions brought me nothing but disappointment as a sharp decline in that policy has continued ever since.

I tell my colleagues of my experiences here because I want my colleagues to understand that I have been through every nook and cranny of this often complicated issue. I have considered every single counterargument that can possibly be presented here today and found them all wanting. None of them can invalidate the essence of our case which is the following.

Since the early seventies, in response to faint signs of digression from the Soviet policy line we have showered the Romanian Government with an abundance of goodwill. We have granted them MFN status that, 12 years later, we still withhold from most Soviet bloc states. By several mutual Presidential visits, favorable political gestures, trade, and cultural benefits, we have endowed this regime with signs of legitimacy and respectability unprecedented for a Communist government.

Our gestures, however, have not been reciprocated. Our pleas and warnings on the deteriorating human rights situation have been largely ignored. Our dedication to the idea of free emigration and our willingness to reward improvements in this area was turned into a cruel game of manipulation. By skillfully turning the faucet of emigration on and off according to political exigencies, the masses of would-be emigrants in Romania became a currency of international barter for the regime. Certainly, during the years of MFN, many thousand Romanian Jews could leave the country. The average yearly exit permits granted, however, were much higher before the granting of MFN than after, when their value in this barter was discovered.

In the meantime, the country was turned into the epitome of a police state for all citizens. Under this benighted regime privately owned typewriters must be registered with the police with typing samples. Law compels citizens to report any conversation with a foreign citizen, including relatives, to the police within 24 hours. The network of omnipresent police agents and informants would put to shame Stalin's GPU.

The country's religious and ethnic minorities are singled out for particularly harsh treatment. Religious believers have been imprisoned and beaten up for the peaceful exercise of their faith or the distribution of Bibles. Places of worship have been bulldozed. A Hungarian Catholic priest was beaten to death by the police for a sermon in which he called for making Christmas a holiday for this largely Christian nation.

Ethnic minorities, among them about 2.5 million Hungarians, are increasingly deprived of the opportunity to use their own language, enjoy and develop their own distinct culture and traditions. Their school systems where children can learn in their mother tongue have largely been destroyed. We should be mindful that all this happens with one of the most important multiethnic cradles of European culture, Transylvania, where political loyalties and potentates often changed through history but where networks of autonomous cultural and religious institutions have coexisted for Hungarians, Romanians, and German Saxons, unhindered for centuries.

One particularly repugnant abuse has a special relevance to me and to this body. In the late seventies 20,000 Protestant Bibles, printed in the West in the Hungarian language were delivered to Romania for distribution to the churches of that minority. This was done after lengthy, patient negotiations by a former colleague of ours. My predecessor, Senator Abe Ribicoff, at the time chairman of the Senate Subcommittee on International Trade.

It was Senator Ribicoff who negotiated and worked to see to it that those 20,000 Bibles could be delivered. He spent countless weeks and months on that negotiation.

Not one church received one of those Bibles, they disappeared in Romania but they reappeared. Some time later, packs of toiletpaper turned up in Romania with remnants of printed text clearly visible on the surface. It was a constituent of mine, a Hungarian reformed minister, who, with painstaking detective work, has identified these letters and fractions of words as coming from those Bibles. The Romanian Government pulped the Bibles we sent and turned them into toiletpaper. This is not an unconfirmed anecdote, incredible as it sounds. I have seen one of these Bibles and a sample of the toiletpaper and the essence of this incident was independently confirmed, I might add, by congressional staff traveling in Romania. Leaving aside the question of an incredible sacrilege that was committed, I want to ask all of my colleagues to ponder for a few moments what kind of message the Romanian Government was sending us with. This action where a former colleague negotiated and makes possible the arrival of 20,000 Bibles in a country.

That is how our gesture was treated, and now we gather here today to decide whether or not we want to single out Romania and provide most favored nation status for them after 12 years, 12 years of messages, of reminders, of begging, of pleading for some consideration and this is what we receive in return. So I would urge my colleagues today to consider carefully this modest and moderate proposal—I want to emphasize that—that my colleague from Colorado and I are offering this morning.

We are urged to reward, as I said earlier, Romania's alleged independent foreign policy. In 12 years of following this issue, as I said earlier, I have not seen one action by the Romanian Government that promoted any substantial United States interest as opposed to mere propaganda. So they came to the Los Angeles Olympics, we are told.

Who do you think paid for that? The Romanians came because they said, "We will come if you will pay," and so hard currency from the United States paid for their travel and the United States Olympic Committee paid for their hotel rooms. That is why they came. They came because we were willing to buy them in hard dollars.

The real significance of Romania's independence in the Soviet bloc lies in the fact that they are the only regime that preserved Stalinism in its purest form.

There are reforms being instituted in the Soviet Union at present some of them concerning the rights of their own citizens. It is too early to tell if these reforms will signify a profound and permanent positive change in Soviet attitudes toward human rights. It is characteristic, however, that the most outright rejection of the Gorbachev reforms came from Romania's President Ceausescu. He expressly ruled out any kind of change in the way that regime treats its own citizens. Independence, indeed, I would say.

Opponents of our amendment have expressed fear that by suspending MFN we would lose valuable leverage vis-á-vis the Romanian Government. A leverage, however, that we are too timid to use, is not a leverage. If MFN worked as a leverage, it worked for the benefit of the Romanian Government, not for ours. This would not be the end of our relations. MFN as has been mentioned, can be restored in 6 months, and in the meantime we retain a whole range of diplomatic, political, trade, and cultural relations with the Romanian Government. We

will remain in speaking terms ready to find accommodation if good will exists on both sides, not just on ours.

No, Mr. President, I have not submitted or cosponsored this amendment because I am unaware of or indifferent to the possible consensus. Human rights are our most cherished values as public officials, as representatives of the people of this great Nation, and as American citizens. During these past 12 years of working on human rights in Congress, trying to make a real difference, helping real change to materialize both in rightwing as well as in leftwing dictatorships I have learned a few basic truths about this business. I would like to close by sharing them with my colleagues.

One truth is that if the oppressors of this world succeed in playing off one set of victims against the other, if they can hold one group hostage against the claims of the other, all victims lose, we all lose, and the dictators prevail.

Another truth is that if the oppressors of this world can buy us out year by year with last-minute concessions such as the alleged sudden release yesterday of three Hungarian teachers who were kept in jail by the Romanian Government for over 5 years then we teach that Government only one lesson: it is prudent to keep an ample supply of jailed victims because they can be traded in the last minute for consideration.

Finally, Mr. President, I learned that when applying sanctions on the violators of human rights, we must not be more afraid of the consequnces of that action than are the oppressors, the targets of our sanctions. I have heard and read thousands or words about the dire results that will come out of this suspension. Could anyone enlighten me on the question of how the President of Romania fears the consequnces of running unquestionably one of the most controlled, most brutal, most oppressive regimes in the world?

Mr. President, I yield to no one in the extent of my concern for the future of the people of Romania, whatever faith or nationality they belong to. I have thought long and hard about all the factors, all the arguments pro and con. It is my considered opinion that this is the right thing to do today. This is the right step for us to be taking. I strongly urge my colleagues to support this amendment.

I yield the floor.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. The Senator from Connecticut is right in saying he yields to no one in his concern for human rights and his fight against oppression around the world. He has a long and proud record. The Senator from Colorado, a distinguished Member of this body, has spoken out time and time again against repression of minorities.

I would stipulate with the Senators on each and every point about this dictatorship, this horror state, this state of abuses against human rights, civil rights violations. The real dilemma is how to move that kind of dictatorship to accomplish some of the very objectives the Senators are talking about because I share them. I think about the Jewish people subjected to bigotry and discrimination and persecution through history, and yet I also know they have one of the best intelligence systems in the world as they try to find out what is happening in the way of violations of civil rights and oppression and trying to turn those things around.

I have a great respect for their judgment and their understanding of what works best because they have been there so many times. So in tying to make up my mind—because I share the objectives, I know what the Senators are trying to do. I think in fact every Member of this body shares them, but in trying to make up my mind I could not help but note this letter to us from the Conference of Presidents of Major American Jewish Organizations, Mr. Morris Abram, chairman. This is what it says:

DEAR SENATOR: On behalf of the member organizations of the Conference of Presidents of Major American Jewish Organizations including American Israel Public Affairs Committee (AIPAC), American Jewish Committee, American Jewish Congress, Anti-Defamation League of B'nai B'rith, B'nai B'rith International, National Conference on Soviet Jewry and the National Jewish Community Relations Advisory Council, we want to inform you of our strong support for continuing for this year most-favored-nation status for Romania.

We concur in the President's decision to extend the waiver authority under the Jackson-Vanik amendment in order to afford most-favored-nation status to Romania for the next year for the reasons stated in Presidents Reagan's report to the Congress.

Then they talk about some of the gains they have had. Pretty modest, I think. But they talk about the gains. Some of the same concerns of Hungarian-Americans for their relatives and the persecutions of Hungarians in Romania.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

CONFERENCE OF PRESIDENTS OF MAJOR AMERICAN JEWISH ORGANIZATIONS,

June 18, 1987.

DEAR SENATOR: On behalf of the member organizations of the Conference of Presidents of Major American Jewish Organizations including American Israel Public Affairs Committee (AIPAC), American Jewish Committee, American Jewish Congress, Anti-Defamation League of B'nai B'rith, B'nai B'rith International, National Conference on Soviet Jewry and the National Jewish Community Relations Advisory Council, we want to inform you of our strong support for continuing for this year most-favored-nation status for Romania.

We concur in the President's decision to extend the waiver authority under the Jackson-Vanik amendment in order to afford most-favored-nation status to Romania for the next year for the reasons stated in Presidents Reagan's report to the Congress.

In adopting this position we reiterate our support of the religious and ethnic rights for all of Romania's people, including its Hungarian, Protestant Christian, Seventh Day Adventist, Mormon and other religious and ethnic minorities. We came to this decision for the following reasons:

1. Romania has substantially complied with the intent of the Jackson-Vanik amendment to permit emigration;

2. We believe the continuation of most-favored-nation status affords the best means presently available to our Government to effect positive change in Romania;

3. Jewish institutional life continues in Romania without government interference;

4. The loss of most-favored-nation status at this time would in our judgement hurt the effectiveness of the Jackson-Vanik amendment in aiding Soviet Jewry, including the possibility of Romania serving as a transit point for Jews emigrating from the Soviet Union.

Although the Romanian government has taken some positive steps in the area of religious and human rights, which we have strongly urged, the need for significant improvement remains. We shall continue to express our concerns in these areas to the Romanian government.

Respectfully,

MORRIS B. ABRAM,
Chairman, Conference of Presidents.

Mr. BENTSEN. Mr. President, we have a law on the books. We have the Jackson-Vanik Act. This was one of Senator Jackson's proudest moments, when he was able to achieve this, because of his great concern for the very things the two Senators are talking about.

Every summer when the President makes that determination, we review it in the Finance Committee, and we have representatives of those minority groups there. We know that the Romanian Government is deeply interested in and concerned about what happens there. We will be doing that again this summer, and I would be delighted to have hearings. We have not had hearings on this proposal in the Finance Committee. I would be delighted to hold hearings on it and further examine the possibilities and listen to witnesses who are concerned about it, as well as the two Senators.

The President's statement says that some positive steps have been taken. It says that more than 170,000 Romanians have been allowed to emigrate to the United States since Jackson-Vanik was put into effect—to the United States, Israel, and West Germany; that over 15,000 Romanians emigrated in 1986 alone. The Jewish emigrants

from Romania to Israel in 1986 numbered almost 1,300.

I think it is important to know that most major American Jewish organizations have come out in opposition to this amendment. I think a telling point they make is that the continuation of most-favored-nation status for Romania, subject to the yearly review provided by Jackson-Vanik, is the best means available to assure positive changes in Romania. With their history, their knowledge of the subject, their great emotional involvement, and the concerns they state, I back their judgment.

With that in mind, I urge the defeat of the amendment.

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

Mr. BENTSEN. I yield.

Mr. DODD. Just on two points.

I appreciate the Senator's comments. He certainly takes a back seat to no one in his concern about human rights cases.

One, the Finance Committee did have hearings last year on this issue. In fact, I testified, along with other colleagues, on August 1 of last year, on the issue. So the committee has been gracious enough to consider the matter, and we talked about it then.

I certainly have great respect for Mr. Abrams and others of the Jewish organizations who signed letters. I point out that there are others within the Jewish community in this country who support this amendment. It is not a unanimous vote by that constituency.

As I tried to point out, I think we make a great error when we play off the various victims.

I say to the Senator from Texas that I have seen those letters every year for 12 years, and they come right at the moment, and they say, "Give us one more year on this." I can go back and show a record of letters, "just 6 months," and for 12 years I have bought it, accepted it. But after our hearings, I hope we might, on this one occasion, say, with a strong voice, that we want to get better performance.

I thank my colleague.

Mr. HELMS. Mr. President, the time has long passed for delaying, let alone declining to approve this amendment. The evidence is too clear as to the situation in the Communists country of Romania.

I have a special source of information about what is going on in Romania—the subterfuge, the deceitful stroking and the false promises by that Communist government. The former Ambassador to Romania, a North Carolinian, David Funderburk, who ended his tour of duty as Ambassador to Romania and came home. Ambassador Funderburk described in detail what really is going on in Romania. It's not at all similar to what the U.S. State Department says it is.

Mr. President, the Senate will make a serious mistake if it does not approve overwhelmingly the amendment by the Senator from Colorado, cosponsored by the able Senator from Connecticut and this Senator and others, because it is beyond question that the Communist government of Mr. Ceausescu is not merely continuing to oppress the people of that beleaguered country who yearn for freedom—the Communist are stepping up the pace of callousness and brutality.

The Romanian Government boasts of its adherence to the Stalinist tradition. Mr. Ceausescu has often claimed that he is independent of Moscow, but that is for U.S. consumption. He seeks to delude us. He wants something from us, and the State Department has swallowed that line.

Mr. Gorbachev, himself—and this is ironic—found out what independence from Moscow means during his recent trip to Romania. Mr. Ceausescu made clear that he would have nothing to do with Mr. Gorbachev's celebrated glasnost, because Mr. Ceausescu said Romaina is not interested in openness. Mr. Gorbachev took careful note of that hard line message, and I think we should do the same. That is precisely the motivation for the Armstrong amendment.

Churches and synagogs throughout Romania not only are closed but are being destroyed. Dozens have been torn down in the capital city of Bucharest alone. The majority of the Romanian people are devout Christians, and the Jewish traditions are also very strong there. But the Communist government in Romania demands that the cultural traditions of the Romanian people, their religions, their freedoms be wiped away; and when the Romanian people resist, their livelihoods are gone. There is unbridled retaliation by the government of Mr. Ceausescu.

Mr. Ceausescu obviously intends to make Romania the Cambodia of eastern Europe. He is waging genocide on the culture and civilization of his people and eliminating those who do not knuckle under. Meanwhile, he tries to lure us—and he is successful with the U.S. State Department—with promises of increased emigration, if we will just require the American taxpayers to continue to finance his tyranny. This Senator says no, and I trust the vast majority of other Senators will say no, as well. Will we wait until all the countless Romanians who want to flee the yoke of Mr. Ceausescu have been allowed to leave?

The amendment spells out the reasons for the action it requires. It emphasizes how blatantly the Ceausescu regime has given the back of the hand—no the iron fist—to human rights considerations.

I simply cannot understand how or why the State Department can side with Mr. Ceausescu, especially after the detailed on the spot report prepared by the distinguished former U.S. Ambassador to Romania, the Honorable David Funderburk, and countless others.

David has emphasized that the Romanian situation is not improving; to the contrary, the screws are being turned even more tightly on the lives and liberties of the Romanian people.

So as I conclude, let us just consider a few of the countless examples: Romania provides training camps for the PLO, and hosts Yassir Arafat several times a year. The defection of a high-ranking Romanian security officer has revealed complicity by Romania in the training of terrorists who took part in the *Achille Lauro* hijacking that killed Leon Klinghoffer. The defector has also been reported as describing the infiltration of the United States Embassy in Romania.

But that is another story, a story that much of the media in our own country has refused to touch because it involves one of their fair haired boys—a previous United States Ambassador to Romania who obviously was compromised by a Communist functionary.

Every major news medium in this country has known that story. But because the Secretary of State and others called CBS, the New York Times, and the Washington Post, the story was swept aside and the American people know nothing about it.

In any event, Mr. President, it is time for the Senate to speak out, not merely to Mr. Ceausescu, not merely to the Government of Romania, but to our own United States State Department and to the major news media of this country. The Communist government of Romania does not deserve most-favored-nation benefits.

I commend the distinguished Senator from Colorado and I compliment the distinguished Senator from Connecticut and others for their cosponsorship of this amendment. I am glad to have played a part in this amendment. I hope it is approved overwhelmingly.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, no one in this body can take a back seat to the Senator from Connecticut in his defense of human rights, whether it be eastern Europe, Central America, or elsewhere, and I think we all give him high marks and accolades.

No one in this body can exceed the Senator from North Carolina in his genuine fervor for the defense of what we might call fundamental religious rights.

Nor can anyone disagree with the logic of the Senator from Colorado,

and I have dealt with the Senator from Colorado for a long time. He has never blindsided me. He will always tell you when he is going to bring up an amendment. He will tell you what it is and when it is coming.

I discovered one thing in debating him: If you ever grant him his premise, you have lost the debate because his logic is absolutely unassailable.

This is the premise of his amendment. We deny most-favored-nation status to those countries that abuse religious freedoms, and make no mistake about it, Mr. President, the conduct of Romania, when it comes to religious freedom, is brutish, boorish, deplorable, disgusting. There is no question about that.

But the Jackson-Vanik amendment and the extension of most-favored-nation status to Romania is premised on emigration; emigration, not religious freedom.

Romania has a better record of emigration than any other European Eastern bloc country, a better record per capita than Russia. Since 1973, 170,000 people have emigrated from Romania, 15,000 last year alone, and that is more from Romania, a relatively smaller country, than the combined totals from Russia, Bulgaria, Hungary, and Czechoslovakia.

Do they do this because of Jackson-Vanik and only because of Jackson-Vanik? That is a question that is impossible to answer. All we can say is that they have done it and not only Jewish emigration but other emigration from other religions, other ethnic groups as well.

This in no way is to defend their conduct in terms of religious liberty.

I can understand why the Seventh Day Adventists drive the Government of Romania to despair. There are very few religions for which I have a higher regard than the Seventh Day Adventists. Here is a group so consistent in its views that it opposes prayer in public schools, because it regards it as an undue connection between government and religion. Here is a religion that opposes tuition tax credits for private schools because they regard it as an undue connection between government and religion.

It is no wonder that they are a hair shirt to the Romanian Government which thinks it should poke its nose in everything and limiting everything and repressing everything, and indeed they do.

But the question we should address ourselves to is do we want to change the fundamental purpose of the Jackson-Vanik amendment and say that in addition to offering it or withholding it, depending upon whether you are generous or not generous with emigration, we shall also say we will withhold it or extend it, depending upon how you view religious liberty. That is a fair question.

If we want to start doing that, there are countries as repressive as Romania—China certainly is in terms of religious freedom, and we extend the most-favored-nation clause to them. In terms of emigration, Chou En-lai has one of the classic—you hate to say humorous—realistic comments. When the issue was brought up to Chou En-lai almost a decade ago when he was asked about emigration, he said: "Certainly. How many millions do you want?"

So long as countries will say to their citizens—and I emphasize again Romania is better than almost any other country, certainly the best in Eastern Europe; they do not let everybody out. None of the Eastern European countries do. They are better than most. So long as a country will say to most of its citizens, "You don't like our government, you don't like the way we treat your religion, you don't like our economic system, you don't like our urban renewal projects, you can leave."

So long as you freely have the right to leave you can go someplace else and practice your religion, practice your economics, practice your civil liberties.

It is unfortunate that the rest of the world does not have our concept of the Bill of Rights, and yet it is not our place to go around the world whether it be in Nicaragua or Romania, saying you have to have our freedom of speech, our freedom of press, our freedom of religion, our right to assemble, our right to petition the government, our concept of trial by jury.

I think what the Senator from Colorado, Senator ARMSTRONG, is logically trying to do is change the premise of Jackson-Vanik from emigration to emigration and religious tolerance.

If you grant that premise, then his amendment is valid because Romania is abominable from the standpoint of religious tolerance. If you think its purpose ought to be limited to those countries who reasonably will allow those citizens within the country to leave who do not like the country, then I think his amendment should be defeated because on that measure, and on that measure alone, Mr. President, Romania has been tried and found to be more generous than any other country that we deal with, certainly in Eastern Europe.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. DANFORTH. Mr. President, I think the case against this amendment has been pretty well made by the chairman and ranking member of the Finance Committee.

Really the issue before the Senate is how do we feel about Jackson-Vanik? Are we willing to scrap it? Are we willing to scrap it because we are annoyed and rightfully so at religious persecution within Romania?

Some feel very strongly, and we have argued this case before on the floor of the Senate, that religious persecution is something that we should act against and that Jackson-Vanik, the withdrawal of most-favored-nation status and the scrapping really of Jackson-Vanik is the way to stand on principle. But the fact of the matter is that the annual review of most-favored-nation status for Romania which would be scrapped if this amendment were withdrawn does provide us with the one opportunity we have to apply some leverage on Romania.

Romania is not like us. Romania is Eastern bloc. Romania is a repressive country. All of that has been said on the floor of the Senate. But we have been able to do some good with the annual review process of Jackson-Vanik.

Senator PACKWOOD has pointed out that since 1973 170,000 people have emigrated from Romania. Last year 15,000 left Romania, more than the combined total from the U.S.S.R., Bulgaria, Hungary, and Czechoslovakia.

Why did they leave? Why were they permitted to leave Romania?

Senator PACKWOOD raised that question. He was not certain this was the answer, but I am certain this is the answer. Because, for 6 years, it was my privilege to serve as the chairman of the Trade Subcommittee of the Finance Committee. And the job of that Trade Subcommittee was to hold annual hearings, annual review of most-favored-nation status for Romania. That annual review was an opportunity for the Romanian Ambassador to come in and talk to me to explain what Romania was doing with respect to emigration. And it was also an opportunity for me and my staff to give Romania lists of people who wanted to escape from that country and who had not been allowed to escape. That is what Jackson-Vanik did; that is what the annual review process did.

Jackson-Vanik has a very limited use. It has to do with emigration. It does not have to do with everything we could list that is a complaint with Romania or with any other country. It has to do with emigration. That is why it was designed. It was designed for the express purpose of letting people out of captivity. It was created for the expressed purpose of unifying families.

What do we say if we pass this amendment? And I might say, if we pass this amendment, it exists verbatim in the House bill. So this is the battle right now on the floor of the Senate. What do we say, if we pass this amendment and this becomes law, to those families who have not yet been reunited?

A lot of people have left Romania; a lot of Jews have left Romania. I understand that only something like 20,000 remain within that country. But they are human beings and some of them want to leave and some of them have family members who live in Israel, who live in the United States or who live in Germany.

How do we explain to them that the handle that we have to secure their release is no longer there? Do we say, "Well, good news and bad news. The good news is that we took a stand on principle against bulldozing churches. But the bad news is that we have lost all leverage."

We have lost all leverage with respect to religious persecution, as a matter of fact, and we lost all leverage with respect to the reunification of families and the emigration of Jews in Romania.

It is very natural to want to make a stand on principle. We do that here all the time. We vote on matters of South Africa, for example. We want to stand on principle against philosophies that are different from our own. But there are occasions when taking stands on principles backfire, when they do more harm than good. And this is such a case.

This is not just a luxury of the U.S. Senate, a vote in the U.S. Senate on a matter of principle. This is a cashing in of Jackson-Vanik. This is a cashing in of whatever leverage we have against Romania. This is forgoing the possibility forever of reunifying families that are now separated.

Now I am sure it will be said that I am overstating the case because this is simply a 6-month act. Mr. President, it is not possible to turn the flow of international trade on and off as though it was attached to a switch. It is not possible to interrupt trade relations for 6 months and then renew trade relations for 6 months.

For years, the Soviet Union has been saying to Romania, in effect, "You people are suckers. You are letting people out of your country for no reason, because sooner or later the most-favored-nation status will be withdrawn no matter what you do on emigration."

We would be saying, by voting for this amendment, that the Soviet Union is right in the arguments that it has made to Romania, that Romania has been a sucker for letting Jews out of its country. There is no doubt in my mind that the cost of this amendment would be a very severe human cost. It would inflict severe pain on families who now have hope that the process of most-favored-nation review will help them and help their relatives.

We have argued this before on the floor of the Senate, Mr. President. I would say once again, as I have said in the past, this is a terrible mistake and I hope the Senate would vote against it.

Mr. DODD. Will the Senator yield for just one point, because I think it is central to this whole discussion, on the issue of Jackson-Vanik?

If Senator Jackson and former Congressman Vanik ever thought that, by their amendment, we were limiting our ability to be concerned about other issues, I think they would be horrified. Jackson-Vanik specifically deals with one issue—emigration. But it was never intended to eliminate or to disregard those other issues that come forward. And so to suggest somehow that by the adoption of Jackson-Vanik we have then forever excluded the possibility of raising these other issues in terms of whether or not we wish to underwrite or subsidize or economically support a country, I think does a disservice to Jackson-Vanik.

I may be wrong on that. My colleague has worked on these trade issues. But Jackson-Vanik was never meant to restrict our human rights concerns. It was merely to emphasize the issue of emigration. Is the Senator from Connecticut wrong in that?

Mr. DANFORTH. The purpose of Jackson-Vanik is emigration. We have, in fact, been able to use the leverage of Jackson-Vanik to achieve some limited human rights changes. We have, for example, been successful in getting some passports issued and some Bibles printed, because we have a relationship, we have negotiations and they go on every year.

I can assure the Senator from Connecticut that when I have met with the Romanian Ambassador, I have pressed the human rights question as well as the emigration question. But the purpose of Jackson-Vanik is emigration. It has worked.

My point is that this is a gun with one shot in it. Jackson-Vanik is a gun that only shoots once. It is kind of like a bee. It stings once. And once you use it up, as we would the minute we voted for this, this is the end of it.

Mr. DODD. But, may I ask the Senator from Missouri, Jackson-Vanik was not meant to exclude or restrict the Congress from raising other human rights issues. It was merely to emphasize the issue of emigration. Am I correct in that?

Mr. DANFORTH. Once you get in the door, once you start negotiations with another country, you can raise other issues, and we have raised other issues.

But the point of Jackson-Vanik has been emigration. And I think it is ironic that for both possible uses—the intended use of emigration and the secondary use of human rights reforms—that it can be used for both would be gone if this amendment were adopted.

Mr. DODD. I thank the Senator.

The PRESIDING OFFICER. The Senate will be in order. Senators will cease conversations.

Mr. TRIBLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. Thank you, Mr. President.

Mr. President, let me say, in response to my distinguished friend from Missouri, that I believe his concerns are misplaced. The language of this legislation does not terminate MFN but only suspends it and then MFN is reinstated automatically with the usual annual review.

This is an important point, and meets these concerns that he has expressed.

But let me go further. I would suggest to my colleagues that the annual review of MFN has become a farce. It lacks meaning.

Over the past decade the script on Romania has been replayed with numbing frequency. The United States decision on Romania's MFN status is made by the President in early summer. Several weeks prior to that Romania takes a half-step toward civilization. It refrains from destroying a church. It releases a priest from prison. It permits modest amounts of emigration.

Indeed, in recent weeks there has been a flurry of activity in Washington. Many of us have received phone calls from the Romanian Ambassador: Let us get together and talk about the Romanian citizens that wants to emigrate from our country.

Romania promises that such steps are the beginning of a new and enlightened era. Ceausescu swears that the situtation will improve. As a result of these glowing pledges the United States, once again, extends Romania MFN benefits. Then, year in and year out, the heavy hand of the Romanian state descends on the Romanian people and on the Christian Church.

My God, when are we going to see through this charade?

In the last Congress I advanced this legislation. I worked with my distinguished friend from Missouri, Senator DANFORTH, then chairman of the relevant subcommittee. He graciously, invited me to join him in his annual meeting with the Romanian Ambassador.

I will always remember we spoke as passionately and as persuasively as we could, underscoring our concerns about the repression of Romania. Promises were made that things would be better. We gave the Ambassador a long list of our concerns.

Within 1 month the Romanian Government demolished a synagogue and a church. That was their response. That is the kind of response we receive from the Romanian Government each and every year.

When are we going to see through this charade? When will we translate our values into action and do something that might improve the situation in Romania?

The harsh reality of Romania remains the same. Romania is one of the most antireligious, responsive regimes in the world and her people continue to suffer. That is why I believe we should suspend business as usual. I believe we should follow the example of the House and adopt this amendment.

The proponents of MFN make several arguments. I want to respond briefly to those arguments because I believe the response ought to be persuasive.

Proponents of MFN point to Romania's independence in the world. I would suggest that Romanian independence is mythic. It is illusory.

We have heard, for example, that Romania has walked out of key votes in the United Nations. That may be true, but the reality is that in the 1984 session of the United Nations, in total votes cast in plenary session, Romania voted with the United States just 10.1 percent of the time. That is lower than Hungary, Bulrgaria, Poland, East Germany, Czechoslovakia, Byelorussia, and the Soviet Union.

We will hear that Romania sent Nadia Comaneci to the Olympics. Indeed they did, and she was a great hit. But we should also hear that there are very direct, real, and powerful ties between the DIE, the secret police of Romania, and the KGB; that Romania's secret police are largely responsible for the pursuit of Western technology; that Romanian secret police are actively involved in the training, the financing, the supporting of the PLO and other terrorist organizations. We should also know that there is a higher ratio of secret police to people in Romania than in any other country in the world.

The reality, unmistakable, undeniable, is that Romania is one of the most Sovietized nations on the globe in the organization of its economy, in the use of forced labor, in the oppression of its people.

I believe that should count in our deliberations and weigh heavily on all of us. We should make decisions on that basis—decisions that have become so routine, so easy, that they have been rendered meaningless by the process.

I believe the moral questions that we have sketched here ought to come into play; they ought to weigh heavily on what we do. By any moral standard, Romania flunks. It is failing the tests that are the essence of the American experience. We simply ought not to do business as usual with this kind of country.

Some people argue, and you have heard these arguments today, that Romania's emigration policies are more liberal than they once were. I find it interesting that they are contrasted with Bulgaria and the Soviet Union, two nations to whom we grant no special trade benefits.

What should be our objective, Mr. President? Do we want to get more people out of Romania or do we want to improve the plight of Romanians in Romania? But, let us look at the statistics. Let us take a hard look at those arguments about emigration. They simply do not carry the day.

If you look at the numbers, look back to 1974, the year before the United States granted MFN status to Romania, total emigration from that country was 12,591. In the last year it was 15,222. In over 10 years of MFN status, total emigration has increased by less than 3,000—by less than 3,000. Most importantly, I would suggest, emigration has been on the decline in the last 2 years. There is no good faith here. There is no liberalization of emigration policy. There is no progress.

Why can't we see the reality of Romania and respond appropriately?

I believe it does matter that people are permitted to leave. But by any objective standard, if you compare Romania's experience before MFN and today, there is no meaningful difference. No difference. And that is undeniable.

If you look at the life of the people, the life of the people who live in the darkest and coldest country in Europe; the life of the people who try to worship God and live their life unfettered from the interference of their government, it is dismal, it is miserable, it is oppressive!

I would say the time for business as usual has passed. Let us not go through this annual charade, this game, once again. Let us strike out in a new direction, a policy that may work.

Indeed, it may not. And I have asked Romanian citizens: should we take this step? You know the kind of man Ceausescu is. No one can say exactly how he may respond.

Their response to me, I think, is most telling. They said: You know, our life could not be any more desperate than it is today. Take this action. Our life may improve as a consequence. It could not be worse.

Let us be decisive. Let us stand up for the values that animate this country. Let us make a difference for good. Let us stop business as usual with one of the most repressive, antireligious nations in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ARMSTRONG. Mr. President, it may be that there are others who wish to speak, but I am not aware of that. So unless someone else desires to seek recognition for debate, it is my purpose to draw this debate to a close.

I see the Senator from Montana on his feet. I would be happy to yield to him, if he wishes to speak.

Mr. BAUCUS. It is my understanding that the Senator from Rhode Island [Mr. PELL] wishes to speak on this issue. He is detained momentarily. He will be here quite soon. I would suggest that the Senator from Colorado speak now.

Mr. ARMSTRONG. I might, Mr. President, transact at least 1 minute of business.

I see the Senator from Rhode Island has now arrived. I will defer to him.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my colleague from Colorado. I regret that I must oppose the amendment. As a former cochairman of the Helsinki Commission, I share my colleague's concern about the deplorable human rights situation in Romania.

A particular case, which has concerned me for many years is that of Napoleon Fodor who defected from Romania and has been separated from his wife and son for several years. Despite repeated appeals, the Romanian Government has refused to allow his family to join him here in the United States. There are many other cases of abuses of the right to emigrate, of religious rights, and of the rights of the Hungarian minority in Transylvania. I believe that we need to use whatever leverage we have to bring about improvements in Romania's human rights situation. However, I do not believe that a 6-month suspension of the most favored nation tariff treatment [MFN] will accomplish this objective.

Earlier this month, in recommending that MFN be renewed for Romania, the President observed that,

> Over the years, MFN has stimulated increased Romanian emigration and made possible the reunification of thousands of families. MFN has also enabled us to have an impact on Romania's human rights practices and to help strengthen the conditions for religious observance there.

I agree with the President's conclusion,

> That it is better to direct our efforts to improving the conditions that arouse our concern than to abandon the principal means of influence we now have and walk away.

The Jackson-Vanik amendment was designed to encourage increased emigration from countries which deny the fundamental right of freedom of movement.

It was never conceived to be an instrument capable of effecting far-reaching internal change.

However, through prudent use of the leverage MFN has afforded the United States, the United States has been able to obtain limited human rights improvements while maintaining an acceptable rate of emigration to the United States.

By expanding the conditions under which MFN is granted, we run the great risk of decreasing the leverage embodied in MFN with respect to emigration and reducing our ability to use MFN to promote other limited improvements in the human rights situation.

While this amendment would only affect Romania's MFN status, it undermines the uniform standard of compliance embodied in Jackson-Vanik.

For these reasons, I think, on balance, that we would be better off without this amendment, without the 6-month suspension of MFN. I look forward to joining with the floor manager of the bill, when the time comes, in his move to table this amendment.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ADAMS. Mr. President, this is a difficult issue. There is no question that the Senator from Colorado and the Senator from Connecticut make a compelling case about Romania's behavior. Despite some signs of progress, Romania continues to persecute those who seek religious freedom. Beyond that, Romania's so-called independence amounts to little more than symbolism. No one can claim, no one can believe, that Romania is a reasonable state.

But the issue of most favored nation is to center on more than generalized human rights concern. The law established by Jackson-Vanik requires us to give primary consideration to immigration. And in that one area, at least, Romania's behavior has been acceptable. The number of people allowed to immigrate from Romania could be greater—but the 17,000 people of all religious faiths who were allowed to leave last year more than exceed our expectations for a Communist state.

Jackson-Vanik does encourage us to consider general human rights policy. And in that context, it is clear that Romania must do better. The question is: Will we encourage them to do better by continuing to extend MFN status to them or will a denial of MFN drive them closer to the Communist bloc and further away from our ultimate goal of a more humane society? I suspect the answer to that question is that a denial will destroy any hopes we might have to make progress in this critical area.

Mr. President, I am not happy to cast this vote in favor of continuing MFN status for Romania. But both as a matter of law and policy, I think we have no realistic choice.

SUSPEND ROMANIAN MFN STATUS

Mr. SYMMS. Mr. President, I am pleased to join as a cosponsor of the amendment to suspend the most-favored-nation status of Romania.

On several occasions, I have spoken on this important issue. And, in November 1985, I offered an amendment to the State appropriations bill, which urged the President, in the absence of improvements in Romania's attitude toward religious freedom, to consider human rights violations in deciding whether to reextend most favored nation trading status to Romania. I am pleased to say the amendment passed by unanimous consent.

Less than 2 years later, I must stand before this body again to denounce the social and religious repression that is being waged against the people of Romania by the Communist Party and its leader Nicolae Ceausescu.

Though several Members of Congress have expressed so well the human rights violations in Romania, our State Department believes the President should implement the waiver provision in the Jackson-Vanik agreement which is intended "to assure the continued dedication of the United States to fundamental human rights," and is the basic tenent that must be met in order to allow Communist countries to receive MFN status. The past three administrations have invoked this waiver authority for several Communist countries which do not even comply with the minimal emigration requirements of Jackson-Vanik.

Employed properly, most-favored-nation status is a leverage that has the potential to improve the conditions of life for people in Romania. To ignore human rights abuses, and to let MFN become gratuitous is to tolerate torture, intimidation, and state terrorism.

The State Department recommends that we grant MFN status to Romania because they view the country as a maverick in foreign policy that goes against the Warsaw Pact. Contrary to what is being said down at State, the Romanian Government is becoming much closer to the Soviets than they wish us to believe. As David Funderburk, former Ambassador to Romania states, the Government closely collaborates with the Soviets militarily, economically, and politically. Dictator Ceausescu and the Romanian Communist Party has allowed Soviet troop transits, exported massive amounts of armaments to radical Arab States and Marxist Leninist guerillas, and transferred sensitive technology from the West to the Soviets. Funderburk believes that Romania may "advertise, but cannot in fact carry out an independent foreign policy detrimental to the essential interest or aims of the Soviets."

Despite the State Department view of Romania's foreign policy, the granting of MFN status to Romania smacks at the heart of this Nation's dedication of human rights and a free emigration policy. Romania holds the distinction of having the worst human rights record in Europe as well an antiemigration policy. "Country Reports on Human Rights Practices for 1986 finds that through the Romanian Government, the Communist Party seeks to control every significant aspect of the country's life. Almost all aspects of life proceed within narrow bounds defined by the party and its leader.

Romania is pursuing the repayment of its foreign debt, by conserving energy and raw materials. This causes shortages in domestic and consumer goods, leaving citizens without many of the basic food items and cooking and heating oils. This condition has worsened drastically and is most life threatening during the harsh winter months.

Moreover, Romania skirts around many of the guarantees of human rights established in the Helsinki Final Act because of major discrepancies that exist between generally accepted standards. The government continues to limit and often deny the right to free speech. Though the Romanian Constitution guarantees freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people." While official censorship has been abolished, the media is state owned and controlled, and is used primarily for government and party propoganda.

Amnesty International and Helsinki Watch have cited instances of the imprisonment of people who are exercising their right to freedom of expression in a nonviolent fashion. The beating and murder of a priest who simply stated that Christmas should be made a public holiday typifies the atrocities common to the Ceausescu regime. The abuses seem endless, and those responsible for determining whether to reextend the MFN status for Romania have hardened beyond rational and compassionate thinking. Former Ambassador Funderburk states that, while a misconceived United States policy has neither led to an independent Romanian foreign policy nor an improved human rights situation, the MFN status benefits the Bucharest regime but not the United States or the Romanian people.

I believe this amendment is needed to establish a United States commitment that recognizes the abusive Communist regime in Romania and denounces the repression of its citizens. I urge adoption of this amendment and thank my colleagues in advance for their support.

Mr. WARNER. Mr. President, today we vote on the amendment offered by the Senator from Colorado and others, including my colleague from Virginia, Mr. TRIBLE.

In April, Senator NUNN and I traveled to Europe. On that trip, I had the opportunity to visit Romania and its leader, Mr. Ceausescu. I also had the privilege of meeting with Rabbi Meyer

Rosen while in Bucharest. Human rights was among the first topics discussed with both.

Since returning from that trip, I have met with representatives of the Romanian Government, and with officials of the Island Creek Coal Co., and its parent company, Occidental.

The Island Creek Coal, Co., has for the past several years had an agreement with the Government of Romania whereby that country would purchase the entire output of Island Creek's Mine in Buchanan County, VA.

It was the collective advice of those individuals that MFN status for Romania guaranteed the United States continued access and leverage to influence that nation's human rights policies. I considered those views. I agree that a termination would be detrimental to trade and therefore I would not, at this time, support that permanent action.

Following that visit, I researched how other religious groups in Romania, groups I never had the privilege of meeting, are treated. And I decided that, rather than to suspend MFN status indefinitely, the Congress could temporarily suspend MFN status for Romania, and give that country an incentive to make some changes.

It is for that reason that I support the amendment before us, to temporarily suspend MFN status, and encourage Romania's leaders to make changes.

Mr. President, suspending MFN status for Romania should not adversely affect the relationship with Virginia coal. Only permanent termination should affect contracts and I am hopeful this will not occur.

Mr. DECONCINI. Mr. President, I was elected to this distinguished body almost 12 years ago. This timespan happens to coincide almost identically with the number of years the United States has extended most-favored-nation status to Romania. I have carefully listened to my colleagues argue and debate the positive merits of MFN as a valued incentive or positive leverage to improve the human rights status of the persecuted peoples living in Romania. I have heard over and over that this leverage would improve emigration, allow the free practice of religion, benefit minority rights, and lessen harassment of minority groups. It has not. I have heard over and over: "Wait until next year," or "One more year." I will not wait.

Mr. President, I have a tremendous respect for the rules, traditions, and practices of the Senate. Members of the Senate attach a great significance to the meaning and definition of legislation and words in this distinguished Chamber. Members respect such terms as "most favored nation" status and the "Jackson-Vanik" legislation. These words stand for something. These are not merely symbols with which we trade people or goods. I do not support lending the prestigious name of the late Senator Jackson to a policy that is only symbolic and merely intended to make an abysmal situation a little more tolerable.

Mr. President, emigration numbers are the lowest in the last 3 years. There is minimal change in the numbers of prisoners of conscience. There are no improvements in minority rights. There are severe limitations on religious rights and many churches have been demolished. This is only one aspect of the story. As this is a trade bill we are debating, the United States has a 3.4- to- 1 trade deficit with Romania, an Eastern bloc country. As I understand, this is a higher deficit ratio than we have with the Japanese.

This is not all, Mr. President. On June 24, 1987, State Department officials testified to the House that the Government of Romania is providing training for the PLO. The State Department has also indicated that Romania has diplomatic relations with the PLO, Syria, Libya, and Iran and have sold arms to many of these countries and organizations. MFN and Jackson-Vanik should not apply here.

The United States has granted MFN to Romania for 12 years with the hope of improving human rights and emigration, despite a 3.4-to-1 trade deficit and blatant conflicts in foreign relations. As a matter of economics, trade, and principle, I will not implicitly support this policy any longer. I urge my colleagues to support Senator ARMSTRONG's amendment to suspend MFN for Romania.

Mr. BYRD. Mr. President, suspension of MFN to Romania will jeopardize U.S. coal and agricultural exports to Romania, resulting in a senseless loss of American jobs.

There is a need to substantially improve both human rights and religious rights in Romania. However, the suspension of the most favored nation [MFN] trading status of Romania would not be in the best interest of the United States or the Romanian people.

MFN is the tool that has brought about the changes that have occurred in regard to human rights violations in Romania, and can continue to do so in the future. In fact, MFN, at the present, is the only such tool we have to seriously impact the quality of life of the average Romanian.

Mr. President, I oppose this amendment.

Mr. ARMSTRONG. Mr. President, like everything else in life, the Senate has its ups and downs. There are days when I wonder if really the debate in the Senate reflects the significance and majesty of our purpose. But I really was satisfied with the debate we had this morning. It was thoughtful. It has been responsible. Although there are serious differences of opinion about this amendment, I think the debate has served to illuminate the issue and to put it in its proper perspective.

In drawing the debate to a close now, I want to express my appreciation to all who have spoken, and I say that with utmost sincerity. Of course, I am especially grateful for those who have spoken in support of the Armstrong-Dodd amendment. But the two managers have approached this matter with the utmost serious and thoughtful consideration. Others who have spoken—the Senator from Missouri—have laid out their case well. While we may end up disagreeing on the wisest course of action, there is no one who has spoken who has the slightest doubt about the nature of the regime in Romania. There is not a single Member of the Senate who has spoken or another Member who has not spoken that I am aware of, who doubts that it must be the task and purpose of our Government to keep the pressure on, to make it clear in every way we can think of that this regime must do more, must bend to more civilized practices with respect to human rights, emigration and other rights. So I feel good about what we have accomplished.

Mr. President, I ask unanimous consent that some Senators who have been listening to this debate and who have asked to be cosponsors be added to the amendment. Senators ADAMS, MURKOWSKI, and HARKIN have made that request. I ask unanimous consent that they be added as cosponsors.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ARMSTRONG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ARMSTRONG. Mr. President, having made the point of mentioning the active participation of a number of Senators who have spoken, I want to mention three other people who for more than a year have been working on this matter, particularly two of our colleagues from the House, Congressman FRANK WOLF and Congressman COELHO, under whose leadership the House of Representatives recently passed an amendment which is virtually identical to the proposal which is brought before you today.

Then my colleague from Virginia, the distinguished Senator from Virginia, who has spoken with such eloquence here this morning, and who has been working on this matter indeed for more than a year and has had not only a great sense of personal destiny and concern about it but has devoted time, effort, and staff re-

sources, Senator PAUL TRIBLE. In fact, if circumstances were only slightly different, it would be he who would be the chief sponsor of this amendment rather than I.

As you all know, he has been involved in the Iran-Contra hearings and, therefore, did not feel that it was possible for him to devote the time and effort to do the research and marshal the forces to bring this before us today. But even so, it is he who has really done most of the work and we are indebted to him.

Mr. President, I want to address only one substantive issue which has been raised against this amendment. That is the question of whether or not by voting for this amendment we somehow burn our bridges behind us, that we give up leverage or stand up for principle in a way which is likely to backfire. I think there is absolutely no sound basis for such a conclusion.

Were we suggesting that we break trade relations with Romania, then I would think that would be a justifiable conclusion and I would not at the present time think it would be wise to take such a drastic and severe step.

Someone might even conclude that we were taking such an off-the-cliff step if we were to permanently terminate MFN status for Romania, though I would not feel that way, but we are not doing that either.

We are taking a graduate, moderate, restrained step. This amendment seeks only to suspend for 6 months the MFN status and then under the terms of the amendment it will be automatically restored and Romania will be right back on the track it has been for the last dozen years with automatic annual renewal of its MFN status and so on. We are not giving up leverage at all.

What we are saying is that we mean business, we are serious, we are standing up for principle. It seems to me that under the reality of the massive, overpowering evidence of human rights violations by Romania, we cannot do less.

Mr. President, in order to make the RECORD complete, I am going to send several documents to the desk and ask that they be printed. Let me describe them.

I ask unanimous consent to have printed in the RECORD a Dear Colleague letter which I circulated along with Senator DODD and Senator NICKLES, explaining the background of this amendment, why it is coming to this body and a little about it.

Second, a factsheet on the Armstrong-Dodd amendment which goes into a little detail about the current law, how Congress came to grant MFN status to Romania in the first place, the nature of the proposed amendment, and five brief paragraphs about why this is needed:

First, because Romania has one of the worst human rights violations record in the eastern bloc; second, because it violates human rights obligations in almost every area; third, because its so-called independence policy in which it claims independence of the Soviet Union, is filled with errors since it grows more dependent on the U.S.S.R. every year; fourth, because of the close relationship between Romania and various terrorist nations and organizations; fifth, because continuing to grant MFN status sends exactly the wrong message to the people of Romania and the world.

Mr. President, I also ask unanimous consent to have printed an article from the Washington Post of June 8, by Jeri Laber, who is executive director of Helsinki Watch, under the title "It's Time to Rein in Romania's Tyrant." I hope every Senator, when the RECORD comes out tomorrow, will read this thoughtful article, which sums up the case in the words:

> It would be a great mistake if the United States government were to seize upon hints of a Gorbachev-Ceausescu rift to further its own "friendship" with Romania. Instead, we should outmatch the Soviet leader's reproaches to Romania by suspending Romania's MFN status until it improves its human rights practices. Ceausescu's policies have proved offensive even to his Soviet allies. He should certainly be no friend of ours.

Mr. President, I also ask unanimous consent to have printed, for all who will read the RECORD of this proceeding, a letter from Chairman STENY HOYER, a Representative of the State of Maryland, who is chairman of the Commission on Security and Cooperation in Europe, who sends, under a cover letter in anticipation of this debate, a discussion of human rights in Romania, the view from 1987, detailing emigration, what is happening to prisoners of conscience, religious rights, the rights of minority persons, social and economic rights.

I ask unanimous consent to have printed in the RECORD the extract of the State Derpartment's Report on Human Rights Practices for 1987. If time permitted, I would love to read every word of this into the RECORD.

The Department of State states:

> Romania is a highly centralized Communist state.

It goes on in some detail to outline torture and cruel and inhuman or degrading treatment or punishment, arbitrary arrest, detention, or exile, denial of fair public trial, and temporary interference with privacy, family home, or correspondence, severe restriction on freedom of speech and press, repression of freedom of peaceful assembly and association, denial of religious freedom, on and on.

I also ask unanimous consent to have printed the report of Dr. Juliana Pilon of the Heritage Foundation, in which she details the reasons for concluding:

> Romania is probably the most repressive, most economically backward country of the Soviet bloc. For the U.S. to continue giving it MFN—whatever the rationale, the hope for "independence" and "liberalization" back in 1975—is by now nothing short of embarrasing.

I also send to the desk for printing in the RECORD an article from the Wall Street Journal, an editorial, which sums up:

> We all know the rest. Mr. Ceausescu is razing synagogues and churches, persecuting Hungarians, bartering Germans and Jews and is making life in general in Romania about as miserable as possible. Notwithstanding the U.S. policy of somehow differentiating between Messrs. Gorbachev and Ceausescu, Romania continues its efforts to achieve the status of least-favored nation.

Mr. President, I also ask unanimous consent to have printed letters of support for the Armstrong-Dodd amendment from the Center for Russian and East European Jewry and the Student Struggle for Soviet Jewry; from the Christian Response International, the International Human Rights Law Group, the Romanian Missionary Society, the Christian Rescue Effort for the Emancipation of Dissidents, Helsinki Watch and LUPTA.

I ask unanimous consent that all these documents be printed in full in the RECORD at this point.

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

U.S. SENATE,
Washington, DC, June 25, 1987.

DEAR COLLEAGUE: During the floor consideration of the Omnibus Trade Bill we intend to offer an amendment to suspend for six months the most favor nation status of Romania because of severe, continuous and systematic violations of basic human rights by the government of that country.

We did not arrive at this decision lightly or hastily. We have followed the human rights situation in Romania for many years. During the first few years none of us felt inclined to oppose the renewal of MFN for Romania in the hope that our good intentions would be reciprocated and that the human rights policy of Romania would gradually improve as a result. Instead, a precipitous decline in that policy has continued ever since.

In 1975, the year in which the U.S. granted MFN privileges to Romania, that country's record of emigration was fairly respectable among Soviet bloc countries. Unfortunately, emigration declined in 1985 and 1986, and this year's figures are not greatly improved. Once individuals apply to emigrate, they frequently must wait years to obtain permission during which they face harassment by the government. At present, there are still thousands of people awaiting permission to leave Romania.

In addition to the problem of emigration, Romania violates its obligations under international human rights agreements in nearly every category. Religious believers have been imprisoned and beaten for the peaceful exercise of their faith or the possession of Bibles. Places of worship have been bulldozed such as the country's largest Seventh

Day Adventist Church and the Sephardic synagogue of Bucharest. A Hungarian Catholic priest was beaten to death by the police for a sermon in which he called for making Christmas a holiday for his largely Christian nation. Ethnic minorities, among them about 2.5 million Hungarians, are facing forced assimilation that will deprive them of their language, their culture and their traditions. Political rights are non-existent. Labor unions are strictly controlled by the state and strikes are suppressed. Political, religious and ethnic activists are subject to harassment, arbitrary arrest and physical and mental mistreatment while detained. And to make matters worse, no human rights monitoring organizations are permitted to operate in Romania, thus limiting our knowledge of other abuses that may be occurring.

In sum, since we started to "favor" Romania, the country has turned into the epitome of a police state. Under this benighted regime, privately owned typewriters must be registered with the police with typing samples. Law compels citizens to report any conversation with a foreign citizen, including relatives, to the police within 24 hours. According to Helsinki Watch, a respected human rights organization, as much as one-third of the population of Romania is working directly or indirectly for the secret police.

Ask yourself these questions: Is this the kind of regime that should be "most favored" by us? If we do not invoke this moderate and temporary penalty now, what regime can we ever penalize?

Beyond the human rights angle, consider the following. The bill before us seeks to improve the negative balance that we run with our trading partners. During the past three years our trade deficit ratio with Romania averaged 3.4 to 1 against us, one of the worst. At a time when Congress tries to pressure some of our friends and allies on this score, our trade balance with this outlaw regime should merit equal scrutiny.

The amendment we are proposing calls only for a 6 month suspension of MFN for Romania, a very moderate sanction under the circumstances. We will retain several layers of economic, political, diplomatic, cultural and other relations with Romania even during suspension. This is not the end of our relations and certainly not the end of our leverage.

A similar amendment to the trade bill passed the House 232-183 on April 30. The only point where our amendment differs is in its reinforced concern for the issue of Jewish emigration from Romania. If you want to join us as a cosponsor or need any further information, please call Wendy Lechner at 4-5941 or Bulcsu Veress at 4-0349.

Sincerely,

CHRISTOPHER J. DODD.
WILLIAM L. ARMSTRONG.
DON NICKLES.

[From the Washington Post, June 8, 1987]

IT'S TIME TO REIN IN ROMANIA'S TYRANT

(By Jeri Laber)

Both the Soviet and the U.S. governments have recently indicated a growing exasperation with the megalomaniacal policies of Romania's president, Nicolae Ceausescu. If the two superpowers were both to turn their criticisms into concrete actions, they might defeat Ceausescu at his game of playing off the United States and the Soviet Union against each other and, in the process, help lessen the misery of the Romanian people. Congress has an opportunity right now as it begins its annual review of Romania's most favored nation trade status.

For some years now Romania has taken independent foreign policy positions that depart from those of the Warsaw Pact, while maintaining the most closed and repressive society in Eastern Europe. Its maverick foreign policy has lured the United States into an unsavory courtship of Romania, one that has continued despite egregious human rights offenses. On the other hand, Romania's ability to keep its population under firm control had won support in Brezhnev's U.S.S.R. despite its refusal to go along such Soviet policies as the nonrecognition of Israel, the 1968 invasion of Czechosolovakia and the participation of Warsaw Pact countries in joint military maneuvers.

Mikhail Gorbachev made a break with previous Soviet attitudes during his recent visit to Romania. Demonstrating glasnost in action, he touched on many of Romania's most delicate problems—economic hardships, nepotism, the repression of minority rights—and refused to accept the

Potemkin village of domestic tranquillity that President Ceausesu had erected in his honor. "Even if you tell me that everything is all right in the country . . . I wouldn't believe you. There are problems," Gorbachev told a group of Romanians shortly after his arrival.

Gorbachev's criticisms of Romania came just a few weeks after the U.S. House of Representatives had approved an amendment to the trade bill that would suspend Romania's MFN trade benefits for a six-month period pending an improvement in its deplorable human rights record. The Senate has yet to take action. President Reagan, voicing concern about human rights violations, nevertheless went ahead and approved the extension of MFN to Romania for another year. The State Department apparently persists in the fantasy that Romania can be weaned away from its communist allies.

Three policies, all Ceausescu-created, have resulted in making Romania one of the poorest and most oppressed countries in Europe: the creation of a highly sophisticated police state that exercises total control over a terrorized population; the decision to use most of Romania's resources to pay off its huge international debt, thereby impoverishing the Romanian people; and the escalation of a Ceausescu "cult of personality" unrivaled since the days of Joseph Stalin.

There is no trust in Romania, where it is generally assumed that as much as one third of the population is working directly or indirectly for the secret police. Everyone is aware of an unpublished Decree, No. 408, which requires Romanian citizens to report to the police within 24 hours any conversation with a foreigner. Romanians cannot meet in groups, circulate writings, or even discuss with others their thoughts, suspicions and hopes. There can be no underground press in a country where the use of duplicating machines is tightly restricted and citizens are obliged each year to register with the police the type face of their typewriters. Ethic minorities in Romania, especially the 2/½ million Hungarians in Transylvania, suffer from cultural as wel as political repression.

In addition, Romanian citizens must tolerate unbelievable economic hardships. Severe shortages have led to worthless currency that is giving way to a system of barter. Drastic cutbacks on heat and electric power have caused suffering and many deaths. Romania, once the "breadbasket" of Europe, is paying the price for Ceausescu's unsuccessful efforts at breakneck industrialization. Among Ceausescu's other extreme policies is his determination to double the birthrate; to this end he has ordered compulsory monthly gynecological examinations for women of childbearing age in order to prevent unauthorized abortions. At the same time, elderly people who have "outlived their usefulness" are being moved out of the cities and denied medical and social services. While the people suffer, however, the president is razing large portions of historic Bucharest to build a $1.2 billion civic center that will be another of his personal monuments.

Ceausescu, who is intent on perpetuating his family's reign, indulges himself in all the luxuries and privileges of royalty. "Glory to the great Ceausescu" read signs along country roads outside of Bucharest. A large wing of the Museum of National History in Bucharest is devoted exclusively to a Ceausescu-inspired iconography—portraits and tapes tries glorifying the president and his wife—while another floor displays photographs of Ceausescu with every world leader he has ever met.

It would be a great mistake if the United States government were to seize upon hints of a Gorbachev-Ceausescu rift to further its own "friendship" with Romania. Instead, we should outmatch the Soviet leader's reproaches to Romania by suspending Romania's MFN status until it improves its human rights practices. Ceausescu's policies have proved offensive even to his Soviet allies. He should certainly be no friend of ours.

U.S. SENATE,
Washington, DC.

SUSPENDING MOST-FAVORED-NATION STATUS TO ROMANIA

Current Law: In 1974, the Congress passed the Jackson-Vanik amendment that linked most-favored-nation (MFN) trading status for nonmarket economy countries to the observance of human rights, particularly the right of free emigration. Specifically, the Jackson-Vanik provision states in brief: To assure the continued dedication of the United States to fundamental human rights. . . . products from any nonmarket economy country shall not be eligible to receive nondiscriminatory MFN treatment, credits or credit guarantees or investment guarantees or enter into commercial agreements with the U.S. if it does not permit free emigration. If a nonmarket economy country observes the requirements of Jackson-Vanik, the President may submit a waiver to Congress requesting that that country be granted MFN on the grounds that it is complying with Jackson-Vanik. The waiver must be resubmitted to Congress every 12 months to retain MFN. Since Jackson-Vanik, Romania, Hungary and China have received waivers under its provisions.

Proposed Amendment: In light of the fact that Romania is no longer complying with the requirements of the Jackson-Vanik provisions, and that it has one of the worst human rights records in the Eastern bloc, an amendment will be offered to the Trade bill to suspend for a period of six months MFN status for Romania. At the end of the six-month period, MFN will be reinstituted automatically. The President is required to report to Congress at the end of the suspension period, and every six months thereaf-

ter, on Romania's policies and practices regarding human rights, and how Romania is complying with the purposes of the amendment.

Why This Legislation is Needed:

1. Romania has one of the worst records of human rights violations in the Eastern bloc. In the specific area of emigration, Romania fails to allow thousands of its citizens to emigrate and continues to harass those who have applied to leave for the West. While Romania made nominal attempts to comply with increased emigration until 1984, since that time, the number of people permitted to emigrate has dropped from 21,000 to 15,000.

2. The Romanian government violates its obligations under several human rights agreements in almost every area. Freedom of speech is strictly limited and all media are controlled by the government. The printing of Bibles and religious literature is strictly controlled. Places of worship have been destroyed, such as the country's largest Seventh Day Adventist Church and the Sephardic synagogue in Bucharest. Free labor unions, and the observance of labor rights are practically non-existent. Political, religious and ethnic activists are subject to harassment, arbitrary arrest and physical and mental mistreatment while detained. No human rights monitoring organizations can operate freely in Romania.

3. We often hear that Romania should receive MFN status because it maintains a foreign policy independent of the Soviet Union. In reality, Romania is growing more and more dependent on the U.S.S.R. largely because of its catastrophic mismanagement of the economy. The example of "independence" often cited is Romania's opposition to the Soviet suppression of freedom in Czechoslovakia a number of years ago. However, a more recent freedom movement—that of Solidarity in Poland—was denounced by the Ceausescu regime in Romania, and internal freedom movements are severely repressed by the government.

4. Romania is known to have a close relationship with terrorists and terrorist countries. As one of the world's largest manufacturers of weapons, Romania sold more than $300,000,000 worth of armaments to Libya's Ghadafi between 1979 and 1983, and maintains a formal military cooperation agreement with Libya. Romania supplies military assistance to the PLO and other Soviet-backed "national liberation movements." And according to a high-ranking Romanian defector, General Ion Mihai Pacepa, "Romania conducts paramilitary training schools for members of the Western Communist parties, who receive training in sabotage, diversion and guerrilla tactics."

5. Continuing MFN privileges to Romania sends the wrong message to the Romanian people who suffer under their government's harsh repression. According to one of the most highly recognized human rights activists in Romania, Mihai Botez, the average Romanian is confused by the fact that the U.S. is viewed as a country of freedom, yet we support Ceausescu's repressive regime by continuing to extend preferential trade status. The United States should rethink its position and support freedom for the Romanian people.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
CONGRESS OF THE UNITED STATES,
Washington, DC, June 10, 1987.

To: All Commissiners.
From: Chairman Steny Hoyer.
Re: Romanian MFN Update.

In anticipation of an upcoming Senate debate on the Armstrong-Dodd resolution on suspension of Romania's Most-Favored-Nation status, as well as this summer's House and Senate hearings on the President's MFN recommendation for Romania, I am enclosing an update on Romania's human rights performance compiled by the Helsinki Commission staff. I hope you will find this information helpful.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
CONGRESS OF THE UNITED STATES,
Washington, DC.

I. ROMANIAN HUMAN RIGHTS UPDATE: THE VIEW FROM JUNE 1987

The Commission has traditionally categorized its human rights concerns in regard to Romania into four areas: emigration, prisoners of conscience, religious rights, and minority rights. Romanian performance in a fifth area of concern; social and economic rights, has had an inpact on attitudes towards Romania and the appropriateness of granting Most-Favored-Nation status to that country.

Each year, Romania has come up with some limited human rights concessions during the annual MFN review season. In June 1983, Romanian authorities gave assurances to the U.S. Government that they no longer would levy the education tax for would-be emigrants announced in November of the previous year. In 1984, prominent prisoners of conscience Father Gheorghe Calciu-Dumitreasa was released from prison, and in 1985, he was allowed to emigrate to the United States. Also in 1985, Romanian authorities came to an agreement with U.S. special envoy Counselor Edward Derwinski whereby Romanian citizens whose emigration to the United States have been approved no longer will suffer hardships such as loss of employment, access to social services and other rights of citizenship. In 1986, an amnesty announced in early June—well before the more commonplace Romanian National Day amnesty in August—freed prisoners serving three to five years in prison and significantly reduced the sentences of others. Also, the Romanians released several Christian prisoners of conscience, such as Adventist Dorel Catarama (imprisoned since 1982 for "economic crimes") and allowed Catarama and others to emigrate.

Other Romanian actions, even during the MFN review period, raise serious questions about the country's willingness to find common ground with either Western human rights advocates or its own citizens. Days before the Senate subcommittee debate on extension of MFN status in 1986, demolition crews in Bucharest knocked down a Sephardic synagogue. This action violated prior assurances given to members of the religious community in Romania and abroad.

Emigration

As the attached charts indicate, the annual rate of Romanian emigration to the United States declined in 1986, and the rate for the first three months of 1987 was decidedly lower than the first three months of 1986 (309, as opposed to 453). However, the figure for May to June this year is ten percent higher than the comparable number last year. There was a drop in emigration approvals to Third Country Processing (TCP) applicants, which was only reversed in May.

The TCP applicants have until recently made up a very large percentage of Romanian emigrants. With the TCP program discontinued in 1984, emigration figures could be expected to drop. While the pool of TCP applicants is shrinking (just over 2,000 remain to be processed), there is no supportable reason for such a drop as occurred in early 1987.

Last summer, two highly regarded Romanian mathematicians were permitted to come teach in the United States. Several scientific organizations had thrown their weight behind Radu Rosu and Silviu Teleman and their cases were raised vigorously during the MFN review. A third mathematician, Sorin Popa, arrived in the United States on May 30, 1987 to take up a post at UCLA. He was granted permission for this trip within a few weeks of requesting it, before his case could become a cause celebre.

Prisoners of conscience

Since last year's MFN review, one new high-profile prisoner-of-consicence case emerged: Ioan Constantin Ruta. Ruta was detained after applying to join his wife in the United States and was sentenced on bribery charges to seven years in prison as well as a fine roughly equivalent to $10,000. He is in poor health.

The Commission learned that on June 6 Ruta was granted a pardon and released from prison. His fine had been paid the previous week. He still awaits exit papers to join his wife and daughter in Minnesota.

Three Hungarian prisoners—Bela Pall, Laszlo Buzas and Erno Borbely—have been in confinement since 1983. The charges against them have never been made public. The Romanian Government has not answered any U.S. queries about their whereabouts or condition.

One prisoner of conscience with a lot of support form Christian groups in the United States was freed on appeal in November 1986. Ilie Meamtu, a member of the Open Brethren Church and a religious activist, was detained in August 1985 and held for several months before being sentenced to four and a half years in prison for unauthorized use of socialist property. His sentence was increased on appeal to seven and a half years, then reduced to four and a half in consonance with the June 1986 amnesty. He was released after an appeals court found the original charges against him incorrect.

Others were freed under the June amnesty or during last summer's MFN review. Those freed included a number of Protestant Bible smugglers, and Christian prisoners Dorel Catarama and Constantin Sfatcu. The latter two, as well as three Baptist ministers deprived of the opportunity to preach in Romania, were permitted to emigrate to the United States last summer. To the Commission's knowledge, at this time there are no persons imprisoned because of their religious activities.

The Commission has still received no information on Aurelia Nistor, a Romanian psychiatrist reportedly incarcerated in a psychiatric ward for refusing to issue an inaccurate psychological profile of someone she did not consider mentally ill (and whom the Government sought to punish). After a

few Commission letters and State Department queries, the Romanians claimed that Nistor had been allowed to emigrate in 1984, under a maiden or married name. The State Department disputes this, and has received no further word from the Romanians.

Religious rights

A breakthrough in the area of religious rights occurred last summer with the Romanian agreement to print 5,000 Cornilescu (Baptist) Bibles by the end of 1986, as well as sufficient numbers in subsequent years to satisfy demand. However, to date only 1,000 have been printed; Baptist representatives claim that the delay has been due to a backup in the German paper supply.

The Government has yet to allow a large Bucharest Adventist congregation to move into new, permanent quarters after last August's razing of the Adventist Church in the process of urban renewal. On a visit to Washington in April, Adventist leader Vasile Popa reported that the Church has purchased a new headquarters building and has received permission to build a new church. Romania's largest Baptist Church, in Oradea, has been told that approval previously granted for construction of a new church has now been revoked, even though authorities earlier had facilitated the church's purchase of a new site. The Oradea congregation has outgrown its original church building.

The Romanian Jewish community was concerned about a number of anti-Semitic publications last year, but did not report any recent such publications. It has had no further public complaints, other than expressing dismay over an attack by arsonists on a synagogue in northeastern Romania. The Government arrested four accused arsonists in connection with the incident.

Reports of harassment of members of unrecognized churches have diminished considerably, suggesting that the authorities are easing up on them.

Minority rights

There has been no improvement in the situation of the Hungarian minority since the last MFN review; Hungarian NGOs report that the situation has only worsened. They report that a Hungarian doctor was arrested in August 1986 and is being held on charges of engaging in nationalist activities.

Leaflets have appeared in Transylvania (where the Hungarian minority is concentrated) calling for the overthrow of Ceausescu. It is impossible to tell whether the atmosphere of fear reported in Transylvania is any greater than the pervasive fear in Romanian society as a whole.

Ceausescu's brand of rabid nationalism is taking a toll on the Hungarians. They face diminishing opportunities to be educated in their own language and maintain a culture separate from Romanian culture. Hungarian-language theaters and publishing houses are being shut down or merged with Romanian-language ones. Family and cultural contacts across the Romanian-Hungarian border are hampered, and Hungarian visitors to Transylvania are harassed.

The Hungarians in Transylvania are the only Romanian citizens to have sustained a samizda periodical, the Hungarian News of Transylvania, over several years. This newspaper chronicles the situation of the Hungarian minority and can be credited for raising consciousness in the West on the Hungarian minority issue—a consciousness which has spread to the U.S. Congress.

Social and economic rights

The economic situation in Romania has never been worse. Fuel has been rationed for several years, leaving many people in apartments and offices which are heated to just over freezing. The street-lights in Bucharest—a capital once compared to Paris for its atmosphere—are no longer turned on at night. Basic foods, including milk and bread, are rationed. Meat is scarcely available. It appears that all of Romanian society—outside the Party and Ceausescu family elite—is suffering equally.

Decades of financial mis-planning have led to the dire condition of the Romanian economy. The Government has continued to pay back its foreign debts and engage in a modernization campaign for the country at the expense of the Romanian people. The center of Bucharest—where the Spanish Synagogue and the Adventist Church stood—is being torn up to build a modern complex in honor of Ceausescu.

ANNUAL ROMANIAN EMIGRATION TO THE UNITED STATES, ISRAEL AND THE FEDERAL REPUBLIC OF GERMANY—1971–86

Year	USA	Israel	FRG
1971	362	[1] 1,900	([2])
1972	348	[1] 3,000	([2])
1973	469	[1] 4,000	([2])
1974	407	[1] 3,700	([2])
1975	890	[1] 2,000	4,085
1976	1,021	1,989	2,720
1977	1,240	1,334	9,237
1978	1,666	1,140	9,827
1979	1,552	976	7,957
1980	2,886	1,061	12,946
1981	2,352	1,012	8,619
1982	2,381	1,474	11,546
1983	3,499	1,331	13,957
1984	4,545	1,908	14,831
1985	2,913	1,327	13,072
1986	1,996	1,281	13,130

[1] Approximate.
[2] Unreported figures.

MOST-FAVORED-NATION TRADING STATUS GRANTED—1975

Monthly Romanian emigration to the USA, 1986

January	159
February	81
March	213
April	135
May	132
June	135
July	147
August	165
September	255
October	182
November	224
December	169
Total	1,996

MONTHLY ROMANIAN EMIGRATION TO THE USA AND ISRAEL, 1987

	USA	Israel
1987:		
January	82	116
February	97	101
March	130	105
April	200	106
May	291	95

[State Department "Country Report on Human Rights Practices," 1987]

ROMANIA

Romania is a highly centralized Communist state. The Romanian Communist Party, led since 1965 by President Nicolae Ceausescu, is described by the Constitution as "the leading political force in the whole of society." Through the Government, the party seeks to control every significant aspect of the country's life. In practice, the bureaucratic system leaves varying degrees of latitude to local officials to carry out central directives as well as to abuse their powers in violation of constitutional rights. Almost all aspects of life proceed within narrow bounds defined by the party and its leader. Political dissent is not tolerated. Criticism of the regime and its policies is suppressed by the ubiquitous Department of State Security.

Maintaining its policy of repaying its foreign debt obligations as soon as possible, Romania in 1986 continued to make drastic efforts to increase productivity and conserve energy and raw materials. Domestic shortage of consumer and food items have continued to worsen, especially during the winter months. Many basic foodstuffs are rationed, and meat is largely unavailable. Mandatory energy conservation measures result in many Romanian homes being without heat or cooking gas for much of the winter.

In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romanian practice. Although Romania is a signatory of the Final Act and the Romanian Constitution guarantees many rights, the standards set in both documents are not precise on many issues, so that the guarantees are often meaningless in Romanian practice. The party, through the Government, continues to limit and often deny the right to free speech and free assembly and association, and to apply restrictions to religious practice. However, the Government has, within severely circumscribed limits, moved to accommodate some human rights concerns.

In 1986 the Government acted on several longstanding human rights issues. It agreed to permit the printing of some 5,000 Bibles for Baptist churches in Romania, with the promise of more in subsequent years based on need. It declared an amnesty in June for persons convicted of relatively minor crimes and also released several long-term prisoners identified with issues of religious freedom and allowed them to emigrate to the United States. American religious travelers reported that they remained able to visit persons and places of their choosing, although they or their contacts subsequently have been questioned by the authorities. At the same time, other aspects of the Government's treatment of religious groups and the demolition of a number of places of worship, including a major Jewish synagogue and a large Seventh-Day Adventist church, in the name of urban reconstruction, caused major concern.

In 1986 the Government continued its "principled opposition" to emigration, discouraging individual cases by complicated, slow-moving procedures and coercive tactics. Potential emigrants often must wait several years before they receive exit approval, although the hardships endured by such intending emigrants have been reduced considerably by a 1985 U.S.-Romanian under-

standing on emigration procedures. Departures for the United States, Israel, and the Federal Republic of Germany in 1986 totaled 15,222, mainly under the rubric of family reunification. This figure represents a decline from the 1985 total of 17,350.

Respect for human rights:

Section 1.—Respect for the integrity of the Person. Including Freedom from:

a. Political killing:

There were no substantiated reports of political killings in Romania during 1986. There were allegations that the death of an ethnic Hungarian actor, Arpad Visky, was caused by the security police, but there is other information contesting this charge. At the same time, no Romanian investigation was ever made public in the case of Gheorghe-Emil Ursu, a detainee who died in November 1985 under unexplained circumstances. Some sources claim the prisoner suffered beatings at the hands of the police which led to his death. The available information, though not definitive, appears to lend credence to these reports.

b. Disappearance:

There were no substantiated reports of politically motivated disappearances. However, family and friends of persons arrested on political charges are frequently left unaware of their circumstances and location for long periods of time.

c. Torture and cruel, inhuman, or degrading treatment or punishment:

There were numerous reports of mistreatment of persons while in Romanian prisons or police custody. Acts of violence perpetrated by police authorities attempting to obtain information are frequently reported. Romanian authorities also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often held incommunicado and kept for long periods without sleep, food, or toilet facilities. Numerous reports say those caught attempting to leave the country illegally, for example, are subject to extreme physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Prisoners also report that, in the case of those who have received long sentences for political offenses, wives are sometimes pressured to divorce their spouses.

Among numerous other reports of mistreatment, the most common complaints concern cells which are badly ventilated and poorly heated, bad food in extremely small quantities, difficult working conditions, long periods of isolation, excessive use of force by guards, overcrowding, and segregation of persons deemed "dangerous to the State" because of religious belief or for other reasons. Several prisoners reportedly have been denied outside medical care or even the use of medicines brought to their prison by family members. By law, some Romanian convicts are not required to work; the State uses this provision to keep some prisoners effectively in solitary confinement, whereas others in this category, whom the State does not wish to segregate, reportedly are made to sign "voluntary" requests to be allowed to work.

d. Arbitrary arrest, detention, or exile:

Persons detained for investigation often are held incommunicado. Detention of varying duration, usually a matter of hours, followed by release without charge, continues to be widespread. Such arbitrary detention may be repeated several times, with subjects called back for additional lengthy interrogation and threatened with further harassment or punishment for their actions. This treatment is particularly common for those religious activists who are detained. There is no provision for bail.

The scope of Romanian criminal law is broad enough to insure that persons coming under official scrutiny may be convicted of some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal" assembly for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"—a felony—if found attempting to hand out free Bibles. A June 1986 presidential decree granted amnesty for certain offenses to most Romanians sentenced to prison terms of less than 5 years and also reduced longer sentences. This action freed a number of persons imprisoned on relatively minor charges related to their religious activities.

Exile is not a sanction under Romanian law, although there have been cases of persons "temporarily exiled" by being taken to a remote location and detained.

Romanian citizens are required to perform involuntary labor, but for the most part this seems to fall within the area of "civic obligations." The labor exactions are general throughout the population. For example, a 1971 law, amended in 1985, requires up to 6 days' unpaid labor per year from each citizen. The 1985 amendment, however, specifically provides that additional tax payments can be substituted for days not worked. Sanctions for nonperformance are light, and in many jurisdictions the requirement for contributions of work (or additional tax payments for days not worked) is apparently not enforced. Students 11 years of age and older perform "patriotic work" in agriculture or elsewhere, sometimes 8 to 10 hours daily for several weeks, especially during the harvest. The Union of Communist Youth organizes "youth brigades" for this purpose. Some religious groups reportedly have been "encouraged" by local authorities to perform unpaid labor in the fields on Sundays as a means of securing official approval for church building permits or other benefits for their congregations.

e. Denial of fair public trial:

Although Romanian law sets standards for providing guilt, in practice an accused person often is considered guilty until proven innocent. The ability of the accused to defend himself effectively in a fair trial can be severely limited, especially in politically sensitive cases. Although authorities occasionally take pains to display an appearance of regard for correct procedure and due process of law, Western observers continue to gain the impression that being brought to trial in Romania is in many cases an almost sure guarantee of conviction. In 1986 there were clear cases of fabrication of evidence and suborning and intimidation of witnesses by prosecuting authorities, as well as of what appeared to be violations of Romanian law regarding court procedures. Defendants are often tried without counsel or are represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. Members of the judiciary, like other officials, are subject to the authority of the Communist Party.

An example in 1986 of a trial which appeared politically motivated was the case of Ioan Ruta. Shortly after Ruta, the head of an enterprise employing 150 people, applied to join his wife, who had elected to remain permanently in the United States while on a business trip, he was charged with accepting bribes. Observers found the evidence questionable and inconclusive, with defense witnesses too intimidated to appear in court. Ruta was convicted and sentenced to 7 years in prison.

Most trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. Foreign observers in 1986 continued to be able to attend public trials of high local or international interest.

It is impossible accurately to estimate the number of political prisoners in Romania, though the number could be several thousand. This includes those convicted for attempting to leave Romania illegally, "parasitism" (no visible legal means of support), illegal economic activities, and protesting against the political or social system.

f. Arbitrary Interference with privacy, family, home, or correspondence:

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the impossibility of total control, by uneven application of regulations, and by official corruption.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course. Persons on tram cars and city buses often are asked for identity documents and have shopping bags and personal belongings checked by the authorities.

The authorities frequently enter homes on the pretext of looking for building code violations, excessive consumption of electricity, illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religious materials, or any other evidence of "wrongdoing."

Violation of privacy of the person also arises from the antiabortion campaign. Mandatory pregnancy tests and physical examinations take place bimonthly for many female workers in order to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons of interest to the authorities often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addresses.

The Government has the capability to monitor domestic and international telephone calls and appears to do so frequently.

Section 2.—Respect for civil liberties. Including:

a. Freedom of speech and press:

These freedoms are severely restricted. While the Constitution guarantees freedom of speech and press, it prohibits their use for any purpose "hostile to the Socialist system and the interests of the working people," as defined by the State and party. Similarly, the Penal Code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means . . . (or) . . . the undertaking of any

action for the changing of the Socialist system. . . ." It also prohibits acts "which would result in a danger to state security;" these offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Though official censorship was abolished some years ago, all media are state owned, rigidly controlled, and used primarily as the vehicle for government and party propaganda. Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people. Western publications are not generally available, although foreign cultural centers and libraries are open to the public and are allowed to distribute limited quantities of Western periodicals. The unauthorized importation or distribution of foreign publications is forbidden. In 1986 there were frequent reports of confiscations of foreign-source materials, including Hungarian language publications, at the border. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. For live theater, official boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated.

b. Freedom of peaceful assembly and association:

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe penalties to those involved. Citizens are strongly discouraged from making contact with foreigners and are required to obtain permission in advance to attend functions held by non-Romanians. New decrees promulgated late in 1985 but never officially published (and often not obeyed) further discourage contacts with foreigners and strengthen the requirement that all such contacts be reported to the authorities within 24 hours.

The Constitution guarantees the right to join a union. As noted earlier, however, it also enshrines the Communist Party as "the leading political force in the whole of society," which applies specifically with respect to labor unions and other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right to form associations, elect representatives, or affiliate with international organizations except through the official unions.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in many factories the senior party official is also the union's chief executive, and the primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as vacations at union-owned hotels (for which the member pays only a fraction of the real cost), low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts where the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes would reach the courts. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right strike, has been harsh repression.

Brutal suppression of miners strikes in the late 1970's led to a complaint by the World Federation of Labor and an investigation by the International Labor Organization (ILO). Inadequate responses, failure to respond further to charges, and refusal to accept a direct-contact mission led the ILO to find Romania substantially in violation of generally accepted labor standards. In 1986 Romania reportedly resumed discussions with the ILO, but no resolution of the matter has been reached.

Work stoppages and labor unrest caused by dissatisfaction about food shortaged, pay, or lack of heat have increasingly been reported. The institution of unrealistic production and sales quotas and penalties in the form of salary deductions for failure to meet them has increased worker dissatisfaction.

c. Freedom of religion:

Religious practice is active and widespread, yet closely controlled and circumscribed by the Government. The Government subsidizes some religious groups, but actions by central and local authorities which abridge basic religious rights are a continuing source of concern. The Communist Party advocates atheism, and religious activism by state officials and party members is not permitted. Schoolchildren are taught to be wary of religious superstition." Newspapers and other party-controlled media regularly portray religious believers as ignorant or backward.

Article 30 of the Constitution provides for "freedom of conscience" for all citizens, with freedom for individuals to share or not to share a religious belief and for churches to "function freely," subject to laws governing church organization and operation. Those who do not challenge the limits imposed by the Government on church activities may practice their religion quietly. With such "freedom" comes the disadvantage that those who exercise it are less likely to advance far in their trade or to enter such professions as law or medicine.

The Government recognizes 14 religious denominations and, through the Department of Religious Affairs, exercises broad discretionary powers over the various religious groups. The Government subsidies clerical salaries (which some denominations do not accept), issues licenses to preach, approves permits for church construction or renovation, establishes the number of new admissions to seminaries, and controls the importation or printing of religious materials, including Bibles. These powers often are used arbitrarily, especially against groups that arouse official concern.

Government restrictions are aimed most intensely at groups whose beliefs, in the Government's view, inspire "antisocial" or "anti-Government" behavior. Press articles periodically criticize these groups for being "fanatic," or "antisocial," or for professing beliefs that conflict with Romanian law. In recent times, however, the unrecognized religious groups have been tolerated by the Government, although their worship services occasionally are treated by local authorities as illegal assemblies," with the participants arrested or fined.

The rapid growth of the evangelical denominations has led to pressures for more religious training, more printing of religious materials, and the expansion and construction of more churches. Conflicts between evangelical groups and the authorities have arisen frequently, and the Government's response has been harsh. Activists who are devout and vocal are kept under surveillance and often are subject to loss of jobs and social benefits, police intimidation or arrest, and in some cases beatings.

The shortage of Protestant Bibles has led some Romanians to risk harsh penalties and even imprisonment for smuggling them into the country. In 1986, however, a number of imprisoned religious activists were released. Constantin Sfatcu, convicted in 1985 of attempting to murder a police officer after Sfatcu was caught transporting "illegal" Bibles, was released and allowed to emigrate to the United States, as were a number of others, including Dorel Catarama, a Seventh-Day Adventist, and three Baptist pastors. An elder of a Ploesti Evangelical Brethren Church, Ilie Neamtu, was convicted in 1986 and given a severe sentence, although the circumstances suggest that Neamtu's real offense was organizing a series of Evangelical meetings among his coworkers. Neamtu's conviction, however, was overturned in November by an appeals court which ruled the charges against him were incorrect.

In a positive development in 1986, Romanian authorities agreed to the printing of 5,000 new Bibles for the Romanian National Baptist Union, the first such printing since the 1920's. They also agreed to the printing of several thousand additional Bibles in subsequent years, depending upon the need. At the end of the year, arrangements for the printing of the first group of Bibles had not been completed.

Concerns remain regarding the maintenance, repair, and construction of church buildings. A large Senventh-Day Adventist Church in Bucharest, located in a renovation zone, was demolished in August. Although the Government has promised to allow the purchase of a replacement facility, none of the sites proposed by the Church have been approved. Since August, the congregation has been meeting in a temporary structure totally inadequate for its needs. A Baptist Church in Hunedoara is making its final appeal on an alleged building code violation; if it loses, a substantial part of the church building will be demolished. Several other congregations whose churches were destroyed in previous years are still awaiting approval to rebuild. An Evangelical Brethren Church in Brinceni recently lost a court case involving the validity of the sales contract for its building and now must find new quarters. The country's largest Baptist Church, in Oradea, has been told that approval previously granted for construction of a new church, on land purchased at great expense, has now been revoked, leaving the several thousand-member congregation in an overcrowded building with a decaying foundation and no sewer facilities.

Seminary admissions remain extremely limited. In 1985 the Baptists were allowed only four new students, the Seventh-Day Adventists and Pentecostals, three each. By comparison, the Baptists were permitted an average of 40 per year in the late 1970's.

The Government remains in disagreement with the Roman Catholic Church on a number of issues, and the church technically remains without an approved government charter. However, the church is allowed to operate as if it were fully recognized.

The Government continues to permit the operation of an active Jewish community or-

ganization throughout the country. Jewish leaders also continue to be able to travel freely outside Romania. However, there were a number of problems in 1986. In the course of a major urban renewal project in Bucharest, a large old age home was demolished before a replacement facility was ready, and a major synagogue was torn down despite earlier indications from the Government that this would not occur. Responsible Government authorities have since given assurances that the remaining key Jewish community facilities will not be disturbed. The Jewish community also has been distressed by anti-Semitic overtones in two recent publications. Community leaders protested vigorously and were told that those responsible would be punished. Recent reports indicate that the editor of one of the publications has been dismissed. The Government did allow the Chief Rabbi to respond publicly in the Jewish community newspaper to one of the pieces, but neither of the offending publications has printed the Rabbi's letter of rebuttal. A fire in October which damaged the synagogue in Buhusi, in northeastern Romania, has given rise to new concerns about anit-Semitism in Romania. However, the Government quickly denounced the act, and within several days arrested four suspects who were later convicted on charges of robbery and arson and imprisoned.

d. Freedom of movement within the country, foreign travel, emigration, and repatriation:

Except for certain military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Because of economic hardships, however, travel within Romania can be difficult for the average citizen. The authorities sometimes reportedly seek to discourage citizens from traveling to meet foreign visitors or to attend particular functions.

The right of a citizen to change his place of residence is restricted. All citizens are required to have residence permits and may not legally move from one town to another, or between districts within a city, without official permission. Implementation of residence permit regulations and antiunemployment laws has had the effect of diluting the ethnically homogeneous nature of some parts of the country heavily populated by national minority groups. Workers are technically free to change jobs, although antiunemployment laws and governmental controls limit this freedom in practice.

Travel outside Romania is treated as a privilege, frequently arbitrarily withheld, even for those who can "guarantee" their return by leaving a close family member behind. Older persons wishing to visit their children resident abroad generally have few problems.

Officially, Romania encourages tourism by making visas available for most visitors at the border. The Government has indicated, however, that certain U.S. citizens who formerly visited Romania as tourists would not be given visas for future visits, nor would they be allowed to reenter the country. In 1986 two American visitors were arrested and expelled from the country after attempting to contact prominent ethnic Hungarians. The Government refused to give the grounds for the explusion except to insist, with no apparent justification, that their activities were inconsistent with tourist status.

Oficial policy continues to oppose emigration for any purpose but family reunification. Those who seek to leave Romania continue to face harassment designed to dissuade them and others who might be considering permanent departure. Successful applications take between 1 and 5 years before exit approval is granted. The Government refuses to allow some Romanians to apply for emigration passports at all.

The United States and Romanian Governments reached an understanding in 1985 on new procedures for processing persons seeking to emigrate to the United States. These procedures have substantially reduced the hardships formerly faced by Romanians given permission to leave permanently for the United States. They represent one area of progress by Romania toward fulfilling its commitments, under the Madrid Concluding Document of the Conference on Security and Cooperation in Europe, regarding treatment of intending emigrants.

Section 3.—Respect for political rights: The right of citizens to change their government:

Though the Constitution guarantees the right of Romanians to change their government and leaders, in practice the individual citizen has almost no voice in shaping public policy or choosing public officials. The Romanian Communist Party, led by the President and a few advisers, rules the country. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the Government, the party, and the state leadership is suppressed.

The Communist Party comprises more than 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are reportedly represented in proportion to their numbers within the general population.

National parliamentary elections by secret ballot are held every 5 years. The public has no effective voice in the nominating process; candidates are chosen by the Front for Democracy and Socialist Unity, a mass organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are Communist Party Central Committee members. Official statistics published after the March 1985 general election claimed that 99 percent of those registered actually voted, and 97.3 percent of these voted for the Front's candidates. Western observers closely watching the elections consider these figures highly suspect. The Parliament itself rubber-stamps the Government's proposals.

In Romania, the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding public posts the following spring.

Section 4.—Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights:

There are no human rights monitoring organizations operating in Romania. The Government has not commented officially on reports issued by governmental or nongovernmental organizations such as the Council of Europe, Amnesty International, or freedom House, all of which have been critical. In 1986 Romanian authorities refused to approve a long-proposed visit by the International Human Rights Law Group. It did allow travel to Romania by American human rights attorney-observers at the bribery trial of Ioan Ruta described above.

Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and in the Final Act of the Conference on Security and Cooperation in Europe. At the same time, discussion of human rights issues is a regular feature of diplomatic exchanges between the U.S. and Romanian Governments.

Section 5.—Discrimination Based on Race, Sex, Religion, Language, or Social Status:

According to official figures, the country's population includes about 2.7 million members of ethnic minorities, of whom 1.7 million are ethnic Hungarians. Hungarian sources claim that the true figure is closer to between 2 and 2½ million ethnic Hungarians. Hungarians, Germans, Gypsies, and members of many smaller groups constitute about 12 percent of the total population. Romania's minorities live in a country infused with Romanian nationalism. School texts, history books, and mass media purvey a version of history which often ignores or belittles the role these minorities have played in Romanian history. Although there is no clear evidence of economic discrimination against minorities, the Government, despite public pronouncements to the contrary, appears to encourage the integration and absorption of minority groups into one unified Romaian culture.

Although the Constitution forbids discrimination on the basis of ethnic background, and the Government claims it does not discriminate against minorities, there nonetheless are limitations on minority groups' freedom to express and maintain their cultural heritage. The principal groups which feel such limitations are the Hungarian and, to a lesser degree, the German minorities. Government efforts to centralize and economize by combining educational, social, and cultural facilities frequently affect minoritiy groups disproportionately. For example, the mergers of schools, theaters, or other such institutions often result in the loss of the minority group's ethnic characteristics as the institutions become predominantly Romanian.

Strict government control of private organizations which are dedicated to the preservation of ethnic cultural practices is often viewed by members of minority groups as discriminatory. Both Romanian and non-Romanian telvision and radio broadcasting have been cut as an economy measure. However, despite government limitations, Hungarian- and German-language daily papers still outstrip their Romanian language equivalents in circulation in heavily ethnic areas.

In the field of education, reports from several sources indicate that there are no longer Hungarian-language high schools, but only Hungarian sections in Romanian high schools. Under longstanding rules, the minimum number of Romanian-speaking students required to form a Romanian class is far less than the minimum number of minority children required to form a class in their language. There continue to be reports that government practice is to assign mainly Romanian-speaking teachers to predominantly Hungarian areas, and most Hungarian-speaking teachers to predominantly Ro-

manian areas. Although basic schooling still is available in minority languages such as Hungarian and German, students can take university entrance examinations and courses in minority languages only in a few disciplines.

Women are constitutionally guaranteed the same rights and priviliges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority, they appear in far smaller numbers. The higher ranks of the party are occupied predominantly by male Romanians.

CONDITIONS OF LABOR

The Constitution guarantees the right to work. Unemployment is a crime ("social parasitism"). The Government closely controls the labor market and claims that there is no unemployment.

The Constitution guarantees an 8-hour workday (or a 6-hour day in "arduous" occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these guarantees but allows employers to override these standards "if conditions warrant." In 1986 there were numerous reports of workers required to perform extra, uncompensated days of labor to make up for lagging production or for some official holidays. Shift schedules and workdays have been arbitrarily adjusted, in some cases, to rationalize machinery use or energy consumption patterns.

There is no specific minimum employment age, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for youths 14 years of age in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields, or in other "patriotic work," usually as part of a school or other group activity.

The labor code guarantees Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industries and is responsible for enforcing these standards. In practice, however, observers report that workplace conditions in many factories present substantial health or safety hazards. Although management is reportedly aware of these deficiencies in most cases, emphasis on meeting production goals clearly takes precedence over safety and health in light of the Government's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development.

ROMANIA: SOME REASONS FOR DENYING MFN

Romania is probably the most repressive, most economically backward country of the Soviet bloc. For the U.S. to continue giving it MFN—whatever the rationale, the hope for "independence" and "liberalization" back in 1975—is by now nothing short of embarrasing.

INDEPENDENCE?

The Soviet-Romanian trade agreement for 1987, signed in December 1986, confirms the expected increase of the economic exchanges: estimated at up to 70 percent over the next five years. Romania is now largely dependent on Soviet oil: Soviet supplies may reach half the volume of estimated Romanian oil extraction for 1987—namely, some 5 million tons. Romania, given its economic performance, simply cannot afford to be "independent" of the Soviet Union.

Romania's U.N. voting record is only a percentage point or so better than the Soviet Union's. In some respects, Romania is more radical than the Soviet Union: its intransigence at the Helsinki meetings, for example, has been noted by participants.

RELATIONSHIP WITH TERRORISTS

The cumulative value of arms transfers from Romania during 1979-1983 was $3,100 million, which put Romania in 9th place worldwide. The Soviet Union bought some $1,800 million of that cumulative total; the other takers within the Warsaw Pact plus Vietnam accounted for at least another $200,000,000 of Romanian armament deliveries. Most of the remainder went to Iraq, Libya, and North Korea, which took $400,000,000, $310,000,000 and $120,000,000 worth of armaments respectively.

Since 1983 Romania and Libya have had a formal military cooperation agreement between their Defense Ministries, covering Romanian armament supplies and other military activities.

Romania supplies military assistance to the Palestine Liberation Organization and other Soviet-backed "national liberation movements." Some of the deliveries have been handled by Romtechnica state trading enterprise, which is attached to the Foreign Trade Division of the Ministry of National Defense. Some of the consignments have reportedly been delivered by Soviet transports.

RELIGIOUS FREEDOM?

July 21-23, 1986: The only Sephardic synagogue in Bucharest was torn down, despite repeated interventions by the Israeli, American, and Spanish Embassies. In doing so, the authorities did not even wait for an advisory MFN vote in the U.S. House of Representatives.

July 29, 1986: Wrecking crews arrived at a Seventh-Day Adventist Church in the center of Bucharest—on the same day that the House voted on the Crane Amendment (216-190). About 200 parishioners occupied the building, trying to prevent its destruction.

On August 6 demolition work began at the Adventist Church. Some of the occupants were injured in the process.

August 18-23: The Orthodox Church of St. Nicolae-Jitnita (built in 1711-1718) was pulled down to make space for a movie theatre. In fact, 14 historic Orthodox Churches and monasteries have been moved, partially dismantled, or destroyed during the present urban renewal campaign.

Note.—Rosanne Ridgway, Assistant Secretary of State for European Affairs, noted that "the notion that the day after a hearing you can go out as if that is the end of it, as if the United States is worried about human rights and emigration only two days of a year—one day in the Senate and one day in the House—is just wrong." (Aug. 7, 1986)

ECONOMIC LIBERALIZATION?

On January 27, 1987, President Ceausescu categorically rejected any attempts at liberalizing either Romania's economy or diminishing state control in domestic activities: "No one can conceive of a revolutionary party saying that it will let enterprises or economic sectors manage themselves and no longer interfere in the management of the enterprise or of scientific, cultural, or other activities."

Workers at the Heavy Machinery Plant in Cluj, at the glass factory in Turda, and in several other Transylvanian towns, went on strike in the fall and winter of 1986 and 1987 to protest abysmal work conditions, lack of food, and decreasing wages.

POLITICAL FREEDOM?

A group of young working-class Romanians, adherents of Romania's outlawed National Peasant Party—the largest political party in Romania before 1947—have been subjected to police and judicial reprisals after having formed a Romanian Association for the Defense of Human Rights. All members of the Association are working-class. The group's most active and articulate members are: Florian Rusu, aged 31, a guitarist who graduate from the Bucharest conservatory and a high-school music teacher, recently dismissed from his job; Cristian Butusina, aged 26, a bus driver; Florian Toporan, aged 21, an electrician.

The Romanian Association for the Defense of Human Rights gathers information on human rights violations in Romania and is dedicated to "exclusively peaceful, nonviolent, and civilized means" of dissent.

Florian Russu has served a four-month prison sentence for "parasitism" (not having a job), and remains under tight police supervision. He now suffers from ailments caused by beatings and by prison conditions. His account of prison conditions in Romania has been broadcast over Radio Free Europe in April, 1987.

Ion Puiu, a 68 year old leader of the National Peasant Youth in the early postwar period, has 17 years of detention behind him and is now being harassed for composing a message of support for the 1956 Hungarian Revolution. Puiu has been repeatedly subjected to lengthy interrogations by the police at all times of the day and night and has been beaten while in police custody as well as being fined exorbitant amounts of money on fabricated criminal charges.

In February, mathematician Mihai Botez was severely beaten. Botez had been the principal dissident in Romania. He is currently prohibited from teaching, and there is concern about his safety.

Note.—The United States Helsinki Watch Committee, among others, has called the Romanian government "one of the most egregious offenders of human rights in Eastern Europe."

THE EMIGRATION RECORD

400,000 Romanian Jews chose to emigrate since the end of the Second World War, more than 90 percent of them before MFN was granted in 1975.

In 1974, 12,591 people emigrated from Romania altogether.

The average during the following 11 years was 22 percent higher (15,400 per year). However, close to ⅔ of that figure emigrated to West Germany—due mainly to bilateral agreements. Only some 26,000 people have emigrated to the U.S. altogether from 1975 to 1986.

In 1986, total emigration from Romania to the U.S., West Germany and Israel decreased by over 12 percent from 1985, with a hefty 31 percent drop in emigration to the U.S. This is due in part to U.S. legal barriers to emigration—thus making a mockery of the Jackson-Vanik emigration procedure.

MINORITY RIGHTS

The situation of the Hungarian minority is undoubtedly the most serious problem in

the area of human rights faced by Romania. Hearings were held by the Helsinki Commission on May 5, 1987. The Hungarians are facing virtual cultural genocide in Romania.

THE TRADE DEFICIT

1986 was the fifth year in a row that there was a large trade deficit with Romania: $838 million in Romanian exports to the U.S. vs. $250 million U.S. exports to Romania. Of the latter, almost half were agricultural commodities. Of the former, about half was oil; the rest included furniture, shoes, china and steamware, and clothing and yarn.

JULIANA GERAN PILON, Ph.D.,
Senior Policy Analyst,
The Heritage Foundation.

[From the Wall Street Journal]

'CEAU-SES-CU! GOR-BA-CHEV!'

Mikhail Gorbachev finally swallowed hard and got on the plane this week for Bucharest. It was the last visit in his tour of the Eastern European allies and the first to Romania by a Soviet leader since 1976.

Now it is well known that Mr. Gorbachev, the most outward looking leader in Soviet history, does not like a lot of fuss on these trips. So what did a fun-loving strong man like Nicolae Ceausescu do? He ordered out crowds to chant "Ceau-Ses-Cu! Gor-Ba-Chev!" while bearing flags and waving posters that make the aged Romanian look younger than the Russian.

Less than thrilled, Mr. Gorbachev retaliated when he waded into a crowd for a bit of repartee that was carried on Soviet, but not Romanian, television. To Romanian citizens, who have for years endured heatless winters, meatless diets and ruthless oppression, he said this: "Even if you tell me everything is fine in the country and in the family, I wouldn't believe you."

The mutual enmity goes deep. Mr. Ceausescu has for some time been critical of the Gorbachev reform initiatives, lashing out at decentralized management and limited autonomy.

It's ironic that Romania, once a thriving land, should now have almost the lowest standard of living in Europe and be a country that in Mr. Gorbachev's eyes gives communism a bad name. Part of the reason for this state of affairs has been Mr. Ceausescu's longtime resentment over Soviet designs to make Romania a food and raw-material producer for the Warsaw Pact. So two decades ago Bucharest embarked on breakneck industrialization—ill-conceived, mismanaged and by now obsolete in every significant respect.

The most notable byproduct of the program has been an enormous amount of hard-currency borrowing. So Mr. Ceausescu is now squeezing all vitality from his economy in a brutal austerity program to pay the debt.

Concurrent with its insane industrialization, Bucharest began to distance itself from Moscow over some foreign-policy issues. Most notably, it declined to participate in the invasion of Czechoslovakia; it declined to make its soil available for Warsaw Pact exercises, and it alone in the bloc maintained diplomatic relations with Israel.

Flashy moves, but of no meaningful consequence. The changing image did however pose a problem for the West: how to take advantage of such apparent divisions within the East Bloc. A U.S. State Department scheme called "differentiation" resulted. Under the policy, the U.S. denied trade advantages to the Soviet Union because of its expansionist adventures, while rewarding Romania, with most-favored-nation tariff treatment for playing the maverick.

We all know the rest. Mr. Ceausescu is razing synagogues and churches, persecuting Hungarians, bartering Germans and Jews and is making life in general in Romania about as miserable as possible. Notwithstanding the U.S. policy of somehow differentiating between Messrs. Gorbachev and Ceausescu, Romania continues its efforts to achieve the status of least-favored nation.

U.S. SENATE,
Washington, DC.

LETTERS OF SUPPORT FOR THE ARMSTRONG-DODD AMENDMENT

Center for Russian and East European Jewry and Student Struggle for Soviet Jewry—"After all these years of abundant Romanian assurances, but of poor performance, we support any Congressional action that would serve as 'a shot across the bow,' sending Bucharest a clear signal that we intend to implement the leverage potential inherent in the Jackson-Vanik Amendment to the 1974 Trade Act."

Christian Response International—"I would strongly urge you to support this very important amendment. It is my conviction that suspension of MFN to Romania will send a message to Romania we Americans are serious about freedom—the basic freedom of all being religious freedom."

International Human Rights Law Group—"The Law Group believes that the situation in Romania has deteriorated significantly since MFN status was granted in 1975 . . . Romania is a case where suspension of MFN trade status is both appropriate and necessary if Congress is to have a substantial effect on the human rights situation there. The Law Group, therefore, urges you to vote for the Wolf Amendment, sending the message that human rights violations by U.S. trading partners will not be tolerated."

The Romanian Missionary Society—"A clear sign has to be given to Ceausescu from Washington that he cannot fool the West forever. While a complete cancellation of the Most Favored Nation Clause to Romania would be a further economic disaster on a terribly distressed nation, a temporary suspension as proposed by Congressman Wolf is the clear sign that it is time for Ceausescu to take the American administration seriously. That is why we support the Wolf Amendment."

Christian Rescue Effort for the Emancipation of Dissidents—"Dear Mr. Wolf: Your efforts to suspend MFN for Romania are, unhappily, well justified by recent events. After MFN was granted Ilie Neamtu, who had been granted amnesty, was sentenced to 4½ years, and the 7th Day Adventist Church in Bucharest was "bulldozed" with worshipers still in it."

Note that the Wolf Amendment is the House version of the Armstrong-Dodd amendment which is in H.R. 3.

Helsinki Watch—"We support the Wolf/Hall initiative as a means to encourage actual human rights developments in Romania as a condition of normal trade relations, and urge that the measure be adopted."

LUPTA "The Fight"—"We think that by not having MFN renewed the United States would put substantial pressure on the present leaders in Bucharest to improve living conditions in Romania. I also believe that it could influence the struggle for power within the communist leadership of all Central and Eastern (USSR) Europe."

THE CENTER FOR RUSSIAN AND EAST EUROPEAN JEWRY,
New York, NY.

Hon. WILLIAM ARMSTRONG,
U.S. Senate, Hart Building, Washington, DC.

DEAR SENATOR: In view of the upcoming Congressional hearings on the renewal of Most Favored Nation (MFN) trading status for Romania, Hungary and China, and the current legislative proposals to suspend Romania's MFN status for six months signalling the critical importance of improved human rights performance in the areas of emigration, religious oppression and Hungarian minority discrimination, I am pleased to provide some background on Romanian human rights performance, and especially Jewish emigration to Israel, since the early 1970's.

Annual emigration dropped dramatically from 3,000-to-4,000 (when Bucharest was currying favor in Washington) to 2,000 in 1975/6, immediately after MFN had been granted, and thereafter to approximately 1,000 the approximate current, wholly inadequate, level.

This decline is not related to the much talked of reduced number of Romanian Jews due to aging and emigration. In our experience, many old people do wish to join their children once they are settled abroad. What's more, official Romanian figures of 23,000 as their total population of Jews is also misleading. Unofficial estimates go up to 40,000. We know of many Jews, especially in Bucharest, not registered with the Jewish community.

In the years after World War II, Romania, like all other East European countries, became a land of mass Jewish emigration. Even though the majority of Romanian Jewish survivors of the Nazi Holocaust have left, Romania has probably a worse record of Jewish emigration than the others, with the important exception of the USSR.

An examination of general, non-Jewish, emigration to the U.S. during these years clearly indicates a careful up and down calibration according to perceived interest at any given time. For example, as a result of heavy Congressional campaigns in 1978 and 1979, general Romanian emigration to the U.S. almost doubled from 1,550 in 1979 to 2,886 in 1980. It remained at approximately 2,000 for a couple of years but after Romania imposed onerous emigration taxes and were then obliged to suspend them, they felt the need for U.S. good will. Accordingly, Romanian emigration to the U.S. shot up to 3,499 in 1983 and leapt to 4,545 in 1984!

With regard to Jewish emigration to Israel, we can also perceive this calibration at work. After the notorious emigration tax episode, the monthly rate rose to some 200 for 8 of the 12 months from October 1983 to September 1984. Current average monthly Jewish emigration is back down to 100 because Washington did not maintain the pressure on Bucharest. As an expert on East European refugees remarked the other day, "permitting 200-300 Jews a month to leave Romania would be no problem for Bucharest." If indeed the gates were open, there is little doubt that some 15,000 Jews would leave by the end of 1990.

Romanian society is pervaded by anti-Semitism at all levels. 1986 saw the continued growth of chauvinist nationalism, accompanied by the most serious rise in the number of documented anti-Jewish incidents seen in a long time.

Further, with the rapid aging of President Ceausescu, a period of internal instability

must be considered a definite possibility. Such instability in East Europe has historically always been dangerous for Jews and it is therefore the duty of all human rights activists to make every effort to evacuate and rescue as many Jews as possible in the near future.

After all these years of abundant Romanian assurances, but of poor performance, we support any Congressional action that would serve as "a shot across the bow," sending Bucharest a clear signal that we intend to implement the leverage potential inherent in the Jackson-Vanik Amendment to the 1974 Trade Act. Needless to say, the message would be heard in Moscow as well. We must not send mixed messages.

Sincerely,

JACOB BIRNBAUM,
National Director.

[Memorandum: April 28, 1987]

To: Members of the House of Representatives.
Fr: Steven Snyder, Executive Director, CRI.
Re: Wolf-Hall Amendment to H.R. 3.

As an active international advocate of religious and human rights, Christian Response International and our international affiliate, Christian solidarity International, would appreciate your support of the Wolf-Hall amendment calling for temporary suspension of Most Favored Nation status for Romania.

We are involved in promoting and defending religious liberty throughout the world. For a number of years, Romania has been a great concern to us, for the mere fact that Romanian Christians have suffered greatly under the leadership of Nicolae Ceausescu, second only to that of the Soviet Union. Many promises have been made by the Romanian government over the years, but none of them have ever been carried through. Churches that have been demolished by the government remain in ruins, being denied permission to rebuild. Christians are subjected to harsh brutality, denied education, employment, and basic needs.

To be a Christian in Romania means being ostracized. The government makes every effort to deliberately degrade any Christian that does not strictly adhere to the government's control of religion. Christians are subjected to beatings and constant harassment. Many have been released from prisons in order to falsely give the impression to the U.S. that things are changing, only then to be subjected to the Ministry of the Interior's "auxiliary forces", which is basically forced labor and total denial of freedom, while being allowed to live with their family.

I would strongly urge you to support this very important amendment. It is my conviction that suspension of MFN to Romania will send a message to Romania that we Americans are serious about freedom—the basic freedom of all being religious freedom. Nothing else has helped the Romanian people gain their rights. Conditions have only become worse over the past two years. Suspension of MFN may be their only chance for survival . . . loosening the grip of totalitarian control of a government that lavishes the benefits of the American people while demoralizing its own citizens.

Please take action before despotism takes its final victims in Romania.

Sincerely,

STEVEN SNYDER.

INTERNATIONAL HUMAN RIGHTS LAW GROUP,
Washington, DC, April 29, 1987.

DEAR CONGRESSMAN: On behalf of the International Human Rights Law Group, I am writing concerning the amendment to suspend the Most Favored Nation Trade Status of Romania for six months due to that country's continued egregious violations of human rights. The Law Group understands that the issue will come up for a vote today or tomorrow in the form of an amendment (known as the Wolf Amendment) to H.R. 3. The Wolf Amendment was originally introduced by Representatives Smith, Hall and Wolf as H.R. 1250, a bill "to suspend most-favored-nation treatment to the products of Romania until that country recognizes and protects fundamental human rights, and for other purposes," and had a number of bi-partisan co-sponsors.

The Law Group is a non-profit public interest organization that works to protect and promote international human rights worldwide. It has followed the situation in Romania with particular interest for a number of years, and representatives of the organization have testified before Congress on the issue of Romania's trade status on several occasions, most recently before the International Trade Subcommittee of the Senate Committee on Finance in August of 1986.

In March of this year, we have brought the following cases to the attention of Mr. Dan Dumitru of the Romanian Embassy:

Attila Kun, M.D., of Cluj-Napoca, has reportedly been arrested, repeatedly beaten and convicted of "nationalism" as punishment for providing medical assistance to the inhabitants of the Hungarian community of Sic beyond official duties.

Erno Borbely and Laszlo Buzas remain imprisoned after being convicted in 1983 by a secret military court of "treason" for protesting a flyer inciting Romanians against Hungarians.

Bela Pall, who was arrested and sentenced in 1983 on unknown charges upon returning from a visit to Hungary, languishes in prison.

In 1978, there were 156 hours a year of Hungarian television broadcasting and 2072 hours of radio broadcasting in Hungarian. Materials distributed by the Embassy recognize the significance of such minority language broadcasting. Today, however, all minority language radio and television broadcasting has been terminated. Similarly, Rumania has proudly proclaimed the importance of minority-language schools, but the once wide-ranging network of Hungarian schools is being dismantled; *all* secondary schools teaching the Hungarian language have reportedly been eliminated.

As one of a continuing series of incidents involving the demolition of churches and synagogues, the Second Baptist Church in Oradea has been or is about to be demolished, and all necessary services have been terminated.

Despite a reported written agreement between the Church and the city of Oradea, the Church has not been permitted to start building a new sanctuary and will not be permitted to build an auditorium suitable to accommodate its congregation.

Romania attempts to capitalize on its so-called independent foreign policy by using it to divert public attention away from Romania's egregious human rights abuses. Romania's hostility toward any scrutiny of its dismal human rights record is demonstrated by its consistent refusal to admit a Law Group fact-finding mission to investigate these and other allegations first hand. *See Department of State Country Reports on Human Rights Practices for 1986, p. 1021.* In addition, Romania was harshly critical of the Law Group during the meeting of the U.N. committee on Consultative Status on February 19, 1987, the only non-member of the Committee to appear in order to criticize the Law Group's application.

The Law Group believes that the situation in Romania has deteriorated significantly since MFN status was granted in 1975. Suspension of the status at this time would indicate to the Romanian government that Congress views Romania's human rights record extremely unfavorably. It would also demonstrate to Romania and to other countries the depth of Congress' commitment to the human rights concerns expressed in legislation such as the Jackson-Vanik Amendment to the Trade Act of 1974.

It has been argued that continued MFN trade with Romania gives the U.S. leverage over that country, leverage that can be used to pressure the Romanian government to improve its human rights record. While this may be true in some situations, the Law Group believes that such leverage ceases to exist if the threatened loss of desirable MFN status remains only a threat. Only if Congress actually suspends MFN status where appropriate will the granting of MFN status be used as an incentive to improved human rights.

Romania is a case where suspension of MFN trade status is both appropriate and necessary if Congress is to have a substantial effect on the human rights situation there. The Law Group, therefore, urges you to vote for the Wolf Amendment, sending the message that human rights violations by U.S. trading partners will not be tolerated.

Sincerely,

FRANK KOSZORUS,
Pro Bono Attorney.

THE ROMANIAN MISSIONARY SOCIETY,
April 28, 1987.

Mr. DAN CAPRIA,
Cannon House Office Building, Washington, DC.

President Ceausescu of Romania has brought the country to a disastrous situation, economically, politically and spiritually. The Most Favored Nation Clause given to Romania in 1975 has been a good leverage to help some of the most distressed and persecuted people of Ceausescu's regime. But the shrewd Romanian dictator seems to outplay us. Each year, in the spring, just prior to the renewal of the status, he makes a few improvements in the field of human rights, like releasing a few prisoners or allowing two or three churches to be rebuilt (after his people demolished them) and with these "signs of liberalization" he wins the Clause again. It seems that he cannot believe that it would ever be cancelled. And it seems that he is always right about this.

A clear sign has to be given to Ceausescu from Washington that he cannot fool the West forever. While a complete cancellation of the Most Favored Nation Clause to Romania would be a further economic disaster on a terribly distressed nation, a temporary suspension as proposed by Congressman Wolf is the clear sign that it is time for Ceausescu to take the American administration seriously.

That is why we support the Wolf Amendment to HR 3, the Omnibus Trade Bill for 1987.

JOSEF TSON,
RMS, President.

HELSINKI WATCH SUPPORTS WOLF/HALL AMENDMENT

Re: Human Rights in Romania.

April 29, 1987: Helsinki Watch, the New York-based human rights organization affiliated with the Americas Watch and the Asia Watch, today announced its support for the Wolf/Hall amendment to the Trade Act which suspends Romania's Most Favored Nation (MFN) trade status pending a certification of human rights improvements.

Helsinki Watch, which was founded in 1979 to monitor compliance with the 1975 Helsinki Final Act, closely monitors human rights in Romania. In the past, the Helsinki Watch has supported MFN for Romania on the grounds that the process can be used to obtain human rights concessions by the Romanian government. The Ceausescu Government has become increasingly cynical about the MFN process, however, and human rights, particularly religious and political rights and the rights of ethnic minorities have not improved.

The Helsinki Watch is particularly concerned about the following human rights issues in Romania: reprisals against prospective emigrants, political imprisonment, complete lack of freedom of expression, including prohibitions on any form of independent press, human rights monitoring, or independent cultural or political activities; harsh repression of certain religious groups; repression against ethnic minorities such as the Hungarians; and the complete suppression of independent labor activity.

The Helsinki Watch favors efforts to make the MFN review process for Romania more meaningful. We support the Wolf/Hall initiative as a means to encourage actual human rights developments in Romania as a condition of normal trade relations, and urge that the measure be adopted.

LUPTA THE FIGHT,
Providence RI, May 22, 1987.

Hon. FRANK R. WOLF,
Congress of the United States, House of Representatives, Washington, DC.

DEAR SIR: I refer to your letter dated December 18, 1985. Now that the renewal of the Most Favoured Nation status for the Romanian Socialist Republic is again under consideration of the US Congress and Administration, please find enclosed the Fight Nr. 80 containing a note issued by the Free Romanians in Paris as well as several other views on the subject.

We think that by not having MFN renewed the United States would put substantial pressure on the present leaders in Bucharest to improve living conditions in Romania. I also believe that it could influence the struggle for power within the communist leadership of all Central and Eastern (USSR) Europe.

Yours truly,

MICHEL KORNE.

HUNGARIAN HUMAN RIGHTS FOUNDATION,
New York, NY, June 26, 1987.

Hon. WILLIAM L. ARMSTRONG,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR ARMSTRONG: During consideration of the Omnibus Trade bill presently before the Senate, an amendment will be offered by Senators Dodd and Armstrong to suspend the Most-Favored Nation status of Romania for six months because of a systematic pattern of brutal human rights violations by that country's government. At a time when a heightened campaign of forced denationalization and terror threatens the very survival of Romania's 2.5 million-strong Hungarian minority, we alert you to this important opportunity to take a stand in support of their rights by voting for the Dodd-Armstrong Amendment.

As you may be aware, your State is one with an especially large number of Hungarian-American voters. You may also be aware that the survival of Romania's Hungarian population (Europe's largest national minority) is the single issue of greatest concern to all Hungarians. for the close to two million living in the United States, the Dodd-Armstrong Amendment is of prime significance: it represents the only Congressional vote in recent memory of immediate interest to them, and it will be watched closely by the entire community.

Contrary to U.S. expectations, the Romanian government has sharply intensified its repressive practices since first receiving MFN status twelve years ago. During the past two years, seven Congressional hearings have been held to investigate Romania's abysmal record. With regard to the Hungarian minority alone, the hearings revealed that this "favored nation" of ours had its police thugs beat to death a popular Hungarian Catholic priest because of a Christmas sermon, it murdered several human and minority rights activists, it continues (for the fifth year running) the incarceration of three prominent minority cultural figures on false charges, and it persecutes all minorities, whether religious or ethnic, with a vigor and cruelty unparalleled even in the surrounding Communist states.

One specific measure taken by the Romanian government has direct relevance to the Senate. Physical evidence was presented at several Congressional hearings showing that 20,000 Bibles donated to the Hungarian Reformed Church in Romania by churches in the West had been recycled and turned into toilet paper. Expert analysis of the samples further revealed that the Bibles were none other than those which the Romanian government had allowed into the country, in the mid-1970's, as a "concession" for obtaining MFN status. it was Senator Abraham Ribicoff, then Chairman of the Subcommittee having jurisdiction over granting that status, who had succeeded in extracting this concession. Was the incredible sacrilege of turning Holy Books into toilet paper also conceived as some kind of ghastly affront to the U.S. Senate?

The Dodd-Armstrong Amendment calls only for a half-year suspension of MFN for Romania, not a termination of that status. After six months, Romania would be welcome to re-apply for MFN benefits, provided only that it begins to show signs of bettering its human rights record. As pointed out in the House, which passed a similar amendment by a margin of 49 votes, far from relinquishing U.S. leverage, this moderate and flexible measure would actually provide the incentive for the Ceausescu regime to implement concrete human rights improvements.

By voting for the Dodd-Armstrong Amendment, you can help put the Senate on the right side of an important human rights issue, and also send a message to Romania's dictator that in order to enjoy U.S. favors he must change his government's abominable practices.

Please help the persecuted Hungarians of Romania by voting for the Dodd-Armstrong Amendment.

Thank you.

Sincerely,

László Hámos.

Mr. ARMSTRONG. Mr. President, as Senators come to the floor to vote on this issue, to decide where they want to stand on one of the most important, significant, symbolic human rights issues of our time, as they come to decide whether they want to vote for or against the Armstrong-Dodd amendment, I hope they will recall what Martin Niemuller wrote about life in Germany in the 1930's. He said:

When they came for the Communists, I didn't speak up because I wasn't a Communist. When they came for the Jews, I didn't speak up because I wasn't a Jew. When they came for the trade unionists, I didn't speak up because I wasn't a trade unionist. When they came for the Catholics, I didn't speak up because I was a Protestant. Then they came for me, and by that time, there was no one left to speak up.

I say to Senators, today is our day to speak. I urge adoption of the amendment.

Mr. BENTSEN. Mr. President, I move to lay the amendment on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

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

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Tennessee [Mr. GORE] and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "nay."

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

The result was announced—yeas 44, nays 49—as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—44

Baucus	Bentsen	Bond

Boren	Ford	Packwood
Breaux	Fowler	Pell
Bumpers	Harkin	Pryor
Burdick	Hatfield	Reid
Byrd	Heflin	Riegle
Chafee	Heinz	Rockefeller
Chiles	Inouye	Sanford
Cohen	Johnston	Sarbanes
Conrad	Matsunaga	Sasser
Cranston	McConnell	Specter
Danforth	Metzenbaum	Stafford
Daschle	Mikulski	Stennis
Evans	Mitchell	Weicker
Exon	Moynihan	

NAYS—49

Adams	Hatch	Nickles
Armstrong	Hecht	Nunn
Bingaman	Helms	Pressler
Boschwitz	Hollings	Proxmire
Cochran	Humphrey	Quayle
D'Amato	Karnes	Roth
DeConcini	Kassebaum	Rudman
Dixon	Kasten	Shelby
Dodd	Kennedy	Simpson
Dole	Kerry	Symms
Domenici	Lautenberg	Trible
Durenberger	Leahy	Wallop
Garn	Levin	Warner
Glenn	McCain	Wilson
Graham	McClure	Wirth
Gramm	Melcher	
Grassley	Murkowski	

NOT VOTING—7

Biden	Lugar	Thurmond
Bradley	Simon	
Gore	Stevens	

So the motion to lay on the table was rejected.

Mr. ARMSTRONG. Mr. President, I move to reconsider the vote by which the motion to lay on the table was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I send an amendment to the desk.

Mr. ARMSTRONG. Mr. President, just a moment. Have we adopted the underlying amendment?

The PRESIDING OFFICER. The Senator from Colorado is correct. We have not adopted the amendment. The amendment is still pending. The motion to table was not agreed to.

The yeas and nays are ordered.

Mr. ARMSTRONG. Mr. President, I move to vitiate the yeas and nays and I think we are ready to vote on the amendment.

The motion was agreed to.

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

(Putting the question.)

The PRESIDING OFFICER. The "yeas" appear to have it.

The Senator from Nebraska.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. ARMSTRONG. Mr. President, I asked for a brief quorum to check signals for those seeking the yea-and-nay vote on this matter since we just had the yeas and nays on the tabling motion. It has been pointed out to me there may be a reason for some who wish to vote on this. Having voted to table, they may wish to go ahead and support the amendment. There may be some who voted to table, maybe a procedural question, or thought perhaps they were in support of the committee or something, but who would not want that vote to stand as their judgment on the underlying issue and want to be recorded in support of the amendment.

So I certainly have no objection to the yeas and nays and I guess we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. GORE], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Alaska [Mr. STEVENS] and the Senator from South Carolina [Mr. THURMOND] are necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

I further announce that, if present and voting, the Senator from South Carolina [Mr. THURMOND] would vote "yea."

The PRESIDING OFFICER (Mr. SHELBY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 36, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—57

Armstrong	Durenberger	Humphrey
Bingaman	Garn	Inouye
Boschwitz	Glenn	Karnes
Breaux	Graham	Kassebaum
Cochran	Gramm	Kasten
D'Amato	Grassley	Kennedy
DeConcini	Harkin	Kerry
Dixon	Hatch	Lautenberg
Dodd	Hecht	Leahy
Dole	Helms	Levin
Domenici	Hollings	Matsunaga
McCain	Proxmire	Simpson
McClure	Quayle	Symms
Melcher	Reid	Trible
Metzenbaum	Riegle	Wallop
Murkowski	Roth	Warner
Nickles	Rudman	Weicker
Nunn	Sarbanes	Wilson
Pressler	Shelby	Wirth

NAYS—36

Adams	Cranston	Mikulski
Baucus	Danforth	Mitchell
Bentsen	Daschle	Moynihan
Bond	Evans	Packwood
Boren	Exon	Pell
Bumpers	Ford	Pryor
Burdick	Fowler	Rockefeller
Byrd	Hatfield	Sanford
Chafee	Heflin	Sasser
Chiles	Heinz	Specter
Cohen	Johnston	Stafford
Conrad	McConnell	Stennis

NOT VOTING—7

Biden	Lugar	Thurmond
Bradley	Simon	
Gore	Stevens	

So the amendment (No. 323) was agreed to.

Mr. EXON. Mr. President, I take a back seat to no one in this body with regard to my record on human rights. I think violations of human rights are a fundamental problem that we have in the world today. Unfortunately, here we are trying to pass major trade legislation and we keep moving in on the thrust of the legislation to further interrupt trade.

Mr. President, I have basically no use for the present Government of Romania, but the present Government of Romania is not unlike many other nations today under the Communist yoke. It is probably worse than some and maybe not as bad as others. But I carry no water for them at all. I simply want to point out that the votes that we have just had in this body in the view of this Senator were very serious mistakes. They were certainly serious mistakes from the standpoint of agriculture.

I remember a few years ago when then President Carter placed an embargo on a portion of the agricultural and food shipments that were going to the Soviet Union, basically as a result of their invasion of Afghanistan. There was a great hue and cry around the Nation, as there probably should have been, about using food as a weapon in international affairs. That embargo played a very key role in the Presidential campaign that followed. I think history will show that.

What we did with the preceding votes was to institute, though it may be somewhat de facto, a de facto embargo on shipments of food to Romania.

The record will clearly indicate that over the last year or two Romania has increased its imports of agricultural products from the United States by somewhere between 20 and 40 percent. They did that, of course, with the favored nation trading status that they enjoy, as several other countries do.

It seems rather ironic to me, Mr. President, that at a time when we are spending nearly a record $30 billion a year on agricultural programs because of the deep economic difficulties in rural America today, and as part of that $30 billion expenditure we have a great deal of revenue enhancement or export PIK, which makes us more competitive in the international marketplace, I ask what sense it makes, although the motives of the people introducing the measure we have just voted on were good?

But sometimes we get caught up in emotionalism and recognize that we do not know with our left hand what the right hand is doing.

Therefore, I simply say that I think that move was a very serious mistake. I hope that it does not significantly adversely affect the movement of agricultural products into Romania. I think that in due time, the Senate will see the failure of the wisdom of its action in the votes that we have just cast.

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

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

Mr. CONRAD. Mr. President, I want to associate myself with the remarks of the distinguished Senator from Nebraska on the question of the rollcall votes we have just held. I, too, believe a mistake has been made. I want to point out that with respect to trade with Romania, last year, the total United States exports to that country were some $250 million. $115 million of that total was agricultural exports. The agriculture exports to Romania, especially grains and soybeans, have been growing rapidly over the past several years.

Again, I want to associate myself with the remarks of the Senator from Nebraska in the sense that I do not take up the cudgel of the current Government of Romania. I think the case against the Government of Romania with respect to human rights violations is rather clear. It is, like many of the govenments of totalitarian powers, one that does not fully respect the human rights of its citizens. In no way does trade with that country indicate an endorsement of their internal policies or their human rights stand, but we must also look to the economic interest of this country and to the long economic record of trade and the question of what results we get when we attempt to impose trade sanctions.

One simply goes back to the time of the grain embargo to see the false hope that agricultural policy gives, and that attempting to use agricultural policy to influence the internal politics of foreign governments does not work. The ones who get hurt are the American farmer. I fear that we will have much the same result with the votes that we have just taken.

I point out that the wheat growers, the soybean association, and the Farm Bureau were opposed to the amendment that we just passed, I think for good reason, fearing that even a temporary suspension of most-favored-nation status will cause problems for U.S. sales of grain products, not only in the 6-month period but in the future as well.

With that, Mr. President, I yield the floor.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. ARMSTRONG. May I have 10 seconds?

Mr. BAUCUS. I yield.

Mr. ARMSTRONG. I thank all Senators for their participation on the amendment so adopted and I regret to say I misspoke on one matter I would like to correct. I asked unanimous consent that Senator HARKIN be added as a cosponsor and in doing so I was speaking without his authorization. I would ask his name be removed.

The PRESIDING OFFICER. Without objection, so ordered.

Mr. MITCHELL. Mr. President, the trade debate the Senate began yesterday should mark the start of a new chapter in our Nation's trade policy.

For more than three decades after the Second World War, two principal goals have guided U.S. international relations: The goal of preserving a credible defense of the West and the goal of developing a free global economic trading market.

We have pursued those goals for more than three decades, with both success and failure.

Our alliances today are strong and sound. The Western alliance continues to enjoy a broad consensus of support.

Our other major international goal—the development of a free global economic trading environment—has been more difficult to achieve.

Beginning with the Kennedy round of trade talks in the early 1960's, through the most recent GATT negotiations in the Tokyo round, we have pursued the goal of expended international trade. Those agreements have generally been successful in reducing tariff barriers to international trade. Now, we must turn our attention to nontariff barriers.

The need for an overhaul of international trade rules is clear. An increasing volume of international trade today is not covered under the GATT, in such sectors as service trade, investment, intellectual property, and agriculture. In many of those sectors, the United States enjoys a competitive advantage which is being denied us by trade barriers erected by other nations.

A central element of the GATT system is the rules it establishes for nations to enact laws to assist its workers and industries against surges in imports, to counter unfair trade practices, and to protect its national security.

Our Nation, like others, has enacted laws designed to retrain displaced workers, to preserve industries vital to our national security, and to prevent unfair trade practices from victimizing workers and businesses.

But our domestic trade remedy laws have lately proven inadequate in responding to new predatory trade practices by other nations which are designed to circumvent those laws. In other cases, those laws have not worked because the administration has simply not enforced them.

This legislation would change our trade remedy laws to reduce Presidential discretion; to make more predicatable the response our Nation will take to unfair practices; and to establish more clearly the principle that industries hurt by unfair practices need not look in vain to their Government for redress.

The bill rests on several central premises. First, the recognition that in our system, Presidential consultation with Congress is essential. Our constituents must know that trade negotiations undertaken in their name—and which will effect their economic well-being—are undertaken within the framework of consultation with the Congress.

So the bill requires closer, more detailed and continuing consultation with Congress as agreements are negotiated. This is vital.

Trade negotiations must place the interests of our citizens at the forefront. Too often, that has not been the case in the past.

To cite but one example. Last year, the Maine potato industry suffered through one of its worst markets in decades. Prices were less than one-tenth of production costs. To limit the losses, Senator COHEN and I proposed a modest potato diversion program which the administration rejected. The administration cited concern about the reaction in Canada as one reason for its opposition to this modest program.

Coincidentally, less than a week later the Canadian Government announced the first of three potato diversion programs for Canadian producers.

When I asked our Trade Representative whether the Canadians had asked about American reaction to their diversion program, I was told "No." Obviously, the Canadian Government acted as it felt necessary to help its citizens; our administration refused to act, partly out of concern for Canadian objections.

This is not an isolated example. The attitude is pervasive. It exists throughout government. And it undercuts the legitimate economic interests of American workers, farmers and businesses.

Trade policy must have continuity, purpose, and accountability. The only way the interests of American workers, consumers, and businesses can be served is to ensure that those concerns are factored into the negotiations through consultations with Congress.

Another basic premise in this bill is predictability. Not only should American businesses and workers feel confident that American law will protect American interests; our trading partners and competitors also need to know, with some clarity, what actions will produce responses.

A prime example is the domestic shoe industry which by 1985 had lost most of its market to imports—a 50-percent increase in imports over a 4-year period. From the end of 1982 to the end of 1986, the domestic footwear industry closed almost 40 percent of its plants and lost 40 percent of its employees. In Maine, the largest footwear producing State in the Nation, one-third of all footwear workers lost their jobs in 1984 and 1985.

That kind of surge in imports, during a period of extreme imbalance in international economic relationships, was precisely the type of situation contemplated when the GATT provided for an "escape clause" to temporarily slow imports.

The International Trade Commission unanimously found that the footwear industry was injured by imports and entitled to relief under international law.

But the President rejected the ITC's recommendations out of hand, as current law permits. The Reagan administration made the decision that the United States no longer has a need for a domestic footwear industry. The effect of this decision goes beyond the footwear industry.

The result has been for the United States to unilaterally forfeit its rights under international trade law. Following the footwear decision in 1985, few industries have gone forward with section 201 cases. Those that have appear to have begun working on their cases prior to the President's footwear decision.

Why? Because American industry knows that there is little chance of receiving relief under the escape clause. If an industry suffering 75 percent import penetration cannot get relief, even with a unanimous vote from the International Trade Commission, then what industry can ever get relief?

Clearly, American businessmen have drawn the lesson that in this administration no industry can get trade relief under any circumstances.

It is not surprising that the escape clause, which protects U.S. industry from a surge in imports, has become a dead letter. It is meaningless.

And after years of such enforcement, it is not surprising if foreign producers see American trade laws as a sporting challenge, not an obstacle to outlawed trade practices.

So the bill before us changes the law. It does so by limiting the discretionary authority of the President to enforce the rights of U.S. industries and workers in international trade.

I recognize that no matter how much executive branch discretion is reduced, the effectiveness of the law depends on the President's willingness to respond aggressively to unfair trade practices. Under our system, the value of most laws depends on the vigor with which a President enforces them.

The effects of today's trade imbalances are self-evident: Any shoe store anywhere in Maine sells Brazilian-made shoes. But you can go into a shoe store anywhere in Brazil and you will not find any American shoes because they cannot be sold in Brazil. The same is true of American manufactured computers. United States pharmaceutical companies can do business in Brazil, but only if they want to forfeit their patent rights to local companies.

If you go to a clothing store anywhere in Maine, you will find apparel made in South Korea. But if you go into a clothing store anywhere in South Korea, you cannot find American-made apparel because it cannot be sold in South Korea. If you want to sell textile products in Korea, you have to obtain an import license. That sounds easy enough until you find out that the trade association representing Korean textile manufacturers has to approve the license.

If you go into an auto parts store in Maine, you will find Japanese made auto parts. If you go into a auto parts store in Japan, you will not find American made auto parts because they cannot be sold there. The same holds true for other American products which face quotas, bureaucratic obstacles, and industry exclusions.

Such imbalances persist because the administration pursues a policy which does not insist on reciprocal dealing.

One ironic outcome is that the commitment to the ideology of free trade—not a free trade policy, but a free trade ideology—has gone hand in hand with an increase in protectionism around the world. Every one of our trading partners now recognizes that they can have totally unrestricted access to the American market and bar American imports with impunity.

None of our trading partners has an incentive to overcome its own national interests when there is absolutely no penalty attached to pursuing that national interest.

Expanded international trade cannot develop in an environment where most trading nations are pursuing their own interests exclusively. But when foreign producers see there is no penalty in doing what the Brazilians, the Japanese, the South Koreans do, there is no incentive for restraint.

The bill before us, by directing a more aggressive presidential pursuit of reciprocal access to foreign markets, as well as mandating penalties for unfair trade practices in our market, seeks to recreate such an incentive.

The bill does not set in concrete the current manufacturing makeup of U.S. industry. It recognizes that as technology changes, as our Nation's demographics alter and as economic choices shift, new products, new processes and new services will displace old ones. But it seeks to make the transition from older to new industries less burdensome to the workers in those industries by providing for better retraining and retooling in industries affected by import competition.

This is not only a key element to maintaining American competitiveness in world trade, it is a key element in ensuring a sound domestic economy as well. We cannot and should not enter the 21st century with whole regions of people whose skills are outmoded and workers whose energies are wasted.

Congressional pressure—and the trade bill debate—have recently encouraged the administration to begin using the laws on the books to open foreign markets to American products. But it is too little, too late.

American workers should not have to wait until our trade deficit approaches disaster levels before their government acts. American businessmen should not have to hope for a dangerous trade deficit before they can be assured that our laws will be enforced.

No one in this body suggests that this trade bill alone is the answer to our trade problems. Our trade deficit did not increase by $140 billion over the last 6 years solely because of the deficiencies in our trade laws or the unfair trade practices in other nations. Our industries did not suddenly become so uncompetitive that our trade deficit grew almost 600 percent.

Instead, the extraordinary turn around in our trade position also relates to the Nation's fiscal policies which are drowning us in a sea of red ink.

Wednesday's newspapers told the story rather clearly. As recently as 1982, the United States was the

world's largest creditor nation, with a surplus of $141 billion in outstanding loans to the rest of the world. But beginning in 1981 we set upon a fiscal policy of record budget deficits which required the United States to go abroad to borrow money. The result was that by 1985, the United States became a net debtor nation for the first time since 1914.

By the end of 1986 our debt to the rest of the world had soared to $264 billion. That is more than twice the amount at the end of 1985 and greater than the total owed by the next three debtor nations combined.

At the current rate, the United States will face an external debt of almost $700 billion by the end of the decade requiring that we spend as much as 1 percent of our gross national product just to pay interest costs abroad. That represents a transfer of our domestic income abroad resulting in a long-term lower American standard of living.

The more immediate harm is to our workers and industries which have been hurt as our trade position has suffered. Over the last 6 years, as the Federal Government has pursued a policy of record budget deficits, exports from the United States have actually declined.

Why? Because foreign interests, busy lending us money to finance our budget deficits, have little left to buy our goods with. The solution, of course, is to bring down our Federal budget deficits to reduce our reliance on foreign borrowing.

We are making progress on the budget deficit. It will be difficult to regain the advantages that have been squandered in the past several years. But we are turning things around.

The return to responsible Federal budgets, together with this comprehensive trade bill, will enable the United States to restore its competitive advantages and bring international trade into balance.

I congratulate the chairman of the Senate Finance Committee and the other committee chairmen who have brought their trade bills to the floor. I look forward to the debate in the days ahead.

Mr. President, this legislation would change our trade laws to make more predictable the response our Nation will make to unfair trade practices; to establish more clearly the principle that industries hurt by unfair practices need not look in vain to their Government for redress.

Trade negotiations must place the interests of our citizens at the forefront. Too often that has not been the case in the past. To cite but one example, last year the Maine potato industry suffered through one of its worst markets in decades. Prices were less than one-tenth of production costs. To limit the losses, Senator COHEN and I proposed a modest Potato Diversion Program which the administration rejected, citing concern about the reaction in Canada as one reason for its opposition to this modest program.

Coincidentally, less than a week later, the Canadian Government announced the first of three diversion programs for Canadian producers.

When I asked our trade representative and other officials of our administration whether the Canadians had previously asked about an American reaction to their diversion program, I was told no.

Obviously, the Canadian Government acted as it felt necessary to help its citizens. Our administration refused to act out of a concern for Canadian objections.

This is not an isolated example. The attitude is pervasive. It exists throughout the Government and it undercuts the legitimate economic interests of American workers, American farmers and American businessmen.

Mr. President, I thank the distinguished Senator from Montana. I yield back the floor.

AMENDMENT NO. 326

(Purpose: Calculation of subsidies on certain processed agricultural products)

Mr. BAUCUS. Mr. President, without objection I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Title VII of the Tariff Act of 1930 is amended by inserting after Section 771A (19 U.S.C. 1677-1) the following new Section:

"Section 771B.

In the case of an agricultural product processed from a raw agricultural product in which (1) the demand for the prior stage product is substantially dependent on the demand for the latter stage product, and (2) the processing operation adds only limited value to the raw commodity, subsidies found to be provided to either producers or processors of the product shall be deemed to be provided with respect to the manufacture, production, or exportation of the processed product.

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

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

Mr. BAUCUS. Mr. President, this amendment may sound a bit complicated, but it is frankly very simple in effect. It is an important amendment to agricultural processing industries and important to agricultural commodity producers in America.

Very simply, about 1985, the hog-producing industry along with the pork-producing industry in our country, filed with the International Trade Commission and, in effect, with the Department of Commerce, alleging that the country of Canada was subsidizing its hog producers to the detriment of American hog producers.

Fortunately, the ITC agreed with that, yes, Canada was subsidizing, indeed, the hog producers, but the International Trade Commission, in a separate departure from the hog producers, unfortunately ruled that the country of Canada was not subsidizing in a detrimental effect its pork producers, so, in effect, it ruled against the subsidy for pork producers as against hog producers.

Why is that important? It is important because the practical effect of that is that the American hog producers lost to the Canadian hog producers because you can, obviously, begin to slaughter a lot more hogs, Canadian hogs, and to some degree American hogs, in Canadian plants. Second, the processors who make the bacons and hams out of the hogs, obviously, with more processing in Canada, the processing industry in our country was damaged, lost jobs, and lost income.

It was through the efforts of Senator GRASSLEY of Iowa and also Senator DANFORTH of Missouri, and other Senators, that this Senator and the other Senators I mentioned were able to change the law in this Finance Committee bill which is before us. We are appreciative of the Senators' efforts to get that change.

Unfortunately, all is not as it seems to be because since the markup of the bill, the U.S. Court of International Trade ruled that the Department of Commerce in determining the degree of countervail that should be assessed against the hog imports into the United States as well as pork ruled that it is proper for the Department of Commerce to find the amount of subsidy that Canada provides for hog producers, but, unfortunately, improper for the processing industry, saying that the U.S. Court of International Trade simply did not have the statutory authority to allow the Department of Commerce to go ahead and proceed and find the level of that subsidy.

The court went on to volunteer that even though it did not have the statutory authority, perhaps it was a problem that the Congress could solve.

That is the point of this amendment. This amendment is simply that statutory authority so that the U.S. Court of International Trade can levy the amount of subsidy that Canada provides for its hog producers and also the amount of subsidy that Canada provides, in effect, for its processing industry, in this case, of pork.

The amendment was agreed to by the Department of Commerce and by the USTR, and I believe it is agreed to on both sides.

Let me just sum up by saying this is not a small matter. If the law is not changed, then a foreign country would be able to get around the U.S. countervail statutes very simply by, for example, freezing raspberries or freezing

any produce because, in effect, that will not be the raw material; it will be some minor value added.

That is just one example of many that one could cite.

Mr. President, I think this is an important amendment to restore some balance to the interconnection of our subsidy-countervail laws as applied through both the UTC and the Department of Commerce. I urge adoption of the amendment.

This amendment is not controversial. It is not opposed by either the Office of the U.S. Trade Representative or the Department of Commerce. I know of no objection to it on either side of the aisle.

Mr. President, in 1985, an ITC decision on hog and pork imports from Canada set a disturbing precedent for the treatment of agricultural products under countervailing duty law.

The ITC held that Canada was subsidizing hog production and that the Canadian hogs were injuring the United States hog industry.

The ITC also decided, in a sharp departure from past precedent, that the U.S. pork industry—the industry that processes live hogs into pork—should be considered separately from hog producers.

Now, that just doesn't make sense. Hogs and pork are both the same product. As one farmer once told me, "Pork is just a very mature hog."

But the ITC ruled that pork processors were not being harmed by imports, and declined to order a duty placed on pork imports from Canada.

So we had a tariff on hogs, but none on pork.

And that led to a ridiculous result.

Canada just began slaughtering the hogs they had been shipping to the United States in Canada and exporting pork instead. Hog producers got no relief.

But worse than that, pork processors lost jobs, because Canadian pork processors had picked up the new business.

In other words, the ITC decision didn't help the U.S. industry. It hurt it.

Thanks to the tireless efforts of Senator GRASSLEY and others, we managed to craft legislation to remedy this problem. This legislation was added to the trade bill in the Finance Committee markup.

But it seems that just as we move one step forward we have been knocked two steps backward.

A recent U.S. Court of International Trade decision held that the Commerce Department had no statutory authority to impose duties on processed agricultural products if the raw agricultural product was being subsidized.

This means that even if the ITC determines that pork processors are being injured by subsidized Canadian hogs, the Commerce Department would not be able to impose any countervailing duties on pork.

Seems like we've just moved out of the frying pan and into the fire.

This court ruling, if it is not answered legislatively, effectively means that agricultural produced will not be covered by countervailing duty law.

A foreign nation could avoid a U.S. countervailing duty on an agricultural product merely by doing some minor processing of the agricultural product before it is exported to the United States.

For example, a duty on raspberries could be avoided by merely freezing the raspberries before they are shipped to the United States.

Let's say I'm a foreign producer of raspberries, and my government subsidizes all my input costs for growing raspberries.

Now if I sent those raspberries to the United States, I have to pay a tariff to offset the subsidy.

But if I freeze the raspberries, I pay no tariff.

Same raspberries—they're just frozen. But no tariff. Does that make sense?

And we're not just talking about raspberries. We're talking about fish, rice, lamb, pork, and many other products that right now are subject to countervailing duties. These duties soon will be either lifted or left open to easy foreign circumvention.

In its decision, the Court of International Trade did not argue that it was right to permit this circumvention. It merely said that there was no statutory basis for preventing circumvention.

The court said, "If the [current] statutory approach * * * is inadequate, it is not the role of Commerce or the court, but the Congress to remedy any deficiency."

In other words, the court looked to us to fix a glitch in the law.

It the court decision had come before the Finance Committee markup of the trade bill, I'm sure the Finance Committee would have fixed this glitch.

Unfortunately, the decision did not come down till after the markup. The glitch must be dealt with through a floor amendment.

That is why Senator GRASSLEY and myself, with the support of Senator PRYOR, are today offering an amendment to the trade bill that directs the Commerce Department to place duties on processed agricultural products if the raw agricultural product is being subsidized.

The purpose of this amendment is to codify Commerce Department practice.

As I said before, this amendment has been accepted by both the Office of the U.S. Trade Representative and the Commerce Department.

I hope that we can all agree to make this much needed change in U.S. trade law.

Otherwise, we will be giving a green light to foreign nations that want to dump agricultural products in the United States, and U.S. farmers and fishermen will be driven out of business.

CALCULATION OF SUBSIDIES ON CERTAIN PROCESSED AG PRODUCTS

Mr. GRASSLEY. Mr. President, I am pleased to join my good friend Senator BAUCUS in offering this amendment.

As many of you are aware I have been involved with this issue—going back as far as the first session of the 99th Congress. This year I was pleased to see the Finance Committee accept my legislation that treated producers of certain raw agricultural commodities. As part of the industry producing products processed from such commodities for purposes of the countervailing duty and antidumping statutes. Not being a member of the Finance Committee this year, I want to thank my colleague, Senator BAUCUS for his leadership in shepherding this measure in the committee for me.

Unfortunately, while most of us thought that this would take care of most of our problems, the Court of International Trade overruled the Commerce Department's decision to apply a final affirmative countervailing duty in certain cases involving agricultural subsidies. For example, as a result of the Court of International Trade's adverse decision, a subsidy could be paid to the commodity producer and the countervailing duty be evaded by merely changing the form of the product—by subjecting it, for example, to an added stage of production—such as packing or processing. Thus, subsidized fresh raspberries could become nonsubsidized frozen raspberries or subsidized fish or swine could become nonsubsidized fish fillet or fresh chilled pork.

To curb this abuse, the Department of Commerce developed the rule codified in the proposed amendment. The rule was most recently applied in the final affirmative countervailing duty determination: Live swine and fresh chilled, and frozen pork products from Canada, 50 FR 25097, and in the final affirmative countervailing duty determination and countervailing duty order: Rice from Thailand, 51 FR 12356. Under the rule, duties would be imposed on the processed product when first the processing operation added relatively little value-added to the product; and second, where the demand for the raw product was dependent upon the demand for the processed product.

Codification is now needed because of recent confusion in the Court of International Trade over the rule's re-

lationship to a provision directed toward similar problems with manufactured goods, 19 U.S.C. 1677-1. Section 1677-1 was added in 1984 to create a new test for upstream subsidies—subsidies on input products used in the manufacture or production of finished articles. The court rejected the Commerce Department test on the grounds that section 1677-1, stating that:

Absent statutory recognition of special rules applicable to investigations concerning early stage agricultural subsidies, * * * departs from the course set by Congress under section 1677-1 for determining whether upstream subsidies pass through to later stage products in agricultural cases.

However, the three-pronged test of section 1677-1, directed primarily to components used in the manufacture of a finished product, is incompatible with the nature of agricultural commodity markets. The second prong of the test looks to whether the subsidy bestows a competitive benefit on the merchandise. A competitive benefit is found under section 1677-1(b) where the price for the input product is lower than would otherwise be paid in an arms-length transaction with another seller. In contrast, the price of products sold on a commodity basis, which is determined by overall supply and demand, is essentially the same for all commodities sold at a given time in a given market. The upstream subsidies test, if applied to agricultural commodities, would understate the magnitude of the subsidy and permit wholesale circumvention of the countervailing duty statute. The trade statute would be rendered essentially useless in the case of subsidized agricultural commodities. The court apparently recognized such danger but conluded:

If the statutory approach to upstream subsidies is inadequate, it is not the role of commerce or the court, but of Congress to remedy any deficiency.

It is for that reason that Senator BAUCUS and I are offering our amendment today. I would hope that the committee would accept this amendment. Short of that I hope the Senate would see fit to vote favorably on this important issue.

Mr. PRYOR. Mr. President, I am pleased to be a cosponsor of this amendment, which corrects an illogical ITC ruling which has a direct effect on pork imports.

A number of the pork producers in my State have complained to me about an International Trade Commission ruling in 1985 that declared that hogs and processed pork were two separate products. This action was taken in the context of a complaint by United States producers that Canada was subsidizing its own producers and was confirmed in a recent Court of International Trade decision. As a result of the ITC ruling and the court decision, countervailing duties could be levied against hog imports to counteract Canadian subsidies, but no such duties would be applied to pork products. The court and ITC thereby created an incentive for Canadian pork producers to slaughter their hogs in Canada and ship us various pork products at low-duty rates.

During the past 2 years I have cosponsored legislation to correct this illogical situation. Today's amendment makes it clear that countervailing duties may be applied to processed pork as well as to live hogs as long as the processing operation adds relatively little value to the product, and the demand for the raw product is dependent on the demand for the processed product.

During 1986 the level of pork imports from Canada rose by 20 percent. The Senate needed to act quickly to prevent further damage to the U.S. industry, and I join with the Arkansas pork producers in applauding this action today.

Mr. BENTSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, this amendment basically codifies the past policies of the Department of Commerce regarding subsidies on agricultural products. The question was where you have that subsidy on raw material and then they have been putting it on processed products, you have the past practices overturned by the Court of International Trade. The effect was to make the countervailing duty useless. It did not work. It was not effective.

Senator BAUCUS has shown this amendment to the administration and has shown it to the ranking member of the minority side. I personally have no objection to it. I support it and recommend its adoption. I have been assured by staff on the minority side that it has been cleared. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 326) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 327

(Purpose: To authorize negotiations of a North American Trade Expansion Area)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 327.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . NORTH AMERICAN TRADE EXPANSION AREA.

(a) SHORT TITLE.—This section may be cited as "The North American Trade Expansion Area Act of 1987.

(b) IN GENERAL.—The President shall take action to initiate negotiations to obtain trade agreements with Mexico, the Caribbean Basin countries, and Canada, the terms of which provide for the reduction and ultimate elimination of tariffs and other nontariff barriers to trade for the purpose of promoting the establishment of a North American Trade Expansion Area.

(c) RECIPROCAL BASIS.—An agreement entered into under subsection (a) shall be reciprocal and provide for mutual reductions in trade barriers to promote trade, economic growth, and employment.

(d) BILATERAL OF MULTILATERAL BASIS.—Agreements may be entered into under subsection (a) on a bilateral basis or on a multilateral basis with all of such countries or any group of such countries, described in subsection (b).

(e) CARIBBEAN BASIN COUNTRIES.—For purposes of this section, the term "Caribbean Basin countries" means the countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

SEC. . IMPLEMENTATION OF TRADE AGREEMENTS.

(a) REQUIREMENTS.—Any trade agreement entered into under the previous section shall enter into force with respect to the United States if (and only if)—

(1) the President has, at least 90 days before the day on which he enters into such trade agreement, notified the House of Representatives and the Senate of his intention to enter into such as agreement, and promptly thereafter publishes notice of such intention in the Federal Register.

(2) after entering into the agreement, the President transmits a document to the Congress containing a copy of the final legal text of such agreement together with—

(A) a statement of any administrative action proposed to implement such agreement,

(B) a draft of an implementing bill,

(C) an explanation of how the proposed administrative action and implementing bill change or affect existing law, and

(D) a statement of the reasons as to how the agreement serves the interests of the United States and as to why the proposed administrative action and implementing bill are required or appropriate to carry out the agreement, and

(3) an implementing bill is enacted into law with respect to such agreement.

(b) EFFECTIVE DATE OF AGREEMENT.—If the requirements of subsection (a) are met with respect to a trade agreement entered into under the previous section, the trade agreement shall enter into force with respect to the United States on the date on which the implementing bill is enacted with respect to such trade agreement.

(c) Any agreement entered into under the previous section shall be treated as an agreement entered into under section 102 of

the Trade Act of 1974 for purposes of section 151 of the Trade Act of 1974.

Mr. GRAMM. Mr. President, this amendment authorizes and directs the President of the United States to begin negotiations for the establishment of a North American free trade area with the goal of reducing and ultimately eliminating tariff and nontariff barriers between the United States and Canada, the United States and Mexico, the United States and the Caribbean Basin, and between each of the individual countries so as to achieve a free trade area in North America.

Under these provisions, all reductions in tariff and nontariff barriers have to be on a reciprocal basis to provide mutual reduction in trade barriers to increase the amount of commerce that can take place in North America.

I do not need to tell Members of the Senate how important this would be in developing North America, in creating jobs, in generating economic growth. It would, if successfully completed, open up the markets for American products to 140 million additional people. These people in North America outside the United States have a cumulative GNP of $600 billion.

I submit, Mr. President, that this would be the largest free trade area on Earth. It would generate a substantial increase in eonomic growth in the United States, Canada, Mexico, and throughout the Caribbean Basin Initiative. It would promote the development of a commercial middle class which we all know is the very foundation of democracy.

I submit, Mr. President, that giving the President both the authority and the direction to proceed with the negotiation of this free trade area can be the most important step that we can take in eliminating poverty, in attacking totalitarianism, in preventing the spread of communism in Central America. I think this is a very important step.

We all know that after it is authorized, it has to be negotiated. I think we have in the reciprocal requirements there be mutual reductions in tariffs, quotas, licensing fees and other restrictions; a guarantee that as markets are opened up in the United States to the goods produced in North America, that similar markets will be opened in those countries so as to provide an expansion of jobs and growth.

I think this is especially important when you look at our major exports to Canada, Mexico, and the Caribbean Basin nations. Those exports consist of machinery and transportation, advance data processing equipment, telecommunications, and agricultural products. In turn, our largest import from those nations is petroleum. We all know that we have to buy petroleum if not from these sources from the Middle East, though obviously we would like to produce more petroleum here at home.

I think this is an important step. I think it provides both the authority and the initiative to move forward to open up a free trade area in North America, doing it on a reciprocal basis so that trade barriers are lowered against American goods as we lower trade barriers against other goods from North America coming into the United States. I urge my colleagues to support this amendment.

Mr. BENTSEN. Mr. President, I congratulate the distinguished Senator from Texas for the amendment. I think it is a laudable objective. I ask unanimous consent to be added as cosponsor to the amendment.

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

Mr. BENTSEN. I must say in all candor that I favor multilateral arrangements, but I think in some instances, you have to set an example and you have to try to push some of the other nations in the world in trying to get into a free trade status. I have been very supportive of trying to work out the agreement with Canada. That is our major trading partner. I think it is mutually beneficial to both of us as we look toward free trade.

As I look at Mexico, I look to a country that has historically had all kinds of barriers to trade, that has had a licensing agreement that virtually did not let products come in unless some bureaucrat decided it was all right. I think it is a singular thing that when they moved into GATT, it brought about a change on the part of Mexico. I realize that in many instances with Mexico, those tariffs can be quite high. I hope the bilateral process with Canada will bring those down. I hope it can be mutually beneficial to all of North America, that that kind of agreement can bring about some of the changes we want.

I urge support and I hope it will be adopted.

Mr. DURENBERGER. Will the Senator from Texas yield?

Mr. GRAMM. To the extent that I have the floor, I yield.

The PRESIDING OFFICER. The senior Senator from Texas has the floor.

Mr. BENTSEN. I would like to add the thought that I want to emphasize that all procedures now applicable to the bilateral trade agreements will apply under this amendment. I think that is important.

With that, I yield back the floor.

Mr. DURENBERGER. Mr. President, just a brief comment on the value to me as a representative of a large border State that thrives on free trade in North America, particularly the trade with the country of Canada and the problems with Canada; I also speak in appreciation of the value to us as policymakers of being able to look at North America as what we all ought to start calling for, a free trade zone, getting some of the politics out of economics in this country. I congratulate my colleague from Texas [Mr. GRAMM] both for the content and the simplicity of the agreement. I ask unanimous consent that I may be made a cosponsor of the amendment.

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

Mr. GRAMM. Mr. President, I thank the Senator, and I thank the distinguished senior Senator from Texas for accepting the amendment. I am delighted to have him and the Senator from Minnesota as cosponsors. I think this is an important amendment. Obviously, there is a lot of work to be done to make it a reality, as is the case with our free trade area with Israel and Canada. I think it is an important first step, and I appreciate the support.

The PRESIDING OFFICER. Is there further debate?

Mr. BENTSEN. Mr. President, I urge the adoption of the amendment of my colleague.

Mr. SYMMS. Mr. President, I want to add my commendation to the Senator from Texas [Mr. GRAMM] and those who have cosponsored the legislation. I would like to say that the director of the Center for the Study of Market Alternatives in Caldwell, ID, Mr. Lawrence Reed, in the Idaho Press-Tribune, wrote an article about the amendment of the Senator from Texas and the proposition of a free trade zone. I think it is an idea that has a great deal of merit.

I recall very vividly in 1976, when former Governor Reagan came to Idaho, campaigning for a Presidential nomination. He made a very strong case for a North American free trade zone and what it could offer for the citizens of all three countries. I think these are goals that are laudable and that we should all work for.

I ask unanimous consent that the article by Mr. Lawrence Reed, which is so pertinent to this amendment, be printed in the RECORD at this point. I add my support to the amendment.

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

TRADE LEGISLATION THAT ACTUALLY MAKES SENSE

(By Lawrence W. Reed)

The congressional hopper this year is crammed full again with trade bills. True to form, most of them are blatantly protectionist. A lot of congressmen think that the way for America to compete is to bash our competitors, but experience has shown that that sort of approach produces short-term benefits sometimes, and long-term problems almost all the time.

One particular bill, however, demonstrates an unusual combination of sound economics and political sensitivity. Introduced by Sen. Phil Gramm of Texas and Rep. Jack Kemp of New York, the bill seeks to expand U.S. access to foreign markets through establish-

ment of a North American Free Trade Area (FTA).

The strategy of the Gramm-Kemp bill is for America to open up markets by making free trade agreements with its neighbors, rather than rely only on worldwide trade deals—where a few countries can thwart real progress.

Under a North American FTA arrangement, the U.S., Canada, Mexico and the non-communist Caribbean Basin countries would eliminate most, if not all, of their patchwork of trade barriers. This would give American companies access to foreign markets of over 140 million people and nearly $600 billion in gross national product.

At the moment, the Reagan administration is attempting to negotiate an FTA with Canada. Progress toward a similar arrangement with the Caribbean countries is very possible, if tough issues of sugar and textiles can be worked out.

In the opinion of Dr. Edward L. Hudgins, "the improved economic efficiency resulting from a North American FTA would surround the U.S. with a ring of prosperous countries better able to purchase U.S. goods and to provide the U.S. with valuable products."

Hudgins, a prominent economist, also argues that the idea would strengthen the security of the hemisphere by replacing economic stagnation with economic growth and closer cooperation. A North American FTA could neutralize the subversive and destructive influences of Marxist outfits like Cuba and Nicaragua.

The Gramm-Kemp bill would also extend the FTA idea beyond North America by offering special phase-in provisions to encourage developing countries to seek freer trade with the U.S. Any successful agreements would immediately put Japanese goods at a competitive disadvantage in those markets, which would give Japan a powerful incentive to seek similar free trade arrangements. Competition, in other words, just might do more than bashing the Japanese into a freer trade posture.

The bill calls for two other things that are long overdue. One is a requirement that the Congressional Budget Office prepare a "trade impact statement" for any trade legislation proposed in Congress. Tariffs and quotas are often seen as beneficial to the industries they "protect," but too little attention is paid to the costs of that protection—to consumers and other industries especially. With a trade impact statement in hand, Congress would have fewer excuses for passing counterproductive trade laws.

The other thing is a requirement that the Executive Branch oppose loans by the International Monetary Fund. World Bank and other international lending agencies to countries that restrict sales of U.S. products. That's a good idea, but to avoid being two-faced about trade, we ought to couple it with reduction of our own barriers against those nations.

Hopefully, our lawmakers will recognize the political and economic wisdom of using the leverage of bilateral free trade areas and act accordingly. It might be our last shot at avoiding a costly and destructive worldwide trade war. The Gramm-Kemp bill is one of the few good ideas on trade to see the light of day in Congress in a long while.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 327) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 328

(Purpose: To express the sense of the Senate concerning support for human rights and evolution to genuine democracy in Panama, and for other purposes)

Mr. DURENBERGER. Mr. President, I call up an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DURENBERGER], for himself and Mr. Kennedy, Mr. Helms, Mr. Byrd, Mr. Pell, Mr. Thurmond, Mr. Kerry, Mr. Wilson, Mr. Graham, Mr. Simpson, Mr. Burdick, Mr. Stevens, Mr. Bumpers, Mr. McCain, Mr. Pryor, Mr. Garn, Mr. Sanford, Mr. Symms, Ms. Mikulski, Mr. D'Amato, Mr. DeConcini, Mr. Rudman, Mr. Dixon, Mr. Hecht, Mr. Gore, Mr. Shelby, Mr. Armstrong, Mr. Simon, Mr. Murkowski, Mr. Leahy, Mr. Nickles, Mr. Harkin, Mr. McClure, Mr. Sasser, Mr. Boschwitz, Mr. Cranston, Mrs. Kassebaum, Mr. Glenn, Mr. Humphrey, Mr. Warner, Mr. Quayle, Mr. Chiles, Mr. Grassley, Mr. Roth, Mr. Trible, Mr. Kasten, Mr. McConnell, Mr. Cochran, Mr. Moynihan, Mr. Gramm, Mr. Hatch, Mr. Pressler, Mr. Hollings, Mr. Rockefeller, and Mr. Dole proposes an amendment numbered 328.

Mr. DURENBERGER. I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. .

(a) FINDINGS.—The Senate finds that—

(1) the Republic of Panama is a historic ally and friend of the United States;

(2) the security and stability of the Republic of Panama are vital to the security of all states in the Western hemisphere;

(3) over 9,000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

(4) the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama, the United States, and the free world;

(5) evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

(6) genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and economic well-being of the Republic of Panama;

(7) the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

(8) recent allegations concerning the role of members of the Panama Defense Forces and its commander in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics trafficking and money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

(9) a broad coalition of church, professional, business, civic, and labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Force;

(10) the recent suspension of constitutional guarantees by the government of Panama has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

(11) the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be addressed and cannot be thwarted indefinitely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987, by the Panamanian Episcopal Conference and should:

(i) Restore suspended constitutional guarantees to the people of Panama;

(ii) Establish genuine autonomy for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from non-military activities and institutions;

(iii) Provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(iv) Take specific steps to help ensure the credibility of and confidence in free and fair elections;

(v) Underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama could best be served by the peaceful establishment of genuine democratic institutions in accordance with the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, non-political military establishment under civilian control;

(3) compliance with internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with the requests issued by the Panamanian Chamber of Commerce, Industry, and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with universally recognized principles of fair procedure, to guar-

antee the objectivity of the investigation, to preserve the integrity of the military institution, and in response to the communique issued by the Civic Crusade for Justice and Democracy in Panama, the government of Panama should apply the provisions of the judicial code of Panama, Title 9, Chapter 2, Book 3, Article 2470 and direct the current commander of the Panama Defense Forces and any other implicated officials to relinquish their duties pending the outcome of the independent investigation.

Mr. DURENBERGER. Mr. President, this is an amendment whose purpose is stated as expressing the sense of the Senate to support human rights and evolution to genuine democracy in Panama and for other purposes.

This amendment has been in the works now for the better part of 2½ weeks. It has 52 cosponsors, some of whom are on the floor at the present time.

It was not my desire to bring this amendment up as an amendment to the trade bill if, in fact, it could be considered as a separate resolution. One of my problems in negotiating for its consideration either as an amendment or as a separate resolution has been conflict with the Interparliamentarian Conference in another part of the hemisphere—Mexico, I believe—and the forced absence of our colleague [Mr. DODD], from Connecticut. He has asked me, as recently as the last few minutes prior to what I think was his departure, if we who propose this resolution would consider laying it aside as an amendment to this bill until Tuesday of next week, with the understanding that, at that point, we should have reached an agreement as to the appropriate consideration.

Before I suggest that that might be an appropriate course of action, I yield to my colleague from North Carolina [Mr. HELMS], who has been so important to the shaping of this resolution for his comment.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Minnesota.

The situation as it now exists is that Senator DODD is seeking a unanimous-consent agreement for a time certain for consideration on Tuesday, as I understand it, of a freestanding resolution.

Nobody can predict whether such a unanimous consent request will be made, let alone whether it will be objected to, but in any case, I think we ought to make as much haste as possible because we have delayed too long in consideration of this matter. But I agree with the distinguished Senator from Minnesota that in all probability we ought to accord the Senator from Connecticut [Mr. DODD] an opportunity to see what he can work out in that regard. If he is not able to work it out, then I hope that we will proceed this afternoon. But in any case, I agree with him that he should ask unanimous consent that it be laid aside temporarily and proceed to another amendment with the understanding this amendment will be the pending amendment after the disposition of the next amendment.

Mr. DURENBERGER. I thank my colleague from North Carolina.

Mr. SYMMS. Mr. President, I think this is a most important amendment. I think the Durenberger amendment, which is now pending, should be passed and I would like to see it passed today. Senator DURENBERGER and Senator HELMS have been the leaders, and Senator KENNEDY and others, on this issue.

If we listen carefully, we can hear a long time ally of the United States calling for help. It is the cry of people who want freedom, the right to express themselves and vote in a fair election to determine their future. What they want is something we in the United States too often take for granted. It's called freedom.

Panama is a friend and neighbor of longstanding. The reason we have to listen so carefully to hear Panamanians calling for help is that Panama is being throttled by the man who dictates the nation's way of life—Gen. Manuel Antonio Noriega.

General Noriega has a stranglehold on Panama, and he's choking the economic and moral life out of that suffering nation. Worse, he's managed to sustain himself and prosper in office because we in the United States have been unable or unwilling to see through his charade.

It is absolutely outrageous. I visited Panama on two or three occasions in the past few years and the young population that is unemployed is astronomical.

Whether you think that they have a dictator who is profiteering from his position, I am not persuaded to believe that he is either pro-Communist, procapitalist, he is only greedy and pro-Noriega and we ought to bash him and let him know that we disapprove of this.

Noriega has claimed to be a staunch ally of the United States, yet last week he openly embraced another dictator, Nicaraguan President Daniel Ortega who, if it was left up to me, the United States would break diplomatic relations with Daniel Ortega and we would recognize a government, provisional government, in Nicaragua that recognizes and respects the virtues and values and opportunities and humanitarianism of freedom instead of one that clings to a bankrupt, morally and economically bankrupt, and decayed status Communist doctrine that is only bringing down the opportunities for the people in Nicaragua. But that is not what the purpose of this resolution that is before us is.

We have long heard reports of Noriega's ties to Fidel Casto, but even as the Senate deliberates the events which have occurred in Panama, we see Noriega flaunting his friendship with Ortega, openly embracing a fellow despot in a remarkable display of dictatorial excess, thumbing his nose at the United States, telling us he'll do what he pleases, when he pleases, without regard for the interests of Panama and its long friendship with the United States. He feels secure in his actions, for he's sure that he can convince us that he's just acting in our best interests. That tired argument just won't wash any longer.

Noriega's open display of intimacy is a slap in the face for the United States. It must be seen for what it actually is—another example of double dealing by a man with a history of duplicity. He's managed to stay in office despite the fact that he has no support among the people of Panama, and despite the fact that no one in Congress wants to be in his corner. He's done so by portraying himself as a critical part of the solution to ongoing problems in Latin America. But General Noriega is not part of the solution—he's part of the problem.

It is time to blow the whistle on Noriega's game. He's supported by leftists, consorts with Communists, and tells us he can help us. But all he's been doing is helping himself. General Noriega has played a clever game, pretending to befriend the United States, proclaiming himself as a staunch ally needed to provide stability in a vital region. The only claim that is true is that Panama exists in a vital region, and is a close neighbor of great importance.

The Panamanian people like the United States of America and American people. That part is true. But Noriega is a despot, a greedy leader of the worst order.

For years Panamanian citizens have looked on with increasing disbelief as General Noriega has systematically laid waste to the fundamental human rights of the citizens of Panama through a brutal campaign of terror and intimidation. His outrageous abuse of power is a tawdry tale filled with acts of corruption and violence typical of dictatorial excesses seen whenever men such as Hitler, Mussolini, and more recently Duvalier unleash their unbridled greed and lust for power on an innocent population.

A good example of this is that less than a week ago, our distinguished colleague from Connecticut—or maybe it was 2 weeks ago now—was in Panama. General Noriega hosted our distinguished colleague, the honorable Senator from Connecticut, CHRISTOPHER DODD, a very important Senator with respect to Latin America with his views on it, though I may not agree with some of his views. He has a certain reputation because of his experience in that region and is now the

chairman of the Subcommittee on Latin American Affairs.

When Senator DODD visited General Noriega he was doing his responsibility as a U.S. Senator interested in that part of the world. While he was on his way back from Panama, before Senator DODD could say anything, General Noriega was seeking to undercut the Senator's report, not even waiting to learn what the Senator had to say before denouncing him in an editorial printed in Matutino, the paper that he alone controls.

Senator DODD would be the first to say he would not want me to agree with everything he said, but the point is that General Noriega is very duplicitous in his own modus operandi, and in my view very disrespectful to one of our distinguished colleagues.

General Noriega is making clear his intention to follow a tried and true path to the bitter end, blaming everyone but himself for the misery he has brought to Panama. He closed down the news outlets which might give the Panamanian people a balanced view of events, and is using the paper he controls to conduct a vicious campaign of slander and character assassination.

We should not be surprised to see the ugly side of General Noriega, for his recent actions are little different from his conduct through the years. Last week, when Panamanians took to the streets in peaceful opposition to his bloody reign, he responded with typical brutality, closing down newspapers, imposing a curfew, and arresting and intimidating any Panamanian citizen he thought posed a problem.

Perhaps his most outrageous act was to demand that the Panamanian National Assembly level charges against nine prominent Panamanians that he wished to remove. He obviously intends to intimidate, imprison, or exile anyone who he thinks might have the courage to oppose his brand of domestic terrorism.

Some say that the crisis now underway in Panama is the result of a public confession made by General Noriega's former crony, Col. Roberto Diaz Herrera, who admitted that he personally bribed people in the general election of 1984 to ensure that Noriega's candidate would win. Colonel Herrera also implicated General Noriega in the murder of Hugo Spadafora, a courageous Panamanian who spoke out against the dictator who is grinding democracy in Panama under the heels of his boots.

General Noriega's former friend shocked many Panamanians by confessing that Noriega was also responsible for the death of Gen. Omar Torrijos, the popular Panamanian leader who died in a mysterious plane crash. But those who have had an opportunity to observe General Noriega's behavior, who have seen the accusations of his involvement with drug trafficking and learned of his links to Fidel Castro cannot be surprised. They know that the seeds of the crisis now underway in Panama were sown by General Noriega himself—and he must reap their bitter harvest.

Ultimately the problems of Panama can only be resolved by the Panamanian people. But the U.S. Senate should make clear exactly where it stands. We must not be cowed by a conniving dictator who mistakes his own interests for the national interest. We must show that we welcome change in Panama, that we know the difference between hypocrisy and democracy, and that we are willing to assist the people of Panama in their peaceful determination to obtain free and fair elections.

Mr. President, as I said, I am offended by General Noriega consorting with people of the likes of Fidel Castro and Daniel Ortega, thumbing his nose at the United States. I have heard scandalous stories that I believe to be true of General Noriega selling passports for outrageously high prices to people from all over the world and pocketing the money privately himself. He is enriching himself not to the tune of thousands of dollars or millions of dollars, but literally hundreds of millions of dollars that this man is making at the expense of the people of Panama in a clear abuse of his powers as leader of a country that I believe deserves better than this, and that we do have a great interest in.

We cannot ever forget that the most important country in the world that has the most at stake from a commercial standpoint of shipping through the canal is the United States of America, but also our Canadian friends, our Mexican friends, and our other friends south of the Panama Canal in South America.

The canal is a very important commercial and strategic defense canal. It is a choke point of the Western Hemisphere. This should not continue to go on without the Senate speaking and raising its voice in righteous indignation about General Noriega and his abuses of the freedoms of people. We should speak against it. I hope that the Senate will act on the amendment before us today to speak as to what our view is and that we would do so very soon.

I yield the floor.

Mr. DURENBERGER. Unless any of my other colleagues have any comments on the amendment, I would, given the importance of the Senator from Connecticut to this issue, and also given the demands on his official time today, and in the hopes that we can reach an agreement and reconsider this matter on Tuesday, ask unanimous consent that this amendment be temporarily set aside.

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

AMENDMENT NO. 329

(Purpose: To specify additional administrative requirements for the National Critical Materials Council)

Mr. REID address the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 329.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . NATIONAL CRITICAL MATERIALS COUNCIL.

(a) THE NATIONAL FEDERAL PROGRAM PLAN FOR ADVANCED MATERIALS RESEARCH, AND DEVELOPMENT.—The National Critical Materials Council shall prepare the national Federal program plan for advanced materials research and development under section 205(a)(1)(A) of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1251) and shall submit such plan to Congress not later than 180 days after the date of the enactment of this Act.

(b) PERSONNEL MATTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Executive Director of the National Critical Materials Council shall increase the number of employees of the Council by the equivalent of 5 full-time employees over the number of employees of the Council on the date of the enactment of this Act.

(2) Not less than the equivalent of 4 full-time employees appointed pursuant to paragraph (1) shall be permanent professional employees who have expertise in technical fields that are relevant to the responsibilities of the National Critical Materials Council, such as materials science and engineering, environmental matters, minerals and natural resources, ceramic or composite engineering, metallurgy, and geology.

(c) AUTHORITY TO ACCEPT SERVICES AND PERSONNEL FROM OTHER FEDERAL AGENCIES.—Section 210(4) of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1254) is amended by striking out "reimbursable" and inserting in lieu thereof "nonreimbursable".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 211 of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1254) is amended by striking out "1990" and inserting in lieu thereof "1992".

Mr. REID. Mr. President, I think it is appropriate to ask what is manganese? What is cobalt? What is platinum? What is chromium? What do they have in common?

They have in common, Mr. President, the fact that they are all materials that are critical either to the economic or political stability of this country and that they are available predominantly from countries of ques-

tionable reliability to the United States.

For example, the United States is 73-percent reliant on imports of chromium from South Africa, Zimbabwe, Yugoslavia, and Turkey. Chromium is essential for the construction of automobiles, aircraft, insulation of high-temperature furnaces, and many other industrial applications.

Mr. President, 95 percent of the United States cobalt supply is imported from Zaire and Zambia, countries that are unstable most of the time. Cobalt is crucial in the forging of alloys, the building of tool bits, and the refining of oil.

Manganese is crucial in the alloy process of certain high-strength steels used in various weapons systems crucial to this Nation's defense; 100 percent of our manganese supply is imported from South Africa, France, Brazil, and Gabon.

Platinum group metals are essential in petroleum refining, chemical processing, and automobile exhaust treatment. They are also used in telecommunications equipment, medical and dental equipment; 92 percent of our supply is imported from South Africa, Great Britain, and the Soviet Union.

Without these materials many basic products on which we have all come to rely would not be available. As my colleagues can see, we are very vulnerable to a complete or partial embargo of these materials. There are several policy options to consider to guard against such an eventuality. Two that immediately spring to mind are stockpiling and developing substitutes for these materials.

There is and was an ongoing scientific research program to determine if there are in fact substitutes. But there must be a coordinated effort at the national level to devise a policy to address this problem and we do not have one. Within the White House is a council charged with exactly this mission. Unfortunately, in its 3 years of existence, the National Critical Materials Council has done nothing to study, recommend, or in any way further the development of a national critical materials policy.

We hear a lot about a national energy policy. We also have to be concerned about a critical materials policy. This amendment, Mr. President, is supported by many different groups and organizations. To name only two: The American Mining Congress and the National Association of Manufacturers. This amendment makes minor changes—and I repeat, minor changes—in a law which established a council within the Executive Office of the President. This little council was exiled to obscurity somewhere probably in Georgetown, charged with this crucial task to establish a long-range Federal program for research and development of advanced materials.

Public Law 98-373 was signed into law in July 1984. It has been almost 3 years since the President signed this act. This council, according to law, was to produce a report providing long-range assessment of United States critical material needs; to establish a Federal program-plan for advanced materials research and development to be reviewed annually; to evaluate and make recommendations regarding centers for industrial technology; and to establish a materials property data distribution system.

To date, not one of these steps has been taken.

It is really no surprise that the council has been dead for nearly 3 years; it was not until 16 months after this act, the National Critical Materials Act, was signed into law that the President appointed the council's first three members. But within 2 months of this appointment two of the members, including the chairman, resigned. It was not until 9 months after this time, over 2 years after the establishment of the council, that the Secretary of the Interior was assigned to chair the Council. Moreover, although the act authorized the Council to hire 12 full-time employees as staff, it actually only hired 2, an executive director and a secretary. The executive director had absolutely no experience or expertise in any of the technical disciplines associated with advanced materials. He, in fact, was a PR man who worked in political campaigns.

I have told this body about the lack of action on the part of the Council. Now I would like to take a minute to explain why there is a Council at all and what it should be doing. Critical materials covers more than chromium, platinum, and cobalt. It is a broad term best defined by examples but generally including any material critical to this Nation's political and economic security.

Materials crucial to this Nation's defense but available only from countries of questionable reliability such as South Africa and the Soviet Union are considered critical. Advanced ceramics is an example. A light-weight but very strong material that will constitute a $10 billion share of the gross national product by the year 2000, it is considered a critical material, as it should be. Superconducting materials, the properties and applications of which are just now beginning to be fully understood, is a critical material. Basic materials such as steel, aluminum, and copper are crucial to the economy of my State as well as many other Western States. It provides some $250 billion in annual revenues to American corporations that employ close to 3½ million people. These materials, used in a myriad of fundamental industries from construction to car manufacturing, are also considered critical.

The Federal Government already spends at least $1.5 billion annually on research and development of these critical materials but these efforts are disbursed throughout the Department of Energy, the Department of the Interior, the Department of Commerce, and the National Science Foundation, to name just a few.

Legislating action on the part of the Critical Materials Council will not lead to new Federal programs or contribute to the deficit. On the contrary, coordinating policy within the Federal Government will streamline research and development efforts and lead to budgetary savings.

It makes absolutely no sense to permit the continued inaction of the National Critical Materials Council. While we debate trade remedies and measures to aid competitiveness, our friends in Europe and Japan enjoy the support of their governments in developing policy and coordinating research and development efforts into critical materials. This Nation missed the boat when it came to protecting our competitive advantage in the semiconductor industry, and we are barely on board in our efforts to become competitive in advance ceramics and superconducting materials. In a world where the United States no longer automatically enjoys a scientific, technological or competitive advantage, we cannot sit back and wait for the free market to work its will.

Of course, a council of 3 with a staff of 12 will not alone make this Nation competitive in the area of critical materials. That, of course, is a job best left to the private sector. But by putting together a plan for coordinating Federal action; by acting as a clearinghouse for information in the area of critical materials; and by serving as a conduit between the Federal Government and the private sector, the council can contribute to the political and economic security of the Nation.

My amendment will do four things. One, it requires the National Critical Materials Council to prepare the national Federal program-plan for advanced materials research and development within 6 months after this bill is passed. Two, it requires the council to hire five staff with expertise in disciplines relevant to critical materials. Three, it contains a provision prohibiting OMB from preventing the loaning of staff from agencies to the council. Four, it extends the authorization of the act to fiscal year 1992.

Within the last month, the council appointed a new executive director with expertise in critical materials. It is my belief that the appointment of this new director shows a new willingness on the part of the administration to support the activities of the council.

Adoption of my amendment will give a boost to this new attitude permeating the administration and show that Congress is still interested in seeing the establishment of a Federal critical materials policy.

We have heard a lot of talk these past few days on the need to make the nations economy more competitive. By supporting my amendment, the Senate will support the rejuvenation of a council well placed to promote a competitive critical materials industry, in both the advanced and traditional sectors. I urge my colleagues to support my amendment.

I ask for the yeas and nays. However, I ask that this amendment be temporarily set-aside until I check with two subcommittee chairmen.

Mr. PACKWOOD. Mr. President, may I ask the Senator to withhold the request for the yeas and nays? This is a Governmental Affairs amendment.

Mr. REID. I will withhold.

Mr. PACKWOOD. Senator BENTSEN and I have not seen this amendment, and we have no feeling one way or the other about it, but we are reluctant to accept it on behalf of chairmen of other committees who know it better. We do not have unanimous consent to limit amendments to the Finance Committee titles. It would be helpful to the proposer of the amendment if he would find out what committees have jurisdiction and check with those committees.

Mr. REID. There is no question about that. I apologize to the chairman and the ranking minority member.

I will withhold the request for the yeas and nays, and I will check.

Mr. BENTSEN. Mr. President, the amendment may be very excellent, and I assume it is. But, again, if we start taking the responsibility for jurisdiction of the other chairmen, I think we will get into some problems on it. The Senator has every right to bring up the amendment now, procedurally.

Mr. REID. I understand that. I will bring this up at a subsequent time.

I have checked with the staff of those on the other side of the aisle, and I think it is an acceptable amendment; but I will withhold until I check with the two chairmen.

Mr. PACKWOOD. I suggest to the Senator from Nevada that he withdraw it rather than setting it aside; because if he sets it aside, it automatically comes up as soon as we finish with another amendment. We would not be stuck on the floor with this backup.

Mr. REID. The suggestion is well taken. That is what I will do.

The PRESIDING OFFICER (Mr. CONRAD). The Senator has a right to withdraw it.

The amendment is withdrawn.

The PRESIDING OFFICER. The question recurs on the Durenberger amendment.

Mr. SYMMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I rise to make a few comments on the bill in general. I was here yesterday, seeking recognition, but many Senators were speaking.

First, I should like to make a parliamentary inquiry of the Chair. Am I correct that the Durenberger amendment is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. SYMMS. Am I also correct that any time that it is temporarily laid aside, any Senator who wished to call for the regular order could bring the Durenberger amendment back up as the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. SYMMS. I thank the Chair.

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

Mr. SYMMS. I yield.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the Durenberger amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SYMMS. Mr. President, I just want to make a few comments, and I will be as brief as I can.

First, I compliment the distinguished chairman of the committee and the distinguished ranking minority member for their long and hard work on the Finance Committee. I was privileged to work with both of them for the preceding 6 years. However, due to an event that happened on November 4, 1986, and a reorganization of the U.S. Senate, I find myself now on the Armed Services Committee and not on the Finance Committee. I have a deep and abiding interest in the affairs of the Finance Committee and the utmost respect for the distinguished Senator from Texas and my good friend and neighbor from the State of Oregon, Senator PACKWOOD. I compliment them.

I know they have had a long and difficult task of bringing trade legislation out of committee. I have discussed it with both of them. I believe they both would like to get trade legislation that would be bipartisan and that would have the approval of the President. Such a bill would have to not limit the President's ability to be flexible enough to conduct economic policy or trade policy as oftentimes Congress has restricted the President with respect to foreign policy and military policy.

The peak of this happened back in the 1970's, at the end of the Vietnam war, when Congress passed the War Powers Act. I would hope that if trade legislation does pass the Senate and the House, it would not be a trade War Powers Act that would restrict this administration, or the administrations that will succeed them, from operating an effective trade policy.

I believe that the trade debate is actually two issues. One is the ability of the United States to provide leadership in promoting world growth. The other is whether the Congress has the strong desire to strip the President of discretion and claim responsibility for foreign trade.

In both cases, the United States will potentially be taking giant steps backward in its world role.

Some parts of the bill further erode the power of the Presidency and, therefore, will undermine U.S. leadership. At the same time I am afraid that the bill promotes statist policies that will help reinforce socialist thinking around the world and not promote market economies and market solutions in other countries.

I am still one who believes that it is possible that the conferees of the other body and of the Senate will be able to work out legislation that might achieve positive goals. I think we should have the ability to be strong, to object to what we consider are blatant unfair trading practices against American producers and against producers of other countries. We should work toward goals that remove subsidies, whether they be subsidies in Western Europe or subsidies in the United States or subsidies in Japan. Subsidies interfere with market economies and hamper the free market from working to produce growth and better economic opportunities worldwide.

I think we need to take a look at several things. We cannot escape the role of U.S. leadership in promoting world growth. Balanced trade is rarely accomplished. The United States has had trade surpluses and deficits for numerous years.

Trade is not determined by central governments making decisions, but by individual people buying and selling on the world market. Individuals ultimately make those decisions.

The problem with the world economy is that governments are involved in making many of those decisions and sometimes our producers are not competing against other companies or individuals in other countries, but the governments of those countries.

We are not completely innocent ourselves. As members of the United States, I think we have to recognize that our hands are not completely clean.

The distinguished Senator from Oregon has made the case very well on the floor that the United States loses as many or more dumping cases than any other country.

The U.S. trade deficit dramatically increased beginning in 1982, and there were several reasons. One of the many reasons is that the economy in this country started to come out of the recession in 1982. We have had a period of sustained economic growth in the country. There has been a grasping for more consumer goods by Americans and there has been more demand in this country; therefore, there have been more goods sold in the United States. So we have taken in larger inventories of goods from other countries and the trade deficit has grown.

I would refer my colleagues to today's Wall Street Journal lead editorial. I ask unanimous consent, Mr. President, that at the end of my remarks the entire editorial be printed in the RECORD.

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

(See exhibit 1.)

Mr. SYMMS. They point out, for example, and I quote from the editorial:

> Say a U.S. consumer buys a $10,000 Toyota, and a Japanese investor uses the $10,000 to buy a Treasury bond. The U.S. trade deficit goes up $10,000 because it counts Toyotas but not Treasury bonds. The $10,000 outlay by the Japanese investor shows up in the U.S. accounts as a "capital inflow."

I think it is important to note that there has been a big capital inflow into the United States because the United States still offers a relatively better investment opportunity than any other place in the world. Foreigners are investing their money here to build factories, to build buildings, and to expand production of certain items in this country. We get back a large capital inflow whether they are buying Treasury bonds or investing in plants and equipment in the country. It is not all oftentimes as it appears to be when we focus on merchandise trade data.

We do not need to hang our heads in shame in this country for our achievement. The investment opportunity has been increased in the United States because there has been an increased confidence during the eighties because of reduced inflation, reduced regulation, reduced tax rates, and a general promotion of free enterprise in this country.

The United States is the biggest open market in the world, and most business in the world has benefited from this change. We have become a haven for the world's businessmen. It is important as we address the important issue of trade that we ask why we were creating jobs in America while the trade surplus nations are losing those jobs. The business climate is worse overseas.

What we are doing here in Congress will decrease the U.S. investment opportunities if we are not careful.

If we try to solve the trade deficit problem, we do not want to do it by driving our economy into the ground. There has been a lot of demand for goods in this country and our producers have not been able to produce the goods fast enough or competitively enough in some cases to get all the business. We have bought a lot of foreign goods to make up for the extra demand.

We are the world's strongest nation, and I said it on this floor many times, that if it were not for military weapons, the Soviet Union would not even be classified as a superpower. If we just talk about economic strength, the superpowers of the world are the United States, Japan, Western Europe, and other relative free economies. The strength of the world is there. Our strength largely comes from the limited government and historically lower tax rates, and a favorable, proinvestment climate.

There is no one in the Congress who wants to or intends to ruin the economy. As long as we continue to cling to trade figures solely and view them as evil to be eradicated, however, we may end up insisting on attacking the wrong problem.

We are doing very well in the United States and it is our trading partners, in my view, that I wish we could get to come along with us a little more. I do not approve of our budget deficit, but I do believe that if we approach our budget deficit with the attitude that we can reduce the budget deficit through spending cuts with the trade deficit as it appears that it is coming down already, and reduce those, we could get a correct equilibrium. We would strengthen the future of the United States. In my view, we would be better served to be reducing expenditures on all spending accounts of the Federal Government without large tax increases. Those actions would probably do more good to the trade picture. I realize that is a political problem and we probably do not have the votes to do what this Senator would do, so we have to do the next best thing.

So now Congress is approaching the trade question not as an economic problem as a political problem.

In my view, Mr. President, we have to do this: we need to promote our system as a model for the world, not inhibit it here in the United States. We should not head down the road that will promote contrary ideas abroad by increasing the scope of our own Government.

I am not in favor of increased spending and that is one of the areas in this bill that I hope my colleagues will be able to work some of these things out of the bill. The small business, education, and worker retraining provisions are going to cost a lot of money and this necessarily means that the money has to come from some place. We will either raise taxes, print more money, or go further in debt, but sooner or later those things have to be reckoned with.

The bill will force Presidential action of trade disputes which will thereby guarantee increased Government interference in the economy. The President loses much of his flexibility to reduce Government interference in the market. The increased likelihood of tariffs or other protections will lead to increased cost for materials needed in production.

The bill as it is written, includes many measures to increase the number and scope of the international development banks. The Multilateral Investment Guarantee Agency will not allow free markets to call into question Government policies. It will promote nationalization of industries in some areas.

I believe this is the wrong course to go down. As a matter of fact, at the appropriate time I will have an amendment to this legislation to limit the dollars that the U.S. taxpayers have been sending to international development banks which encourage production of agriculture, minerals, or manufactured goods that are used in direct competition against American producers.

Let me give a couple of examples. Last year, the World Bank sent $162 million to Nigeria to encourage the production of grain; $109 million to Mexico for livestock and poultry; $30 million to Mauritius for sugar; $302 million to India for producing fertilizer.

These things are all in competition with U.S. producers and all have a tendency to increase our trade balance deficit.

This is an area where I would like to see us strengthen this bill and I think it will be strengthened.

We passed this legislation three times in the Senate in the 99th Congress, but have never been able to get it through the other body. It does get some resistance from the State Department, but it has merit and I hope, when the appropriate time comes, we can have a very indepth discussion of the FAIR bill. Incidentally, the AIR Coalition Organization members are the American Association of Meat Producers, the American Farm Bureau, the American Soybean Association, the American Sugar Beet Growers Association, the National Association of Wheat Growers, the National Cattlemen's Association, the National Grain Sorghum Producers Association, Women Involved in Farm Economics, and the Fertilizer Institute.

This is broad-based support.

The basis, bottom line of what my amendment will do is the United States would require its representa-

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tives to the international development banks to cast their votes against loans that take markets away from the U.S. producers. And if the loans are made over the objections of the votes of the U.S. representatives, we would be required to withhold future contributions to the amount contained in the loans made.

The bill would also require that foreign aid be given in the form of agriculture commodities instead of cash, wherever possible. I have not decided whether to offer that part of the bill in the trade bill or not, but it would be a way for us to lessen our trade balance by exporting commodities instead of cash. Commodities count in the trade equation and money does not.

The world has learned a lot from the United States. We have done a lot of good. The world has learned a great lesson.

Look at what is happening in Great Britain now. Mrs. Thatcher has had three successful elections and she is now in a full-scale press to privatize State-owned enterprises. Other places in the world are following suit and trying to reduce tax rates. They are generally thinking about how to improve the business climate.

But, Mr. President, I call upon my colleagues to recognize that American leadership is needed to promote these positive developments.

We need to eliminate all trade barriers, including Japanese and the European Economic Community on agriculture restrictions. It is ridiculous, when one looks at the world and looks at the Japanese markets, to see how much American beef costs in Tokyo. The free market must be upheld. We need to get the governments of the world out of the business of trying to help business.

How do you best do this? I think some of the actions that the administration has taken in the last 2 years have been the right way to do it. The threat to the Japanese by Dr. Clayton Yeutter, the U.S. Trade Ambassador, that we would be recommending a tariff on Japanese automobiles unless they opened up the market to tobacco is the right way to do it.

I do not want to do anything in this legislation that would limit the flexibility of this administration, or any administration, to be able to make that kind of negotiation. We have now opened up the tobacco market in Japan to where it is going to lessen the trade deficit, I understand, as much as $2 billion next year because of their willingness to cooperate with a hard, tough stance by the United States.

This trade bill gradually, it appears to me, is becoming more and more of a Christmas tree for those seeking to reverse the course and increase the scope of the Government under the guise of "competitiveness." The way to be more competitive is to get the Government out of the way. That is what we need to do with respect to the foreign countries.

I have said many times that I would feel happier if the United States would expend its energies on negotiating with our friends and our trading partners—for farm control—by that I mean by reducing agriculture subsidies worldwide in a long-range plan—than I would if we spent our time negotiating for arms control with our adversaries. The Soviets do not have moral equivalency with us. They have cheated, lied and deceived us on every single agreement we have ever signed with them.

And we know, if history is any guide to us, that on any future arms agreements they will cheat and lie and only do things in their own best interests. But we could, I believe, do a great deal for the American economy and strengthen the free world if we could get Western Europe and Japan and the United States and other countries to gradually lessen the amount of money we are all spending on farm subsidies. Those dollars could be better used for other things and the American farmer would be allowed to compete in a more open world market.

I have confidence in American farmers that they would be very competitive. What is difficult for the farmers in my State and other States is when they have to compete against subsidies from other governments. For example, when a North Dakota wheat producer or Idaho wheat producer sells wheat to a government purchasing agency in Japan, the price is marked up many dollars per bushel. The surplus revenue gained when the wheat is sold to the flour millers in Japan, is then used to subsidize Japanese rice producers, who then are competing against American farmers in Texas and California. If we could work on reducing those kinds of inequities, and recognize that we have them also, I think we could do more good than we can do trying to deal with people who have no record of honesty and have only a record of lying, murder, tyranny, and cheating on arms controls. I think that we could make a better record for ourselves.

We need to focus, I believe, in this legislation to try to expand the borders and the frontiers of markets and trade, rather than trying to contract them.

Now, it comes down to one solid thing. Like I said, Mr. President, this is politics. You cannot get away from politics in this country. It is a big part of our lives. There is a power struggle here between the President and the Congress. I think it is important to note that most in this body will agree that the trade deficit was not caused by an increase in the number of restrictions on our exports in foreign markets, as important as they are. The trade deficits are focusing our attention and our wrath upon the barriers, but most analyses suggest that if you got rid of all of them it would only reduce our trade deficit by about 10 to 20 percent.

The real issue is a basic power struggle. Congress wants to have more clout, more to say about it in order to get more done. I believe, as one Member of this body and in the preceding 8 years in the other body, that the United States was slow to respond to a changing world with respect to trade.

It was not just President Reagan's administration. It was true of the administration before him.

The Congress thought the trade deficit was important and they felt the President refused to do anything about it. So, finally, the Congress passed the textile bill which this Senator opposed. Having had Congress pass the textile bill and narrowly avoid overriding the veto, the administration has taken a much, much stronger stance on trade policy and I cite the dealings of this administration with respect to D RAMS, to the Canadian timber problems, and I have already mentioned the tobacco export. They are putting some clout in our negotiations. I note the proposition to get some products sold in Spain and threatening to put some tariffs on some of the higher priced consumer agriculture products that were coming in this country. Those kinds of positions that the administration has taken have helped bring about equity.

I think the administration deserves credit. Let us not have Congress then come in and try to take all of this power away from the administration by trying to pass a very restrictive trade legislation.

I believe that we are going to resolve this in either one of two ways. Either the conferees under the wisdom of Senator PACKWOOD, Senator BENTSEN, and those in the other body, will come out with a trade bill that will, fine-tune and improve some of our trading policies to get faster response on some issues so that it does not take so long, which I hope will be the way, If this does not happen we will end up with a trade War Powers Act of 1987 like the War Powers Act of 1974. In my view, the 1974 act has severely weakened the U.S. ability to carry out its diplomatic and foreign policy, because we have 535 people that think they should be Secretary of State.

We do not want to end up having 535 people who are making international economic policy. It is just too cumbersome and too difficult.

If we do not get legislation to the President that is fair and does not restrict his ability, he will have no choice but to veto the legislation. I think that he should veto it and I

would think that his veto will be sustained and this legislative work will all have been for naught.

The lesson then will be learned, the administration then will say they have learned a lesson: They should consult with Congress. But then the other lesson will be learned: Never try to placate the blatant protectionists, because they always want more than you can give them.

So I think what we have to do, Mr. President, is to get the United States moving on a free enterprise economy and the best way to do that would be to reduce Government spending, freeze the budget, not overburden American producers with millions of dollars of new taxes. Reduce the spending side of the equation here in this country and get the economy moving stronger in the United States. Then, do not pass legislation which weakens the Presidency of the United States as it was viewed in the Constitution.

Mr. President, that rather summarizes my remarks on the trade bill.

EXHIBIT 1

THE DEBTOR DIVERSION

We recall when "the energy crisis" was the centerpiece of received wisdom. The establishment understood the predicament: The weight of the earth was finite, so energy prices had to rise indefinitely. Someday we would look on the shelf and discover there is no more energy. Then we would all freeze in the dark.

In the last year the establishment has been similarly mesmerized by the predicament of "a debtor nation": The American public has such an all-consuming desire for, say, Japanese automobiles that we have to go hat-in-hand to Japan for loans. We are living beyond our means, and have become the world's greatest debtor. Someday we will look on the shelf and find there is no more foreign capital. Then we will all turn into Mexicans.

This week the Commerce Department released the latest version of the "debtor nation" statistics. The "negative net international investment position" of the U.S. increased to $236.6 billion in 1986 from $111.9 billion the year before. The wails over this soaring "debt" were somewhat diluted, however, because someone noticed that one big reason for the increase was the soaring value of the foreign stake in the U.S. stock market. Can this be all bad?

It may be an apt moment to talk some sense about both "debt" and international statistics generally.

The absolute first thing to understand is that there is zero chance the U.S. will be faced with the debt problems of Mexico or Brazil. Their problems reached crisis because their debts were denominated in dollars rather than their domestic currencies, and became unmanageable when the dollar rose and their currencies collapsed. The U.S. foreign debt, by contrast, is denominated in dollars. If the dollar collapses, so does the real value of the debt.

The second thing to understand is that international transactions do not create debt that did not exist before. A Treasury bond draws the same interest at home or abroad. If the little lady in Dubuque sells her bond to an insurance company on the Ginza, what precisely has changed?

The third thing to understand is that the international trade and investment figures make up an accounting identity. They *must* balance—tautologically, by definition. The import of a merchandise item is also the export of an equivalent financial claim. Say a U.S. consumer buys a $10,000 Toyota, and a Japanese investor uses the $10,000 to buy a Treasury bond. The U.S. trade deficit goes up $10,000 because it counts Toyotas but not Treasury bonds. The $10,000 outlay by the Japanese investor shows up in the U.S. accounts as a "capital inflow."

These are transactions between consenting adults. The consumer got the Toyota he wanted, and the investor got the bond he wanted. If there were no statistics, no one would know there is any problem. (Problems can arise only from an obscure account entry called "official financing"; we'll explain that when someone notices it.)

One should not assume, indeed, that the chain of transactions is driven by the merchandise account. Maybe the investor's eagerness for the Treasury bond started things, and the consumer bought the Toyota to use the money. In our view, a desire to invest in the U.S. has been the main force driving the international accounts the past few years. The American banks stopped loaning funds to the Third World, which meant that South America stopped buying U.S. merchandise. Even in the developed world, the U.S. economy has been the engine of growth since the Reagan tax cuts. And when a Mexican (or Japanese) deposits dollars in New York, they become a "liability" of the U.S. bank and drive up the Commerce Department's debt numbers.

Now, it is not a healthy thing that the world's most developed economy is also its best investment. In a healthy world, funds should flow out of the U.S. to exploit the profit opportunities in, and advance development of, the Third World. This crucially depends on the domestic policies of Third World nations, as the Baker plan recognizes. But against this remaining unhealthy imbalance must be set the historically remarkable success of American policy in taming a world inflation without the complete crack-up most would have predicted.

The main danger in the debt numbers and trade deficit is that they will confuse the American establishment, convincing it of failure in the face of success. There are plenty of signs of this in the upsurge of protectionism. The whole notion of these statistics—trying to trace flows of goods and money among separate national economies—is probably outmoded in today's interdependent world. There are not many economies somehow linked together; there is one organic whole.

Understandably given these confusions, there have been frequent attempts to reform the statistics, most recently in 1976. A panel of distinguished economists took up the issue, and its main conclusion was that there is no bottom line. It suggested that in official releases, "the words 'surplus' and 'deficit' be avoided insofar as possible." It said, "These words are frequently taken to mean that the developments are 'good' or 'bad' respectively. Since that interpretation is often incorrect, the terms may be widely misunderstood and used in lieu of analysis."

Mr. BYRD. Mr. President, this is a very good time for Senators to call up their amendments. I hope that Senators will call up their amendments and there are plenty of amendments to be called up. We have a list that shows 42 amendments. I realize that the bill is a big bill, that it contains the work of nine committees, and therefore, that Senators and their staffs have had some difficulty in studying the bill and preparing amendments.

It has to be said that nine committees know about nine parts of this bill and Republican Senators and Democrats on nine different committees know a good deal about what is in nine titles of the bill. It is evident that there are some amendments that have been prepared because I have a list of them. So let it not be said that because it is such a mammoth bill, it is going to take us time to study and prepare amendments, because there are nine committees that know a good deal about the material in this bill. It does have a title and it is open to amendment at any point. I hope, therefore, that we can call up amendments so we can make progress.

We made good progress on amendments. What is happening is just what I feared would happen, that we would get started making statements again as we did yesterday and Senators would leave the floor and wait a while to call up their amendments.

This is a good time for Senators to call up amendments. I thank the Senators for the fine cooperation that has been given. I urge Senators within the hearing of my voice to please come to the floor to call up amendments. I urge the respective Cloakrooms to get the word out that this is an opportunity to call up amendments. Those who have amendments, please come to the floor to call them up.

Mr. President, the managers of the bill are waiting patiently. The ranking manager is pacing the floor, impatiently pacing the floor. I hope that Senators will come over and call up amendments.

I thank all Senators. 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. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Florida.

AMENDMENT NO. 330

(Purpose: To extend the Caribbean Basin Economic Recovery Act until the date that is 12 year after the date of enactment of the Omnibus Trade Act of 1987 and require reports from beneficiary countries)

Mr. GRAHAM. Mr. President, I send to the desk an amendment, which is amendment No. 14 under the amendments to titles 1 through 9, and ask that the amendment be read.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside and the clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. KERRY proposes an amendment numbered 330.

At the end of title IX of the bill, add the following:

SEC. . CARIBBEAN BASIN INITIATIVE.

(a) EXTENSION.—Subsection (b) of section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706) is amended to read as follows:

"(b) Duty-free treatment provided to beneficiary countries under this title shall remain in effect until the date that is 12 years after the date of enactment of the Omnibus Trade Act of 1987.".

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

Mr. President, this amendment has been reviewed and cleared on both sides. Four years ago this Congress took a significant step and recognized the importance of strong economies in our nearest neighbors in Central America and the Caribbean through the adoption of the Caribbean Basin Initiative. This program is intended to stimulate private sector development through a closer economic relationship with the United States. It recognizes the historic, cultural, political, and economic relationships which are unique to those countries and the United States.

That program, Mr. President, has had a mixed response in part because of other factors which have occurred over the 4-year period, but it is still looked to as an important symbol of U.S. economic interest in the region and a sign of opportunity for a better future for those countries.

In visits over the past several months with business and governmental leadership in the region, when asked "what could the United States do that would be the most significant in terms of your economic well-being?" Almost without exception at the top of that list of priorities has been to start again on the Caribbean Basin Initative, to give us again the 12-year period which was made available 4 years ago and which now has dwindled to 8 years.

This amendment would do that, Mr. President. I believe that it is appropriate, and important statement and will be a significant economic contribution to the well-being of this critical region.

Mr. PACKWOOD. Mr. President, I heartily concur in the amendment. I urge the Senate to adopt it. There are very few things we can do, frankly, for a cheaper price than the extension of the Caribbean Basin Initiative. We will get more for our money and do more for relations in the Caribbean and security of this country in passing this amendment.

Mr. DASCHLE. Mr. President, we have also looked at the amendment and consider it a very valuable contribution to this bill. The Senator from Florida has made an excellent statement in defense of the amendment, and I am authorized by the chairman of the committee to indicate to the Senate that the committee will accept the amendment.

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

The amendment (No. 330) was agreed to.

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

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

The motion to lay on the table was agreed to.

PANAMA

Mr. LEAHY. Mr. President, at some point this afternoon we will be voting on a resolution regarding Panama and the serious situation down there. I would like to just take a couple minutes of my colleagues' time to mention my own concern about that situation. Within the past hour and a half I talked with a friend and classmate of mine in Panama. He is a member of the opposition, opposition to the Government. His name is Camillo Brenes. He has been a senator in Panama. He is a businessman there. He detailed to me, again, as I said, within the past hour, the problems and the kinds of harassment that he has faced in Panama. He and his brother have published a newspaper and found the Noriega government coming under a search warrent to search and thoroughly disrupt the publication, his business the same thing—well, perhaps we should close them down for a week or 2 or 3 while we check out this or that or the other thing. The message to him is very, very clear. If he is going to show the courage or willingness to speak out about the degree of corruption, theft, and other activities of the Noriega regime, then he is going to be silenced one way or the other.

I mention this not only because of my concern for a friend, a classmate's safety but also because of my concern for the people of Panama and for the relationship between the United States and Panama, a long and historic one. We have a great deal of interest there as all of Central and North America does. I hope that at some point the United States is able to speak strongly enough—and I hope the President especially, whose words would carry the most weight down there—about what is happening in Panama.

Certainly the President's sources of information are superb. He knows of the corruption. He knows of the danger to our security system. He knows of the attempts being made to totally loot that country in a way that the next generation will have nothing. The President of the United States, because of not only the power of his office but the prestige that he carries throughout the hemisphere, could speak out strongly and condemn what is going on. I hope he will.

Mr. President, I recently traveled to Panama and came away deeply concerned about the insufficient strides that country has made toward real democracy.

I saw how the Panama defense forces are expending and assuming an ever growing role in Panamanian political, economic and social life.

I saw how the commander of the PDF, Gen. Manuel Noriega, is the real power behind the current weak civilian government, and that there is a genuine fear that he may dictate the outcome of the 1989 elections. If that occurs, it would be a tragedy for the hopes of democracy in Panama, and could immensely complicate the delicate task United States policymakers will face in the 1990's in working out the future United States-Panama military and political relationship.

Today, just 3 months after my trip to Panama, the people of that country have spoken out more forcefully than anytime in recent history. They have taken to the streets to show the world that they will settle for nothing less than full participation in the selection of their future leaders.

Between the Panamanian people and democracy stands General Noriega. For years, Noriega has been suspected of being at the center of the drug trade and money laundering in Panama. United States officials have insisted there is no hard evidence to implicate Noriega, but the huge scale of these activities in Panama make it difficult to believe that high level officials are not involved.

The recent accusations of Noriega's hand-picked chief of staff, Col. Roberto Diaz Herrera, have heightened those suspicions. Colonel Diaz has said that Noriega planned the assassination of former President Torrijos, that he ordered the brutal murder of opposition leader Hugo Spadafora, that he rigged the Presidential election of 1984, and that he has taken millions of dollars in bribes in exchange for Panamanian visas and other favors.

Instead of responding responsibly by pledging to investigate these serious accusations by an important official, the Panamanian Government has attacked Colonel Herrera's credibility and attributed the unrest to subversives and foreign agents who seek to destroy the Carter-Torrijos Treaty.

In contrast, the response of the Panamanian people has been heartening. They have marched and protested and risked their lives in the streets, showing their opposition to government by Noriega. The military declared a state of emergency and deployed armed soldiers to suppress dissent. Opposition leaders were beaten and arrested. The press was censored.

What facade of democracy that existed in Panama when I was there 3 months ago no longer exists. There are no civil rights and no rule of law. There is no democracy. The military is in charge.

It is critical that the outcry of the Panamanian people not be lost on the United States. It is important for them and General Noriega to know that the United States will not stand by silently while this suppression of political freedom occurs in our own hemisphere.

General Noriega is sorely mistaken if, as has been reported in the press, he believes what is occurring in Panama today is the result of some United States-backed conspiracy to prevent Panama from taking over the canal. It has nothing to do with the canal.

Neither should he mistake the resolution offered today by Senators BYRD, KENNEDY and others as an attempt by the Congress of the United States to manipulate events in Panama. It is an appeal for democracy. It is an expression of support for the Panamanian peoples' legitimate demands for political freedom and human rights, rights they have been denied for too long.

The United States and Panama have shared difficult histories, but we share common goals for the future. Above all, those goals are the security of our two countries and close political and economic relations. Those goals can only be realized if the generals get out of politics and real democracy is allowed to prevail in Panama. Only then can brave people like my classmate be protected, and only then can those who can do so much for the future of Panama, not only for the rest of this century but also in the next century, be given the chance to speak out and to work for their own country.

Mr. President, I see the distinguished majority leader on the floor. I yield to him.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1987

Mr. BYRD. I believe that the Senator from Washington [Mr. EVANS] is about ready to offer an amendment, and I will not suggest the absence of a quorum.

(After some delay, the following occurred.)

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Nebraska, suggests the absence of a quorum, and the clerk will call the roll.

Mr. BYRD. Mr. President, I ask that the Chair withhold that suggestion.

The PRESIDING OFFICER. Following the wish of the majority leader, the Chair withholds.

Mr. BYRD. I thank the Chair.

Mr. President, I urge that Senators come to the floor and call up their amendments. At some point, as the debate goes on, if no Senator seeks recognition, what is the question that the Chair is required to put before the Senate?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

Is there further debate?

Mr. BYRD. What is the question?

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, what is the number of the amendment?

The PRESIDING OFFICER. It is amendment No. 328, the Chair advises the majority leader, and the yeas and nays have been ordered.

Mr. BYRD. Is that amendment pending before the Senate?

The PRESIDING OFFICER. That is the pending amendment.

Mr. BYRD. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I am not going to stand here and keep the Senate from voting on an amendment on which the yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BYRD. Mr. President, I yield for a question.

Mr. HELMS. I do not know that I have a question.

The Senator from Connecticut [Mr. DODD] was supposed to be consulting with the majority leader about the unanimous-consent request with respect to a freestanding resolution on the Panama issue. Senator DURENBERGER and I agreed to set aside the amendment temporarily, and that is where it stands. I am prepared to start debate on it. But, in good faith, I felt obliged to accede to Senator DODD's request. I am prepared to proceed with whatever the majority leader decides to do.

Mr. BYRD. Mr. President, I have been in a meeting with Senators in my office, and I was not even aware that there was a pending amendment. I was not aware that there was an amendment pending. I asked the Chair what the duty of the Chair was if no Senator sought recognition; and I thought the Chair would say, "If there was no further amendments, third reading of the bill." It came as a surprise to me that there is an amendment pending and that the yeas and nays have been ordered on it.

So, the Chair was accurate; and if no Senator seeks recognition, it is the duty of the Chair to put the question. That would be a rollcall vote.

Mr. President, I am not seeking to cut off debate on my amendment. But there is an amendment pending, and I can guarantee that we are not going to stand around here for another hour waiting for Senators to come to the floor and call up an amendment when there is an amendment pending, nobody wants the floor, the yeas and nays have been ordered, and we are going to have a rollcall vote.

Mr. HELMS. I hope the Senator understands the position I am in. I would like to proceed; but, as a matter of good faith involving the distinguished Senator from Connecticut, I agreed to give him time to consult with the majority leader.

Mr. BYRD. Nobody has been consulting with me. I have been in my office conducting a meeting with Senators, and what I say is not meant to be criticism of the Senator from North Carolina or the Senator from Connecticut or anyone else.

I am glad to know that we have an amendment. I am thrilled. [Laughter.] We have an amendment on the floor, before the Senate. I am happy to know that.

Mr. HELMS. Amen.

Mr. BYRD. I had not asked the Chair what the Chair is supposed to do if no one is seeking recognition, I would not know that there was an amendment up. Hallelujah! We have an amendment before the Senate, and the yeas and nays have been ordered on it, and I am going to sit down.

If no Senator wishes to debate it or call up another amendment, the Chair will do its duty, I am certain.

The PRESIDING OFFICER. The Chair advises the Senate that the pending amendment has been set aside by unanimous consent on several occasions, but it is still the pending business.

Mr. BENTSEN. Mr. President, I request that we temporarily set aside the amendment.

I have an amendment here I sent to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, Mr. President, and I shall not object, before we set aside the amendment, again I would like to have some indication from the leadership and from Mr. DODD what my circumstances are because I am ready to debate it and I am ready to vote.

Mr. President, I have no objection.

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

The Senator from Texas.

AMENDMENT NO. 331

(Purpose: To deny trade benefits to countries that support acts of international terrorism)

Mr. BENTSEN. Mr. President, I have an amendment I send to the desk and ask the clerk to report.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN], for himself, Mr. CHILES, Mr. DURENBERGER, Mr. METZENBAUM, Mr. HATCH, Mr. PRYOR, Mr. DECONCINI, Mr. ROTH, Mr. MCCONNELL, Mr. THURMOND, Mr. JOHNSTON, Mr. EXON, and Mr. MURKOWSKI, proposes an amendment numbered 331.

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

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

The amendment is as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . DENIAL OF TRADE BENEFITS TO COUNTRIES SUPPORTING ACTS OF TERRORISM.

(a) IDENTIFICATION.—(1) The Secretary of State shall identify each foreign country that repeatedly provides support for acts of international terrorism and shall publish such identification in the Federal Register. Such identification shall remain in effect until a determination is made with respect to such country under paragraph (2).

(2) If the Secretary of State determines that a foreign country identified under paragraph (1) has ceased to provide support for acts of international terrorism, the Secretary of State shall publish such determination in the Federal Register.

(3) By no later than February 15 of 1988, and of each calendar year thereafter, the Secretary of State shall submit to the Congress a list of the names of each foreign country with respect to which an identification under paragraph (1) is in effect.

(b) DENIAL OF TRADE BENEFITS.—Notwithstanding any other provision of law, if a foreign country is identified under subsection (a)(1)—

(1) the President shall terminate, withdraw, or suspend any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to such country,

(2) such country shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of such country shall be subject to the rates of duty set forth in column number 2 of the Tariff Schedules of the United States,

(3) the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) shall not apply with respect to the products of such country, and

(4) the provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701, et seq.) shall not apply with respect to the products of such country,

during the period in which such identification is in effect.

(c) WAIVERS.—(1) The President may waive all, or any portion of, the provisions of subsection (b) with respect to any foreign country if the President determines that such a waiver would be in the best interests of the United States. The President shall submit to the Congress written notice of any waiver granted under this paragraph.

(2) Any waiver granted under paragraph (1) may be revoked by the President at any time.

(3)(A) Any waiver granted under paragraph (1) shall take effect only after the close of the 30-day period that begins on the date on which the President submits to the Congress written notice of such waiver.

(B) The following days shall be excluded in determining the 30-day period described in subparagraph (A):

(i) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(ii) any Saturday and Sunday, not excluded under clause (i), when either House of Congress is not in session.

Mr. BENTSEN. Mr. President, over the past few years the American people have had it brought home to them time and again just how vulnerable we as a nation are to threats from terrorism. We lost hundreds of our citizens in the bombings of the American Embassy and the Marine barracks in Beirut; we agonized over the hijacking of TWA 847 and the cruise ship *Achille Lauro*; we retaliated against Libya for the bombing of the discotheque in Berlin, though we could not do anything to prevent it.

During the past decade the number of terrorist incidents worldwide has been growing at the alarming rate of 12 percent a year, and American citizens are routinely singled out for harsh treatment and even execution when they fall into the hands of terrorist groups, particularly in the Middle East.

Ironically, though, our policy toward terrorism has been inconsistent. We identified Iran as a terrorist nation, and then we sold them TOW missiles and Hawk spare parts. For some time prior to these sales, and even while the sales were taking place, we had been attempting to convince our allies not to sell weapons to Iran and other terrorist nations. Our own actions undercut our words. This was most unfortunate, and it is unclear just how long it will take our credibility to recover.

My amendment today is designed to correct another situation where our actions are at variance with what we are saying about terrorism and our will to fight against it.

This is the area of trade preferences, where it might surprise many Members of the Senate to learn that we give most-favored-nation status to Iran, Syria, and Libya, three countries that the Secretary of State has identified as being consistent supporters of terrorism. This means that imports from these three nations enter the United States at the same tariff level as do items imported from our friends and allies. To me this is outrageous.

We have in our trade statutes today different tariff levels for friendly countries—to whom we give most-favored-nation status—and for countries that are not favorable toward us, such as most of the Communist nations. It is simply inconceivable to me that we should continue to allow three of the terrorist nations of the world to enjoy the same low-tariff rates that we give our friends.

The amount that we import from these three contries is surprisingly large, amounting to over $600 million in 1986. For 1987 the amount is projected to be even higher. In terms of the overall amount of U.S. imports this is not a large percentage, but it is not insignificant, either. Libya, I have to say in all candor, would be little affected by this amendment at present, for President Reagan imposed an embargo against its products in the fall of 1985. The effect on Colonel Qadhafi would be more psychological than financial, and that seems to me enough reason to take this action.

This amendment will do the following three things: First, it will require the Secretary of State to maintain a list of nations that support terrorism, notifying the Congress whenever a country is added to or taken from the list. The Secretary already maintains such a list for the purpose of notifying the Congress of certain military exports; this will require the same thing with regard to countries from which we receive imports. Second, it will deny trade preferences, including most-favored-nation status, to any country on the list of terrorist supporters. Third, it will give the President the authority to waive this proscription if he decides it is in the best interests of the United States to do so, and if he notifies Congress of his intent 30 days in advance. I anticipate that this waiver would be given most infrequently and only for the most urgent of reasons, if it is given at all.

This amendment does not place an embargo on goods from these nations. It would simply require a higher tariff on imports from them and would thereby place them at a disadvantage when competing against imports from other countries and against similar products manufactured or produced here in the United States. And it would add some much-needed consistency to our statements and policies directed against terrorism and terrorist-supporting nations.

Mr. NICKLES. Mr. President, will the Senator yield for a question?

Mr. BENTSEN. I yield.

Mr. NICKLES. I appreciate the Senator's statement. It sounds like an excellent approach. What were the three countries that the Senator mentioned that would be affected?

Mr. BENTSEN. We were talking about Libya, Syria, and Iran.

Mr. NICKLES. I appreciate the Senator's response.

Just one question. Certainly I would agree with Iran and Libya. Syria, I believe, or at least I have understood by some reports, is in the process of working hopefully trying to effect the release of some American citizens who are held hostage in Lebanon.

Does my friend and colleague think that the passage of this amendment in any way might be detrimental to their efforts or possibilities of their efforts in trying to assist us for the release of American citizens who are held hostage in Lebanon?

Mr. BENTSEN. I think this will put some pressure on them, frankly, to try to help us in that regard.

I thought this had been cleared on the minority side, and I have just been advised by staff that there is a question concerning it.

So, Mr. President, with that in mind, I will withhold this amendment and withdraw this amendment until a later date.

The PRESIDING OFFICER. The amendment is withdrawn.

The question recurs on the Panama amendment.

The Senator from Washington.

Mr. EVANS. Mr. President, I ask unanimous consent that the pending amendment be set aside temporarily.

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

AMENDMENT NO. 332

(Purpose: To eliminate constraints on the Secretary of Commerce that prevent the timely publication of monthly balance of trade data and to require a study of the feasibility of developing an index that measures the real volume of merchandise trade)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. EVANS] proposes an amendment numbered 332.

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

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

The amendment is as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . TRADE STATISTICS.

(a) REPORTING OF IMPORT STATISTICS.—Subsection (e) of section 301 of title 13, United States Code, is amended by striking out the last sentence thereof.

(b) VOLUMETRIC INDEX.—

(1) The Director of the Census, in consultation with the Director of the Bureau of Economic Analysis and the Commissioner of Labor Statistics, shall conduct a study to determine the feasibility of developing, and of publishing, an index that measures the real volume of merchandise trade on a monthly basis, which would be reported simultaneously with the balance of merchandise trade for the United States.

(2) The Director of the Census shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under paragraph (1) by no later than the date that is 1 year after the date of enactment of this Act.

Mr. EVANS. Mr. President, I would hope that this amendment would be cleared on both sides. It is my understanding that it has been cleared on the Republican side and is in the process of being worked on on the majority side. It is supported by the administration.

Very simply, it will give us, I believe, a stronger and better method of accurately measuring just where we are each month in terms of our trade balances.

It does two things: First, it would remove a requirement currently in law that requires imports, including freight, insurance, and the cost of freight insurance and associated charges, to be included in the value of imports. That is a legitimate index and it is one that we need to know.

The other index which is reported 48 hours later is called FAS or free along side ship, and it does not include the freight, insurance, and associated charges.

My concern, Mr. President, is that currently only the imports on the CIF basis are reported early. They tend, because they include insurance and they do include freight, to be larger figures than the others.

As a result, they tend to startle and in some cases dismay those who watch those statistics very carefully.

Forty-eight hours later other figures come out both on imports and exports on a free along side ship basis, and they tend to be lower.

Since both are measured in the same way, they accurately set forth the difference between imports and exports. But, currently, by that time, the second report is lost in the latter pages of any newspaper, while the first has been reported on the front pages quite generally.

Mr. President, I believe that this would allow us to report all these statistics concurrently. It would give Members of Congress, those who are engaged in the business, economists, and everyone else a chance to look at all these statistics, measure them one against the other as equivalents, and give us, as a result, a straightforward measurement each month on one day of all of our import and export trade.

The second portion of this amendment would merely ask that a study be conducted to see if there is some way to develop a better volumetric index, or something that measures the real volume of merchandise trade on a monthly basis.

We have found in the last 1½ or 2 years that our trade statistics get distorted quite substantially simply because there are rapid changes in the relative values of American currency against foreign currency. That tends to mask or hide the real changes which are occurring in the volume of goods which are being both shipped overseas and which are being imported into the United States.

So the second half of this amendment would ask that a study be conducted in an effort to try to get to such an index which, if successfully implemented, would tell us just how we are doing in the actual volume of goods or the value, consistent value, of those goods being shipped into the United States and exported from the United States.

Mr. President, I am rather confident that, if such a successful index had been developed and utilized during the course of the last several years, it would have shown us earlier than we have now discovered that, in terms of volume, in terms of American goods being shipped overseas and foreign goods shipped into America, that we had turned the corner earlier than the current measurements would show; the current measurements being measured in current dollars only. So I think that the two halves of this amendment, if adopted and implemented, would give us a much more straightforward and complete picture of our total trade, would enable all of us to look more accurately at what is happening and, as a result, I think to make better decisions.

Mr. President, I urge the adoption of the amendment and I hope that it will be supported by both sides. It is supported by the administration.

Mr. PACKWOOD. Mr. President, I think it is a good amendment. I remember when we put into law the provision for counting cost, insurance and freight, CIF, as we call it. I never thought it was properly part of the merchandise. Indeed, it is not merchandise and I think it should not be counted. I think the amendment of the Senator from Washington is a good amendment.

Mr. BENTSEN. Mr. President, I have read the amendment and I do not object to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 332) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 328

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

The PRESIDING OFFICER. The amendment of the Senator from Minnesota.

Mr. HELMS. The yeas and nays have been ordered on the amendment, correct?

The PRESIDING OFFICER. Yes.

Mr. HELMS. Mr. President, this amendment is by no means the first time that the Senate has dealt with the important issues regarding Panama. Last September 24, the Senate, by a vote of 53 to 46, passed my amendment to the intelligence bill that read as follows:

Section 604. The Director of Central Intelligence shall provide a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives not later than March 1, 1987, whether and to what extent the Defense Forces of the Government of Panama may have violated the human rights of the Panamanian people, are involved in international drug trafficking, arms trafficking, or money laundering, or were involved in the death of Dr. Hugo Spadafora.

At this point, Mr. President, I would inquire of the Chair if the pending amendment has been properly stated by the clerk. If not, I would ask him to do so.

The PRESIDING OFFICER. Consent was granted for the reading to be dispensed with.

Mr. HELMS. I am sorry, I did not understand the Chair.

The PRESIDING OFFICER. Consent was granted to dispense with the reading.

Mr. HELMS. Very well.

Mr. President, in many ways, my amendment of last September was unprecedented but the situation was also unprecedented. Panama has been our friend and ally since 1903. The United States has maintained a very close relationship of diplomatic, political, and ecomomic cooperation with Panama. Our long parternship with the Panama Canal has given us strong interests in common which, even when at times strained, nevertheless gave us a strong incentive to accommodate each other.

Now, I realize, as I speak here this afternoon, that there is the possibility that a unanimous-consent agreement will be reached to have the subject of the amendment proposed by Senator DURENBERGER and me laid aside in order that it can be called up as a free-standing resolution.

I do not know whether such a unanimous-consent request will be propounded. I hope it will be and that it will be agreed to. But, in any case, I thoroughly agree with the distinguished leader that we ought to move along on this bill. And inasmuch as the pending amendment does have the yeas and nays ordered, I think it is proper that we have a discussion of the effect of the amendment—or, as the case may be, the Senate resolution.

In recent years it has become clear that Panama's democracy has been victimized by the presence of a military strong man, Gen. Manuel Antonio Noriega. Although his official position is commander of the Panamanian Defense Forces, it is no secret that General Noriega has actually used his position almost entirely for his own personal advantage. And in the course of pursuing that personal advantage he has exercised what amounts to a de facto coup against the constitutional government of Panama.

Moreover, General Noriega's aggrandizement of personal power and personal riches has not been accomplished without brutal terrorization of the Panamanian people and the trampling of their civil and constitutional rights.

I might say parenthetically, Mr. President, that we are not talking about peanuts in terms of the money that has flowed into General Noriega's secret bank accounts overseas. That is a subject that will be discussed by the Senate on another occasion. Suffice it to say that we are talking in terms of somewhere between at least $75 million and $100 million.

Newspapers, both in Panama and the United States, have detailed Mr. Noriega's role as a narcotics trafficker, as a dealer in contraband, and a deposer of Presidents. His business partnerships with Fidel Castro are well known, well documented. Perhaps more significant than anything else has been the very clear and justified suspicion surrounding the brutal murder of Dr. Hugo Spadafora, a former high government official whose decapitated body was found just over the border in Costa Rica on September 13, 1985.

The Spadafora murder, a circumstance not all that unusual in Panama these days, has become a tragic symbol of what can happen to the opposition to General Noriega. Anyone who has been reading the papers or watching the television for almost the last three weeks, is bound to know of the protests of the people, and the widespread popular uprisings in Panama. General Noriega's misconduct is well known to the people of Panama. I will say, Mr. President, that many, many people of Panama have contacted me wondering why the United States Government has not done anything or said anything about the manifest crisis in Panama.

I am one Senator who is willing to do something and willing to say something. I participated in the drafting of the legislation now pending in the Senate, and I want the Senate to act, and preferably this afternoon.

The allegations against Mr. Noriega were reviewed in a series of hearings conducted by the Senate Foreign Relations Committee last year. I presided over those hearings. The testimony received by the committee, both from the administration and from private witnesses, confirmed the allegations that have now caused the crisis in Panama. There is no question about it, Mr. Noriega is on the run. I think it is time for the U.S. Senate to speak up and to say where we stand with respect to this man because the situation as it now stands reflects upon United States relations with Panama.

Believe it or not, Mr. President, throughout Central America the United States—thanks to the U.S. State Department and others—is widely perceived as General Noriega's supporter and backer. Let me say to those who have that impression: It is not so as far as this Senator is concerned. I am not his supporter and I am not his backer and I never will be.

But it seems to me there are some in the U.S. Government—including the State Department and, I am sorry to say, the CIA, which is an arm of the State Department—some elements that regard the unsavory General Noriega as "a U.S. asset." These people do not seem to understand Mr. Noriega, his politics, or the politics of Panama. The continued support, or perception of support, of General Noriega undermines U.S. security interests throughout Central America and the continued functioning of the Panama Canal—which the Senate unwisely voted in 1978 to give away.

The fact is, Mr. President, that General Noriega is without any redeeming value, social or otherwise.

That was the background leading to the action of the Senate last September when my amendment was adopted, 53 to 46. Senators will recall, Mr. President, that when I proposed the amendment of last September, I specified that the CIA was to provide a report to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives, not later than September 1, 1987.

We all eargerly awaited that March 1 report, a report that, because of its nature, was to be classified. We did not expect to be able to discuss the report publicly. But it does not violate any classification to comment today that the report, when it finally arrived, consisted of precisely one and a half pages; that is all, one and a half pages. It was, in fact, a nonreport. It was insulting in its deliberate disregard of the clear intent of the amendment adopted by the Senate and later enacted into law. I will leave it to the un-

classified imagination of anyone who dares to reconstruct the boldness and decisions and masses of detail in the masses of evidence available that purportedly was included in that one and a half pages that the CIA sent up here. It was a default in responsibility on the part of the CIA.

The Director of the CIA, Bill Casey, was gravely ill at the time this page and a half response was prepared. Mr. President, I simply do not believe Bill Casey either approved or knew about this page and a half nonreport because it revealed, when you think about it, the contempt which the operating level of the CIA has for its own oversight committee not to mention the seriously deliberated actions of the U.S. Senate. It also demonstrates the level to which some sectors of the U.S. Government will go to protect an individual who is regarded as "a U.S. asset," even when that "asset" is clearly a liability to anybody having the remotest respect for morality or decency, let alone honor. Needless to say that liability in this instance is General Noriega.

It was not surprising that for the past week or more, the citizens of Pananama have been demonstrating against General Noriega. They are fed up, they are tired of this brutal, ruthless dictator; they are tired of the depression, the oppression, the brutality.

We now know that General Noriega's second in command, chief of staff, Col. Roberto Diaz Herrera, was forced out. Diaz made a series of accusations against Noriega. Diaz made clear that Noriega intended to kill him so he was going to tell the truth. Diaz then made a number of interesting disclosures. Bear in mind this was the No. 2 man.

First, Colonel Diaz said that the 1984 election had been stolen in Panama; that, indeed, the manipulation of the tallies had been done in Diaz's own home.

Second, Diaz Herrera said that General Noriega was personally responsible for the murder and decapitation of Hugo Spadafora. Diaz named the associates of Noriega who had done the ghastly deed.

And, third, he said that Noriega was personally responsible for the airplane crash that took the life of General Torrijos in 1981.

Fourth, Diaz said that Noriega had illegitimately amassed funds through the illegal sales of Panamanian visas for Cubans.

And, fifth, he gave a detailed account of Noriega's drug trafficking.

As to the drug trafficking and the laundering of money, the Senate is going to hear a great deal in detail about this in days to come. It is going to be the smelliest story that we have heard in a long time, a sordid tapestry of corruption.

These allegations—and quite frankly they are far more than allegations—come from sources that need to be examined very carefully. They are not new allegations, except to the degree and in the detail in which they have now been presented. The Foreign Relations Committee yesterday afternoon met in secret session. I sat for 4 hours listening to the most startling testimony that I have heard since I have been a Member of the Senate for these past 14½ years.

All who are interested in freedom and deomocracy in Latin America must support the objectives of this amendment—or a freestanding resolution, if it turns out be be that.

I would personally hope that we can withdraw this amendment and offer it, right now, as a freestanding resolution to be acted upon this afternoon, if that is the will of the leadership.

Mr. President, no matter how we handle this matter legislatively, it is clear to this Senator that General Noriega must step aside so that the allegations can be examined impartially by distinguished, respectable, dedicated Panamanian citizens. Unfortunately, the U.S. Government has not been quick to respond to the anguished cry of the Panamanians for the return of their dignity and their freedom.

That is the purpose of this resolution, this amendment, whatever it turns out to be. There are 56 of us who are cosponsoring this amendment or resolution, each saying the same thing: We want to make it clear to Noriega that he is playing a destructive role in Panama. We want to make it clear to the State Department that support for Noriega is undermining our own national interest. But most of all, we want the people of Panama to understand that the people of the United States support them in their call for an investigation of past crimes, whatever they may be, and restoration of constitutional government in Panama.

Mr. President, I thank the Chair and I yield the floor.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from New York is recognized.

Mr. D'AMATO. Mr. President, I rise to join my colleagues in cosponsoring this amendment expressing our support for genuine democracy in Panama.

On June 5, several colleagues and I inserted into the RECORD an open letter to the people of Panama. Our purpose was to counter the false assertions made by the Noriega government that U.S. criticism of Panama's involvement in drug trafficking and money laundering was a valid attempt to a abrogate the Panama Canal Treaty.

That is not the case.

Our concern was certainly vital to the interests of the United States, and, more importantly, to the interests and concerns of the citizens of Panama.

A few days, latter, Mr. President, a close associate of General Noriega, the No. 2 man in Panama in the defense forces, began to reveal the sordid details of corruption, election fraud, and political assassination by Noriega. Colonel Diaz' statements have touched off demonstrations in Panama, peaceful demonstrations, by the citizens.

What was General Noriega's response to these peaceful protests? He ordered his subordinates to confiscate the cars of those who dared sound their horn in support of protests. He ordered that those who flew the white flag over their homes in support of the protests would have their homes confiscated. He ordered that those who would wave white handkerchiefs in support of the protests would be arrested. He ordered that those who beat their pans in the streets in front of their homes, who cried out for democracy, who said, "Let us have democracy," should be arrested.

The Hilton Hotel in Panama City is now a makeshift prision. I might add, with no vacancies. He declared martial law. He censored all oppostion media.

Recently, Noriega extended martial law indefinitely.

Is this democracy—democracy that we mutually pledged to foster?

On June 16, the government-controlled National Assembly issued a decree charging nine opposition leaders with high treason, accusing them of conspiring with the U.S. Senate and other members of the U.S. Government to impose a Panamanian Government that would allow the abrogation of the Panama Canal Treaty.

That is just nonsense. It is untrue. None of us have any intention of seeking the abrogation of that treaty. While there may be some who disagreed with it, we respect the rule of law. We respect our obligations. We respect our treaties. This is just being used by Noriega to attempt to arouse the public in Panama of his cause. And he has failed.

It is most important, Mr. President, that we send a clear message that we understand this. It is most important to those people who placed their lives on the line, who peacefully have come forward and said, "We want democracy. We no longer want a killer, a murderer, a drug dealer, a thief, who would impose his will on the people of this nation."

There is a struggle going on behind the scenes here. I wonder why. I wonder how it is that there would be those who would oppose these efforts, oppose the efforts of those of us who seek to give comfort, aid, and yet say by way of our legislation that we are committed to democracy.

These accusations are something that I find hard to believe, that we

should not come together as a body and say that we are committed, that we are ready and willing to stand behind—and do stand behind—our commitments as relate to the Panama Canal. The statements made by Noriega are simply a cover for his misdeeds.

One of the nine accused of high treason is former Ambassador Gabriel Lewis, the Panamanian most responsible for bringing about the Panama Canal Treaty, who worked tirelessly and with total dedication to the people of Panama to see that this treaty was established and ratified. Certainly, to now accuse him of high treason for some kind of conspiracy to take the canal away is absurd.

Gabriel Lewis gave a substantial portion of his time and his life to seeing to it that this treaty was enacted.

Another was Nicolas Bartella, former President who was forced out of office for pursuing an investigation into one of the murders of which General Noriega was accused. That is where one of the opponents had his head severed from his body—an incredible, shocking case. It is a case where Mr. Diaz came forward and said Noriega was responsible. Mr. Diaz was forced from office because he sought an investigation as to how this man met his death.

Another was Robert Aleman, whose crime appears to be his very presence in Washington, D.C., when the protests broke out.

It is clear, Mr. President, that General Noriega is trying to inflame anti-Americanism to hide his regime's illegitimate stranglehold on power. General Noriega's power base is the barrel of a gun. He has been exposed, Mr. President, and his time is limited.

The U.S. Government, Mr. President, must stand firmly and unequivocally behind the cause of democracy in this hemisphere. It must never again permit itself to be seen as supporting, even by mere tolerance, an antidemocratic dictator. Have we not learned our lesson yet?

We have an opportunity to support reform. The charges leveled at Noriega only confirm what many have suspected for a long time. His involvement in government corruption, election fraud, sale of visas, and assassinations demonstrate Noriega's warped and despoitic leadership. Also, there are clear indications that Noriega participates in extensive drug trafficking and money laundering.

The importance of this amendment cannot be understated. It is my hope, Mr. President, that this amendment passes unanimously. Although the resolve of the problems of Panama are in the hands of the Panamanian people, the message they of Panama receive from the United States is important. That message must be one of support for democracy; it must not imply, directly or indirectly, in any manner, support for the regime of General Noriega.

In fact, Mr. President, we should send an emissary from the United States to Panama to express this Nation's support and commitment for democracy in that country.

The situation in Panama is extremely tenuous. Silence on our part could be viewed as deafening support for Noriega. It could be viewed as a cruel blow for those citizens who yearn for democracy. The Senate has an opportunity to stand on the side of democracy. I think it has to do that and record that.

Mr. President, I insist that this amendment be voted on today, not laid over until another time, because the longer we wait, the less effective a message we send to the people of Panama. It is they who will be looking to us, as the people of the Philippines looked to us with respect to where we stood when they fought valiantly and said, "We want true democracy." Why is it not as essential today to send that same clear message?

I hope that this important amendment is voted on today.

I thank the Chair.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. Mr. President, I shall take but a minute or two.

If we are going to have a vote on this subject matter today, I hope that we can have a vote on a separate, freestanding resolution and not on an amendment to this bill. This chairman is going to have enough problems when it goes to conference without having a number of foreign policy amendments involved. I am personally very agreeable, rather than take up a couple of hours now debating an amendment which we would like to put into a separate, freestanding resolution, I would prefer that if we are going to have a freestanding resolution, let us have that understanding and get consent to that effect and forget about this subject matter as an amendment to this bill. If we cannot get a freestanding resolution, then let us just find that out and vote on it as an amendment to the bill.

I hope we could have a freestanding resolution. I do not detect any desire on either side to force a vote on an amendment to the bill. I think there is general agreement around the Chamber that we have a freestanding resolution. Am I correct?

Mr. DURENBERGER. Will the leader yield?

Mr. BENTSEN. Mr. President, that is certainly my viewpoint and I share the idea that it should not be a part of this legislation.

Mr. BYRD. Mr. President, I wonder if I can get consent to have this as a freestanding resolution, get a time limitation on it, and either go at it, if the Senators want to vote on today or if you want to put it aside until another day, that is up to the Senate.

I see a great number of Senators on this floor now who want to discuss this subject matter.

Mr. DURENBERGER. Mr. President, will the leader yield for a response?

Mr. BYRD. Yes, Mr. President.

Mr. DURENBERGER. At about 12:57 this afternoon, when I proposed the amendment, I suggested my preference was not to burden my colleagues who are the managers of the trade bill with this particular amendment; yet it had a time urgency. I suggested at that time—in fact, I have drafted a unanimous consent request which would accomplish the leader's request. It would limit debate appropriately.

I think the important issue now for the majority leader is whether or not we can get that unanimous consent and whether we can vote on it this afternoon.

Mr. BYRD. Mr. President, I think we ought to settle that now, because I hesitate to see these two managers of this bill having to go to a conference and deal with a foreign policy problem along with a multiplicity of other very necessary problems that will be attached to that bill. I also hesitate to see us take 2 or 3 hours this afternoon debating an amendment and then decide to make it a freestanding resolution and have all this debate over again.

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

Mr. BYRD. Yes; I yield.

Mr. PACKWOOD. Speaking for the minority, I agree. I would like to have a vote this afternoon. I do not know how many freestanding amendments we are going to get. I would rather have it today than Tuesday or Wednesday, when everybody is here and we will not be begging for amendments. I would agree to whatever time we can agree upon now.

Mr. DODD. Will the distinguished majority leader yield?

Mr. BYRD. I yield to the distinguished Senator from Connecticut.

Mr. DODD. I thank the leader. I thank my colleague from North Carolina and my colleague from Minnesota, as well as the Senator from Texas, for trying to work out something to allow us to debate this separately and not complicate the trade bill. I have been going back and forth all afternoon trying to accomplish that.

I agree with the notion that this should be dealt with separately and not on the trade bill. The trade bill will have enough difficulty without this matter being added to it. I would be happy to agree to a unanimous-consent request to have this be a free-

standing resolution. I appreciate the fact that Tuesday and Wednesday are going to be difficult as it is. I hope to get a couple of hours of debate on this, because I do have an amendment or a substitute that I would like to raise along with my colleague from Washington [Mr. EVANS], and it needs a little bit of time.

I need a little bit of time to explain it. It is not a simple matter, and I would suggest as well—this is a very delicate foreign policy matter we are about to engage in. If we are going to have it dealt with independently this afternoon, I would like to ask for a couple hours to prepare the matter. I apologize for such a long request, but it is sensitive, it does require some discussion, and I would urge that to be a part of the unanimous-consent request. On that basis I will try to go forward and deal with it today rather than waiting until next week.

Mr. BENTSEN. Mr. Leader, it would be very preferable if it could be done today. We are going to be in a real time squeeze insofar as the Finance Committee is concerned. We have some major issues to be dealt with on Tuesday and Wednesday. Frankly, I would like to do them now. I do not think they will be brought up. But what happens to us, then we will have reconciliation in the Finance Committee. The debt ceiling has been sent over to us today. Then you are going to end up with appropriations coming along. It is going to be a problem for us to get this thing done unless we can fit it into this time slot insofar as this trade bill for that part of the jurisdiction that involves the Finance Committee.

Mr. EVANS. Will the majority leader yield briefly?

Mr. BYRD. Yes.

Mr. EVANS. I think that what really it seems to me is at stake here is a question of how sensitively and how understandably we deal with a foreign policy issue to get to the ultimate goal which I believe all 100 Members of this Senate want to get to, and the administration wants to get to, and I would guess an overwhelming number of people of this country would like to get to and an overwhelming number of the people in Panama would like to get to.

I think we have to make sure that we are careful enough—we have not carried the wording of any such resolution through the Foreign Relations Committee. It seems to me we need at least time enough so that we can carefully consider the wording of what we do to accomplish the goal we all seek. I fear that we may be about to move in the wrong direction and possibly inadvertently give to the leader of Panama the one thin reed he may require to retain power than to be taken from power. And so I think that if we want to move this afternoon, that may be fine. I hope that we will take sufficient time so that along with the debate there is an opportunity to work together and to try to get to agreed-upon language that can be supported by every Member of the Senate.

Mr. BYRD. Mr. President, I will take a chance. First of all, I do not think we can wait too many days if this resolution is going to have the desired impact. Second, I have already made, I think, a pretty good case, and has been supported by the distinguished Senator from Texas, who is the manager of the bill, that we separate this.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that the language of this amendment be put in the form of a separate Senate resolution.

Mr. HELMS. We have that prepared, Mr. Leader.

Mr. BYRD. That is prepared. That there be a 2-hour time limitation thereon, with 1 hour for an amendment by Mr. DODD and Mr. EVANS, and that upon the expiration of that time the Senate vote.

Mr. DODD. With time equally divided between the proponents and opponents of the resolution.

Mr. BYRD. Yes, and that the agreement be in its usual form, which means no nongermane amendments. I hope all Senators understand that. No nongermane amendments. If we are going to only allow one amendment, I think we ought to know what the amendment does before we enter into this agreement. I do not know what the amendment does.

Mr. DODD. If the leader will yield, it may be proper to refer to it as an amendment and/or a substitute. I am not sure from a parliamentary standpoint which is the more proper form that such an amendment may have to take. It may amend the resolution in two places. A substitute may be necessary rather than a single amendment. I do not want to lose my right to be able to offer something I would like to because I failed to bring up the proper wording in such a unanimous-consent request. But my intention would be to offer one proposition. I just want to make sure I am not precluded from offering the amendment I would like to because of the parliamentary rules of the Senate.

Mr. BYRD. Is the amendment germane?

Mr. DODD. Yes.

Mr. BYRD. I do not want to open it to a capital punishment amendment—which I favor, which I favor—but I do not want to open it up to just anything.

Mr. DODD. I assure the leader it is a germane amendment.

Mr. EVANS. I would judge at this point that only one amendment may be necessary. It is possible, however, that I would have a somewhat different amendment than the Senator from Connecticut and would ask for that privilege.

Mr. BYRD. Then, Mr. President, I ask unanimous consent that the time for debate on the resolution itself be limited to 1 hour to be equally divided and controlled between Mr. DURENBERGER and myself or my designee and that there be one amendment by Mr. DODD—does the Senator want one also?

Mr. EVANS. Yes.

Mr. BYRD. And one amendment by Mr. EVANS; there be no further amendments; that both amendments be germane to the resolution, and that the time be equally divided on each amendment and limited to one-half hour on each amendment, since we are talking about two amendments, to be equally divided in the usual form, which would mean the offerer of the amendment and the manager of the bill, if he is opposed to the amendment; that if the manager of the bill does not oppose the amendment, then the minority leader would be in control of the time in opposition.

Mr. DODD. If the leader will yield for just one point, I would like to say an amendment and/or substitute.

Mr. BYRD. A substitute would be an amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object, and I guarantee I am not going to object, let me clarify a little bit for the record to be clear that there are 54 Senators cosponsoring the amendment, including the distinguished minority leader and the distinguished assistant majority leader, the chairman of the Foreign Relations Committee, and 13 other members of the Foreign Relations Committee. I have no objection.

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

Mr. BYRD. Mr. President, I thank all Senators and I thank the distinguished Republican leader for their cooperation.

SUPPORT FOR DEMOCRACY IN PANAMA

Mr. BYRD. Mr. President, is the resolution ready to be sent to the desk?

Mr. KENNEDY. Mr. President, if the Senator will yield, I have the resolution in independent form and I send it to the desk on behalf of the Senator from Minnesota and myself.

Mr. BYRD. Yes, if the Senator will send the resolution to the desk.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the resolution.

The PRESIDING OFFICER. Is there objection? Without objection, it

is so ordered. The clerk will report the resolution.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 239) expressing the sense of the Senate concerning support for respect for human rights and evolution to genuine democracy in Panama, and for other purposes.

Mr. KENNEDY. Mr. President, I ask unanimous consent further reading of the resolution be suspended, and if I can have a minute of time to give the assurance that this is identical to the Durenberger amendment except it is redrafted to be in the form of a free-standing resolution.

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

Who yields time?

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER Mr. President, I would be glad to yield 5 minutes of the proponents' time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise at this point——

Mr. BYRD. Mr. President, will the distinguished Senator from Delaware allow me to further impose on his courtesy and good nature?

Mr. ROTH. I am happy to yield.

Mr. BYRD. Mr. President, I hope we do not say that school is out, no more action on this bill today. I hope that staffs will busy themselves contacting Senators, lining up amendments on the trade bill because once the vote occurs on the pending resolution the Senate fully understands it will be back on the trade bill with amendments ready to go. I thank the Senator for yielding. I take that time out of my own time.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in support of the Sense of the Senate resolution regarding Panama.

The recent events in Panama have been alarming. The street violence, the arrests, the curtailment of civil rights, including particularly the rights of freedom of speech and of the press, have stripped away whatever pretense remained of claims that the Panamanian Government is really in the hands of civilians chosen through a constitutional process. The recent events have demonstrated to the world that Gen. Manuel Antonio Noriega runs not only the Panamanian defense forces; General Noriega runs the civilian Government of Panama and the legislature of Panama. In short, General Noriega runs Panama, despite his protestations that his figurehead civilian government has real authority.

Mr. President, for some months now, the staff of the Permanent Subcommittee on Investigations, on which I serve as ranking minority member, has been looking into allegations of money laundering and drug trafficking in Panama. It is clear that Panama has become one of the principal money laundering centers in the world for drug dealers. Panama's strict bank secrecy laws and its secret corporation laws give a double layer of protection to drug dealers who want to hide the source of their illicit profits. Panama's geographic location also makes it a convenient spot for drug money laundering since it borders on Colombia, the home base of the infamous international cocaine cartel.

Mr. President, every significant money laundering case which the Permanent Subcommittee on Investigations has investigated, or which the Justice Department has prosecuted in recent years, has in some fashion involved secret Panamanian bank accounts and secret Panamanian corporations. The United States has been repeatly stonewalled when seeking bank account information from Panamanian authorities on drug money laundering cases. Two very recent, major Federal sting operations. Operation Pisces and Operation Cashweb, involved United States law enforcement agents setting up money laundering sting operations with Panamanian bank accounts. For the first time, the Panamanian Attorney General has offered cooperation by freezing some of these accounts. But the final verdict is not in on Panamanian Government cooperation on drug money laundering cases, and it is only through constant pressure by the United States that any cooperation has been forthcoming.

I began by saying that General Noriega runs Panama. It has been said, in fact, that nothing moves in Panama without Noriega's consent. Even if that assertion is somewhat overstated, our investigation indicates that little of significance happens, and that it is highly unlikely that any major drug operation or money laundering operation takes place in Panama without General Noriega's approval or the approval of the Panamanian defense forces. Approval is obtained by the payment of bribes. The evidence supporting this charge is abundant, and the recent public statements of General Noriega's former second in command confirming this charge is mere icing on the cake.

Recently, I introduced S. 1379, cosponsored by Senator NUNN, to impose additional sanctions on countries that facilitate the drug trade by failing to curtail corruption and cooperate with the United States. That legislation was occasioned primarily by my concern about wide-spread, drug-related corruption in the Bahamas. But, Mr. President, the ingenuity of the Panamanian defense forces in developing new methods and sources of corruption would arouse the envy of corrupt public officials everywhere. S. 1379 would apply to corruption in Panama as well as to public corruption in the Bahamas and elsewhere. We should enact it into law promptly.

Meanwhile, it is time for the United States to make clear our policy toward Panama. It is time for us to get off the dime, to forcefully state our revulsion at the actions of General Noriega and the Panamanian defense forces. It is time for us to insist on real democracy in Panama; because a real democracy in Panama, a stable democracy in Panama, is the best way to ensure that United States interests in a secure and open Panama Canal can be protected. Continued support of a corrupt military dictator who has increasingly lost the support of the Panamanian people can only lead to disaster for United States interests in the long run.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, the majority leader has designated me to control a half hour. I yield myself such time as I may use.

Mr. President, as the Senate is well aware now, this resolution is sponsored not only by the Senator from Minnesota [Mr. DURENBERGER] and myself, but has the complete and wholehearted support of the bipartisan leadership—Senator BYRD, Senator DOLE, and Senator CRANSTON, and others in the leadership of our party and of the Republican Party—and, as has been mentioned by the Senator from North Carolina, it has the bipartisan support of the Foreign Relations Committee.

I should like to read into the RECORD the names of the cosponsors. They are as follows:

Mr. Kennedy, Mr. Durenberger, Mr. Byrd, Mr. Helms, Mr. Pell, Mr. Thurmond, Mr. Kerry, Mr. Wilson, Mr. Graham, Mr. Simpson, Mr. Burdick, Mr. Stevens, Mr. Bumpers, Mr. McCain, Mr. Pryor, Mr. Garn, Mr. Sanford, Mr. Symms, Ms. Mikulski, Mr. D'Amato, Mr. DeConcini, Mr. Rudman, Mr. Dixon, Mr. Hecht, Mr. Gore, Mr. Shelby, Mr. Armstrong, Mr. Simon, Mr. Murkowski, Mr. Leahy, Mr. Nickles, Mr. McClure, Mr. Boschwitz, Mrs. Kassebaum, Mr. Humphrey, Mr. Warner, Mr. Grassley, Mr. Roth, Mr. Kasten, Mr. Hatch, Mr. Rockefeller, Mr. Quayle, Mr. Chiles, Mr. Glenn, Mr. Cranston, Mr. Trible, Mr. McConnell, Mr. Cochran, Mr. Harkin, Mr. Sasser, Mr. Dole, Mr. Pressler, Mr. Heflin, Mr. Hollings, Mr. Gramm, Mr. Moynihan.

Mr. President, that is a real cross section, not only reflective of the political spectrum in this body but in our country. I think it indicates the broad support which has been referenced during the course of this discussion of

the Members of the Senate who support this resolution.

Mr. President, I urge my colleagues in the Senate to cast a strong and bipartisan vote in support of the Byrd-Durenburger-Kennedy resolution calling for the restoration of democracy in Panama. There is a crisis in that country, and America must not be silent any longer.

Today, for the first time in 20 years, the people of Panama are filled with the hope that their Government, for so long ruled by the generals, can now be returned to the rule of law. Today, after marching and protesting in the streets, after risking their lives for their freedom, the people of Panama are waiting for the people of America to speak out. We must not disappoint them. The future of democracy in Panama hangs in the balance.

The immediate source of the crisis in Panama today is in allegations implicating the current commander of the Panama defense forces, Gen. Antonio Noriega, and other top military and civilian officials in a series of serious crimes, including murder, election fraud, and corruption. Over the past days, the former chief of the general staff of the Panama defense forces—or the PDF—Col. Roberto Diaz Herrera, has accused General Noriega and others of having done the following things:

Planning the assassination of the former President of Panama, Omar Torrijos;

Ordering the brutal murder and beheading of opposition leader Hugo Spadafora;

Rigging the presidential election of 1984 and engaging in gross electoral fraud; and

Taking millions of dollars in bribes and kickbacks in exchange for end-use permits and Panamanian visas.

In response to these allegations, the people of Panama have taken to the streets, honking their horns, banging kitchen pots and waving white handkerchiefs to show their opposition to government by Noriega.

Over the past 2 weeks, Panama has been swept by a broad-based and popular revolution of the middle class against the Noriega regime.

In response, the military declared a state of urgency and filled the streets with heavily armed soldiers bent on suppressing all dissent. Opposition leaders were beaten, arrested and detained. Prominent businessmen fled the country in fear of their lives.

Independent radio stations were forced off the air. Opposition newspapers were subjected to harsh censorship and stopped publication. Then, when the state of urgency expired, it was promptly renewed without limitation. Today, there is no rule of law, there are no civil rights in Panama.

Abuse of human rights inside Panama has never been as brutal or as pervasive as in some other countries—as in Chile today, for example, where General Pinochet continues his reign of terror, or as in Guatamala and Argentina when those two countries were governed by generals and tens of thousands of people were killed. And in fact, in recent years, Panamanian political parties have been able to function in relative freedom—at the sufferance of the Panamanian military.

But today, the democratic facade has been stripped away. It is now clear to all that the executive, judicial and legislative branches of the Government of Panama are under the total dominion and control of the Panama defense forces. The military is in charge, and the government rules only through the power of armed force.

But the flame of freedom has not been extinguished. The people of Panama have risen up and, with one voice, called for an end to oppression, an end to crime and corruption, and a return to democracy and the rule of law. Only the Panamanians can determine their own future; only the Panamanians can restore their own democracy; only the Panamanians can bring back honest men and women to their nation's government. Those tasks must be performed by Panamanians, not by North Americans.

But the American people should not be silent or passive when the cause of freedom is in such grave peril. And when the American people speak—as they will through this resolution—we must be clear that we do not seek to impose the American will or the American way on the people of Panama.

When we agree to this resolution, General Noriega will surely say that the Yankees are at it again, that the North Americans are once again intervening in the internal affairs of a smaller and weaker neighbor to the south. We must not let General Noriega wrap himself and his cause in the flag of Panamanian nationalism at the expense of Panamanian democracy. We must not let General Noriega portray this resolution as just another sad and tragic chapter in the history of American imperialism.

In fact, this resolution has been written and will be agreed to in response to appeals from the Panamanian people and from all sectors of Panamanian society—from the Catholic Church, the labor unions, the professional organizations, the political parties, and from the chamber of commerce. And their pleas have been the same—for an independent investigation, for respect for human rights, for the rule of law, for a return to democratic institutions, and for General Noriega and the other implicated officials to relinquish their duties as required by Panamanian law at least until such time as the independent investigation has finished its business and reported to the nation.

And so, when we vote for this resolution today, we show our support for the Catholic Church of Panama and its courageous archbishop, Marcos McGrath, for the National Civic Crusade for Freedom and Justice in Panama which is a coalition of labor unions, professional and civic groups including the Panamanian Chamber of Commerce, and for the Patriotic Junta of National Resistance, organized under the auspices of the five major opposition parties. And in voting for this resolution, we also stand up for our own best traditions and values. Today, with this resolution, we will answer the pleas of the Panamanians, and we will send them this message: "We are with you, and we are with your cause."

But General Noreiga can be expected to make a second and even more dangerous argument that plays on the deepest fear still harbored by the people of Panama—that the Americans don't care about human rights or democracy or justice, they only care about getting the canal back. He will claim that this resolution actually has a secret and sinister purpose—to destroy the Panama Canal Treaties and to restore the canal to the United States.

This argument is preposterous, and our response must be swift and certain. The issue of the treaties was fiercely debated almost 10 years ago, and it was resolved then and for all time. Those treaties were ratified by the Senate in 1978 and are the law of the land today. They will be the law of the land from now until the canal is transferred to the people of Panama in the year 2000. That result is irreversible. That issue is closed. That debate is over. General Noriega's attempt to interject that issue into this debate—at a time when his leadership is being challenged and after he has been accused of high crimes and misdemeanors—is nothing more than the tactic of a desperate man, trying to protect himself by playing on the deepest fears of the Panamanian people. There is nothing in this resolution that has any bearing whatsoever on the legal and moral commitment made by the American people as set forth in the Panama Canal Treaties. That commitment is still binding. This resolution deals not with canals but with human rights.

Mr. President, the history of our two peoples has too long been one of mistrust and suspicion. Let us take a first step today to put that history aside. Let us answer the call to conscience, and let us send a message of support to our democratic brothers and sisters in Panama. I urge my fellow Senators to support this resolution.

And I thank, Mr. President, the Senator from Minnesota, Senator DURENBERGER, for his very excellent leader-

ship and for all the work that he has done on this issue. It has been a pleasure to work with him and so many others who have been a part of this joint effort on both sides of the aisle.

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

Mr. KENNEDY. I am glad to yield.

How much time does the Senator care for?

Mr. CRANSTON. Five minutes.

Mr. KENNEDY. I yield 5 minutes.

Mr. CRANSTON. Mr. President, I was in the Senate at the time the Panama Canal treaties were before this body. I visited Panama at that time. I wound up playing a key role in the approval by the Senate of the Panama Canal treaties. I am proud of my work in that effort and proud of the record of the Senate, proud of the record of the Carter administration at that time on those treaties.

I want to make plain now, however, that the matter before us, regardless of what the final language may be, because I understand the Senator from Connecticut, Sanator DODD, may have and will have an amendment to offer, regardless of the outcome of whatever he puts before us, and that is not yet clear, whether we adopt the resolution now before us which I cosponsored, whether it is altered to some degree by Senator DODD's amendment, regardless of all that, the Panama Canal treaties have nothing to do with the issue before this body.

The Panama Canal treaties have been approved by the United States. The United States will stick by the terms of those treaties and the control over the canal in accordance with that treaty will pass into the hands of Panama in the course of time and in accordance with the schedule adopted at the time of those treaties.

Efforts by General Noriega and others to suggest that what is going on in the Senate and in the United States in regard to the human rights problems in Panama are totally false. Our concerns have nothing to do with the Panama Canal treaties.

What concerns us is the violation of human rights in Panama. This is a concern of this Senator and a concern of this Senate and a concern of the United States.

Not only in regard to the situation in Panama, it is of concern to us because of the violations of human rights in many other lands on both sides of the Iron Curtain. We are concerned about the situation not only in Panama but in South Africa, where again the Senator from Massachusetts and I have been leaders in seeking to bring about a granting of human rights in South Africa. We are concerned also in Korea where there is turmoil at the present time. We are concerned about the situation in Romania, a matter that we dealt with in this very body a few hours ago. We are concerned about the situation in the Soviet Union and in many other lands.

And there are many of us who recognize that the record of the United States is not totally pristine, not perfect in regard to human rights. So we are not singling out Panama.

We are dealing with Panama now, however, because there are violations of the free press, violations of the traditions and the hopes for democracy in that land because at the present time the military, the Panamanian defense forces are really running that country.

There are people in Panama who believe that they should have an opportunity for real democracy in their land and those of us who support the effort to put the United States on record today in terms of Senate action in regard to human rights in Panama are simply seeking to make plain our hopes that there will be a restoration or an achievement of democracy in Panama.

We need stability in that part of the world, as we need stability in many parts of the world. And an end to the strife and the creation of a true democratic state in Panama is the surest situation for an open canal, open to all nations. But, again, I stress that that has nothing to do with the treaty, which will be adhered to by the United States.

I am reserving judgment on the amendments to be offered by the Senator from Connecticut until I see their text, and their text is not yet available to us. But I want to again stress that whatever the outcome in regard to dealing with the Senator from Connecticut's amendments, it has nothing to do with the Panama Canal Treaty.

The United States is not seeking to be imperialist in any way by any actions it takes today. The United States is seeking to foster democracy in Panama and by other actions we are seeking to foster democracy in all parts of the world. We believe in freedom. We want to see freedom expanded. We believe that that is the best answer to the alternatives posed by communism and by other forms of dictatorship.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise to speak in favor of the resolution which I have submitted, along with 55 of my colleagues here in the U.S. Senate, expressing the sense of the Senate with respect to conditions in Panama.

Mr. President, how much time is remaining to this side on this resolution?

The PRESIDING OFFICER. The Senator has 22½ minutes.

Mr. DURENBERGER. I thank the Chair.

Mr. President, Panama is a strategically vital state located on the southern end of the Central American isthmus. Its history has been inextricably intertwined with that of the United States and more recently with the saga of the Panama Canal.

I need not remind my colleagues of the debate that took place in this body in the late 1970's over the Panama Canal treaties, their implementing legislation.

I recall only too well that, at a point in time in mid-April of 1978 when I arrived in this city as a former candidate for Governor of my party in Minnesota and exploring the possibilities of running for the U.S. Senate, I spent an hour on the day that this debate began, visiting with my colleague, then the junior Senator from the State of Nevada, who was the manager of the opposition to the treaty debate. And for a period of time he was not successful in his opposition to the treaty, but he was successful in persuading me to run for the Senate in Minnesota. My reflection on that time, although I was not in the body, was that the debate, the foreign policy debate in this body was probably among the most contentious and certainly the most vigorous debate since the end of the Vietnam war.

But our intention, that of the 56 sponsors of this resolution today, Mr. President, is not to revisit that debate in any manner. Because, as our colleague from New York said earlier, it is our purpose to affirm the rule of law by which this Nation is governed which we applied to that treaty debate and which, by example, and even by the written language of its constitution and legislative procedures, the Republic of Panama would make available to the people of its country were it not for its current political condition.

Our purpose in presenting this resolution is simply to put the U.S. Senate, and hopefully the U.S. Congress, firmly on the record in support of genuine democracy in the Republic of Panama.

It is now recent history that the former Panama defense forces chief of staff, Col. Roberto Diaz Herrera, charged that Gen. Manuel Antonio Noriega and others in the PDF were directly responsible for the 1985 murder of Dr. Hugo Spadafora, rigged the results of the 1984 Presidential election to insure the victory of Nicolas Ardito Barletta, and have been heavily involved in international narcotics trafficking and money laundering.

These charges, as we all recall, spurred an outbreak of spontaneous demonstrations on the part of the Panamanian people. The long-ru-

mored possibility that Arnulfo Arias was robbed of the Presidency through election fraud was especially insulting to the Panamanians, who desire true democracy as much as their neighbors in Costa Rica and Colombia. The brutal torture and killing of Hugo Spadafora in 1985 was an event which shocked the world.

Allegations that General Noriega was involved are not new; what is new is that the second most powerful member of the PDF—a man who is in a position to know—has gone public with the charge of direct involvement on the part of General Noriega.

How is it that Panama arrived at a point where a military strongman—a caudillo—runs the country with no legitimacy, with little popular support, with little respect for basic human rights, and with complete disregard for international opinion?

The answer is, unfortunately, all to familiar to those of us who follow the evolution of authoritarianism in the Third World.

It is a story of greed, of naked ambition, and of complete disregard for the rule of law. It is the story of how one man can come to control the entire apparatus of state power. When Omar Torrijos took power in 1968, Panama had no soldiers. Torrijos was a major in what was a police force.

Panama also did not have the prospect of eventual control of the canal in 1968, even though negotiations had been underway for some time. The dual legacy of Torrijos is Panamanian sovereignty over the canal zone and a military institution that has become accustomed to governance through the Democratic Revolutionary Party [PRD].

Under the rule of Torrijos, there was an element of stability, if not democracy, in the civilian leadership of Panama.

But since his mysterious plane crash in 1980, Panama has seen frequent changes in the Presidency and a gradual but consistent increase in repression. Manuel Antonio Noriega became the commander of the Panamanian military in 1983 after a long stint in G-2, military intelligence. His intelligence work enabled Noriega to amass information that reportedly proves useful for keeping his comrades in line.

After Noriega's accession, he replaced President Esprielle with an interim figure until he could settle on a more lasting arrangement. For the elections of May 1984, Noriega chose Nicolas Ardito Barletta. The main opposition candidate, Arnulfo Arias Madrid, lost to Mr. Barletta even though many polls indicated that Arias would win by 25,000 or more votes.

In fact, those estimates may have been more accurate than the official count which had Barletta winning by 1,713 votes out of 640,000 cast. The fact that vote counting was stopped, that many ballot boxes were seized by the military, and that there was a 2-week delay in announcing a winner strongly suggests that the announced results were somewhat less than accurate. And, that is why the confirmation provided by Colonel Diaz touched such a raw nerve in the Panamanian body politic.

Another of Diaz's allegations—that of Noriega's involvement in narcotics trafficking and money laundering—is also not new. This body considered the question last April when it voted to disapprove the President's certification that Panama was "cooperating fully" with United States drug enforcement efforts.

I was then, and still am, concerned about the allegations that General Noriega and his cronies are involved in the international drug trade—providing transit facilities, profiting from money laundering, and giving safe haven. The charges by Colonel Diaz deserve a full investigation in Panama and by our Government.

A third accusation by Diaz was that General Noriega was directly responsible for the torture and murder of Dr. Hugo Spadafora in September 1985. Spadafora was the most outspoken critic of Noriega in Panama, saying at one point that it was a disgrace to have Panama run by an international drug trafficker.

On September 15, 1985, Spadafora's decapitated body was found stuffed into a United States mailbag near the Costa Rican border with Panama. He was last seen being hauled off a bus by men identified as agents of G-2, Panamanian military intelligence.

I wrote to the State Department on a number of occasions in an effort to get the true story about the Spadafora killing. Many Panamanians called for an investigation at the time. President Nicolas Barletta—the beneficiary of Noriega's intervention in the 1984 election—resigned rather than be a part of Noriega's efforts to stifle an inquiry into the Spadafora murder. The Diaz charges show, once again, that unrestrained brutality will not be forgotten by the Panamanian people.

If the charges against Noriega and his cohorts are serious and deserving of a full investigation, what has been U.S. policy? Earlier this year the State Department issued a special report entitled "Democracy in Latin America and the Caribbean: The Promise and the Challenge" which reviewed the tremendous progress toward democratization made in the Americas in the last decade.

It indicated the outposts of dictatorship have dwindled in number—only Paraguay, Suriname, Nicaragua, Chile, and Cuba are indentified as bucking the tide of democracy. But Panama is listed as "not categorized" even though it is clearly not a functioning democracy. In Panama, the state serves the military rather than the opposite as in a true democracy. In Panama, the trend is toward greater repression rather than greater openness.

And in Panama, the lust for power and greed on the part of a few forecloses the hopes and dreams of the many. Yet, the State Department was not able to categorize Panama.

United States policy toward Panama should be guided by the same principles we espouse in Nicaragua and in Chile: support for the democratic opposition completely and unequivocally. This is a crucial watershed.

Many Panamanians have said that if this spontaneous outpouring of feeling does not lead to an end of the stranglehold Noriega has on the country, he may not relinquish power for years. We can, and must, be concerned with the future of American interests in Panama. The continued operation of the canal is vital to the security of the entire hemisphere. But we cannot let a legitimate security interest guide us into support—tacit or otherwise—for a kind of dictatorship that evokes memories of days gone by.

Mr. President, it was a pleasure to work with a number of Senators in the drafting of the resolution before us today. I have long been concerned with the struggle for democracy in Central America and in Panama. I have been joined by many of my colleagues in an effort to let the Panamanian people know we support their desire for freedom.

I have no doubt that General Noriega does not agree with this resolution, that he will attempt to portray this resolution as an intrusion into internal Panamanian affairs. Has there ever been a dictator who has not? Any effort by this body to support democracy in Panama will be denounced by Noriega. He will try to fan the flames of nationalism by claiming this resolution is an attempt to maintain American control of the canal beyond the year 2000. But, Mr. President, this resolution is not about the canal. This resolution is not even solely about Noriega. This resolution is about democracy, about human rights, about accountability for murder and about responsibility for election fraud.

This resolution expresses the sense of the Senate that democracy in Panama is in the best interests of Panama and of the United States. It outlines the steps that must be taken for there to be genuine progress toward democratization in Panama. The resolution supports an independent investigation into the allegations against Noriega and his clique. Consistent with the judicial code of Panama, it urges the Government of Panama to direct all implicated offi-

cials to relinquish their duties while the investigation is underway.

Mr. President, it is imperative that this body send a strong message to the people of Panama that the United States Senate will not waver in its support for democracy. And it is vital that we act on this measure today.

Last week nine opposition leaders were charged with "treason" because they dared to call for an investigation and dared to support real democracy for their country. We cannot let the real powers in Panama believe that they can trample on human rights with impunity.

I urge my colleagues to vote for this resolution and ask unanimous consent that several articles dealing with the situation in Panama be printed in the RECORD.

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

CHAMBER OF COMMERCE ANNOUNCES MEASURES

["Communique" issued by the Chamber of Commerce and 25 other civic and labor organizations in Panama City—dated 9 June.]

Communique to the country: The country's civic forces, made up of business, medical, labor, teachers, student, civic, religious, and other organizations, which met today, 9 June 1987, in the Horacio Alfaro Room, in the Chamber of Commerce, Industries, and Agriculture of Panama, considering the state of anguish the country has been experiencing; that the country's civic and moral values are in crisis, the terrifying climax of which is reflected in the statements of Colonel Roberto Diaz Herrera, retired, until recently Defense Forces chief of staff; and that the Defense Forces have initiated a brutal repression against peaceful demonstrations in the past few hours, resolves to:

1. Create the national civilianization crusade to coordinate all actions aimed at rescuing and reconstructing institutions guaranteeing justice and real democracy in our country;

2. Vigorously reject the cowardly and brutal aggression suffered by the Panamanian people at the hands of the Defense Forces;

3. Demand the physical safety and guarantee for the life of Col Roberto Diaz Herrera, his family, and each and every person now in his residence;

4. Initiate, beginning today, a number of civil disobedience measures;

5. Demand the immediate dismissal of all officials accused and involved, including military and civilians, from their positions until the situation and charges are clarified.

(Issued in Panama City on 9 Jun 1987.)

First civil disobedience measure: The civilianization crusade asks that all citizens beginning today abstain from paying taxes and public service charges in general, until those involved in the shameful incidents, which were recently revealed, are dismissed. Additional civil disobedience measure will be announced in the next few hours.

(Issued in Panama City on 9 Jun 1987.)

[From the Washington Times, June 15, 1987]

U.S. FINDS ITSELF CAUGHT IN THE MIDDLE IN PANAMA

(By James M. Dorsey)

PANAMA CITY, PANAMA.—Both the government and the opposition view the United States as the final arbiter of a one-week campaign to oust Panamanian strongman Gen. Manuel Antonio Noriega.

U.S. assets in Panama are all too obvious. It has 10,000 troops assigned to the U.S. Southern Command headquarters here, continues to control the Panama Canal and dominates the local economy.

Several hundred government supporters demonstrated in front of the U.S. Embassy last night, accusing the United States of interfering in the country's internal affairs.

"Ambassador Arthur Davis has talked to officers in the armed forces asking them to no longer recognize Noriega," said Luis G. Suarez, a former military officer who graduated from a Peruvian military academy with Gen. Noriega and Col. Roberto Diaz Herrera, the former second-in-command who has accused Gen. Noriega of murder and electoral fraud.

Mr. Suarez said Ambassador Davis on Saturday asked "senior military officers" whom he refused to identify to remove Gen. Noriega from power, take control of the armed forces and call for new elections.

"Davis told the officers they should not worry about the politicians in the opposition because they were going to be eliminated as 'great enemies of the armed forces,'" Mr. Suarez said.

The U.S. Embassy declined to comment directly on the alleged meeting.

"The ambassador is meeting with a whole variety of people across the political spectrum. We will talk with anybody who will meet with us for an exchange of ideas," said an American spokeswoman.

The demonstration in front of the embassy was the first attempt by government supporters to regain control of Panama City's streets. Despite the state of emergency under which public gatherings and political demonstrations are forbidden, troops and police stayed well out of the vicinity of the Panamanian-flag-waving government supporters.

"This is how you make opposition. You don't do it with [white] handkerchiefs and pots and pans," Mr. Suarez said. "We want the status quo back, and now we are taking control of the streets."

The opposition firmly believes that U.S. economic and military aid to Panama offers the United States the tool with which to rid the country of Gen. Noriega. Yet government and other sources said the general's far-reaching cooperation in combating drugs and the diversion of sensitive Western technologies to Cuba and other communist countries makes him a valuable U.S. asset.

Despite this cooperation, Panama under the control of Gen. Noriega and under the rule of his predecessor, Gen. Omar Torrijos, has been, like Mexico, a strong supporter of the revolutionary left in the hemisphere.

"We have wanted Noriega to go for the past two or three years," said one U.S. official. "We would like to see a more apolitical military institution that does not dabble in politics."

The military, however, does run Panama, as it so aptly demonstrated in the case of Gabriel Lewis, a respected former ambassador to the United States who was forced to flee the country when he told Gen. Noriega something he didn't want to hear.

On Wednesday, Gen. Noriega asked Mr. Lewis to try to mediate an end to Panama's worst crisis in seven years. Sources close to Mr. Lewis said Ambassador Davis approved of the move and followed his efforts closely.

On Friday, Mr. Lewis advised Gen. Noriega to go into voluntary exile because he was "the most hated man in the country," the sources revealed.

Hours later, Mr. Lewis received a phone call from Col. Bernardo Barrera, head of Panamanian intelligence, informing him in expletives that he had been declared an enemy of Gen. Noriega's defense forces, the sources said. Mr. Lewis left the country the next day aboard a private jet put at his disposal by Costa Rican Ambassador Miguel Yamuni Tabush.

The government followed up that heavy-handed victory by pressuring bankers to end their support of a general strike demanding Gen. Noriega's ouster. The bankers' defection from the strike was prompted by a threat of $10,000 fines for every day they stay closed.

To both the banks and the United States, stability is a major concern. Privately, bankers say the crisis could lead them to accelerate cutbacks in their local operations and may culminate in a gradual exodus of the banking community.

Like the banks, the United States walks a fine line between viewing Gen. Noriega, the real power behind the civilian government, as a force of stability in a strategically important nation and harboring a nagging fear the rampant corruption in the military-backed government could lead to instability and chaos.

Government officials fear privately that Gen. Noriega may push the civilian government of President Eric Arturo Delvalle aside and decide to put the country under direct military rule.

"If things go much deeper and there is a chance of change of government, then that could affect our relationship with this country," said Col. Neil Buttimer, a Southern Command spokesman.

Much of the daily agitation makes little reference to the United States and Americans are conspicuously absent from the streets: U.S. military personnel have been ordered not to leave their bases or homes unless they are on official or essential business. Up to 100 military personnel ordered to Panama on temporary assignments have been told of delay of their departures, U.S. military officials said.

"The problem is," said a taxi driver as he honked his horn in support of the anti-government campaign, "that we don't know which side the United States is on."

The campaign began when Col. Diaz Herrera, who claims he was forced to retire as Gen. Noriega's second-in-command, accused his former boss of murder and electoral fraud.

The charges triggered street demonstrations, quickly suppressed by the military in a declared state of emergency, which in turn led to the general strike.

The only public gatherings now permitted are in Panama's churches. They now are surrounded by soldiers in combat gear and occasionally buzzed by helicopter gunships.

To indicate their support for the opposition, Panamanians dress in white, honk their car horns and bang pots and pans every night.

"If Noriega doesn't leave this week, we are going to have a very hard dictatorship," said Aurellio Barria, the 35-year-old president of the prestigious Chamber of Commerce that

spearheaded the campaign of civil disobedience.

"We ask the Americans to put their mouth where their money is, to practice what they preach. Let them pull out of the joint committee that protects the canal zone."

[From the Washington Post, June 17, 1987]

PANAMANIANS CHARGED WITH "HIGH TREASON"

(By Julia Preston)

PANAMA CITY, June 16.—The government-controlled National Assembly decreed last night that nine opposition political leaders, including a former president, and prominent businessmen had committed "high treason" during a week of protests against military strongman Gen. Manuel Antonio Noriega by conspiring to overthrow the government.

Among those declared "traitors" is former president Nicolas Ardito Barletta. Ardito Barletta said last week that Noriega forced him out of office in 1985 after he demanded an investigation of the murder of Hugo Spadafora, a popular Noriega critic who was found beheaded.

Ricardo Arias Calderon, head of the opposition Christian Democratic Party, was named in the decree.

Also included was entrepreneuer Gabriel Lewis Galindo, a former ambassador to Washington who fled Panama Saturday after allegedly receiving threats from the military.

The decree is not legally binding, but could lead to arrests if the government pursues it. The charges appear to be a counterpunch by the government to allegations by Noriega's former second-in-command, Col. Roberto Diaz Herrera, that the Defense Forces chief was involved in assassination and electoral fraud. Diaz's charges sparked the week-long crisis.

Other businessmen named in the decree included Federico Humbert, a top officer of the Banco General, the largest Panamanian bank; Roberto Motta, president of the Banco Continental; Fernando Eleta, owner of a Panamanian television station; and Roberto Aleman, president of the national brewery and another former ambassador to the United States.

The businessmen were believed to have been in touch with Lewis last week while he conducted a failed mediation between Noriega's Defense Forces and the opposition.

The assembly charged that the businessmen tried to impose a government that would allow the United States to retain the Panama Canal after the year 2000, when, by treaty, it will be taken over by Panama.

[From the Washington Post, June 24, 1987]

PANAMA'S MILITARY STRONGMAN ON THE DEFENSIVE

(By Julia Preston)

PANAMA CITY.—After trying for the past three years to strengthen his grip on power by delaying Panama's return to civilian democracy, top military commander Gen. Manuel Antonio Noriega now appears to have seriously weakened his position by failing to respond to public demands to get the Army out of politics.

Last week, for the first time since he became Panamanian Defense Forces commander-in-chief in 1983, Noriega was on the defensive, parrying opposition protests with uncharacteristic recklessness.

He tried to mobilize support among leftists by accusing American conservatives of fomenting unrest to thwart the process of turning over control of the Panama Canal to the Panamanian government by the year 2000. But the charge drew only lukewarm support and alienated him from Panama's most influential business and Roman Catholic Church leaders.

After two weeks of protests and growing public resentment over his purported role in rigging the 1984 presidential vote, Noriega faces an uphill battle to stay in power until the next presidential elections in May 1989, foreign diplomats and military observers said.

"There will be no putting Humpty Dumpty together again," said one foreign military observer familiar with the Panamanian military.

In the recent two-week upheaval, many more Panamanians turned against the government that Noriega controls than in the riots of 1984 and 1985. Until now, the opposition had been limited mostly to right-of-center, middle-class political parties sarcastically labeled *rabiblancos*, or "white tails," by the largely black working poor.

But even columnist Demetrio Olaciregui, one of Noriega's most articulate supporters, noted: "What we saw was an outbreak of popular discontent, not because it was summoned by the rightist opposition, but because it's there—latent. . . . The scorecard did not come out well for the Defense Forces."

"This crisis really shook the country," said Catholic Archbishop Marcos Gregorio McGrath, who has spoken with caution to preserve his neutrality during the turmoil. But he warned: "If we simply close our eyes, we're going to have deeper and deeper rifts."

The roots of the turmoil stretch back to 1979 when the widely admired nationalist leader Gen. Omar Torrijos announced a Defense Forces "retreat" to make way for an elected civilian president. The 20,000-troop Defense Forces had seized power in a 1968 coup. Torrijos' popularity surged when he signed the 1977 treaties with Washington to turn over the canal to Panama.

Torrijos was killed in a 1981 plane crash. But the return to democracy inched forward until the May 1984 vote. Noriega is believed to have rigged it against veteran politician Arnulfo Arias, who would have named a new commander-in-chief.

Then, in September 1985, Noriega ousted the president he had installed, Nicolas Ardito Barletta, reportedly for seeking an investigation of the murder of Hugo Spadafora, a popular figure who spoke out against Noriega.

Retired colonel Roberto Diaz Herrera, Noriega's chief-of-staff until he was forcibly retired June 1, has admitted that he bribed polling place magistrates to ensure the victory of Noriega's candidate. The accusations, publicized by Diaz, that Noriega was directly involved in murder and corruption cases ignited the riots that began June 9.

In a communique last week McGrath and the 10 other members of the Catholic Bishops Conference called for immediate measures to establish "a real autonomy of civilian power and the progressive return of the Defense Forces to their appropriate tasks."

"In any government that has been in power for an awfully long time, problems of graft develop—like Tammany Hall—which have to be cleared up," McGrath observed. "The fact that the Defense Forces' retreat hasn't continued hampers all the branches of government."

Noriega remained silent about the church's statement. But a government censor removed the communique from the Sunday edition of the opposition daily La Prensa, the first issue of the paper to be published since censorship was imposed June 11. A radio station Noreiga controls called the Panamanian archbishop a "boozer" and a "gringo," a slang word for American.

Noriega also encouraged the National Assembly to level charges that nine prominent Panamanian businessmen and politicians had conspired with U.S. conservatives to overthrow President Eric Arturo Delvalle.

All those mentioned privately denied any plot ever existed. Three of those named—lawyer Roberto Aleman, financier Federico Humbert and banker Roberto Motta—went public with their outrage, arguing that they were not even involved in any anti-Noriega protests, Aleman, who served in the 1960s as ambassador to Washington, was on business in the United States when he was said to be hatching the plot.

"They think I'm 007, playing golf in Washington and leading a revolution in Panama at the same time," said Aleman, a government supporter until this incident.

The attack on some of Panama's most prosperous executives cemented the views of many in the highest business echelons who long had cooperated with Noriega but turned away from him with the recent disturbances.

"This situation really touched our soul. Our dignity was hurt," said one prominent Panamanian enterpreneur who did not want his name published. Many other business leaders said privately that Noriega should step down.

The most conspicuous defector was wealth investor Gabriel Lewis, who fled Panama June 13 after he had tried unsuccessfully to mediate between Noriega and the opposition. Congressional sources in Washington said Lewis went to many policy makers there last week with the message that Noriega should be replaced.

Noriega is expected to turn now for support to his leftist political forces, primarily the Democratic Rebolutionary Party, which was created by Torrijos in 1979 as a party supporting the military.

Democratic Revolutionary Party followers portrayed the crisis as a clash between poor working blacks and the "white tails." They accused the middle-class opposition of pushing to regain the power they lost two decades ago to Torrijos and his supporters among the poor.

But party leaders made it clear that their backing this time is going to cost the government money. In the tangled Panama City slum of San Miguelito, rioting erupted earlier this month for the first time in years. Worried Democratic Revolutionary Party leaders who run the town hall there said bluntly they are demanding $1.3 million public funds immediately to create jobs and put up housing.

The party's strong-arm, ward-heeling style can be effective. The party summoned soldiers to collect the garbage last week in San Miguelito instead of the regular civilian crews, to renew the Defense Forces' bonds with the slum dwellers.

But the government will face an economic bind when it tries to divide Panama's tight budget among Noriega's leftist political ranks. With a foreign debt of at least $4.5 billion, Panama must slash its inflated public spending to qualify this year for fresh international bail-out loans. Hardest hit will be the social security and public

urban job programs that the party is pressing.

Reuter reported the following from Panama City:

Nicaraguan President Daniel Ortega will meet Wednesday with Panamanian President Delvalle to discuss faltering Central American peace efforts, government newspapers and the Nicaraguan Embassy announced today.

[From the Christian Science Monitor, June 22, 1987]

FOR FREE ELECTIONS IN PANAMA

Panama's widespread antigovernment protests have subsided with the top political and military leader, Gen. Manual Antonio Noriega, still in control. But the extent of open opposition to his corrupt military dictatorship and alleged drug trafficking has left his grip weakened. Panamanians and influential outsiders, such as the United States, should continue to press for free and fair elections.

The Panamanian unrest was touched off by the comments of Col. Roberto Díaz Herrera, forcibly retired June 1 as second in command of Panama's armed forces. He said that he and General Noriega had conspired to fix their nation's 1984 elections and accused Noriega of planning both the 1981 death of Panamanian leader Omar Torrijos Herrara in a plane crash and the brutal slaying of prominent opposition leader Hugo Spadafora. Noriega denied the charges and imposed a state of emergency.

The charges against Noriega are not new. Most Panamanians and US officials had heard them all before. But the spontaneous civilian protests emboldened the US State Department, which had previously looked the other way when charges of corruption, drug dealing, and dictatorship were debated. State officials have now announced support for "free and untarnished" elections in Panama, development of an apolitical, professional military organization, and prompt removal of censorship restrictions. Talks with Panamanian opposition leaders have began.

Also, Gabriel Lewis Galindo, a wealthy Panamanian businessman tapped by Noriega early in the recent crisis as a mediator, has left Panama, vowing to wage a worldwide campaign against its dictatorial rule. Mr. Lewis, a former ambassador to the US, insists that stability is Panama's chief asset and that it will be lost if the present government continues in power. In recent days Lewis has been in Washington helping lawmakers draft a Senate resolution calling for free elections in Panama and a return to full democracy. That resolution deserves support.

Washington has been reluctant until now to criticize its Panamanian ally, because of the considerable American presence and investment there. Panama is home to 40,000 Americans, one-fourth of them military personnel, and headquarters to the US Southern Command. Control of the Panama Canal does not shift to the Panamanians until 1999. The United States, seeing until now little broad-based Panamanian opposition to the government, reasoned that if Washington were too critical of the anticommunist Noriega, his regime might endure in spite of it all and give the US more trouble.

For consistency both in the hemisphere, where the US often calls for free elections in Nicaragua, and around the globe, the US should stand by its democratic principles. Some in the US once argued that Washington could not afford to do so in the Philippines, pressing Ferdinand Marcos for free and early elections, or US bases there could be lost. But the US did speak out for democracy, and the security of its Philippine bases is probably the stronger for it.

The US should now make its preference for a return to full democracy similarly clear in Panama.

Such action should offer a more secure foundation for improved US-Panamanian relations in years to come.

[From the Atlanta Constitution, June 23, 1987]

PANAMA'S WEAKENING STRONGMAN

Liberals and conservatives in the U.S. Senate are in rare agreement worrying about the stability of a vital Latin neighbor, Panama, which has been convulsed recently in angry, near-universal protests against Gen. Manuel Noriega's rotten brand of military misrule.

Make no mistake about the street violence there. Most of it was inflicted by over-zealous riot police. The demonstrations can hardly be classified as ideological. Their object has been to bring down an entrenched system of official corruption-cum-repression.

Noriega's excesses have alienated Panama's bankers, its business class, its clergy, its students, its poor, even self-respecting comrades-in-arms. His only recourses are 1) to abuse the rights of his countrymen still more blatantly, using his partners in graft as enforcers, and 2) to hope that by blaming Washington for his troubles he will stimulate knee-jerk nationalist reflexes.

Panama's stability is a legitimate U.S. worry, what with our stake in the canal. We are obligated to turn it over by the end of the century, which is fair enough, but we mustn't be overshy about helping the good people of Panama to shape their future—especially when their present is so bleak.

The Senate's concern will be expressed in a resolution scheduled for consideration today. The senators would do well to insist on the strongest possible condemnation of Noriega and echo the recommendation of Panamanian clergy that he at least step aside during a legal inquiry into charges that he plotted the murders of two key military leaders.

More important, though, are the moves the administration makes. The State Department is urging Noriega to authorize early, free elections, the thinking being that his handpicked candidates would fare badly. Washington can exert powerful leverage, both in the form of U.S. aid and of influence upon Panama's creditors, to help Noriega understand his limitations.

And, perhaps, it's not too early to invite the increasingly unpopular Noriega to consider the benefits of early retirement—a la Jean-Claude Duvalier of Ferdinand Marcos.

[From the Washington Post, June 13, 1987]

PANAMA'S TIME FOR DEMOCRACY

Fearing, he said, God's wrath and also having just been fired, the No. 2 man in Panama's defense forces, which have run the country for nearly 20 years, told all the other day. Col. Roberto Diaz Herrera said his boss, Gen. Manuel Noreiga, had, as alleged, altered by fraud the outcome of presidential elections in 1984 and ordered the assassination of a gadfly critic. He put a number ($12 million) on the sum the shah of Iran was supposed to have paid the late dictator Omar Torrijos to take refuge in Panama, and charged—this without proof—that Gen. Noriega among others, including the CIA, had had a hand in the accident that took the life of Gen. Torrijos. Oh, yes, the colonel confessed he himself had made big money selling visas to Cubans.

All this hanging out of dirty linen was enough to galvanize a country accustomed to living easily with a high level of official corruption and military intrusiveness. All the political parties, the private sector, the church and plenty of individual citizens seem to have decided they'd had enough. Their protests were met by the armed forces of Gen. Noriega, who has now imposed something like military law, choked off the opposition press and undertaken arbitrary arrests. He is the kind of Latin strongman most people thought didn't exist anymore. Everything he is doing now—calling out troops, blaming the CIA—fits with what could be expected from someone who is trying to save his skin and protect his ill-gotten gains.

Panama is a country created by foreign intrigue, and it remains a country whose politics rotate on the pressures and wishes, real and presumed, of the United States. Traditionally, American policy has aimed at ensuing all the democracy deemed consistent with the stability demanded by the presence of the strategic Panama Canal. Panamanians habitually scan official American words—including American press leaks—for signs of what is on Washington's mind.

The signs Panama is reading these days—the calls paid by the American ambassador, for instance—tend toward the cautious and the ambiguous. This should not be. No Panamanian should have the slightest doubt that Washington favors prompt peaceful progress toward a situation in which fairly elected civilians run the country, the army stays in the barracks and duly convicted criminals sit in jail.

Mr. EVANS. Mr. President, I cared not for General Noriega. I believe that I feel as much repugnance as any Member of the Senate for his activities while leading the armed forces and, by doing so, the Government of Panama.

Mr. President, it seems to me that every charge against him which has been made or will be made in the Senate is likely to have considerable merit. But he is not necessarily alone. No one person, without some support, can remain in power.

We may indulge ourselves with some satisfaction in poking him in the eye, consistently and repetitively, but to what good if the ultimate end is to remove him from power and replace him with a clone?

It is time to do what we can, carefully, thinking about the wording and the message we send; for what purpose is there in an amendment or in a resolution like this before the Senate in the first place? What are we really attempting to do? Not just to spend a Friday afternoon enjoying beating up on a foreign dictator. Certainly not spending 2 or 3 hours during this afternoon to craft a resolution which will be placed in the archives.

There is only one reason for even considering such a resolution, and that

is: Will it be helpful in achieving the kind of democracy we all seek in Panama?

Mr. President, we have indulged ourselves in similar kinds of resolutions and more comprehensive proposals during the course, at least, of the last year. Sometimes we act in a way which tends to drive people away rather than attract them to us.

I supported and in fact helped craft the ultimate series of actions which we took against South Africa and I thought we did a responsible job. But, at least to this date, the effect in South Africa has been to cause through the last election, a decided move toward the more conservative; away from any accommodation with the black majority in South Africa; to build rather than reduce tensions; to move us further away rather than closer toward the goals we seek.

We said some strong things in recent months about the problems in the Bahamas, the drug running and the trafficking that causes great harm and pain to the citizens of this country. But, Mr. President, with all of the good wishes we had, we still did it in a way to cause the people of the Bahamas to respond to a leader in an election and vote to go in precisely the opposite direction we hoped they would take.

Even in a country as closely aligned and as friendly to the United States as New Zealand, when we leaned on them to move away from their nuclear free policies, they did not do so. It merely strengthened their resolve to move in that direction and forced our hand in eliminating our longstanding security relationship with the Government of New Zealand.

Mr. President, I am concerned about not giving General Noriega one single slim reed to lean upon in his efforts to retain power. I think in at least two instances in the resolution as it is now drafted we do that. I think that the proposed changes are relatively minor in nature, but very important in terms of the kind of message we send.

In the very last paragraph of the "resolved" section, rather than specifically calling for and demanding, in fact, the stepping aside of General Noriega during the time of any investigation, I believe we can accomplish essentially the same purpose but do it in language that the Panamanian people will understand and still not give the general the opportunity to hold up a resolution and say: "Look, these Yankees from North America, once again, are trying to step into the affairs of another Central American republic."

As a result, Mr. President, I would eventually propose and hope there would be general acceptance of substitute language of subparagraph 5 which, as I say, in other words, in words which I believe are significant and responsible, shall accomplish the same thing and will be readily understood by the Panamanian people. It says:

> In accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution, the Government of Panama should apply all relevant provisions of the Panamanian judicial code with respect to all implicated officials whether civilian or military.

In one other area, Mr. President, I think we should modify an otherwise good resolution.

Nowhere in it do we speak of upholding our treaty relationships and international obligations. I know perfectly well the reluctance of many in this body, having gone through the extended fight over the Panama Canal Treaty, to ever want to even by implication bring it before this body again. But I can think of no single thing that would give General Noriega a chance, even a chance, to hold on to power than to be able to say, "Look, this is what they are trying to do, to renege on their treaty, to come back and take over once again the Panama Canal."

It is my understanding from talking with distinguished citizens of that nation that if there is one thing on which virtually all Panamanians do agree, regardless of the sides they take on the current government in Panama, it is the adherence to the treaty we signed with them.

I can conceive of no reason why anyone in this body would object to adding words, which I think are important and yet do not get us back into the whole question of the wisdom of the Panama Canal Treaty, by merely saying in the whereas clause, "Whereas, the United States remains fully committed to honoring its treaties and international obligations."

That sends the right message, the message that we reiterate once again what all of us in this body not only believe but have sworn constitutionally to uphold.

Mr. President, with those modifications, which I think are not only appropriate but helpful, we could all join together and we would find for the first time in many, many months that happy combination of circumstances which leads to successful American foreign policy. That is where the administration, the House of Representatives, and the Senate of the United States, and both parties, Republican and Democrat, are joined as unanimously as possible in a foreign policy initiative.

The last time, Mr. President, I believe that this happy circumstance occurred was in the days just preceding the revolution in the Philippines and the marvelous outcome that occurred. We have seldom had opportunity in the months since then to come together again, and I think this is another splendid opportunity to do so.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time?

Mr. DURENBERGER. Mr. President, I yield 5 minutes to my colleague from Connecticut, if I can first just take 1 minute to make a couple of observations.

I am glad my colleague from Washington ended on the Philippines because I just tried to pin down the last time we had a resolution like this in front of us, other than South Africa, which he mentioned. It happened to be on November 14 of the year before last when House Concurrent Resolution 232 came over here and we discussed United States policy with regard to the Philippines right here on the floor of the United States Senate.

I do not think this is an inappropriate place to debate the issue. I would suggest to my colleague from Washington that if he is a gringo, like we all are, and you sit down in a place like this to state your feelings about any country in Central America, that anybody who controls the television in that country, anybody who owns the radio in that country, anybody who censors the media in that country is going to tell the people of that country, "There they go again."

So while I appreciate the concerns of my colleague from the State of Washington about how this resolution and its words may be interpreted, no matter what language he may suggest we substitute for the proffered language in the legislation, Mr. Noriega is going to make every effort that he can to turn it to his advantage.

I am pleased to yield 5 minutes.

Mr. EVANS. Will the Senator yield for just one moment, I think we need to understand——

Mr. DURENBERGER. How much time have I remaining?

The PRESIDING OFFICER. Ten minutes 50 seconds.

Mr. DURENBERGER. I yield 30 seconds.

Mr. EVANS. I wanted to point out that while it is true that the Government of Panama owns virtually all of the domestic newspapers and television, it is also true that there is a very strong Voice of America; that the American military in Panama broadcasts to their own military and are picked up by virtually all Panamanians, CBS, ABC, CNN. So I think the message would be clear.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DURENBERGER. I ask unanimous consent that Senator LAUTENBERG of New Jersey be added as a cosponsor.

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

Mr. DURENBERGER. I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. I thank my colleague for yielding.

Mr. President, I want to pick up on exactly what Senator EVANS was talking about. I think it is so important when we consider resolutions like this that we remind ourselves who the audience is, who we are trying to reach. Were this a resolution for domestic consumption, then you could say almost anything you wanted because the effect of it would only be on individual Members of this body or our colleagues in the other body. That would be understandable.

The audience for this resolution, however, is not the citizens of this country, at least in the primary sense. The audience for this resolution is the people of Panama. Those people break down into various groups.

There are those who are adamantly opposed to what is occurring in that country as a result of the control of General Noriega, and they would like to know that we support them and that they will be able to support us as they try to make change in their society. That is the first audience; our friends, those who were wounded in the streets, those who lost their jobs, those who have been threatened, those who have been called traitors.

A former Ambassador to this country from Panama has been identified as a traitor. They need to know at this hour that the United States and the Congress stand with them. This resolution does a great deal to accomplish that goal.

If it falls short, it falls short in one area. That is that our friends also feel very strongly about the United States living up to its international obligations and its treaties, they are concerned about being put into the position of appearing as though they were supporting us as we try to create change in Panama and yet, simultaneously, be put in the position of defending an action in this Congress which failed to recognize the single most nationalistic issue in Panama Canal today, and that is the treaty. They feel very strongly about that.

So we must be sensitive to our friends in Panama if this resolution is to be as meaningful as we would like it to be.

The second group are the moderates. These are the people who have not lost their jobs. These are people in the military in Panama. They need some room to maneuver if they are going to effectuate change. They need an opportunity to find in their own Panamanian way to bring about change in that country. If in our collective desire here, which is an admirable one, a laudable one, we make it difficult for them to maneuver in their own country, then we do a disservice to a group of people we want to support and help.

I would suggest that despite the good, strong language of this resolution, in at least one instance I think we make it more difficult, not less difficult, for those who seek to create change in that society. Senator EVANS has raised that point.

Third, there are our enemies in Panama, the people who are today running much of the operation that we would like to see removed from control. We would like to see others running that government.

It seems to me this resolution has to speak to them as well, and it does in many ways in a very clear and firm voice, in a very loud voice. But as Senator EVANS, our colleague from Washington, suggested, it deprives them also of utilizing this action, which we are taking for the very best of intentions, as a vehicle for their own best advantage and to the disadvantage of our friends.

Mr. President, I ask unanimous consent that an article that appeared in this morning's New York Times, entitled "Nicaragua Backs Panama's Leaders," be printed in the RECORD.

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

NICARAGUA BACKS PANAMA'S LEADERS

(By Stephen Kinzer)

MANAGUA, Nicaragua, June 25—President Daniel Ortega Saavedra flew to Panama Wednesday and expressed support for Panamanian leaders who imposed a state of emergency two weeks ago after an outbreak of political protest and street violence.

The United States is increasing its diplomatic pressure on Panama and has called for an end to the state of emergency there. Today the House Foreign Affairs Committee approved a resolution urging Panama to move toward "genuine democracy."

Apparently sensing a diplomatic opening, Nicaragua has moved quicky to strengthen its ties to Panama.

Mr. Ortega, whose Government is fighting a war against United States-backed insurgents, said both Nicaragua and Panama were victims of unjust interference from Washington.

Mr. Ortega was the first foreign leader to visit Panama since the state of emergency was imposed June 11. Emergency rule, which entails suspension of some civil and political rights, has been in effect in Nicaragua since 1982.

U.S. ACCUSED OF MEDDLING

Mr. Ortega arrived at a military airfield in Panama accompanied by Foreign Minister Miguel d'Escoto Brockmann and other officials. A reporter asked him if he believed Panama's Government had been discredited by the protests.

"The discredited one is the Government of the United States, which continually meddles in Latin American countries," Mr. Ortega replied.

Mr. Ortega asserted that the United States was working against Panama because of Panamanian peace efforts in Central America. He said the United States "is not interested in peace" and charged that Washington was behind the postponement of a meeting of Central American presidents, which was to have taken place this week. The State Department denied the charge.

Mr. Ortega vowed last week that if the summit meeting was not held in June as planned, he would refuse to take part in any future summit. But in Panama Wednesday he announced that he had reversed his position and would attend the summit meeting now set for Aug. 7 and 8 in Guatamala.

The meeting is to discuss a peace plan put forward by the President of Costa Rica, Oscar Arias Sánchez. The plan is viewed unfavorably by the Reagan Administration because it would require a cutoff in American aid to Nicaraguan rebels.

The Sandinistas have also expressed reservations about the Arias plan because it would require them to end press censorship and lift restrictions on political activity.

MEETS WITH NORIEGA

During his visit, Mr. Ortega met with Panama's military commander, Gen. Manuel Antoinio Noriega. This month's protests were prompted by charges that General Noriega had directed electoral fraud and political murder. He rejected the charges and said the protests were being led by pro-American businessmen and opposition politicians unable to accept their defeat at the polls.

Mr. Ortega, who holds the rank of general and was dressed in military uniform, said Panamanian authorities had been "brave and decisive" in dealing with the protest. "The Panama defense forces are defending the territorial integrity and the sovereignty of the Panamanian people," he said.

Mr. Ortega met for three hours with the military-backed Panamanian President Eric Arturo Delvalle, and said he believed the United States was plotting to depose both Mr. Dalvalle and General Noriega.

"There is a full-scale conspiracy to crush them, and to throw out the Torrijos-Carter treaties at the same time," Mr. Ortega said.

Under the treaties, the United States is to turn the Panama Canal over to Panamanian administrators at the turn of the century. General Noriega has charged that his American critics are seeking ways to scrap the treaties.

U.S. WELCOMES ORTEGA DECISION

WASHINGTON, June 25 (AP)—The State Department said today that it welcomed President Ortega's decision to attend a meeting of Central American presidents set for August.

Mr. DODD. Mr. President, I asked that this be in the RECORD because it makes a point, in a sense, of how we can permit people to accuse us of not living up to our agreements. It seems to me we do not want to give General Noriega or anybody else or even Panama the chance to make that claim.

To our friends, to the moderates and to our enemies, it seems to me we have to craft a resolution carefully. We should craft our proposition here very carefully so as to indicate that we all agree on the goal, and that there is no dissent or debate on the goal. What we differ slightly over here is the crafting of the language of the resolution.

That is why, over these last several days, I have tried to work to add a bit

to this resolution that I thought would improve upon it in terms of reaching those audiences.

As my colleagues know, I spent the last weekend, 3½ days, in Panama. I sat with some 150 different people, ranging from the Catholic Church and opposition groups, the press that has been denied its opportunity to publish, the President of the country, members of their general assembly, and about 3 hours with General Noriega, 5 hours with the President, and countless hours with various opposition groups. I share with my colleagues these two points the Senator from Minnesota and I have tried to raise: One is how we will make it abundantly clear, in language acceptable to all Members, that we are going to live up to our international obligations. The second is that we do not want to just change the name of the individual there, substituting one bad arrangement with another.

Those two messages I bring back to my colleagues, those two messages we have tried to incorporate in a very good resolution, an excellent one. In many ways, it covers all those points.

I hope my colleagues will look at this proposed language before we actually get to it, and offer whatever suggestions they might have. We want to come out of here with that strong, strong vote that includes those elements, that reaches our audience—our friends, the moderates, and those we would like to see out of power.

I thank my colleagues, both Senators from Massachusetts and the Senator from Minnesota, for the time.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator from Massachusetts has 2 minutes.

Mr. KENNEDY. I wonder if my friend from Minnesota would yield my colleague, Mr. KERRY, 3 minutes.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes.

Mr. DURENBERGER. I yield 4 of my 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. I yield 2 minutes of my time to my colleague, who has worked very hard on the shaping of this resolution. The Senator would have 2 minutes of my remaining time and 4 minutes of the time of the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KERRY] is recognized for 6 minutes.

Mr. KERRY. Mr. President, I thank my colleagues for the surplus of time. I do not think I need that much time and I shall try to yield some of it back.

I think this is an important resolution, an important message that we are, hopefully, going to send to the people of Panama.

I listened to my distinguished colleague on the Foreign Relations Committee, the Senator from Washington [Mr. EVANS] suggest that somehow there is a linkage between this action and efforts to make a statement about the flow of drugs through the Bahamas. I suggest very respectfully to my colleagues that the election in the Bahamas is really not yet over, that some 30,000 extra ballots were printed and 18 seats are currently under contest because of the possibility of voter fraud. The possibility is very real that that election is not what it purports to be. Whether it is or is not, and those 18 seats are enough to turn the election, the point has been made that in the Bahamas, because the United States took the position—both the present Government and the opposition—talked about the issue that was of concern to the United States, the issue of the flow of narcotics. And even in the aftermath of that election, my office has received calls from the current Government saying they want to sit down and talk about how they can deal with this issue.

I believe that the same kind of point has to be made here. We all know what has happened in terms of the riots, we all know what has happened in terms of the deprivation of human liberties, we know how the church is providing the only available outlet for people to meet and try to deal with the problem in Panama; we know how the press has been put in a state of censorship, and we know that human rights are nonexistent.

I listened to my colleague from Washington suggest that somehow, this represents neocolonialism, that it somehow represents an overburdening of the effort by the Yanqui of the North to make its impression felt on our neighbor to the South.

I just could not disagree more, Mr. President. I believe the lesson we learned only a short year ago about the ability of this body to make a difference in the politics of the world was made as clear as it can be made in the case of the Philippines.

I hear the suggestion that somehow, this is even neocolonialist in its thrust. As in the case of the Philippines, where we had a very special relationship with the country, we have a very special relationship with Panama and with Panamanians. This country, the United States was responsible for the founding of Panama as an independent nation. I think that it is natural that the democratic elements in Panama are now pleading with us for some kind of statement that we stand somewhere other than with General Noriega. They are saying that they are turning to the United States for a statement of assistance in support in their time of need.

I suggest that what is neocolonialist is for Senators to stand here and say that they know better than the Civic Crusade for Justice and Democracy, which is pleading with the United States Senate for some kind of signal that we do in fact stand with the Panamanians.

I think there are some very important parallels between what we are doing and what we are not doing and what we did do and did not do in the Philippines. We have a very similar relationship in the sense that in the Philippines, we had Subic Bay and Clark Air Force Base and the Filipinos said, "Aha, it looks like the United States cares more about its relationship with President Marcos in order to protect its interest in those two installations." In the very same way, the people of Panama recognize that there is a Panama Canal issue and they recognize there is the Southern Command which is based there. They say to themselves, "Aha, once again, the United States is more interested in siding with the incumbent regime in order to protect interests that are not the interests of human rights and the interests of democracy which we talk about."

I do not see how support for democracy and for democratic forces is neocolonialist. I believe it is a foreign policy that is in the very best tradition of the United States.

I think all too often we wind up giving lipservice to that but in fact supporting other people.

Mr. President, this administration is right now waging a war against Nicaragua in the name of promoting democracy in that country and elsewhere in the region. That contradiction in our policy in the region is not lost on the people of Panama. It appears that we only want democracy for those countries whose regimes we oppose but we are not willing to stand up for democracy for those regimes that we support or who support us. It seems to me that in light of the unique historical ties that we have had with Panama, it is inconceivable that our Government is going to be unwilling to say to them that freedom of the press, enforcement of human rights, democratization is a fair goal for us to seek to achieve. Mr. President, I urge the passage of this amendment for that reason.

Notwithstanding what my distinguished colleague from Connecticut has said with respect to Panama, most of us support the Panama Canal, and I think it would have an overwhelming vote of support in this body but that is not the issue. The issue is support for democracy. I yield whatever time I have remaining.

Mr. EVANS. Mr. President, will the Senator from Minnesota yield 30 seconds?

The PRESIDING OFFICER. The Senator from Minnesota has 1 minute remaining.

Mr. DURENBERGER. I will be happy to yield.

Mr. EVANS. Let me respond to my colleague from Massachusetts.

What I was saying was that General Noriega could use the arguments that we were colonialists or that the Yankee from the north was coming down once again telling them what to do. I certainly do not suggest that that was my view.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Minnesota has 30 seconds.

Mr. DURENBERGER. Mr. President, I compliment my two colleagues for the position that they have taken but suggest to them that there should be a unanimous message coming out of this body. It is hard to find anybody but the two of them who do not want to make it unanimous at this point, and I would hope, after we have had some time to discuss their amendments, we can talk them out of those amendments and that we can send a 100-to-nothing message to the people of Panama.

The PRESIDING OFFICER. The Senator's time has expired.

AMENDMENT NO. 335

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

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 335.

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

Mr. DURENBERGER. I object, Mr. President.

The PRESIDING OFFICER. Without objection, that is the order.

Mr. DURENBERGER. I object, Mr. President.

Mr. DODD. I could not hear my colleague from Minnesota.

Mr. DURENBERGER. I am concerned about the wording.

Mr. DODD. I was going to explain what it is rather than going through the entire amendment.

Mr. DURENBERGER. I withdraw my objection.

The amendment is as follows:

Strike all after the Preamble and insert in lieu thereof the following:

Whereas the Republic of Panama is a historic ally and friend of the United States;

Whereas the security and stability of the Republic of Panama is vital to the security of all states in the Western hemisphere;

Whereas over 9000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

Whereas the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama and the United States, and the free world;

Whereas the United States remains fully committed to honoring its treaties and international obligations;

Whereas evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

Whereas genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and economic well-being of the Republic of Panama;

Whereas the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

Whereas recent allegations concerning the role of members of the Panama Defense Forces and its commander in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics taffficking and money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

Whereas a broad coalition of church, professional, business, civic, and labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Force;

Whereas the recent suspension of constitutional guarantees by the government of Panama has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

Whereas the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be addressed and cannot be thwarted indefinitely: Now, therefore, be it

Resolved by the Congress, that

(a) the American people reaffirm our commitment to promoting the development of democracy in all the Americas.

(b) It is the sense of the Congress that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987 by the Panamanian Episcopal Conference and should:

(a) Restore suspended constitutional guarantees to the people of Panama;

(b) Establish genuine autonony for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from non-military activities and institutions;

(c) Provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(d) Take specific steps to help ensure the credibility of and confidence in free and fair elections;

(e) Underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama would best be served by the peaceful establishment of genuine democratic institutions in accordance with the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, non-political military establishment under civilian control;

(3) compliance with internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with the requests issued by the Panamanian Chamber of Commerce, Industry and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution, the government of Panama should apply all relevant provisions of the Panamanian judicial code with respect to all implicated officials, whether civilian or military.

Mr. DODD. Mr. President, this amendment I offer on behalf of myself, Senator EVANS, and Senator BIDEN of Delaware. The language is the exact language of the resolution as offered by the Senator from Minnesota and the Senator from Massachusetts with two exceptions.

After the clause, Whereas the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama and the United States, and the free world,

We add an additional whereas clause immediately following which says,

Whereas the United States remains fully committed to honoring its treaties and international obligations;

We further amend the resolution as offered by the Senators from Minnesota and Massachusetts by striking paragraph 5 of the resolved clause of the resolution and in lieu thereof using the following language: "in accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution, the Government of Panama should apply all relevant provisions of the Panamanian judicial code with respect to all implicated officials, whether civilian or military."

Mr. President, I now ask unanimous consent this amendment be in order.

The PRESIDING OFFICER. Is there objection to this amendment being in order as contemplated by the agreement previously entered? Is this the amendment that was contemplated in the agreement?

Mr. DODD. Yes; this is the amendment.

Mr. DURENBERGER. I have no objection to its consideration, Mr. President.

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

Mr. DODD. I thank the Chair.

Mr. President, let me again come back and try very briefly to explain to my colleagues the first whereas addition. It was crafted in a way to be sensitive to the legitimate concerns of some. I know that my colleagues, even those who opposed the Panama Canal Treaties almost 10 years ago, believe that the United States should live up to its treaties and international obligations even when they disagree with the proposed treaty. In Panama it is extremely important to Panamanians of all political persuasions that we embrace and support those obligations. I do not spell out specifically that obligation as to the specific treaty. But I do try to make reference to the fact that that is an important consideration and we recognize that.

Second, we amend this resolution by trying to impose the kind of judicial standards and codes that the authors of the proposition before us included without getting so specific that we actually call for actions that the Panamanian code already, arguably, does call for. I realize that is rhetorical in some sense, but the idea is, coming back to the statement I made a few moments ago, to be sensitive to the audiences in Panama, to the audience that wants to be able to take this resolution and to be able to distribute it in the streets of Panama, saying that our friends in the United States support democracy in this country, do not support military control, and support their basic concerns, including international obligations. It is extremely important that our friends in Panama, who are facing the worst of all of this, be able to say that they have friends who agree with them on this point.

Third, that audience of moderates, General Werner and others, will tell you that in Panama there are people within the Panamanian military structure who do not support General Noriega but who need some maneuvering room, need the ability to be able to find ways in their own operations to begin to move in a direction that we would like to see them move. If we make the general the sole and absolute target of this resolution, we run the risk of denying those other elements, both civilian and military, in Panama the opportunity to maneuver.

I offer these ideas not because they are my own but because they were the ideas and suggestions given to me by Panamanians and by American officials in Panama who spend every waking hour working on these problems. It was their suggestion that this is the best way to approach this. They know what we want to do in the Senate and the House and they applaud what we want to do. They are also asking, simultaneously, that we do it in a way that will best assist them. And what Senator EVANS, my colleague from Washington, and my colleague from Delaware, Senator BIDEN and I are trying to do is improve this resolution to the extent that we make it a more marketable item in Panama, that will have the kind of improved effect on the very people in Panama that we hope it does.

I do not want to belabor this point. I took an awful lot of time of my colleague from Massachusetts when he controlled time. So, Mr. President, I yield the floor at this point and reserve the remainder of whatever time we may have remaining on this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DODD. Mr. President, parliamentary inquiry. Who is in control of the time on this amendment?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DODD. And the Senator from Massachusetts?

The PRESIDING OFFICER. And the Senator from Connecticut. The Senator from Minnesota controls time in opposition to the amendment. Does the Senator yield time?

Mr. DURENBERGER. I will be glad to yield time in opposition to the amendment. May I inquire of the time I have available to me in opposition?

Mr. DODD. How much time does the Senator from Connecticut have remaining?

The PRESIDING OFFICER. Fifteen minutes.

Mr. DURENBERGER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has 9 minutes remaining.

Mr. DURENBERGER. I will yield to my colleague from Massachusetts 5 minutes.

Mr. KENNEDY. Mr. President, I have listened with great interest to the arguments that are made by my friend, the chairman of the Senate Subcommittee on the Western Hemisphere of the Foreign Relations Committee. He makes a plausible and I think powerful and eloquent argument. I regrettably come to a different conclusion.

I was here at the time we debated the Panama Canal Treaty issues. We had a full debate and discussion on those issues. This body voted in conformance with the Constitution. Those treaties are the law of this land, and no one in Panama should doubt the obligations which we are under, under those treaties. That is not what is at issue today.

The Senator from Connecticut has discussed the desire of those in Panama to ensure that any resolution would include the elements that he has described. I think that we here should reflect our own best judgment, sensitive, obviously, to the interests of the Panamanian people. But this particular resolution deals with democracy in Panama.

I think it is important that we not let General Noriega set the agenda for debate and discussion in terms of this particular resolution. I believe that he will portray this resolution in whatever he wants to portray, for his own international advantage.

Included in this amendment is some change of language to ensure that we are going to have this resolution inconformity with the Panamanian law. In section 5, General Noriega is mentioned; but it also points out that any other implicated officials are to relinquish their duties pending the outcome of the independent investigation.

Mr. President, I think that to leave General Noriega out would be like going to the North Pole and not talking about ice and snow. We understand the thrust of this resolution. It is one of enormous importance and significance. All of us should be mindful of what is in the interests of our audience in Panama. It seems to me that the message should be very powerful and clear. It will be on the issue of democracy; clear on the issue of human rights; clear to the extent that it reflects a strong bipartisan voice that states what our desire and aim are, and that is for the restoration of democratic institutions. I believe this resolution achieves that objective, and it is with the greatest reluctance that I would hope that the Senate would not accept this amendment.

Mr. CRANSTON. Mr. President, will the Senator yield 4 minutes?

Mr. DURENBERGER. I yield the Senator from California 4 minutes.

Mr. CRANSTON. Mr. President, like the Senator from Massachusetts, I rise in reluctance to oppose the amendment offered by the distinguished Senator from Connecticut.

I respect greatly the work the Senator from Connecticut has done on this matter and on all others within his purview as chairman of the relevant subcommittee of the Foreign Relations Committee. I know that he went to Panama. I know that he was there just a few days ago; that he is acting in accordance with the advice he got from many Panamanians. I also know that there are different views on the issues that are now before us, and placed before us by this amendment, among citizens of Panama whom I respect.

I would not have difficulty with the amendment offered by the Senator from Connecticut and the Senator from Washington and the Senator from Delaware; but now that the resolution is before us, with overwhelming support from various segments of phi-

losophy and party in the Senate, in the form of the resolution offered by the Senator from Massachusetts on behalf of the Senator from Minnesota and many others, I feel that to change it in the ways that are proposed by the Senator from Connecticut would be unwise.

I want to stress once again that I helped lead the fight toward the Panama Canal treaties in the Senate when they were approved by the Senate, and my concern about the first part of the amendment offered by the Senator from Connecticut has nothing to do with my commitment and the commitment of the United States to adhere to the terms of the Panama Canal treaties. We will do so.

However, I believe that the amendment offered by the Senator from Connecticut is going to go down to a rather overwhelming defeat, and I do not want anyone to believe that that is simply because there are any prevailing sentiments in this body or in the United States that we will not stick by the Panama Canal treaties. We will.

However, the rather convoluted language that does not endorse the treaties but, nonetheless, inserts what is actually a reference to them in the matter before us, and its defeat—and it will be defeated in the vote that will come on the amendment of the Senator from Connecticut—must not be interpreted as indicating any lack of will on the part of the United States to conform to the terms of those treaties. We will conform to the terms of those treaties.

The other part of the amendment that does not remove the name "Noriega" from the resolution before us—it is not in the resolution, but that removes an obvious reference to the current commander of the Panama defense forces and suggests that he and any other implicated officials in violation of human rights and of democracy relinquish their duties pending the outcome of the independent investigation. Plainly, removing that language would seem to some people in Panama to mean that we are less concerned about Noriega's behavior. We are very concerned about the behavior of General Noriega and those in league with him in using the Panama defense forces in an unprofessional way, using them to intervene in the civilian affairs of the country of Panama.

I think we do not want to take an action in this body now that would indicate any softening of concern about General Noriega's behavior and his part in the ruling of Panama, and the fact that this amendment by the Senator from Connecticut will be voted down should not be interpreted in that way.

There is universal condemnation of the behavior of the general who commands the Panama defense forces, General Noriega, in violation of principles of democracy, in the country of Panama.

I am glad that there will be an overwhelming vote in this body in behalf of the underlying resolution offered by the Senator from Connecticut, the Senator from Minnesota, and others, which makes plain where we stand on the principles of democracy. It is not imperialism; it is not neocolonialism. When we support democracy, that is the very opposite of supporting colonialism or imperialism.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, how much time remains to the Senator from Connecticut?

The PRESIDING OFFICER. Nine and a half minutes.

Mr. DODD. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mr. EVANS. I probably shall not take 5 minutes.

Mr. President, much of what I said in argument on the resolution itself certainly applies to this amendment.

Let me add that I am frankly dismayed by the number of times we in this body end up doing the work of the Foreign Relations Committee on the floor of the Senate.

We fail to bring these resolutions, to work them out, to try to reach accommodation, to perfect them, to craft them in a way that has the maximum chance of total acceptance and agreement and the maximum chance of gaining support or listening to and trying to associate ourselves with the views of the administration.

Whatever administration it is, it is certainly true that the President of the United States has prime responsibility for American foreign policy. I think that puts an extra burden on us to go the extra mile, to try to ensure that what we do is consistent with that administration's foreign policy. It may be harder to say, given all the revelations of the last few months, all of the continuing hearings that are going on in the building across the street; but, nonetheless, the Constitution still tells us the same thing:

The President does have prime responsibility for foreign policy of the United States.

Certainly, it is important for the Senate to speak up just as it is important for the House to speak up. I just hope that we can do so in a way that will bring all three elements together. With these modest amendments we will be in closer concert with the House of Representatives and with the administration. I think that is a goal that is important to seek.

The Senator from California suggested that we needed to get as close to a unanimous vote as we could. That is easy to achieve by supporting overwhelmingly, maybe unanimously, this amendment which certainly carries with it virtually all of the thought and the element of the original proposal with modifications which I believe certainly will add to its effectiveness with the people we want to reach in Panama and certainly do so when they know that all three of these important bodies of American foreign policy are speaking with one voice.

We can turn it down, and we can speak with a separate voice and we can indulge ourselves in our own feelings, but, Mr. President, I do not think that that is what ultimately is going to help in the goal we all seek.

I do urge my colleagues to take another look, recognize that this is a strong specific speaking up on behalf of an independent investigation conducted utilizing all of the elements of Panamanian law. That is what we all seek. That is what we all want. That is what this says.

I think it is also important to say so that there is no question about as copies of this resolution are circulated in the streets of Panama City, as I hope they will be, that there is no question in the minds of people there that we do continue to be committed to and live up to the treaties and the international obligations we have.

I think there was a reference a little earlier to the fact that it is really neocolonialist for us to dictate or for us to interfere or for us to state or for us to interpret just how we should approach those from other countries, and, frankly, Mr. President, I take objection to that as a charge. There is no one in this body who is neocolonialist, none that I know of, and certainly this Senator is not. We are all trying to do the same thing, and that is to speak in a way which will be most effective in terms of bringing democracy and peace to the people of Panama.

I believe with this amendment coupled with the House of Representatives and the administration we will have done so.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DODD. Mr. President, how much time remains on the side of the proponents?

The PRESIDING OFFICER. The Senator from Connecticut has 4½ minutes; the Senator from Minnesota 6½ minutes.

Mr. DODD. Mr. President, I will just take a minute or so.

Does my colleague from Massachusetts desire time?

Mr. KERRY. Mr. President, how much time remains on our side?

Mr. DURENBERGER. Six-and-a-half minutes on the part of the proponents.

Mr. KERRY. Will the Senator yield 2 minutes, or 3 minutes?

Mr. DURENBERGER. I yield 2 minutes to my colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 2 minutes.

Mr. KERRY. Mr. President, I would like to say that I also reluctantly oppose my colleague who happens to chair the subcommittee on which we discussed this very matter. No one has put more time or energy into this issue. He took the time to go down to Panama and he has met with people, and I think where we really are is not so much the enormous difference of policy as we are on a judgmental difference, a difference of judgment about what is going to send the message.

I happen to serve as chairman of the Narcotics and Terrorism Subcommittee. I have been listening to testimony for the last 2 days that makes my head spin.

When I think back on the report of the State Department as well as various other information that we have had made available to us in the U.S. Senate, the notion that we would not ask Panamanian law to be applied to General Noriega and that we would pass a resolution that does not recognize the fundamental reason for the whole unrest that exists in Panama is incomprehensible to me.

General Noriega should not be allowed to continue, in the judgment of this Senator, and I think we ought to make a statement because not only is he injuring the people of Panama in ways that some may say we have less of a right to comment on, but General Noriega is as a matter of record involved in actions that are injuring the people of the United States because of the money laundering and the flow of narcotics to this country.

I think it would be irresponsible for us as Senators not to make it clear that that is something we are not going to stand for, and I think that is part of the message of this resolution.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. DODD. Mr. President, as I understand I have 4½ minutes remaining.

The PRESIDING OFFICER. Four minutes.

Mr. DODD. Four minutes.

Mr. President, I yield myself 2 minutes if I could.

Mr. President, again I appreciate the comments of my colleagues and I understand what they are saying here. They are telling me, while they agree at least in substance with what the language is here, it is going to fail. This is an awkward position to be in, to be offering something that Members agree with, but which is going to go down in flames.

I hope that will not be the case, but if it is, I guess we all bear a responsibility here as individuals to offer to our colleagues what we think is wise and sound judgment on this.

From time to time positions are offered that are uncomfortable ones. I know we have all had to vote on them. I have no desire to try to make colleagues uncomfortable with things, but I feel that what we have offered represents sound and good judgments that would be of help to our country and what we try to seek in other countries.

It is for that reason that I made these proposals, suggested them for the last week or so in the discussions, and come forward with this resolution in writing.

So, Mr. President, I ask for the yeas and nays on the amendment at this juncture.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. DODD. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator's time is yielded back.

The Senator from Minnesota is recognized.

Mr. DURENBERGER. Thank you, Mr. President.

Let me conclude the opposition by suggesting that we have tried for quite a number of years around here to deal with policy relative to Panama. In particular, a resolution was 2 solid weeks in the crafting but the language is not new and the issues are not new.

We have been on this debate for a long, long period of time.

I still hope despite the fact that he has asked for the yeas and nays that somehow our colleague from Connecticut would make sure that his amendment does not go down in flames by not tossing the match. If he did not toss the match on the amendment it would not go down in flames.

I suggest it deserves to go down in flames not because our Senator from Connecticut or the colleague from the State of Washington do not have merit to the position that they bring to this particular amendment. But I think those of us who proposed it have worked on it very carefully, not only as to the message as to how they ought to get the message. We do not want to redebate the Panama Canal Treaties on the floor of the U.S. Senate and we feel very strongly, however, as in the Philippine situation, which I lived through intimately from day to day, that there should be no doubt in anyone's mind where the United States stands on this issue.

We will never craft the perfect language. We will never design the perfect message in this place.

But the message that is behind the particular resolution is more significant than the resolution itself. I think that is the message that says that this country stands for democracy and that democracy is at stake in Panama today, and I would suggest strongly to my colleagues that we defeat this amendment and go on to the unanmous passage of the resolution.

Mr. KENNEDY. Mr. President, since the Senator from Minnesota mentioned the Philippines, I remember that we debated a little over a year ago two resolutions relating to the Philippines, one about the election fraud and one congratulating Cory Aquino at that time on her election. And they were targeted on the issues of human rights and democracy. Neither of those resolutions mentioned the bases in the Philippines which were enormously important and significant to our security in the Pacific.

It seems to me that what we have done in the past, when we have targeted the resolutions on human rights and liberties, that is where the focus of the attention ought to be. And it ought to be clear, it ought to be crisp, and it ought to be clean. And I think that is what we attempted to do on this particular resolution.

Mr. DURENBERGER. I thank my colleague for those comments.

I yield back my time on the amendment.

The PRESIDING OFFICER. The Senator yields back his time. All time has been yielded back.

Mr. CRANSTON. Mr. President, I move to table the pending amendment.

The PRESIDING OFFICER. The question is on the motion to table the amendment.

Mr. DODD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California [Mr. CRANSTON] to table the amendment of the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

The PRESIDING OFFICER (Mr. ADAMS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 13, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—73

Adams	Ford	Nickles
Armstrong	Fowler	Nunn
Baucus	Glenn	Pressler
Bentsen	Graham	Proxmire
Bingaman	Gramm	Pryor
Bond	Grassley	Quayle
Boren	Harkin	Reid
Boschwitz	Hatch	Riegle
Breaux	Hatfield	Rockefeller
Bumpers	Hecht	Roth
Burdick	Heflin	Rudman
Byrd	Heinz	Sasser
Cochran	Helms	Shelby
Cohen	Humphrey	Simpson
Conrad	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Kerry	Stennis
Danforth	Leahy	Symms
Daschle	Matsunaga	Thurmond
DeConcini	McCain	Trible
Dixon	McConnell	Wallop
Dole	Melcher	Warner
Domenici	Mikulski	Wilson
Durenberger	Moynihan	
Exon	Murkowski	

NAYS—13

Dodd	Levin	Sanford
Evans	Metzenbaum	Sarbanes
Hollings	Mitchell	Weicker
Kassebaum	Packwood	
Lautenberg	Pell	

NOT VOTING—14

Biden	Gore	McClure
Bradley	Inouye	Simon
Chafee	Johnston	Stevens
Chiles	Karnes	Wirth
Garn	Lugar	

So the motion was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

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

The motion to lay on the table was agreed to.

Mr. PELL. Mr. President, the people of Panama are speaking out for democracy and the Senate can support their pleas today. The military has always been a fact of political life in Panama, but today, the military has become deeply involved in so many facets of Panamanian life that the evolution back to full democracy has been greatly hindered.

Events of the past 2 weeks, sparked by allegations of the former chief of staff of the Panamanian Defense Force against Commander in Chief Gen. Manuel Noriega and other military leaders have crystalized genuine bipartisan support among a vast spectrum of political, civic, business, and church groups in Panama for a return to full democracy and respect for human rights and justice.

The call of this broad coalition for a thorough and impartial investigation into the allegations regarding the role of members of the Panama Defense Force in the questioned election of 1984 and the death of government critical Hugo Spadafora is strongly supported by the people and deserves a positive response from the Government. It will help to calm the tense atmosphere that has already seen too much violence against individuals involved in the ongoing civic protests. The absence of a careful look into the charges will only serve to condemn Panama and its people to continual anguish and turmoil and a cycle of destabilizing discontent which could make the political future very uncertain.

I do not believe that it is necessary to remind my colleagues of the security and other important interests the United States has in Panama—the Panama Canal and the guaranties of the Panama Canal treaties which are the law of the land, being the most significant. This only deepens our hope that peace can be restored and democracy be strengthened.

Today, we can support the profound desire for democracy by the Panamanian people as expressed by groups such as the Panamanian Episcopal Conference which has called for a restoration of democratic guaranties, civilian supremacy over the military, and concrete steps toward free and fair elections.

I am confident that the people of Panama can work their way through this crisis and work toward the strengthening of democracy. This courageous effort deserves the overwhelming backing of a bipartisan Senate.

Mr. KERRY. Mr. President, this resolution is an important signal to the democratic forces in Panama that we will not abandon them during this time of national crisis in their country.

We are all well aware of the political crisis that has erupted following the publication, on June 7 of dramatic charges against Panama's top military commander, Gen. Manuel Antonio Noriega. These allegations were made by a former high ranking officer in the Panama Defense Forces.

Those of us who support this resolution are not prejudging the veracity of all the allegations made by Col. Roberto Diaz Herrera. However, the fact that these allegations triggered massive demonstrations and a nationwide strike in that country demonstrates that there have been serious problems in that country for some time. The Panamanian people are not prone to violence or challenging governmental authority in the manner they have over the past few days. What we have witnessed is the release of pent-up frustrations directed at a government in which the military continues to call all the shots.

These allegations, true or not, have led to calls for General Noriega's resignation by a broad-based coalition of more then 60 business, civic, professional, and church groups as well as political opposition leaders. The group called the civic crusade for Justice and Democracy was able to orchestrate a nationwide general strike in the Panamanian capital for more than a week.

Efforts to continue the strike last week failed when the banking community, concerned about the international market implications of the strike, and under pressure from the government, led the way in calling a halt to such activities. However, the civic crusade has called for the continuation of nonpayment of taxes by the Panamanian people and other forms of civil disobedience.

On June 10, after 4 days of rioting, strikes, and political violence, General Noriega responded by imposing a suspension of all constitutional rights including the civil and political rights of the Panamanian people. The declared state of emergency gives police broad authority to arrest and hold protestors and political figures without due process. In addition, the constitutional guarantees of free speech, assembly, right of private property and free transit also have been suspended.

Severe press censorship has been imposed by the government. One opposition newspaper, La Prensa, submitted material to the Ministry of Government and Justice, as required by the state of siege. The ministry in turn rejected 100 percent of the material submitted, including the comics. La Prensa is owned by 700 small stockholders. As a matter of fact, the publisher of La Prensa, Roberto Eisenmann, reported to me today that in yesterday's edition of his newspaper a story in which our colleague, Senator DODD, called for democracy in Panama. The censors would not allow La Prensa to publish that reference.

Although the state of emergency was to last for only 10 days, this suspension of constitutional liberties and press censorship has now been extended indefinitely.

The Catholic Church has also played, and continues to play, an active role in the civic crusade. With the state of emergency in place, the churches have been the only outlet available to permit opponents of the government to meet as a group and to seek refuge from the repression of the government. The church has joined with the civic crusade in calling for the formation of an independent commission to investigate fully the death

of Gen. Omar Torrijos, the murder of Dr. Hugo Spadafora, and the allegations of election fraud during the last presidential context. The church has taken on the responsibility for the protection of Colonel Diaz by dispatching priests to serve as guards at his home.

It should be pointed out that the church has joined with the civic crusade in issuing a communique which, among other things, calls for dismissal of General Noriega and other officers, until an independent investigation into these allegations has been conducted.

Mr. President, some may accuse us of intervention in the internal affairs of Panama. I have even heard it suggested that this resolution is neo-colonialist in thrust. However, as is the case with the Philippines, we have had a rather unique relationship with the Republic of Panama. We were responsible for its founding as an independent nation.

I think it is only natural that Democratic elements, with whom our Nation should identify and support, would turn to the U.S. Congress for assistance in their time of greatest need. I suggest that it is neo-colonialist for us to suggest that we know better than the Civic Crusade for Justice and Democracy as to what is best for Panama and the Panamanian people. Our failure to recognize the real problems in Panama and the real reasons for the current unrest can only lead to the inescapable conclusion that the United States places a higher priority on maintaining General Noriega in power, than we do in responding to the need for true democratization in that country.

There are some important parallels between Panama and the Philippines. In the Philippines we have two important bases vital to U.S. security interests in the Far East—Subic Bay Naval Base and Clark Air Force Base. The democratic opposition in the Philippines, in their frustration with living under a repressive and corrupt regime, became convinced that were it not for these bases the United States would have abandoned Ferdinand Marcos much earlier than we did.

The United States has vital interests in Panama. Not only is the Panama Canal important to U.S. economic and strategic interests, but Panama also serves as the headquarters for the Southern Command and a number of important military bases. It is logical for the democratic opposition to assume that U.S. Government is reluctant to offend General Noriega for fear of jeopardizing these interests.

I do not see how support for democracy and democratic forces throughout the world is a neo-colonial foreign policy. I believe it is a foreign policy which is in the best tradition of the United States. All too often we give lip service to our promotion of democracy at home and abroad. All too often, we abandon those who share our values and beliefs in democratic institutions for what we perceive to be more important short-term interests.

I accept the fact that it might be difficult for democratic forces in Panama to develop the cohesiveness necessary for bringing true civilian rule to that country. After 19 years of military dictatorship it is easy to understand the weakened state of these forces. That was the same argument made in the Philippines—that there was not a democratic alternative to Ferdinand Marcos since the democratic opposition was too fragmented and too weak. Just as was the case of the Philippines, the democratic opposition in Panama deserve a chance to prove they can get their act together. It is in our long-term interests in Panama to align oursleves with the forces of democracy, rather than, through our inaction, feeding the perception that it is U.S. policy to maintain General Noriega in power.

Mr. President, this administration is waging a war against Nicaragua in the name of promoting democracy in that country and elsewhere in the region. The contradiction of our policy in the region is not lost on the people of Panama. It appears that we only want democracy for those countries whose regimes we oppose, and not for those regimes whom we support.

In light of the unique historical ties we have had with Panama, it is inconceivable that our Government would be willing to crush the Democratic forces in that country by inaction. But that is exactly what we will be doing if we fail to pass this resolution. We are only strengthening General Noriega and the continuation of military rule in Panama, and in the process weakening further the Democratic opposition.

And finally, Mr. President, General Noriega is trying to rally Panamanian public opinion behind him by asserting there is a sinister motive associated with what we are doing. I am a strong supporter of the Panama Canal treaties. I believe the treaties and the implementing legislation passed by the Congress subsequent to the ratification process is the law of the land in our country. I believe we should implement the provisions and timetables for turning the canal over to full control of the Panamanians without hesitation.

It is not unusual for dictators to wrap their misdeeds in the flag of nationalism. I believe the majority of the Senators voting in support of this resolution are as committed to the continued implementation of the Panama Canal treaties as am I. Unfortunately, since General Noriega has imposed a severe censorship on the press in his country, he will attempt to prevent the Panamanian people from hearing the views of Senators, who support their aspirations for democratization and the maintenance of the integrity of the Panama Canal treaties.

I for one will resist strongly any effort to reverse or undo our treaty relationship with Panama. Equally, I will strongly pursue support for the Democratic forces and decmocracy in Panama. Both issues go hand in hand. We are obligated to carry out our treaty responsibilities, just as the powers that be in Panama are obligated to carry out their commitment to true democracy.

Mr. LEVIN. Mr. President, I will vote against this resolution in spite of the fact that I am deeply concerned about the reports of human rights violations and governmental corruption in Panama. However, I am also concerned that the absence of language in this resolution which reiterates our treaty commitments with Panama could be used by some powerful forces in Panama to attack our position and status there. The Dodd amendment, which I supported, would have made clear that we intend to abide by those treaty commitments. However, with the defeat of the Dodd amendment, the absence of the treaty commitment has been highlighted. That being the case, it would be better to pass no resolution rather than this imperfect resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the yeas and nays that were ordered on the underlying amendment be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. CRANSTON. I object.

Mr. DODD. The underlying amendment.

Mr. CRANSTON. Right, the underlying amendment.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Connecticut has been granted recognition.

Mr. DODD. I have no request, Mr. President.

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on the resolution which is now before us.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution of the Senator from Minnesota. The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON],

the Senator from Illinois [Mr. SIMON] and the Senator from Colorado [Mr. WIRTH] are necessarily absent.

I further announce that, if present and voting, the Senator from Tennessee [Mr. GORE] would vote "yea"

Mr. SIMPSON. I announce that the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE] and the Senator from Alaska [Mr. STEVENS] are necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

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

The result was announced—yeas 84, nays 2, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—84

Adams	Glenn	Nickles
Armstrong	Graham	Nunn
Baucus	Gramm	Packwood
Bentsen	Grassley	Pell
Bingaman	Harkin	Pressler
Bond	Hatch	Proxmire
Boren	Hatfield	Pryor
Boschwitz	Hecht	Quayle
Breaux	Heflin	Reid
Bumpers	Heinz	Riegle
Burdick	Helms	Rockefeller
Byrd	Hollings	Roth
Cochran	Humphrey	Rudman
Cohen	Kassebaum	Sanford
Conrad	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Kerry	Shelby
Danforth	Lautenberg	Simpson
Daschle	Leahy	Specter
DeConcini	Matsunaga	Stafford
Dixon	McCain	Stennis
Dole	McConnell	Symms
Domenici	Melcher	Thurmond
Durenberger	Metzenbaum	Trible
Evans	Mikulski	Wallop
Exon	Mitchell	Warner
Ford	Moynihan	Weicker
Fowler	Murkowski	Wilson

NAYS—2

Dodd	Levin

NOT VOTING—14

Biden	Gore	McClure
Bradley	Inouye	Simon
Chafee	Johnston	Stevens
Chiles	Karnes	Wirth
Garn	Lugar	

So the resolution (S. Res. 239) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 239

Whereas the Republic of Panama is a historic ally and friend of the United States;

Whereas the security and stability of the Republic of Panama is vital to the security of all states in the Western hemisphere;

Whereas over 9,000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

Whereas the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama and the United States, and the free world;

Whereas evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

Whereas genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and econmic well-being of the Republic of Panama;

Whereas the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

Whereas recent allegations concerning the role of members of the Panama Defense Forces and its commander in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics trafficking and money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

Whereas a broad coalition of church, professional, business, civic, and labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Force;

Whereas the recent suspension of constitutional guarantees by the government of Pamana has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

Whereas the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be addressed and cannot be thwarted indefinitely: Now, therefore, be it

Resolved, That

(a) The American people reaffirm our commitment to promoting the development of democracy in all the Americas.

(b) It is the sense of the Senate that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987 by the Panamanian Episcopal Conference and should:

(a) restore suspended constitutional guarantees to the people of Panama;

(b) establish genuine autonomy for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from nonmilitary activities and institutions;

(c) provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(d) take specific steps to help assure the credibility of and confidence in free and fair elections;

(e) underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama would best be served by the peaceful establishment of genuine democratic institutions in accordance with the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, nonpolitical military establishment under civilian control;

(3) compliance with the internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with the requests issued by the Panamanian Chamber of Commerce, Industry, and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with the universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution and in response to the communique issued by the Civic Crusade for Justice and Democracy in Panama, the government of Panama should apply the provisions of the judicial code of Panama, Title 9, Chapter 2, Book 3, Article 2470 and direct the current commander of the Panama Defense Force and any other implicated officials to relinquish their duties pending the outcome of the independent investigation.

Mr. DURENBERGER. I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, let me briefly express my appreciation to the principal cosponors of this resolution and their staffs in particular who have spent 2 weeks on this effort. I think the vote on this resolution by such an overwhelming majority certainly sends a very clear and a very strong signal to the people of Panama and I think that we will all be grateful for the action that we took here today.

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1987

The Senate continued with the consideration of the bill.

Mr. DURENBERGER. Mr. President, the previous action was on a sense of the Senate resolution, and I believe the pending business is my amendment relative to human rights in Panama?

The PRESIDING OFFICER. Yes. The pending question is the amendment of the Senator from Minnesota.

Mr. DURENBERGER. Have the yeas and nays been ordered on that amendment?

The PRESIDING OFFICER. They have been ordered.

Mr. DURENBERGER. Then, Mr. President, I ask unanimous consent that I might withdraw my amendment.

The PRESIDING OFFICER. Is there objection to the withdrawal of the amendment? Without objection, it is so ordered.

AMENDMENT NO. 334

(Purpose: To provide for the reliquidation of certain entries for which a refund of antidumping duties is to be made)

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I call up an amendment which I have at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Maryland [Ms. MIKULSKI] proposes an amendment numbered 334.

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

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

The amendment is as follows:

At the end of subtitle B of title VIII of the bill, add the following:

SEC. . RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the entries listed in subsection (b) shall be reliquidated without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), refund thereof shall be made.

(b) SPECIFIC ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number:	Date of Entry:
144549	March 26, 1976
150297	April 27, 1976
152729	May 11, 1976
156068	May 26, 1976
161653	June 23, 1976
168759	July 30, 1976
173393	August 25, 1976
175173	September 3, 1976
178811	September 23, 1976
108842	November 18, 1976
113000	December 9, 1976
115229	December 21, 1976
120070	January 17, 1977
120908	January 20, 1977
121403	January 24, 1977
130005	March 10, 1977

Ms. MIKULSKI. Mr. President, this amendment would relieve a Baltimore customs broker of dumping duties unfairly assessed on him by the Customs Service.

These duties were assessed on this corporation as the importer of record for a German company on goods imported into the United States in 1976 and 1977.

At the time when the goods were imported, this corporation had no notice that the goods were subject to dumping duties. Had they had that notice, they would have been able to substitute the German company's bond for its own, thereby relieving itself of all potential liabilities.

In 1979, Congress passed legislation that says no importer of record could be assessed dumping duties unless they had notice that the goods they were importing were subject to duties.

Despite this legislative change requiring notice, the Customs Service assessed the corporation these duties in 1981. This assessment occurred 2 years after Congress changed the law and 4 years after the last shipment for which they were assessed duties.

Customs' actions in 1981 was the first time the corporation had notice that the goods it imported were subject to duties.

I offer my amendment for two reasons:

First, Congress required in 1979 that an importer of record have notice before it is assessed duties. Congress did so because to be able to assess penalties without such notice puts the American importer unfairly at risk. In assessing these duties against the Rukert Corp., Customs acted directly contrary to congressional intent.

Second, this gross inequity could seriously damage the corporation's ability to do business. They had no notice of their liability, yet now they are being penalized for their efforts.

The Customs Service has recognized this inequity by granting, at my request and that of Senator DECONCINI, a 6-month delay in collecting these duties from the corporation in the hopes that a legislative remedy could be found.

I do not intend this amendment to set any sort of precedent with respect to any other customs brokers. After passage of the 1979 law, all importers of record should receive notice of their potential liability to be assessed dumping duties on entries that occur after 1979.

The amendment has no opposition and I urge my colleagues to adopt it.

Mr. SARBANES. Mr. President, I rise as a cosponsor and strong supporter of the amendment offered by my distinguished colleague from Maryland. I understand that the amendment is acceptable to the managers of the bill, and I want to express my appreciation to them for their understanding of the problem which the amendment addresses

In 1976 and 1977, Ruckert Marine Corp., an established and respected customs broker in Baltimore, served in that role for another company which wanted to import chemicals from Japan. Ruckert, however, was not informed that the chemicals were subject to an antidumping duty. As the customs broker, Ruckert was listed as the "importer of record" for the chemicals.

The U.S. Customs Service did not inform Ruckert until 1982 that the chemicals were subject to a $258,000 antidumping duty. A change in the antidumping duty laws in 1979 requires that antidumping duties be imposed with other duties when merchandise arrives in the United States. However, that change in the law does not apply to goods that arrived in the United States in 1976 and 1977. Further, under Customs regulations, brokers such as Ruckert who file initially as "importers of record" may substitute the company for which they are serving as broker as the true owners of the goods within 90 days of the original entry of the merchandise into the United States. However, since Ruckert was not informed of the antidumping duty until 6 years after the goods first entered the United States, it had no opportunity to do this.

Mr. President, in this case the Ruckert Corp. neither had fair notice of the duties on the goods for which it was serving as customs broker, nor fair opportunity to insert the name of the true owner of the goods as the importer of record as required by customs regulations. For these reasons, it is only fair that Ruckert not be subject to the very heavy antidumping duty that would otherwise be imposed upon it.

Mr. BENTSEN. Mr. President, the amendment by the Senator from Maryland refers to a customs broker who became the importer of record for some commodities that were going to another company. In this instance, Ruckert Marine did not itself benefit, nor was it the ultimate recipient of the product.

I think there is some equity in this case. My concern is that I do not want to see this set as a precedent, where you have a countervailing duty put in place and then have a constituent come here trying to get Congress to redress it. In this instance, I do not object to this particular amendment, as manager for the majority on the bill.

Ms. MIKULSKI. I thank the Senator for not objecting. I assure him that I do not see this as a precedent.

Mr. PACKWOOD. Mr. President, this is a good amendment, and it should be adopted.

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

The amendment (No. 334) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 336

(Purpose: To provide for expedited consideration of a bill to implement the Harmonized Commodity Description and Coding System for a new Tariff Schedule)

Mr. MATSUNAGA. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. MATSUNAGA] proposes an amendment numbered 336.

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

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

The amendment is as follows:

At the end of subtitle B of title IX of the bill, add the following:

Sec. . HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM FOR A NEW TARIFF SCHEDULE

(a) FINDINGS.—The Congress finds that—

(1) the establishment of a uniform system of tariff classification among the major trading nations of the world will yield significant benefits to United States firms and individuals involved in international trade and will enhance the prospects for a more efficient operation of the world trading system; and

(2) implementation of the Harmonized Commodity Description and Coding System by the United States on the internationally set target date of January 1, 1988, is a highly desirable goal and should be achieved by Congressional approval of the Harmonized System Convention and its implementing legislation at the earliest possible date.

(b) CONVENTION IMPLEMENTING BILL.—For purposes of this section, the term "Convention implementing bill" means a bill of either House of the Congress—

(1) with respect to which the requirements of subsection (c) have been met, and

(2) which is limited to provisions that—

(A) approve the International Convention on the Harmonized Commodity Description and Coding System done at Brussels on June 14, 1983, and the Protocol to such Convention done at Brussels on June 24, 1986,

(B) implement such Convention and Protocol, and

(C) make any necessary conforming changes in Federal laws.

(c) REQUIREMENTS.—

(1) The requirements of this subsection are met with respect to a bill if—

(A) the President has consulted with the Congress in accordance with paragraph (2),

(B) the President has, before the date that is 15 days after the date of enactment of this Act—

(i) notified the Congress of the intention of the President to submit to the Congress a draft of a bill that would approve and implement the convention and protocol described in subsection (b)(2)(A), and

(ii) published notice of such intention in the Federal Register, and

(C) the President has, before the date that is 30 days after the date on which notice is provided to the Congress under subparagraph (B), transmitted a document to the Congress containing a copy of the final legal text of the convention and protocol described in subsection (b)(2)(A), together with—

(i) a draft of the bill,

(ii) a statement of any administrative action proposed to implement such convention and protocol,

(iii) an explanation as to how the bill and proposed administrative action change or affect existing law, and

(iv) a statement of the reasons as to why the bill and proposed administrative action is required or appropriate to carry out such convention and protocol.

(2) As soon as practicable after the date of enactment of this Act, but before the date on which the document is submitted to the Congress under paragraph (1)(C), the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate with respect to the convention and protocol described in subsection (b)(2)(A). Such consultation shall include all matters relating to the implementation of such convention and protocol.

(d) EXPEDITED CONGRESSIONAL CONSIDERATION.—

(1) Any draft of a Convention implementing bill which is submitted by the President to the Congress under subsection (c)(1)(C)(i) and with respect to which the requirements of subsection (c) have been met shall be introduced by the majority leader of each House of the Congress (by request) on the first day on which such House is in session after the date such draft is submitted to the Congress.

(2) Any Convention implementing bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and any Convention implementing bill introduced in the Senate shall be referred to the Committee on Finance.

(3) Any Convention implementing bill introduced in a House of the Congress under paragraph (1) shall be treated as an implementing revenue bill for purposes of subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), but in applying such subsections with respect to a Convention implementing bill, the term "10th day" shall be substituted for the term "45th day" and for the term "15th day" each place such terms appear in such subsections.

(4) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules, and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

Mr. MATSUNAGA. Mr. President, the amendment I offer would allow the Congress to consider approval and implementation of the International Convention on the Harmonized Commodity Description and Coding System on a fast-track basis.

Many of my colleagues may not be familiar with the harmonized system. The Harmonized Commodity Description and Coding System is an international produce and commodity nomenclature developed in the Customs Cooperation Council. The United States has been a full participant in the process of developing this uniform nomenclature since 1975, as mandated by section 608 of the Trade Act of 1974.

Once the harmonized system is in place, for the first time in world history there will be a uniform tariff classification system in place among all of the world's major trading nations. The adoption of a uniform system will yield significant benefits to companies involved in international trade. Recordkeeping will be simplified, tracking goods between countries will become easier, and compliance with restrictions on imports, such as licensing requirements, will become more certain. The harmonized system is scheduled to become effective on January 1, 1988 and is expected to be put into use in more then 40 countries on that date. I should emphasize that the conversion to the harmonized system has been designed to be as trade neutral as possible. That is, the administration has attempted to keep rates of duties on imports unchanged.

This amendment to the omnibus trade bill will allow the administration to submit the harmonized system convention as a trade agreement eligible for special fast-track consideration and approval by the Congress. Under present law, the convention is not eligible for such fast-track consideration. As I have noted earlier, a critical element in considering the harmonized system is timing. All of the major nations involved in negotiating the convention have set January 1, 1988 as the target date for conversion to the new uniform tariff classification system. Under a regular fast-track procedure such as adopted in the House trade bill, approval of the harmonized system convention would probably require 150 days or nearly 5 months. Such a timeframe would necessarily result in the United States not achieving the goal of joining the other major trading nations in implementing the harmonized system on January 1, 1988.

In order to allow the United States to remain in step with the rest of the world, and to allow American concerns involved in international trade to benefit as early as possible from this new system, I am offering an amendment that will allow the harmonized system to be considered on an expedited fast-track basis by the Congress. Under this amendment, the same procedure as a normal fast-track trade agreement will be followed. However, in an attempt to ensure that the system can be in place by January 1, 1988, the procedure is telescoped into roughly a 2-month consideration by the Congress.

I feel comfortable in offering my amendment for a number of reasons. First, negotiation of the conversion from the present tariff schedule of the

United States to the harmonized system has been underway since 1981. Because of the length of the negotiation and the extensive consultations that the U.S. trade representative has conducted with the private sector, I believe that there will be few, if any hidden problems in the conversion. There have been numerous public hearings and periods for public comment during the last 6 years. A draft conversion of the tariff schedule to the harmonized system has been available since June 1983.

A second reason I am comfortable with this approach is that on April 27, the International Trade Subcommittee, which I chair, conducted a public hearing on the harmonized system. From a broad range of private sector witnesses with an interest in international trade, there was virtual unanimity of opinion on the desirability of the United States implementing the harmonized system. The primary concern of the witnesses was that the Congress adopt the convention as soon as possible. Rapid implementation is necessary because of the substantial investment in time, training and database modification that must be made in advance by the Customs Service, customs brokers, and private business in order to be prepared to carry out the new system on January 1, 1988.

Mr. President, any problems that might exist in the conversion to the new tariff nomenclature system have likely already been uncovered because of the extensive private sector participation in this long process. I believe that there is little danger in reducing the time period for fast track consideration of this agreement. I note that although the House adopted a regular fast-track for this agreement, at the time the House considered the convention, the administration had not quite completed the last phase of its negotiations in Geneva. It is my understanding that if the House had the benefit of the documentation that is now available from the administration, including the final text of the convention, it is likely they would have proceeded with a more expeditious approach, authorizing the President to implement directly the harmonized system in their trade bill. Given that the administration has favored such direct implementation by providing the President with authority to proclaim the new tariff schedule, my amendment offers a middle path for its implementation between the administration approach and that in the House bill.

I believe that it is essential that we include a provision in the Senate trade bill that will address this critical issue for Americans involved in international trade. The amendment I offer will allow the Congress to exercise its authority to approve this trade agreement and implementing legislation in a thorough fashion. I urge my colleagues to join me in supporting this amendment.

As I understand it both the majority and minority have agreed to accept the amendment.

The PRESIDING OFFICER. The Senator from Texas.

Mr. BENTSEN. Mr. President, I congratulate Senator MATSUNAGA and Senator PACKWOOD for their efforts to get us a harmonized tariff system.

It is terribly important to us and to our allies that we have that.

One question about it is the question of how to do the implementation, and here we are suggesting doing it on the fast track. I think that is a good proposal, and I think it will give the Congress the opportunity to see that the harmonized system is put in effect at an early date.

I certainly urge the adoption of the amendment.

Mr. PACKWOOD. Mr. President, the Senator from Hawaii has done his usual thorough job in this case on the harmonized tariff schedule.

I urge the adoption of his amendment.

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

So the amendment (No. 336) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. Mr. President, I wish to thank the distinguished chairman of the Finance Committee and the distinguished minority leader of that committee for their support. It shows great wisdom on their part.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 338

(Purpose: To authorize the President to prohibit trade between the United States and the regime in Afghanistan that is sponsored by the Soviet Union)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. HUMPHREY] for himself and Mr. PROXMIRE proposes an amendment numbered 338.

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

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

The amendment is as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . TRADE WITH AFGHANISTAN.

(a) AUTHORIZATION TO PROHIBIT IMPORTS.

(1) Notwithstanding any other provision of law, the President is authorized to prohibit the importation into the United States of all products of Afghanistan after the date of enactment of this Act.

(2) For purposes of this subsection, the term "product of Afghanistan" means any article which—

(A) is grown, produced, or manufactured in Afghanistan, and

(B) is exported by—

(i) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(ii) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(b) AUTHORIZATION TO PROHIBIT EXPORTS.—Notwithstanding any other provision of law, the President is authorized to prohibit the exportation of any goods or technology from the United States for the benefit of, or use by—

(1) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(2) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(c) REPORT TO CONGRESS.—If the President has not, before the date that is 45 days after the date of enactment of this Act, taken actions under this section to prohibit trade between the United States and the Democratic Republic of Afghanistan, a regime that is sponsored by the Union of Soviet Socialist Republics, the President shall submit to the Congress on such date a report which states the reasons why the President has not taken actions to prohibit such trade.

Mr. HUMPHREY. Mr. President, our Government should not permit trade with a regime actively participating in the genocide of its own people.

At this hour I am presenting an amendment that will authorize the President to prohibit trade between the United States and the Soviet puppet regime in Afghanistan, a regime with a thoroughly documented record of crimes against its own people.

More than 7 years have passed since troops of the Soviet Union poured into Afghanistan and installed a puppet regime in Kabul. The list of documented atrocities sanctioned by that regime is endless. The United Nations, Helsinki Watch, Amnesty International, and recently a team of international lawyers, have compiled hundreds of pages of testimony on the horrifying disregard for human rights in Afghanistan.

With the help of 120,000 Soviet troops, the Kabul puppets have been directly responsible for the deaths of more than 1 million people—most of them noncombattants, including women, children, and the elderly. To give the Senate some sense of proportion, that equates to 16 million dead Americans. The Kabul regime is directly responsible for the largest refugee population in the world—over 5

million people—one-third of Afghanistan's population before the Soviet invasion. Again, translating that proportionately, it equates to 80 million Americans driven into foreign exile.

So enormous are the crimes committed by the puppet regime in Kabul that the United Nations has described the condition of human rights in Afghanistan as: "A situation approaching genocide." Last year, the Congress, in Public Law 99-399, expressed concern that Soviet policies in Afghanistan may constitute the crime of genocide.

In March, President Reagan accurately described the Kabul regime as "weak and illegitimate." Yet, the United States continues to grant legitimacy to that criminal regime by maintaining a trade relationship. Though there are restrictions on the sale of certain strategic items, the State Department informs me that: "Trade in and of itself between the United States and Afghanistan is not prohibited."

Indeed, it is not.

In fact, trade is on the rise between the United States and Afghanistan. Last year, the volume of United States exports to Afghanistan more than doubled over the volume of exports the previous year. The items included aircraft parts, small engine parts, cigarettes, and some domestic items such as used clothing and soaps.

Stated simply, the same regime that is participating in the genocide of its own people, has access to American markets for the purchase of certain goods.

My amendment would authorize the President to prohibit all trade between the United States and the Soviet puppet regime in Kabul. This amendment is similar to legislation that I introduced on April 10, 1987. At that time, I was joined by Senators PROXMIRE, BYRD, DOLE and 19 other Senators. Now, that legislation—S. 1027—has the bipartisan support of 31 Senators.

My proposal is consistent with our trade policy toward other States whose human rights abuses are an anathema to civilized nations. The United States prohibits trade with Cuba, Nicaragua, Vietnam, North Korea, and Kampuchea. We are long overdue in adding Afghanistan to that list. As my distinguished colleague from Wisconsin, Senator PROXMIRE, indicated upon the introduction of this legislation: "While in the past some Members of this body have expressed doubts over the need to cut off trade with Nicaragua, North Korea, and Cuba, this case is crystal clear."

Mr. President, in an annual statement marking the seventh anniversary of the brutal Soviet invasion of Afghanistan, Deputy Secretary of State Whitehead stated: "It is clear that only steadily increasing pressure on all fronts—military, political, diplomatic—will induce the Soviets to make the political decision to negotiate the withdrawal of their forces * * * we must keep up the effort."

Unfortunately, that is just more hot air from the State Department. In fact, if the United States is serious about "steadily increasing pressure," it is the Congress, and not the State Department, which must take the lead. For instance, Senators may recall that the United States continued to extend most-favored-nation trading status to Afghanistan until it was rescinded last year, pursuant to legislation that was unanimously adopted by this body.

The time has come for the Senate to act again. As the crisis in Afghanistan worsens, we must send a strong message that this Nation will not cooperate in any fashion with a regime participating in the genocide of its own people.

I have requested the administration's views on this legislation. The administration has no substantive opposition to this amendment. They have provided suggestions on improving the text of the original legislation. Those suggestions have been incorporated into this amendment.

Mr. President, this amendment provides the Senate with an opportunity to match our Government's inspiring rhetoric with substantive action. In the spirit of the overwhelming bipartisan support that the Afghanistan issue enjoys in Congress, and the bipartisan support that this initiative enjoys, I hope that it will be unanimously adopted.

I ask unanimous consent that an editorial on this legislation that appeared in the New York Post on June 9, 1987, be printed in the RECORD.

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

[From the New York Post, June 9, 1987]

FREE SOVIET-OCCUPIED AFGHANISTAN

While America's attention has been focused on events closer to home, terrible things have been happening in a small country half a world away.

The bloodshed in Afghanistan continues. Moscow and its Kabul puppets have been using the Afghanistan peace talks now taking place in Geneva as a cloak for heavy increases in attacks on civilians, particularly refugees in camps on the Pakistan border. The goal is to persuade Pakistan to close its border to refugees, and to cease supporting the Mujihadeen freedom fighters.

State Dept. figures show that during the first five months of this year, the Soviet-controlled Afghan Air Force killed 342 refugees and wounded 502 in raids on the camps. This compares with a combined 1985 and 1986 casualty toll of 69 dead and 167 wounded.

Pakistan—which has been representing the interests of the Mujihadeen at those Geneva talks—has, in protest at the intensified bombing, suspended its participation. But Washington has remained curiously silent.

And beyond supplying small quantities of arms to the Mujihadeen, the U.S. has done little to discourage the Soviets and their Afghan puppets from stepping up the war.

The administration recognizes the Kabul regime as the legitimate government of Afghanistan and permits U.S. companies to trade freely with the area of the country under Communist control. Indeed, U.S. trade with Afghanistan is on the rise—from $3.4 million in 1985 to $7.3 in the first 11 months of last year. This may seem like small stuff, but Afghanistan, let's remember, is a small country.

Moreover, the nature of the trade is decidedly disturbing: spare aircraft parts, automobile pumps and radio equipment, among other items. Not war material per se, but very much the sorts of things useful in fighting a war.

Washington has also failed to insist on the direct participation of the Mujihadeen in the Geneva negotiations.

It's high time that all this changed. It's high time America started taking the plight of the Afghan people seriously. It's high time the U.S. began to give their fight for freedom some real help.

Sen. Gordon Humphrey (R-N.H.) and 28 co-sponsors have introduced a bill banning all trade with Kabul—this would place the Afghan Communists in the same category as the governments of Nicaragua, Cambodia, Cuba, Vietnam and North Korea.

Humphrey's bill deserves support. It must be complemented by a clear statement from the administration putting the blame for the bloodshed in Afghanistan right where it most belongs—at Mikhail Gorbachev's doorstep.

Mr. HUMPHREY. Mr. President, this amendment is supported by the administration. I ask unanimous consent to print in the RECORD at this point a letter from the State Department indicating support for the amendment.

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

U.S. DEPARTMENT OF STATE,
Washington, DC, June 26, 1987.

Hon. GORDON J. HUMPHREY,
United States Senate.

DEAR SENATOR HUMPHREY: The Administration supports your recent draft legislation authorizing the President to prohibit trade between the United States and Afghanistan.

The Office of Management and Budget has advised that from the standpoint of the Administration's program, there is no objection to the submission of this letter.

Sincerely,

LOUISE R. HOPPE,
Acting Assistant Secretary, Legislative and Intergovernmental Affairs

Mr. HUMPHREY. Mr. President, I have discussed the amendment with the distinguished floor managers who are prepared to accept it.

Mr. BENTSEN. Mr. President, will the Senator yield for a question on that?

Mr. HUMPHREY. I am happy to yield.

Mr. BENTSEN. As I understand it, what it will ban, I believe, is trade with the government itself; is that not correct?

Mr. HUMPHREY. It would ban——

Mr. BENTSEN. Products.

Mr. HUMPHREY. I do not know if the government engages in trade directly.

Mr. BENTSEN. As I read it, it says.

(2) For purposes of this subsection, the term "product of Afghanistan" means any article which—

(A) is grown, produced, or manufactured in Afghanistan, and

(B) is exported by—

(i) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(ii) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

So it is a government or political party, as it reads.

Mr. HUMPHREY. The intent as formulated and as supported, indeed formulated according to the wishes of the administration, that is to say we modified our amendment to comport with the administration request, the intent and the understanding is to cut off all trade between the United States and Afghanistan while the government of that country is a puppet of the Soviet Union. That is the intent and that is the understanding.

Mr. BENTSEN. As I read it, it prohibits the exportation of any goods or technology from the United States for the benefit of or the use by, and then it gets again to the Government of the Democratic Republic of Afghanistan or any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

Again, in each instance, it is using a government agency and that is what it is referring to specifically.

With that in mind, I have no objection to it.

Mr. BYRD. Mr. President, may we have a reading of the amendment? It is short.

Mr. HUMPHREY. Of course.

The PRESIDING OFFICER. It is requested that the amendment be read. The amendment will be retrieved and read.

The amendment is being copied at this time for distribution for Members.

The clerk will read the amendment.

The assistant legislative clerk read the amendment.

Mr. BENTSEN. Mr. President, it would seem to me that is what the Senator is trying to accomplish is to stop the technology transfer to the Government of Afghanistan. This would not in any way prohibit any trade aid, for example, by the same token.

Mr. HUMPHREY. That is correct.

Mr. BENTSEN. The Senator does not want to accept their exports. If that is the intent I have no objection.

Mr. HUMPHREY. I want to be sure that the legislative history is clear on this, Mr. President. The intent is here and I believe the legislation is worded to reflect that intent.

The intent is to cut off trade between the United States and Afghanistan. It is not just the matter of cutting off the floor of technology of the regime in Afghanistan. That is a very minor part. Indeed, the trade in dollar figures is very minor in the international context, but it is the symbolism that is important here.

The United States should not be permitting trade between itself and any nation which is cooperating in the genocide of its own people. We prohibit trade with Cuba, with Cambodia, with Vietnam, and other nations which are regarded by civilized nations as anathema. The intent here is to categorize the Afghanistan as anathema in the same sense the other governments are. It cuts off all trade in both directions.

Mr. BENTSEN. It does not read to cut off all trade in both directions. It talks specifically of all products of Afghanistan, then goes on to explain what all products of Afghanistan relates to. And it says it means any article, any product of any article which is grown, produced, or manufactured in Afghanistan and is exported by the so-called Democratic Republic of Afghanistan and any political party, faction, or regime in Afghanistan.

Mr. HUMPHREY. I would assume, in a government of that type, oppressive government of that kind, there are no exports which are not sanctioned by the government itself.

But, in any event, I have the impression that the Senator from Texas supported the concept, but he is trying to draw a distinction that would permit some trade and disallow other trade. That certainly is not my intent.

Mr. BENTSEN. You better redraft your amendment, because that is what it says. If you want to deal with the Mujahidin you can do that. I would not think you would want to cut that off from your point of view.

Mr. HUMPHREY. Indeed not.

Mr. BENTSEN. You have done what I think you want to do, but we ought to understand what it does.

Mr. HUMPHREY. I do not agree with the Senator if he suggests the present language would preclude trade with the Mujahidin.

Mr. BENTSEN. I did not say that. I said you do not want to cut that off. You have used the term that you stop all trade and you have not, if you read your amendment.

Mr. HUMPHREY. Well, we qualify that, as the Senator noted himself. We qualify it by saying that all products mean any article grown, produced, or manufactured in Afghanistan, is exported by the so-called Democratic Republic of Afghanistan.

Mr. BENTSEN. I say to the Senator, I think his amendment means what it says. And with that in mind, I am ready to accept it.

Mr. HUMPHREY. If the Senator sees an unfortunate loophole, I certainly want to close it, because it is my intent to close off completely all trade between the United States and Afghanistan, or at least that part of it which is dominated by this government called the PDPA.

Mr. PACKWOOD. Mr. President, I actually think we are going in circles. I think everbody agrees that the Senator from New Hampshire wants to cut off trade with that portion of government controlled by the Soviet Union, but not the freedom fighters. I think that is what his amendment says and I think that is what Senator BENTSEN says it says. I agree, and the administration supports the amendment as drafted.

Mr. BENTSEN. That is right. His problem is he keeps going beyond that and I do not think he really means it. I am prepared to accept the amendmemt as it is stated.

Mr. HUMPHREY. Mr. President, first of all, let me ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. KERRY). Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the distinguished Republican leader, Mr. DOLE, be added as a cosponsor.

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

Mr. HUMPHREY. Mr. President, before we go to a vote, I want to be sure that there is no misunderstanding, because we can be certain if there is any latitude for playing games the State Department will play games. And I do not want any latitude for such game playing. I want all trade cut off. So if the Senator thinks I have left a loophole here, I would like to correct it.

Mr. BYRD. Mr. President, I share some of the concern that has been expressed by the distinguished manager, because of paragraph No. 1. I realize that it goes on in subsequent paragraphs to define what is meant by "products of Afghanistan."

But, why not tighten up the language in paragraph No. 1 so that there is no doubt, no reason for doubt.

Paragraph No. 1 says:

Notwithstanding any other provision of law, the President is authorized to prohibit the importation into the United States of all products of Afghanistan after the date of enactment of this act.

I realize that we go on to define the term "product of Afghanistan," but that says "means any article which is grown, produced, or manufactured in Afghanistan."

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So, up to that point, it can be grown, it can be produced, it can be manufactured by the Mujeheddim.

Mr. HUMPHREY. Yes.

Mr. BYRD. I realize we have the conjunction "and is exported by" and then the subsequent paragraphs constitute the language that the distinguished author relies upon to clarify the definition.

But it seems to me we could further clarify that, the previous verbiage, and I would hope the Senator would do that.

Mr. HUMPHREY. Does the Senator have a specific suggestion? I would be glad to do that, because I want this to be airtight; more than that, I want it to be State Department-tight, if you will.

I will be happy to amend it and I would be happy to have a suggestion from the Senator if he has a specific proposal in that regard.

Mr. BYRD. Well, I could probably suggest something, but I would suggest to the author that he work with me and with others in trying to find something.

Mr. HUMPHREY. I would be happy to do so.

Mr. BYRD. I will be happy to have him work the matter out, but I am a little concerned.

Mr. President, there is nobody in here who has been a stronger supporter of the freedom fighers in Afghanistan than has this Senator. I have offered resolutions from time to time. I have supported resolutions that have been offered by the distinguished Senator from New Hampshire and I have lauded him.

But if questions can be raised on this floor now, questions may be raised later.

Mr. HUMPHREY. Yes; quite so.

Mr. BYRD. It seems to me we ought to try as best we can to word the resolution so that those questions which may be raised later will not arise.

Mr. BENTSEN. Mr. President, with that in mind, would the Senator consider withdrawing it for the moment?

Mr. HUMPHREY. I would rather we sought unanimous consent to lay it aside. I recognize I would have to withdraw the yeas and nays to modify it ultimately, but just lay it aside, assuming that it would be the next amendment.

Mr. BYRD. You do not have to stipulate that. If you lay it aside, it automatically comes back.

Mr. HUMPHREY. I ask unanimous consent, Mr. President, that the amendment be laid aside.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 331

(Purpose: To deny trade benefits to countries that repeatedly support acts of international terrorism)

Mr. BENTSEN. Mr. President, earlier in the day I called up my antiterrorism amendment and suggested at that time its consideration. There was some question as to its acceptance on the other side of the aisle. That has been clarified. This is one that deals with most-favored-nation status for Syria, for Libya, and for Iran. And, so long as they are on the list of terrorist-supporting nations, as so designated by the Secretary of State, they should not have the benefits of the most-favored-nation status. I urge the adoption of the amendment.

Mr. PACKWOOD. Mr. President, there was a slight glitch in the amendment that had caused on our side an objection earlier in the day. That has been removed. We have no objection. We think it is a fine amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 331.

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

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

The amendment reads as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . DENIAL OF TRADE BENEFITS TO COUNTRIES SUPPORTING ACTS OF TERRORISM.

(a) IDENTIFICATION.—(1) The Secretary of State shall identify each foreign country that repeatedly provides support for acts of international terrorism and shall publish such identification in the Federal Register. Such identification shall remain in effect until a determination is made with respect to such country under paragraph (2).

(2) If the Secretary of State determines that a foreign country identified under paragraph (1) has ceased to provide support for acts of international terrorism, the Secretary of State shall publish such determination in the Federal Register.

(3) By no later than February 15 of 1988, and of each calendar year thereafter, the Secretary of State shall submit to the Congress a list of the names of each foreign country with respect to which an identification under paragraph (1) is in effect.

(b) DENIAL OF TRADE BENEFITS.—Notwithstanding any other provision of law, if a foreign country is identified under subsection (a)(1)—

(1) the President shall terminate, withdraw, or suspend any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to such country,

(2) such country shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of such country shall be subject to the rates of duty set forth in column number 2 of the Tariff Schedules of the United States,

(3) the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) shall not apply with respect to the products of such country, and

(4) the provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701, et seq.) shall not apply with respect to the products of such country,

during the period in which such identification is in effect.

(c) WAIVERS.—(1) The President may waive all, or any portion of, the provisions of subsection (b) with respect to any foreign country if the President determines that such a waiver would be in the best interests of the United States. The President shall submit to the Congress written notice of any waiver granted under this paragraph.

(2) Any waiver granted under paragraph (1) may be revoked by the President at any time.

(3)(A) Any waiver granted under paragraph (1) shall take effect only after the close of the 30-day period that begins on the date on which the President submits to the Congress written notice of such waiver.

(B) The following days shall be excluded in determining the 30-day period described in subparagraph (A):

(i) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(ii) any Saturday and Sunday, not excluded under clause (i), when either House of Congress is not in session.

Mr. BENTSEN. Mr. President, I ask unanimous consent that Senators CHILES, DURENBERGER, METZENBAUM, HATCH, PRYOR, DECONCINI, ROTH, MCCONNELL, THURMOND, JOHNSTON, EXON, MURKOWSKI, and DOLE be added as cosponsors.

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

Mr. DOLE. Mr. President, I am pleased to join as a cosponsor of this amendment, and I commend the Senator from Texas for taking the leadership on this issue.

Every Senator, and every thinking American, agrees that terrorism is one of the most serious challenges which faces this Nation and this world. And we all know, sadly, that certain nations—Libya and Iran among others—have actively aided and abetted international terrorists in carrying out their bloody acts.

What is less known is that, both in law and in practice, the United States is conducting trading relations with some of these countries on a "business as usual" basis. For each of the past several years, for example, the United States has imported a half billion dollars of Iranian oil. Think about that. We have provided Iran a half billion dollars, to carry on its reckless war against Iraq and to fund terrorist op-

erations in Lebanon and around the world.

Isn't it time to end what, were it not so tragic, could properly be called "nonsense?" Isn't it time to make clear to terrorist nations that there will be no more "business as usual" until they cease, once and for all, their support for terrorism?

This is an excellent first step in making sure that we are doing the right thing, and sending the right message, on this issue. Simultaneously, by providing a Presidential waiver provision, it leaves with the President sufficient flexibility to apply our policies in a way best calculated to turn countries away from support for terrorism.

Mr. President, again, I commend the Senator from Texas for crafting this amendment. And I urge all of my colleagues to join me in cosponsoring and voting for it.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 331) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. MATSUNAGA. I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The Chair informs the Senator from Hawaii that the pending business now is the Humphrey amendment, unless there is unanimous consent.

Mr. MATSUNAGA. I ask unanimous consent that the Humphrey amendment be temporarily set aside.

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

AMENDMENT NO. 339

(Purpose: To fund 2 additional positions in the office of the United States Trade Representative)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. MATSUNAGA] proposes an amendment numbered 339.

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

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

The amendment is as follows:

In section 703 of the bill—

(1) strike out "$15,248,000" and insert in lieu thereof "$15,348,000", and

(2) strike out paragraph (2) and insert in lieu thereof the following:

(2) by adding at the end thereof the following new sentence: "Of the amounts appropriated under the authority of this paragraph for fiscal year 1988—

"(A) $1,000,000 shall remain available until expended, and

"(B) $100,000 shall be used to fund a full-time position for a Deputy Director of Japanese Affairs and a full-time position for a Director of Chinese Affairs.".

Mr. MATSUNAGA. Mr. President, recently, the only officer at USTR working full-time on our trade relations with China was on loan from another agency. He recently left USTR because of USTR's lack of funds to pay for a Director of Chinese Affairs out of its own budget. Given this lack of funds, the Director for Chinese Affairs left USTR for other employment. At present, USTR has no full time officer working on Chinese trade issues.

With regard to Japanese trade, Mr. President, USTR currently has one assistant USTR in charge of Japan and China and one individual who is Director for Japanese Affairs. The only other assistants in that office are student interns. If the United States is serious about improving our trading relations with important trading partners like Japan, we need to start by putting the necessary manpower resources in place. There is no reason why our top trade policy agency has inadequate manpower resources in areas that are of critical interest to the Nation. Given the amount of resources that Japan is willing to devote to promoting its trade efforts with the United States, this addition to the budget authorization is little more than a first step to building the kind of resource base we need. For example, it is my understanding that the Japan External Trade Organization, which promotes Japanese exports, spends about the equivalent amount on its United States export promotion activities as does the United States Trade Representative on its entire budget.

Mr. President, my amendment proposes a minor addition of $100,000 to the budget authorization for the Office of the U.S. Trade Representative. If the United States is to have effective trade policymaking machinery, we must allocate the necessary funds to do so. The positions to be funded are Director for Chinese Affairs and Deputy Director for Japanese Affairs.

The amount of funds involved in this amendment are minimal. However, I believe that it signifies the kind of commitment we need to make to improve our personnel resources devoted to trade. I therefore move the adoption of my amendment.

The PRESIDING OFFICER. Is there further debate? The Senator from Texas is recognized.

Mr. BENTSEN. We have examined this and it is a good proposal and we support it.

Mr. PACKWOOD. I agree, Mr. President.

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

The amendment (No. 339) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. MATSUNAGA. I thank the Chairman and ranking minority member, again, for their courtesy.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I would like the Senate to continue work on this bill this evening until 8 or 9 o'clock if we can continue to make progress. I think some Senators may be under the impression that the amendments to other titles cannot be called up at this time. But this bill is open to amendment at any point. Any of these titles are subject to amendments being called up right now.

I would urge that this is a good time for Senators to come over and to call up their amendments. The managers are both here, and I do not think it is quite fair to expect them to sit here and wait on amendments and have Senators not come and call up amendments.

Let me say for the record how many amendments there are that are possible amendments and have been listed as such.

Concerning possible amendments to the Finance Committee titles, I have listed 42 amendments. Several of those amendments have been disposed of.

Listed under the Banking Committee titles, three amendments.

Banking and Foreign Relations Committee, six amendments.

Foreign Relations Committee, four amendments.

Agriculture Committee, one amendment.

Labor Committee, three amendments.

Governmental Affairs Committee, one amendment.

Commerce Committee, one amendment.

Other amendments, 37.

Mr. President, there are quite a number of Senators who know what is in this bill and in these titles and who have amendments that are listed. So I would urge that Senators be prepared to call up further amendments this evening.

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. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

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

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

AMENDMENT NO. 338

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the yeas and nays on the pending amendment be vitiated.

The PRESIDING OFFICER. Is there any objection? Hearing none, it is so ordered.

Mr. BYRD. Mr. President, I object. I ask unanimous consent the Senator may modify his amendment.

Mr. HUMPHREY. Mr. President, I send the modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

The amendment, as modified, is as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . TRADE WITH AFGHANISTAN.

(a) AUTHORIZATION TO PROHIBIT IMPORTS.

(1) Notwithstanding any other provision of law, the President is authorized to prohibit the importation into the United States of all products of Afghanistan after the date of enactment of this Act.

(2) For purposes of this subsection, the term "product of Afghanistan" means any article which—

(A) is grown, produced, or manufactured in Afghanistan, and

(B) is exported by—

(i) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(ii) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(b) AUTHORIZATION TO PROHIBIT EXPORTS.—Notwithstanding any other provision of law, the President is authorized to prohibit the exportation of any goods or technology from the United States for the benefit of, or use by—

(1) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(2) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(c) REPORT TO CONGRESS.—If the President has not, before the date that is 45 days after the date of enactment of this Act, taken actions under this section to prohibit trade between the United States and the Democratic Republic of Afghanistan, a regime that is sponsored by the Union of Soviet Socialist Republics, the President shall submit to the Congress on such date a report which states the reasons why the President has not taken actions to prohibit such trade.

"(c) It is not the intent of Congress to authorize the President to prohibit trade with those Afghan forces or factors for which the Congress has expressed support."

Mr. HUMPHREY. Let me just read the modification. It adds a new section, section (c).

It is not the intent of Congress to authorize the President to prohibit trade with those Afghan forces or factions for which the Congress has expressed support.

It is pretty clear, I think, that should there be, now or in the future, any trade with the mujeheddin that this amendment will in no way preclude such trade. The intent of the amendment is to cut off trade between the United States and Afghanistan as long as that government is a puppet government of the Soviet Union.

That is the intent. I do not know of any who would argue with it. If there are, let them speak now or forever hold their peace.

Mr. MATSUNAGA. Will the Senator yield for a question?

Mr. HUMPHREY. Yes.

Mr. MATSUNAGA. The proposal will still leave the discretion to the President, will it not?

Mr. HUMPHREY. It certainly does.

Mr. MATSUNAGA. So the final authority would rest with the President of the United States?

Mr. HUMPHREY. This is merely an authorization for the President to prohibit trade. That is correct.

Mr. MATSUNAGA. I thank the Senator.

Mr. HUMPHREY. Mr. President, do the floor managers wish to comment further?

Mr. BENTSEN. No.

Mr. PACKWOOD. I am ready to vote.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that Senator SYMMS be added as a cosponsor.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may be added as a cosponsor.

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

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

If there be no further debate, the question is on agreeing to the amendment of the Senator from New Hampshire, as modified. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Florida [Mr. CHILES], the Senator from Tennessee [Mr. GORE], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Georgia [Mr. NUNN], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH], are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. GORE], and the Senator from Georgia [Mr. NUNN], would each vote yea.

Mr. SIMPSON. I announce that the Senator from Minnesota [Mr. BOSCHWITZ], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Utah [Mr. GARN], the Senator from Nebraska [Mr. KARNES], the Senator from Idaho [Mr. MCCLURE], and the Senator from Alaska [Mr. STEVENS], are necessarily absent.

I also announce that the Senator from Indiana [Mr. LUGAR] is absent on official business.

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

The result was announced—yeas 83, nays 0, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—83

Adams	Glenn	Nickles
Armstrong	Graham	Packwood
Baucus	Gramm	Pell
Bentsen	Grassley	Pressler
Bingaman	Harkin	Proxmire
Bond	Hatch	Pryor
Boren	Hatfield	Quayle
Breaux	Hecht	Reid
Bumpers	Heflin	Riegle
Burdick	Heinz	Rockefeller
Byrd	Helms	Roth
Cochran	Hollings	Rudman
Cohen	Humphrey	Sanford
Conrad	Kassebaum	Sarbanes
Cranston	Kasten	Sasser
D'Amato	Kennedy	Shelby
Danforth	Kerry	Simpson
Daschle	Leahy	Specter
DeConcini	Levin	Stafford
Dixon	Matsunaga	Stennis
Dodd	McCain	Symms
Dole	McConnell	Thurmond
Domenici	Melcher	Trible
Durenberger	Metzenbaum	Wallop
Evans	Mikulski	Warner
Exon	Mitchell	Weicker
Ford	Moynihan	Wilson
Fowler	Murkowski	

NOT VOTING—17

Biden	Gore	McClure
Boschwitz	Inouye	Nunn
Bradley	Johnston	Simon
Chafee	Karnes	Stevens
Chiles	Lautenberg	Wirth
Garn	Lugar	

So Amendment No. 338, as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the Senate.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD. Mr. President, I wonder if any Senator would indicate that he is ready to call up his amendment.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. I am ready to offer an amendment on wheat that I understand is cleared on all sides.

Mr. BYRD. That is what?

Mr. MELCHER. Cleared on all sides.

Mr. PACKWOOD. Mr. President, that amendment has not been cleared on all sides. There is objection on this side and if it comes up we would not vote on it.

Mr. BYRD. Mr. President, the Senator has a right to call up an amendment dealing with agriculture.

Let me explain to Senators what the problem is. I believe if Senators understand the problem we will get more cooperation in calling up amendments.

This is a massive bill, and, as I indicated months ago, the trade bill is one of the key items on our agenda. I asked committee chairmen months ago to report out of their respective bodies legislation that dealt with trade and competitiveness in any fashion: education, copyrights, patents, trademarks, agricultural exports, job training, whatever. And they did that. Nine committees reported out legislation. Five of those bills only appeared on the calendar since and beginning with this past Monday, so the omnibus bill could not have been fused together earlier.

Now, Mr. President, last night it was indicated by a distinguished Senator that Senators had not had an opportunity to study this massive bill. I sympathize with that viewpoint, but let me also say that there are nine committees that have knowledge of nine chapters in this bill. I believe that five of those bills were reported out of those nine committees unanimously. The remaining bills were reported with strong bipartisan support. And so there are, among these 100 Senators, a great number of Senators who know a great deal about nine different titles, or at least the nine bills that came out of nine different committees, all of which nine bills are in this bill.

Now, to say that the bill is so massive that we have not had time to study it for amendments, when nine committees took ample time, conducted hearings, and marked up these bills, somebody in this Senate knows a good bit about these various bills that were reported out of those nine committees.

Now, as evidence of the fact that there are Senators who know a good bit about what is in that bill, let me state the number of amendments that are listed with the names of the offerers.

Under Finance, there are 42 amendments listed, and 3 have been since added, so there are 45 amendments. We have acted, I believe, on 8 or 9 of those amendments today. Some of the amendments today dealt with foreign policy, but they were being offered as amendments to this bill. One dealt with Panama.

The Banking Committee: Three amendments listed, and the names of the offerers.

Banking and Foreign Relations Committees: Six amendments, and the authors' names are listed.

Foreign Relations Committee: Four amendments, one of which was just disposed of, the amendment by Mr. HUMPHREY.

The Agriculture Committee: One amendment.

The Labor Committee: Three amendments.

The Governmental Affairs Committee: One amendment.

The Commerce Committee: One amendment.

Other: Thirty-seven amendments.

Mr. President, I could make a quick calculation but I will not. It is easy to see that there are close to 100 amendments still listed on this paper, after subtracting those already acted upon, together with the names of the Senators who will offer the amendments.

I have heard a little undercurrent—it has not been said to me, but it has been said to other Senators, and I have been told about it—"Well, why do we have to be in on Saturday?" Then another Senator said, "Well, what's the big hurry?"

Mr. President, what I sense here is a stall. I hope Senators will understand that I say that without attempting to implicate any particular Senator, but I am having great difficulty today, and so are these two managers, in getting Senators to call up amendments.

Senators may have been under the impression that we are to act only on amendments to the Finance Committee's title, but there has been no agreement ordered by the Senate that Senators are not to offer amendments to other titles.

Now, why are we here on Friday evening and why will we be here tomorrow? I say to my friends on both sides of the aisle that we have not been here on any Saturday this year. We have been here on only 11 Mondays this year.

We have been here a little past midnight once this year, but we finished a bill on that occasion, an important bill.

So I say that I have been very conscious of the quality of life of Senators, and I am very interested in the quality of life of Senators. I do not like late sessions. I can show by the record which I have in my pocket exactly how many evenings we have been here past 7 o'clock, exactly how many evenings we have been here past 8, how many past 9. I will not take the time of the Senate to do that.

Let me say this as to why we have to be here tonight and Saturday: Behind this bill is the reconciliation bill, at some point. We just adopted the budget conference report the day before yesterday. Action on reconciliation must necessarily await the adoption of the conference report on the budget. So that conference report has been adopted 2 days ago.

Now, who has to handle that reconciliation bill, the biggest part of it? The same Senator who has to stand here day after day and sit here hour after hour and plead with Senator after Senator to call up amendments on this trade bill. This man here, the Senator from Texas [Mr. BENTSEN], is going to have the major part of the reconciliation bill. Once he disposes of this trade bill, he has to handle it in conference with the House, and he has to deal very soon with the reconciliation measure.

He has the biggest part of the reconciliation bill and it will be the most difficult piece of legislation that this Senate will deal with in this session. It falls largely on his shoulders.

He has said to me: "I hope we can get this bill through, because I have to deal with the reconciliation measure and, God, what that's going to be like!"

So this man has to do that next. He cannot get to reconciliation and have this trade bill still pending on this floor. I am trying to help him and the ranking manager and other members of the Finance Committee to get this bill passed by the Senate so they can be ready to get on to reconciliation.

Remember, the debt limit expires on the July 17. So, how are we going to get all this done? By staying Saturday and this evening, we are not going to have any more amendments than we would otherwise have had if we had gone home today at 2 o'clock and not been in tomorrow. We would still have the same number of amendments. But we are trying to compress action on those amendments into a smaller timeframe so that Senators on the Finance Committee can go to the reconciliation bill when it comes over from the House.

Then, what is next? We have appropriations bills coming down the track. Moreover, we still have the Department of Defense authorization bill. We also still have campaign finance reform, which is not going to go away.

Mr. President, next week we will be into July. Then what happens after July? A quantum leap into September. We are only here the first week of August, unless we have to erode the

beginning of that vacation. So we jump from July to September, with all this workload. Come October, and we are into the new fiscal year, and time will be running out.

So I appeal to Senators to cooperate. I know there may be some who think I am just trying to be mean-spirited, trying to get them in for a few bedcheck votes. I do not like bedcheck votes.

I do not expect other Senators to know as much as I do about this workload, because that is my responsibility, to attempt to look far down the road, see what there is down the road, and understand what little time we have left in which to do the work that is yet to be done.

I believe that if Senators understand what the real problem is, then they will be very cooperative, and I think they are entitled to know why it is necessary that we step up the pace. That is why I have taken this time to explain.

I hope Senators will start coming to the floor. If they are not going to call up their amendments, I hope they will tell the floor staff and the managers, so that we can mark those amendments off the list.

I am going to ask unanimous consent to put this list of amendments into the RECORD—the list of amendments shown on the Democratic Policy Committee stationery. It lists the amendments that are still to be offered by both Republicans and Democrats—at least those that we know about. I ask unanimous consent to have the list printed in the RECORD.

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

S. 1420, OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1987; CALENDAR NO. 206

FINANCE COMMITTEE (TITLES I-IX)

1. An amendment to add provisions from the House trade bill that would take away an importer's right to import if he violates customs law more than three times in three years.

2. An amendment to strike the lamb quotas.

3. An amendment to strike the sugar drawback provisions.

4. An amendment expressing the sense of the Senate to encourage Canada to open its market to the distribution of U.S. film.

5. Baucus amendment to add provisions seeking a GATT Article 23 action to address adversarial trade.

6. Bingaman amendment to require that imports of native American jewelry contain a stamp of the country of origin.

7. Bingaman amendment adding sense of the Congress language regarding U.S.-Mexico trade.

8. Bradley amendment regarding non-controversial miscellaneous tariff suspensions.

9. Bradley, Metzenbaum, or Packwood amendment to strike the provisions dealing with oil imports.

10. Bradley unspecified amendment.

11. Bradley unspecified amendment.

12. Bradley unspecified amendment.

13. Exon amendment to ensure treatment of wheat gluten in international trade negotiations.

14. Glenn amendment to make the countervailing duty law applicable to non-market economy countries to the extent that the subsidy can reasonably be identified and measured.

15. Graham amendment to put CBI agreements on the fast-track basis.

16. Gramm amendment to prohibit sanctions under Section 201 from applying to any nation that is less protectionist than the U.S.

17. Gramm amendment to limit relief measures proposed by the ITC to no more than 5 years.

18. Gramm amendment to delete the import fees required under the TAA language.

19. Gramm amendment to require that any additional funding for TAA be deficit neutral.

20. Gramm amendment to strike the authority to use general funds from the Treasury for TAA-related purposes.

21. Gramm amendment to prohibit imposition of rationing, mandatory allocation, and price controls when an import "peril point" is reached.

22. Gramm amendment to outline the specific steps to be taken if an oil import "peril point" determination is made.

23. Gramm amendment to require Congressional approval of tariff increases with symmetry provided through an equivalent reduction in other tariffs.

24. Hecht amendment to exempt China from the non-market economy dumping statute.

25. Hecht amendment No. 252 to exempt China from anti-dumping laws.

26. Heinz amendment to add provisions on diversionary input dumping.

27. Hollings amendment to add provisions to change how the Commerce Department determines dumping margin. The amendment would (1) prohibit Commerce from deducting indirect selling expenses in determining foreign market value in related party transactions, and (2) eliminate the allowance for profit in determining constructed export.

28. Four Hollings amendments dealing with the Finance section of the bill.

29. Lautenberg amendment regarding the importation of ten pound chocolate blocks.

30. Matsunaga amendment to section 838 on lithotripters.

31. Moynihan amendment regarding anti-circumvention for the countervailing duty and anti-dumping laws.

32. Pryor amendment regarding rice.

33. Riegle, et al, amendment to eliminate barriers to U.S. exports in countries practicing adversarial trade.

34. Wilson amendment to eliminate the "fast-track" for bilateral agreements.

35. Wilson amendment regarding TAA to those hurt by import restraint programs.

36. Wilson amendment regarding negotiating authority.

37. Wilson amendment regarding the dumping of technical books.

BANKING COMMITTEE (TITLES X-XVI)

1. Bingaman amendment authorizing the Secretary of Commerce to give grants to Indian tribes for export promotion.

2. Metzenbaum amendment on Foreign Corrupt Practices Act.

3. Baucus amendment to apply section 10g of the Export Administration Act only to exports to eastern bloc nations, thereby cutting the DOD out of so-called west-west review, but retaining some presidential discretion to block exports to western nations.

BANKING AND FOREIGN RELATIONS COMMITTEES (TITLE XVII)

1. Bradley amendment calling for greater coordination of third world debt management.

2. Garn amendment on Export Administration Act.

3. Gramm amendment to strike the debt facility.

4. Gramm amendment to prohibit the use of taxpayer funds to establish or fund a debt facility.

5. Heinz amendments on Export Trading Companies.

6. Heinz amendment on debt for equity swaps.

FOREIGN RELATIONS COMMITTEE (TITLES XVIII-XX)

1.2. Bingaman amendment regarding the U.S.-Mexico agreement and bilateral commission on U.S.-Mexico relations.

2. Dole amendment which tightens trade restrictions against Cuba and impose an import and export ban on trade with Angola; and prohibits profits from U.S. operations in Angola to be credited as "Foreign earned income".

3. Gramm amendment to strike the language calling for the issuing of new "special drawing rights" for the poorest third world countries.

AGRICULTURE COMMITTEE (TITLE XXI)

1. An amendment to direct the Administration to expand the Export Enhancement Act to cover red meat.

LABOR COMMITTEE (TITLES XII-XXXII)

1. Bingaman amendment regarding funds to computerize State job banks.

2. Bingaman amendment calling for two studies—one on portability pensions and one on computerization of state job banks.

3. Hollings amendment to strike the provision within the Labor section which creates a small state minimum for the Chapter 1 program (Education for the Disadvantaged).

GOVERNMENTAL AFFAIRS COMMITTEE (TITLES XXXVII-XXXVIII)

1. Kasten amendment to strike ACTA.

COMMERCE COMMITTEE (TITLES XXXVII-XL-XLV)

1. Bumpers technical amendment regarding the Center on State and Local Initiatives.

OTHER

1. An amendment to add provisions to require copy code scanners on digital audio tape recorders to prevent unauthorized home taping.

2. An amendment regarding judicial review.

3. An amendment to add provisions to reallocate U.S. sugar import quotas to less developed countries.

4. Armstrong human rights amendment regarding the right to strike.

5. Baucus amendment to permit the President, under certain conditions, to sell agricultural products to Cuba on a cash only sales basis.

6. Bradley amendment regarding the U.S. sugar program.

7. Breaux amendment regarding maritime trade and competitiveness.

8. DeConcini amendment regarding copper.

9. DeConcini amendment regarding Angola trade embargo.

10. DeConcini amendment regarding Mexican Maquiladora's.

11. DeConcini amendment regarding Microtone machine Buy American Act.

12. DeConcini amendment regarding allied contribution to defense and trade deficit surplus with the U.S.

13. Domenici amendment incorporating provisions of S. 1042, regarding subsidized excess capacity controls of newly industrialized countries, limiting subsidies for either new facilities or expanding old facilities in excess of what is needed.

14. Domenici amendment to add a provision making the subsidization of excess capacity to produce nonagricultural, fungible goods an "unreasonable practice" under Sec. 301.

15. Durenberger amendment incorporate the provisions of resolution urging conferees to delete provision in House bill which lifts the 35 year embargo on imports of furskins.

16. Durenberger-Heinz amendment to strike the duty suspension process.

17. Evans amendment incorporating provisions of S. 301 regarding workers right to strike.

18. Exon amendment incorporating the provisions of his bill, S. 1218, to require food products containing 10 percent or more of imported ingredients be labeled by country of origin.

19. Gramm amendment to require a consumer impact statement which details the costs to consumers of any proposed trade legislation.

20. Gramm amendment to exempt nations that are less protectionist than the U.S. from the provisions of the bill.

21. Gramm amendment to point out the linkage between the trade deficit, the Federal budget deficit and the need for a Constitutional amendment to balance the budget.

22. Grassley amendment regarding literacy.

23. Grassley amendment regarding foreign and commercial trade.

24. Helms amendment to prohibit government-financed loans to Romania.

25. An amendment to require certain foreign investors to personal and financial information with the government.

26. McCain amendment regarding Mexico.

27. McConnell amendment incorporating provisions of S. 554 regarding tort reform.

28. Murkowski amendment to require reciprocal treatment for airport construction projects.

29. Packwood amendment regarding Section 201—To maintain presidential discretion to consider "the national economic interest" in deciding whether to grant import relief.

30. Quayle amendment to establish a program in the Commerce Department to increase the sale of American auto parts to Japanese motor vehicle manufacturers.

31. Quayle-Bumpers amendment expressing the sense of the Senate that any new legislation requiring employers to provide new employee benefits include an analysis of the impact of the benefits on employment and international competitiveness.

32. Reid amendment on National Critical Material Council.

33. Shelby amendment to ban the importation of Toshiba products for five years.

34. Symms amendment regarding foreign agricultural investment reform.

Mr. BYRD. Mr. President, Senators can see the number of amendments, and I hope the managers will get some help.

I ask the distinguished chairman of the committee, Mr. BENTSEN, who has to carry most of the reconciliation load: Have I misrepresented what the problem is here?

Mr. BENTSEN. Mr. President, I appreciate very much the comments of the majority leader. Let me say what our schedule is and what we are up against.

I look at the situation on reconciliation. I look at the budget and see the Budget Committee taking over a month to decide how much for this and that. Now we have to come back with specificity to talk about $19.3 billion and $22 billion or $23 billion. It took over a month.

I see the Ways and Means Committee starting their hearings July 7. That is the day we get back. We have to start then or very soon thereafter in the Finance Committee with our hearings. We have to work in tandem with the House.

It is going to take awhile to try to work that out. It is going to be very difficult for us.

That is why we have a window here if we can get through it for the Finance Committee for their part of this responsibility on this trade bill.

I just strongly urge that the amendments be sent forth and that we be allowed to move on them tonight, tomorrow, Tuesday, and Wednesday. If we can get them out of the way, then we can get on with our part of it on reconciliation and try to meet the schedule.

We are looking at the debt limit. That is going to be sent over to us. We are looking at the expiration of the present limitation on the 17th, I believe it is, of July.

Then you are going to have appropriations around here.

What I see us doing here is eroding October.

I think I do not see us getting out at the time that we thought we might be getting out.

It is going to be extremely difficult for us on the Finance Committee to mesh this together unless we can finish up certainly our part of it before we go out for the Fourth of July.

(Mr. ROCKEFELLER assumed the chair.)

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. Mr. President, I have been listening not with amusement because I remember making the same plea as the distinguished majority leader made a number of times in the last 2 years, and I remember one day one Senator, who will remain nameless, telling me Friday at 1 o'clock there would be no more votes today.

I thought that was sort of the leader's prerogative, but I learned later he was correct. There were no more votes on that day.

So we all understand that one Senator can delay and maybe obstruct sometimes, but in the final analysis, we have to do the work and we have been working on this side to make certain we had Republicans ready to offer amendments.

I know there is a problem with some of the major amendments with 17 absentees. There is a concern that once the major amendment is up it is probably going to stay up until next Tuesday when everybody returns.

What the leader has been trying to do effectively, so far today there has not been much wasted time, is getting a lot of these things done that can be done.

I would only indicate that certainly we will be trying to help on this side. I know the distinguished ranking member on Finance, Senator PACKWOOD, would be prepared now to offer a major amendment, but that would in effect bring everything to a standstill. There would be no more votes if the section 201 amendment came up because there are 17 Members not here. It is a very important amendment, probably the most significant amendment or one of the most significant amendments, that may come up during this debate. This is an important bill.

It is probably or could be the most important piece of legislation we pass, and I hope we pass it and we want it to be bipartisan. I want to commend the managers for their efforts thus far.

Maybe we can reach an agreement tomorrow morning on a time—certain on July whatever—to have final passage or somehow start to squeeze the play; otherwise, it will not work.

The leader knows very well and does an excellent job. We need to have a little pressure put on at the other end. But we will make every effort.

Does the Senator from Oregon have any thought we can scurry up?

Mr. PACKWOOD. Mr. President, I did not mean to send the majority leader into orbit when I indicated that on the amendment that Senator MELCHER wants to offer, there would be some lengthy discussion and no vote. There are several of our Members interested. It is not cleared on this side.

Senator BENTSEN and I have been happily taking amendments as we could and trying to get votes on them. On this particular one, it simply is not clear. It is an agriculture amendment. I am simply speaking for the Agriculture chairman on our side. It simply is not cleared and I cannot clear it for him and could not let a vote occur.

Mr. LEAHY. Mr. President, will the majority leader yield for a comment?

Mr. BYRD. Yes.

Mr. LEAHY. Mr. President, the distinguished Senator from Oregon defi-

nitely is correct. It happens to be an amendment that I think is a good amendment and I am sure I am going to be strongly supporting it.

But Senator LUGAR has been a valuable player in putting together the agricultural part of this package and in fact those who were on the Senate Agriculture Committee know we put together a package that was virtually unanimous but required, I think, the strong cooperation of both the Senator from Indiana, Mr. LUGAR, and myself in doing that.

The distinguished minority leader is a member of the committee, and others, and I would feel very reluctant personally to put all the onus on the Senator from Oregon. I would feel very reluctant to have a major agricultural part come up unless both Senator LUGAR and I were here.

I happen to support this amendment. We are not going to finish tonight. If we could finish tonight, I would try reaching him by phone to clear it. We are not going to.

I think there are a whole lot of matters we can bring up and go forward.

I will stay here as long as anybody wants tonight to discuss agricultural matters, but I think the Senator from Indiana has a legitimate point in saying he would like to be here, too.

Mr. PACKWOOD. I thank my good friend from Vermont.

Mr. MELCHER. Mr. President, will the majority leader yield to me?

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. I indicate we do have the distinguished Senator from Pennsylvania [Mr. HEINZ] who is prepared to offer an amendment at this time, maybe more than one, which I understand could be acceptable.

So we do have someone on this side prepared to offer an amendment.

Mr. MELCHER. Mr. President, will the majority leader yield?

Mr. SYMMS. Mr. President, will the majority leader yield for a question?

Mr. BYRD. I yield first to this Senator and then to Mr. SYMMS.

Mr. MELCHER. Mr. President, the wheat food amendment is agreed to on all sides. I think it is a question of whether all Senators are here who are interested in this. There is no opposition to it. It is the sense-of-the-Senate resolution, and it is for a very good purpose.

However, Mr. President, I do have another amendment involving agriculture which adds three, four, or five words to the agricultural and trade missions portions of the agricultural section of this trade bill. It is also cleared on all sides.

If we have to clear them too often we spend more time clearing than we do adopting these amendments by consent.

I am ready to offer it at any time.

Mr. BYRD. I thank the distinguished Senator. I promised to yield to Mr. SYMMS.

Mr. SYMMS. Mr. President, I wanted to ask if the leader anticipates whether there will be any more rollcall votes tonight or not.

Mr. BYRD. I wanted to go to 8 o'clock. I first cleared this with our manager after all and I asked him earlier if he felt like going that long. He said he felt he would go as long as we were making progress; if he could have movement to 8, fine.

I cannot force Senators to offer amendments. I am not going to stay in and keep Senators in if Senators will not offer amendments.

Just a cursory mathematical exercise here tells me there are 126 amendments here.

So even though there may be one or two amendments in agriculture that for one reason or another Senators feel should not be called up, there are a lot of other amendments.

Mr. BENTSEN. Mr. President, I think I made a count on our side and I understand the minority has an amendment on their side that deals with this particular section of the bill.

Mr. BYRD. Very well.

Mr. BENTSEN. That we can move on.

Mr. BYRD. While the distinguished minority leader is here, then I will yield the floor.

Mr. President, there is a sense of the Senate amendment by Mr. DECONCINI and others dealing with Korea and he has indicated to me and I believe he has talked with Mr. GRAMM and others that he would be willing to have a time limit thereon of 40 minutes to be equally divided.

Mr. DOLE. Fine.

Mr. BYRD. I make that unanimous-consent request.

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

Mr. BYRD. I take it I better include something to the effect there be no amendments, or if there are amendments to it with no amendments.

Mr. DOLE. That would be helpful, with no amendments.

Mr. BYRD. I ask unanimous consent that no amendments be in order.

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

Mr. BYRD. Mr. MOYNIHAN has an amendment that would require a report on future economic trends. He is willing to do it in 30 minutes equally divided on this amendment.

Mr. PACKWOOD. Mr. President, is Senator MOYNIHAN here?

Mr. BENTSEN. Yes; he was. He just walked out.

Mr. PACKWOOD. The reason I ask that, that is the report that imposes an extraordinary reporting requirement on STR. It is a relatively small organization. I do not know if the Senator has seen the amendment or not. It is fundamentally a fact-gathering task.

Mr. BENTSEN. I understand the Secretary of the Treasury, I believe——

Mr. BYRD. I may have been mixed up.

Mr. BENTSEN. It is coordinated with the trade adviser and they consult with the Federal Reserve, I believe.

Mr. BYRD. Very well.

I will temporarily then withhold the request on that.

Mr. REID has an amendment to increase the personnel for a study by the National Critical Material Council.

I understand he would be willing to have 30 minutes, equally divided.

Mr. President, I ask unanimous consent that there be 30 minutes, equally divided, on that.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, that has been cleared with Mr. HOLLINGS.

Mr. BYRD. I make that request.

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

Mr. BYRD. Mr. President, I will sit down. I understand there are two amendments.

Mr. BENTSEN. I have one from this side and one from the other side.

Mr. BYRD. Very well.

Let me say that tomorrow we come in at 9 a.m.

I ask unanimous consent, if the distinguished Republican leader is agreeable, that immediately after the prayer the Senate resume consideration of the trade legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DECONCINI. Reserving the right to object, and I do not plan to.

The request you made on the DeConcini amendment, that is a freestanding vote, not on the trade bill.

Mr. BYRD. Yes; it is a sense-of-the-Senate resolution.

Mr. DECONCINI. Would we not take that up tomorrow morning?

Mr. BYRD. Yes.

Mr. DECONCINI. Then you want to come back on the trade bill, even though you are going to go to the freestanding resolution?

Mr. BYRD. I understand what the Senator is saying.

Mr. President, I ask unanimous consent that Mr. DECONCINI lay his resolution down this evening. I ask unanimous consent that time begin running on the resolution by Mr. DECONCINI at 9 o'clock in the morning subsequent to the prayer.

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

Mr. BYRD. Then I ask unanimous consent that, upon the disposition of the resolution by Mr. DECONCINI, which will be a freestanding resolu-

tion—I understand it is a Senate resolution, not a joint resolution or not a concurrent resolution—the Senate resume consideration of the trade legislation.

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

Mr. BYRD. Mr. President, I will sit down now, after I say that in the morning the Senate will come in at 9 o'clock. After the prayer, the Senate will proceed to the consideration of the resolution by Mr. DECONCINI, on which there is a time limitation of 40 minutes to be equally divided.

Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays now on that resolution.

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

Mr. BYRD. Mr. President, I ask for the yeas and nays on the resolution by Mr. DECONCINI.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, Mr. MOYNIHAN is here now. I would like to request that there be a 30-minute time limitation on the amendment by Mr. MOYNIHAN.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Reserving the right to object, I think the Senator from Oregon would like to see the amendment.

Mr. BYRD. Very well. I withdraw that request for now. I yield the floor. I thank all Senators.

One thing I should say to Senators. I hope that the Senate could do business tomorrow on the trade legislation and on other matters, if necessary, such as conference reports. There is a conference report on the homeless relief legislation.

I hope we could do business until around 6 o'clock. There is no point in coming in on Saturday and just staying in until 1 o'clock, because we are here on a serious matter. I hope the Senate will prepare itself accordingly.

Mr. REID. Will the leader yield?

Mr. BYRD. Yes.

Mr. REID. It is my understanding my amendment would come up tomorrow morning, also with a time limit that you have suggested.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator from New York, Mr. MOYNIHAN, be recognized to call up his amendment immediately after the disposition of the resolution by Mr. DECONCINI and——

Mr. MOYNIHAN. I am prepared to call my amendment up now.

Mr. BYRD. Very well.

Mr. President, I ask unanimous consent that the amendment by Mr. REID be in order immediately following the disposition of the DeConcini resolution.

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

Mr. PACKWOOD. Mr. President, could I make only one request of the leader: Those two amendments that are coming up are not finance amendments, which is fine, but if we could encourage the chairman and ranking member of, I think it is, commerce and is it foreign relations?

Mr. DECONCINI. Yes. It has been cleared.

Mr. PACKWOOD. If they could be here to handle their parts of it, it would be helpful.

Mr. BYRD. Senator PELL is here.

Mr. DOLE. Mr. President, I wonder if I might inquire—as I understand it, neither one of these amendments are controversial—will there be rollcall votes on these two noncontroversial amendments? I guess the ultimate question is: Will there be any additional rollcall votes this evening if there are not votes on these two noncontroversial amendments?

Mr. BYRD. Mr. President, I ask Mr. MOYNIHAN, does he want a rollcall vote?

Mr. MOYNIHAN. No, I do not.

Mr. BYRD. Who is the other one?

Mr. DOLE. Senator HEINZ.

He does not need a rollcall?

MR. BYRD. Very well. Does any other Senator wish to call up an amendment tonight?

Mr. MELCHER. I have an amendment.

Mr. DOLE. Will that need a rollcall?

Mr. MELCHER. No, no rollcall. This one has been cleared. It has to do with nonprofit agribusiness organizations.

Mr. BYRD. Mr. President, may I suggest that there be no more rollcall votes tonight, but that Senators come early, cooperate tomorrow, call up their amendments, and let us have a good day and get as much work as we can done tomorrow.

Mr. METZENBAUM. Would the leader give us some indication as to what time we expect to be out of here tomorrow afternoon?

Mr. BYRD. Six o'clock.

Mr. DOLE. Mr. President, I ask unanimous consent that I may speak out of order for 1 minute.

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

ARTHUR BURNS

Mr. DOLE. Mr. President, today Arthur F. Burns, who served four American Presidents—Republican and Democrat—with distinction, died.

Whether it was as Chairman of the Federal Reserve Board—a job he held 8 somewhat turbulent years for the economy—or most recently as President Reagan's Ambassador to West Germany, Arthur Burns used his keen intellect and pragmatic approach to deal successfully with critical and often delicate issues.

He was widely respected and admired among the business community and in economic circles.

And while serving in Bonn was his first diplomatic mission, I know from visiting West Germany with the German people that it was readily apparent they held him in the highest esteem.

Mr. President, I want to express my condolences to his wife, Helen, and the Burns family. This country, and Members of both political parties and those outside political circles, have lost a valued public servant and good friend.

Mr. MOYNIHAN. Mr. President, may I just briefly join the distinguished Republican leader in expressing condolences on this side of the aisle to Mrs. Burns and to their children.

The United States has lost a public servant of extraordinary capacity, who served from the time of President Eisenhower's administration to President Reagan's. Few men have added as much to the integrity of public service.

If any person has ever had the privilege of knowing Ambassador Burns, Chairman of the Federal Reserve Board Burns, counsel to the President Burns, he has known a person of towering intelligence and integrity. It is a gift to the country in that aspect of character as great as any contributed in his specific and extraordinarily successful career as an economist.

I had the honor to serve in the Cabinet with Arthur Burns and I shall mourn him even as we celebrate his life.

Mr. LEAHY. Mr. President, Arthur Burns was one of the most distinguished of all Vermonters. I know how deeply we Vermonters feel and how the people of Fairlee, VT, must feel tonight.

I will speak at greater length, as I am sure the distinguished senior Senator from Vermont [Senator STAFFORD], will at another time.

But I do want to join in the comments made by the distinguished Senator from New York and the distinguished Senator from Kansas in saying that I, too, mourn the passing of Dr. Burns and send my condolences to his wife, Helen, and to the members of his family. He has given more than could ever be asked of people in public service.

Mr. BENTSEN. Mr. President, I join in the comments of the Senator from New York. I think he was one of the ablest men in economics that I have known in a long time, a man of great integrity, intellect, and patience. I might say that he helped educate me some on economics.

● Mr. GARN. Mr. President, a great American died today: Arthur Burns. Born in Austria, Dr. Burns came to the United States at age 10 and proceeded to serve this country with great distinction in a wide range of positions.

His Government service included serving as Chairman of the Board of Governors of the Federal Reserve Board, Chairman of the President's Council of Economic Advisers and Ambassador to the Federal Republic of Germany. When not in Government, Dr. Burns' research on the management of business cycles made significant strides in pushing back the frontiers of knowledge in the science of economics.

I had the honor of getting to know Arthur Burns while he was serving as Chairman of the Federal Reserve Board. His immense contributions while in that position were a product of both his intellect and of the great respect for him in Congress and in the financial community.

Arthur Burns believed deeply, as I do, in the independence of the Federal Reserve. The independence that the Federal Reserve has today is to a large extent attributable to his efforts and the universal respect be enjoyed.

I join all Americans in extending my deepest sympathy to Helen Burns, his wife of 57 years, and his two sons, Joseph and David.●

DEATH OF ARTHUR BURNS

Mr. DOMENICI. Mr. President, about 2 hours ago I heard that Arthur Burns had died. I called his wife, Helen. I know them both very well. I did not want to let the day pass without just saying a few words about him here on the Senate floor.

In my 20 years in political life, and the years before that, I do not think I have ever met a man that I had more confidence in, that I had more respect for. I must say in the last year or so, because of his generosity, he spent a great deal of his spare time here on the Hill with four or five of us talking and exchanging views.

I do not think there was anyone around that I really loved more.

His passing, however, as I think about his life, his wife, I believe they can look back on it, he can look back on it, down on us, and I am quite sure he can be very proud of what he has accomplished.

If there ever was a person who this Senator would ask a caricature artist to draw as the epitome of Solomon, as I read about the wise Solomon, since I did not see him and I do not know what he looks like, I would have them draw Arthur Burns.

Perhaps I would even have them draw Arthur Burns exactly after he was asked a complicated question before either the Joint Economic Committee or the Budget Committee when he put his pipe in his mouth and before he answered he puffed on it for a couple of seconds. Then pearls of wisdom and judgment just flowed from the lope of this great man.

Clearly, one could spend far more than a few moments talking about what he has accomplished in his years, but suffice it to say that he served the people of this land in an extraordinary way. He served Presidents of these United States in an extraordinary way. He served the committees of the Congress as he testified year after year, time after time, in an extraordinary way.

From what I know, he did all of that because he loved this country and he had a great and abiding sense of responsibility to it and to those who asked him to commit of himself and to sacrifice and to give and to share.

I am sure his wife and his family feel the same with reference to his personal affairs. The man that he was, he must have taken those responsibilities as seriously as the ones he did with all of us, our children in the future and a couple of generations back, in American economic and marketplace history.

So I rise tonight to say thanks to him for what he did, what he did for all of us, what he did for this magnificent country, his stalwart advice; his age did nothing to his versatility and his mind.

He was open to new ideas, but he held onto basic principles. I just wanted to say thank you to him tonight and thank his family for what they did to lend so much of him to us for so many years.

It is with real regret that I stand here. I saw him before he went in the hospital; I had not had an opportunity to visit him there, although I talked to him once. But I do think when historians write about great Americans of the past 35 years in this land, if they are talking about just the very few that stand out, they will be hard pressed not to include a picture of my idea of Solomon, Arthur Burns.

I thank the Chair.

OMNIBUS TRADE AND COMPETITIVENESS ACT OF 1987

(The Senate resumed consideration of the bill.)

AMENDMENT NO. 340

(Purpose: To add tax-exempt nonprofit agribusiness organizations as entities that may be represented on agricultural aid and trade missions)

Mr. MELCHER. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. MELCHER] proposes an amendment numbered 340.

On page 541, line 8, insert "tax-exempt nonprofit agribusiness organizations," after "cooperators,".

Mr. MELCHER. Mr. President, this is page 541. It simply adds to the trade mission and to developing agriculture trade opportunities one other group besides cooperators and private voluntary organizations that we include in tax-exempt nonprofit agribusiness organizations.

Our good friend and dear colleague, Senator Jennings Randolph, serving on the Agri-Round Table, which is such a nonprofit organization, has made the recommendation that we add that to give further meaning and further substance to the trade missions.

It has been cleared by Senator LUGAR's staff and by Senator LEAHY. I do not think anybody would object to it, Mr. President. I hope it can be accepted.

Mr. BENTEN. Mr. President, we checked with the chairman of the Agriculture Committee and he has no objection to it. I know there is no objection on our side.

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

The amendment (No. 340) was agreed to.

AMENDMENT NO. 341

(Purpose: To require a annual report on international trade)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk, read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 341.

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

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

The amendment is as follows:

At the end of subtitle D of title IX, add the following:

SEC. . ANNUAL TRADE REPORT.

(a) IN GENERAL.—In order for the Congress to be informed of the impact of foreign trade barriers and macroeconomic factors on the balance of trade of the United States, the United States Trade Representatives and the Secretary of the Treasury shall jointly prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on April 1 of each year a report which consists of—

(1) a review and analysis of—

(A) the merchandise balance of trade,

(B) the goods and services balance of trade,

(C) the balance on the current account,

(D) the external debt position,

(E) the exchange rates,

(F) the economic growth rates,

(G) the deficit or surplus in the fiscal budget, and

(H) the impact of market barriers and other unfair practices of the United States, the European Communities, all other Western European nations considered as a group, Japan, Canada, Latin America, Korea, Taiwan, Hong Kong, and Singapore and the Arab member countries of the Organization of Petroleum Exporting Countries, considered as a group, and of all other countries considered as a group;

(2) projections for each of the economic factors decribed in the subparagraphs of paragraph (1) except (E) for each of the countries and groups of countries described in paragraph (1) for the year in which the report is submitted and for each of the 2 succeeding years; and

(3) conclusions with regard to whether the projections described in paragraph (2) are satisfactory from the standpoint of the United States, and if the projections are not satisfactory, the policy changes, including changes in trade policy, exchange rate policy, and fiscal policy, that will be implemented to improve the outlook.

(b) CONSULTATION.—

(1) The United States Trade Representative and the Secretary of the Treasury shall consult with the Chairman of the Board of Governors of the Federal Reserve System in the preparation of each report required under subsection (a).

(2) After submission of each report required under subsection (a), the United States Trade Representative and the Secretary of the Treasury shall consult with each of the congressional committees described in subsection (a) with respect to the report.

(c) COMMITTEE REPORTS.—Each of the congressional committees described in subsection (a) shall prepare and publish a report which contains the views and recommendations of the committee with respect to each of the reports submitted under subsection (a).

Mr. MOYNIHAN. Mr. President, this simple amendment I am happy to report has been well received on both sides of the aisle. I have spoken with our distinguished special trade representative, Mr. Clayton Yeutter, and a representative from the Treasury, about the amendment. They each made one useful change. And with those changes, the amendment has their support as well.

The purpose is as follows: To begin a regular tracking and reporting by the executive branch of the various factors which influence the trade balance and trade performance.

A great change in the 1980's has been the sudden lurching of the United States into a trade deficit situation after a half century of, I believe, unbroken trade surpluses. This profound change was brought about, primarily, by a change in exchange rates. And, also, to some extent, by a change in trading practices.

The mix of causes for the trade deficit is an elusive one. The relevant salience of one factor as against another, and further factors such as productivity, general entrepreneurial efforts of the Nation, are things which we have not had to pay much heed to because they had taken care of themselves.

We suddenly see, in this decade, that this need not be the case and that great and unwelcome surprises come to an economy and society that does not follow these matters.

I think it is particularly the case, that in the early parts of this decade we found great difficulty in eliciting from the Treasury Department the kinds of comprehensive and comprehensible analysis of what was going on. In large measure the administration themselves were not clear enough on the subject.

It is the record of American Government from its very early beginnings—and our Constitution requires—a census. And we build statistics into our system of government. We have always found you do not really learn to do anything about a problem until you have learned to measure it. The great strength of the American National Government is the strength of its national statistics.

As different issues come along, those statistics are brought to bear on those issues.

It was not really until we learned to measure unemployment under the Employment Act of 1946, that we began to be sensitive to its fluctuations.

We used to take, for 170 years or so, the unemployment rate once every 10 years if at all. In the case of the Great Depression in the 1930's, we took unemployment rates in the spring of 1930 when there was not yet much effect of the oncoming Depression and in the spring of 1940, after the war preparations had resumed.

Officially in our data the Great Depression does not exist. In 1946, having learned to measure employment, we began the annual reports of the Council of Economic Advisers. The Bureau of Labor Statistics began to collect monthy data, it became more refined, and we know more about the subject.

It is my hope that, on a one-time annual basis, we now should receive from the Secretary of the Treasury and the Special Trade Representative, in consultation with the Chairman of the Federal Reserve Board, a review and analysis of these specific matters.

Among the flows to be analyzed are the merchandise balance of trade; the goods and services balance of trade, which will increasingly become salient as services export and services import begin to be a large part of economic flows between nations; and the balance on the current account.

We need to know about our external debt position. We suddenly, in this Nation, became a net debtor in about 1983, if I recall, having been a net creditor since approximately 1917, when the allied powers liquidated their holdings in the United States. And this is not a very pleasant experience at all. It came as a great surprise. I think we could have seen it coming better had we had this annual report.

We would like to see an analysis of exchange rates, which has been the great factor in affecting trade flows in the 1980's; of economic growth rates; of the deficit and surplus in the fiscal budget and the impact of market barriers and other unfair practices from different communities.

Mr. President, we think this is a useful move. We do not expect it to be an institution in our economic life overnight but we think, of course, in a relatively few years it will help clarify the thinking of the executive branch by concentrating on an April 1 report and, in turn, will help us in our thinking on the matter.

Mr. President, I believe this has been accepted on both sides. If there is no further Senator who wishes to speak, I move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BENTSEN. Mr. President, I thank the distinguished Senator of New York. One of the things I like from the amendment is the fact that you have a collection of data, and often raw data. But here what the Senator is calling for, he is calling for some conclusions. He is calling for what is the impact of this kind of information so we can exercise a better judgment in our action and I think it is a contribution and I am delighted to support it.

Mr. MOYNIHAN. Mr. President, may I make one further point? At the request of the Treasury a very sensible change was made. We ask for projections of these various matters but with the exception of exchange rate projection that could influence markets. The Treasury does not want exchange rates projections to influence markets. We do not want that to happen.

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

The amendment (No. 341) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 342

(Purpose: To provide additional authority for the U.S. Trade Representative)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ) proposes an amendment numbered 342.

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

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

The amendment is as follows:

On page 191, line 17, strike the quotation mark and final period and add the following:

"(3) The U.S. Trade Representative may, in a manner consistent with the purpose of any so-called 'third country equity provision' of an arrangement entered into under the President's Steel Policy, take such actions as he deems necessary with respect to steel imports of any other country or countries so as to ensure the effectiveness of any portion of such arrangement.".

Mr. HEINZ. Mr. President, I am offering this amendment at the request of the U.S. Trade Representative. It is an amendment that grants discretionary authority to ensure that any country cooperating with the administration will not be disadvantaged when there is a question of making such a program as the President's VRA program work. I have cleared this amendment on both sides of the aisle and I believe there is no objection to it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BENTSEN. Mr. President, we have examined the amendment and we have no objection.

Mr. PACKWOOD. I agree.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 342) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I have one further request, if I may.

First, I thank all Members for their action on the amendment. I have some additional remarks I would like to put into the RECORD at this point.

I will just say that the problem, as I think everybody knows, which we are addressing is when the President announced his voluntary restraint agreement on steel, as one example, it required the cooperation of a number of countries who were shipping to this country to enter into voluntary restraint agreements. Many of those voluntary restraint agreements contained so-called equity provisions. That is to say that the U.S. agreed that they would not let any overall voluntary restraint agreement hurt that particular country's position relative to other countries.

These arrangements were made, but what has happened since is that because there are, in this instance, a number of countries that were not participants in the President's voluntary restraint program, they have been increasingly achieving windfall gains at the expense of the cooperating countries. As a result, both their positions is being undercut as is the President's program.

I would cite one or two to support that contention.

The VRA countries, that is to say, those countries that have been cooperating, had a share of imports into the U.S. market of approximately 81 percent at the beginning of the program. That has declined to 65.6 percent for the first quarter of 1987. It was about 75 percent in 1986.

Back in 1985 when the President's program began to take effect, about 23.6 percent of our markets were taken by imports and VRA countries took 19.1 percent of that. The non-VRA countries, the ones, that is to say, that obviously had not agreed to cooperate, took 4.5 percent.

By the first quarter of 1987, the share of the non-VRA countries had gone from 4.5 percent to 7.2 percent, and the share of the VRA, that is to say, the cooperating countries, had gone down to 13.7 percent.

Clearly, shipments from countries like Canada, Sweden, Taiwan, and Singapore were increasing, some as much as 40 to 50 percent over this period. Their share of market was increasing.

It was clear that these countries happened to take advantage of the situation to increase their share.

It may be noted that other countries, such as Japan, Korea, the European Community, had agreed, in effect, when they concurred in their voluntary restraints, to sacrifice market share in the interest of helping our steel industry recover and in helping President Reagan implement the steel program.

Now, frankly, they see that the gains that they have sacrificed are not going for the purpose originally intended but to Canadian, Turkish, and Singapore industries instead.

The amendment that we have adopted gives discretionary authority to the U.S. Trade Representative for the purpose of implementing equity provisions to make the VRA effective. It is not country specific, it is not mandatory, but it will be helpful.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h-276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the first session of the 100th Congress, to be held in Cancun, Mexico, June 26-30, 1987: the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Georgia [Mr. FOWLER].

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 46 U.S.C. 1295, appoints the following Members to the Board of Visitors of the U.S. Merchant Marine Academy: the Senator from South Carolina [Mr. HOLLINGS], from the Commitee on Commerce, Science, and Transportation; the Senator from Alaska [Mr. STEVENS], from the Committee on Commerce, Science, and Transportation; and the Senator from New York [Mr. MOYNIHAN], at large.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the region 2 agreement for the Medium Frequency Broadcasting Service (Treaty Document No. 100-7), which was transmitted to the Senate today by the President of the United States.

I further ask that the agreement be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Regional Agreement for the Medium Frequency Broadcasting Service in Region 2, with annexes, and a Final Protocol (containing a statement of reservation made by the United States), signed on behalf of the United States at Rio de Janeiro on December 19, 1981. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Agreement.

The Agreement establishes a Plan of frequency assignments and associated procedures designed to enable the International Telecommunication Union (ITU) member countries of Region 2 (essentially, the Western Hemisphere) to protect each other's radio broadcasting services in the medium

frequency band (535-1605 kHz, commonly known as AM radio) from mutually caused objectionable interference. It is the result of two sessions of a Regional Administrative Radio Conference held in 1980 at Buenos Aires, and in 1981 at Rio de Janeiro, under the auspices of the ITU. The Regional Agreement will replace the 1950 North American Regional Broadcasting Agreement (NARBA) and the 1968 U.S.-Mexico agreement as the basic agreement among North American countries to maintain an orderly development of their AM radio services. The Agreement, with one exception noted below, is consistent with the proposals of and positions taken by the United States at the 1981 conference.

Given the level of objectionable interference to U.S. stations from various countries in the Region (particularly Cuba), the United States, at the time of signature, submitted a statement (No. 14) on this subject for inclusion in a Final Protocol to the Agreement. The statement, with reasons, is given in the report of the Department of State.

I believe that the United States should become a party to this Agreement, which has the potential to improve the utilization of medium frequency broadcasting services in the Western Hemisphere, and it is my hope that the Senate will take early action on this matter and give its advice and consent to ratification of the Agreement, with annexes, and a Final Protocol (containing a statement of reservation made by the United States).

RONALD REAGAN.

THE WHITE HOUSE, *June 26, 1987.*

THE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished acting Republican leader whether or not calendar orders numbered 159, 209, and 210 are cleared on his side of the aisle.

Mr. HECHT. They are, Mr. President.

Mr. BYRD. I thank the Senator.

I ask unanimous consent that the Senate proceed to the consideration of calendar orders numbered 159, 209, and 210 seriatim.

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

PROTECTIVE SERVICES

The Senate proceeded to consider the bill (S. 442) to amend section 914 of title 17, United States Code, regarding certain protective orders, which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

That section 914(e) of title 17, United States Code, is amended by striking out "three years after such date of enactment" and inserting in lieu thereof "on November 8, 1990".

SEC. 2. Section 902(a)(2) of title 17, United States Code, is amended by adding at the end thereof the following: "The President may revise, suspend, or revoke any such proclamation or impose any conditions or limitations on protection under a proclamation.".

Mr. LEAHY. Mr. President, Congress enacted the Semiconductor Chip Protection Act of 1984 because a void in the law enabled pirates to appropriate American inventors' chip designs with impunity. The 1984 chip law was tailored to the unique properties of semiconductor technology. It created the first intellectual property right outside traditional patent, trademark, and copyright principles.

The U.S. chip law protects foreign nations only to the extent that they provide reciprocal protection for American chips. It permits the Secretary of Commerce to extend interim protection to chips made in countries making good faith progress toward a law protecting American chip designs.

This carrot-and-stick approach has been quite effective. Seventeen nations—the 12 members of the European Economic Community, plus Japan, Sweden, Canada, Australia and Switzerland—have earned transitional protection.

Because many of the successes of the 1984 Chip Act would be vitiated if the Secretary's authority to issue interim protection were to sunset as it is scheduled to in November, I introduced legislation extending the Secretary's authority for 3 years.

In addition to the interim authority of the Secretary of Commerce, S. 442 also addresses the President's authority under the 1984 Chip Protection Act to issue a proclamation protecting chips designed in another country once that country has enacted a law protecting our American chips. In 1984, we granted the President this authority in order to promote international comity.

However, in today's world marketplace, there is a reality we have to recognize. That is, that some nations misuse the privileges we make available to them. We don't want the President to issue permanent protection to a nation that has restricted imports on American chips, or that has sought unfair advantages over America's semiconductor industry.

Moreover, once a Presidential proclamation has been issued giving a foreign nation the benefits of protection under our chip law, we want to be sure that nation acts in good faith. Thus, the Judiciary Committee's Subcommittee on Technology and the Law amended S. 442 to specify that the President may "revise, suspend or revoke" a proclamation if conditions warrant such action. The amendment is modeled after a parallel provision in section 104 of the Copyright Act.

I proffered this language in order to send a signal to the White House. It says that Congress wants the President to monitor diligently the faithful enforcement of the Semiconductor Chip Protection Act.

It also sends a clear message to the beneficiaries of Presidential Proclamations. It says that when the United States extends a privilege to them, they have an ongoing responsibility to comply in good faith with the American law. It means that they have a duty to faithfully enforce the chip laws that enabled them to earn the President's confidence.

Mr. President, this bill was unanimously approved by the Judiciary Committee. It is cosponsored by Senators DECONCINI, HUMPHREY, and HATCH. I encourage all of my colleagues to support it and I look forward to working toward its prompt enactment with Representative KASTENMEIER, chairman of the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice whose record of leadership on protection for semiconductor chip designs is outstanding. I ask unanimous consent that the text of S. 442 be printed at this point in the RECORD.

Finally, I thank Matthew Gerson, general counsel of the Subcommittee on Technology and the Law, for his good work in bringing this legislation to the point of Senate passage.

Mr. THURMOND. Mr. President, I support S. 442 which proposes amendments to the Semiconductor Chip Protection Act. I was a cosponsor of that legislation when Congress passed it in 1984. I feel now, as I did then, that it is important for the United States to encourage other countries to pass laws to protect chip designs.

Under the 1984 act, design protection is extended to chips from foreign countries if that country provides design protection which is similar to that provided by the United States. In order to encourage countries to change their laws, that act gives the Secretary of Commerce the authority to grant interim protection to chips from those countries that are making progress in changing their laws. The Secretary's authority will expire on November 8, 1987, unless this bill, which would extend that authority for 3 years, is passed.

Currently, interim protection has been extended to 17 countries. These countries have been making satisfactory progress. However, as we all know, changing a country's laws can sometimes be a long and tedious process. Therefore, it is necessary to give these countries additional time to effect these changes.

This bill also contains a provision which makes it clear that Presidential proclamations issued under the act may be revised, revoked, or suspended.

If this bill is passed, I believe that we will continue to see progress in this area. The administration as well as representatives from the semiconductor chip industry have indicated their support for this legislation. I urge my colleagues to join me in supporting this measure.

The committee amendment in the nature of a substitute was agreed to.

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

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

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

The motion to lay on the table was agreed to.

PREPAYMENTS UNDER SECTION 515 OF THE HOUSING ACT

The bill (S. 1430) to impose a moratorium on prepayments under section 515 of the Housing Act of 1949, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 515 of the Housing Act of 1949 is amended by adding at the end thereof the following:

"(q) Notwithstanding any other provision of law, including section 502(c)(2), prior to January 1, 1988, the Secretary may not accept or process any application for prepayment, accept prepayment, or request refinancing, of any loan made or insured under this section, unless (1) such loan was made or insured at least 20 years prior to the date of prepayment, or (2) for a loan made or insured pursuant to a contract entered into before December 21, 1979, the Secretary determines that a supply of adequate, comparable housing is available in the community, or that prepayment or refinancing of such loan will not result in a substantial increase in rents to tenants in residence upon date of prepayment or refinancing or displacement of such tenants.".

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

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

The motion to lay on the table was agreed to.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS AND NATIONAL FALLEN FIRE FIGHTER MEMORIAL

The concurrent resolution (S. Con. Res. 38) to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, CO, was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 38

Whereas fire fighters have dedicated their lives to protecting communities;

Whereas the working environment of fire fighters entails hazards beyond the normal limits of other occupations, including exposure to unknown toxic elements;

Whereas nearly 1,200 fire fighters have died in the line of duty since 1977;

Whereas the Colorado Springs, Colorado, affiliate of the International Association of Fire Fighters is building a permanent memorial in recognition of fire fighters who have given the ultimate sacrifice while performing their duties;

Whereas the Colorado Springs Fire Fighters Association has commissioned sculptor Gary Coulter to produce a "Heroic Bronze" entitled "Somewhere Everyday" to permanently commemorate fallen fire fighters;

Whereas fire fighters from around the country are raising funds to pay for the statue;

Whereas the city of Colorado Springs had donated the land for the statue and surrounding plaza and will provide perpetual care and maintenance of the memorial grounds;

Whereas the statue has been unanimously approved by the Arts in Public Places Commission;

Whereas the Fallen Fire Fighter Memorial is centrally located to give fire fighters from all over the country an opportunity to visit the memorial; and

Whereas the International Association of Fire Fighters adopted a resolution at their 1986 convention endorsing the Fallen Fire Fighter Memorial in Colorado Springs, Colorado, as the National Fallen Fire Fighter Memorial of the International Association of Fire Fighters: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress recognizes the Fallen Fire Fighter Memorial in Colorado Springs, Colorado, as the International Association of Fire Fighters National Fallen Fire Fighter Memorial.

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

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

The motion to lay on the table was agreed to.

MEASURE INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar Order No. 92 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Mr. HECHT. No objection.

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

NATIONAL SOKOL DAY IN THE UNITED STATES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 165 declaring June 27, 1987, as "National Sokol Day" in the United States and that the Senate proceed to the immediate consideration of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 165), expressing the sense of the Senate and the House of Representatives that the President is authorized and requested to issue a proclamation declaring June 27, 1987, as National Sokol Day in the United States.

The joint resolution (S.J. Res. 165) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

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

S.J. RES. 165

Whereas, the Sokol, an association of Americans whose ancestry hails from Czechoslovakia and who are dedicated to gymnastics, physical fitness, equality of the sexes, freedom, and democracy is celebrating the 125th anniversary of its existence with a national festival, called the XX Sokol USA National Slet, on June 27th, 1987 in the Washington, D.C. Armory; and

Whereas, the Slet will be attended by thousands of gymnasts, young and old, men and women, from many parts of the United States who, like Sokol's founder, Dr. Miroslav Tyrs, strive for, "A sound mind in a sound body," for "no personal profit or glory;" and

Whereas, the Sokols since their inception have always been firm believers in democracy and were a very important element in the struggle of the people of Czechoslovakia for their freedom during World Wars I and II; and

Whereas, the Sokols were one of the first organizations in the United States which promoted gymnastics; and

Whereas, the first Sokol unit was established in St. Louis, Missouri on March 14th, 1865 and since that time they have always firmly supported the principles of democracy, human rights, and excellence in all endeavors without compromise: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the sense of the Senate and the House of Representatives of the United States of America in Congress assembled that the President is authorized and requested to issue a proclamation declaring June 27th, 1987 as "National Sokol Day in the United States".

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

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

The motion to lay on the table was agreed to.

BICENTENNIAL OF THE NORTHWEST ORDINANCE OF 1787

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of House Joint Resolution 181, a joint resolution dealing with the bicentennial of the Northwest Ordinance of 1787, and I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the joint resolution.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 181) commemorating the Bicentennial of the Northwest Ordinance of 1787.

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

The joint resolution (H.J. Res. 181) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that earlier action on the companion measure, Senate Joint Resolution 82, be vitiated.

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

MEASURE INDEFINITELY POSTPONED

Mr. BYRD. Mr. President, I ask unanimous consent that Senate Joint Resolution 82 be indefinitely postponed.

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

MEASURE PLACED ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that I may introduce on behalf of Mr. SHELBY and Mr. HEFLIN in a bill (S. 1447) to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area and that the bill be placed on the calendar.

Mr. HECHT. No objection.

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

Mr. SHELBY. Mr. President, this bill I am introducing addresses a problem of concern for two counties in Alabama with respect to obtaining their metropolitan statistical area [MSA] designation. My legislation, cosponsored by Alabama's senior Senator HOWELL HEFLIN, would allow the counties of Morgan and Lawrence in Alabama to be considered for designation as a single metropolitan statistical area by the Director of the Office of Management and Budget [OMB] without regard to the portion of the Bankhead National Forest within Lawrence County.

The existing MSA definition permits urbanized areas which have a central city of 25,000 or more persons, and which are located in a county of less than 100,000 persons to be designated as an MSA if an adjacent county qualifies on the basis of certain standards of population density and worker-commuting.

The only criterion preventing the Decatur area from receiving the designation is the fact that Lawrence County's 1980 population density—43 persons per square mile—falls short of OMB's threshold of 50 persons per square mile. Lawrence County would easily meet OMB's population density requirement of 50 persons per square mile were it not for the fact that the Bankhead National Forest embodies over one-fifth of the county's land area.

Research has shown conclusively that Decatur, AL, is the only nonmetropolitan area in the Nation which as been deprived of the MSA designation because of OMB's requirements that National Forest properties be included in the population density formula.

I believe in view of the unusual nature of this situation, and in view of the fact that this "technicality" is the only criterion preventing OMB from designating Morgan and Lawrence Counties as a metropolitan statistical area, with Decatur as the central city, that this legislation is needed for OMB to recalculate Lawrence County's population density, excluding the national forest portion.

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

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

S. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Morgan and Lawrence in Alabama shall be considered for designation as a single metropolitan statistical area by the Director of the Office of Management and Budget without regard to the portion of the Bankhead National Forest located within Lawrence County.

ORDER FOR H.R. 2480, INTERNATIONAL FISHERY AGREEMENT BETWEEN THE UNITED STATES AND KOREA, TO BE PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of H.R. 2480, a bill to extend temporarily the International Fishery Agreement between the United States and Korea, and that the bill be placed on the calendar.

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

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

FARMERS NEED CCC FUNDING

Mr. DANFORTH. Mr. President, Missouri farmers, and farmers throughout the country, have suffered serious and totally needless financial hardship because Congress has not yet produced a supplemental appropriations bill to fund the programs of the Commodity Credit Corporation [CCC]. It is extremely disappointing that the new leadership in this Congress has permitted a partisan fight over arms control to make a hostage of farm program payments. It is an absolute disgrace that our farmers should have to pay the costs arising from the misplaced desires of some Congressmen to micro-manage this Nation's foreign policy. Scores of distraught farmers contact my office every day to express their frustration because they entered into agreements with the U.S. Government in good faith and now Uncle Sam isn't living up to the bargain.

It is now my understanding that the ice is breaking and that House and Senate conferees are pushing hard to produce a bill. Indeed, some Senators believe we will be able to complete action next week. For the sake of farmers who have been put through the wringer for absolutely no good reason, Mr. President, I hope the optimism about finally passing this bill is well-founded. It's about time.

However, even if the optimism that I have picked up today is well-founded and we finally do our duty, we are not off the hook. Farmers have taken a terrific financial beating because payments due to them under contracts have not been made. We cannot overlook the damage that has been done.

In 1982, Congress passed and the President signed into law the Prompt Payment Act. Senator CHILES and I introduced this legislation in the Senate in order to clean up the notorious bill-paying practices of a number of Federal agencies. Delinquency on bills was widespread. Suppliers of goods and services had to wait weeks or even months for payment with severe financial consequences, especially for small businesses. Under the 1982 law, if agencies fail to pay their bill on time, they are required to pay penalty interest to suppliers. The current rate for calculating penalty interest is 7⅝ percent. Payment is due generally within 30 days; payment on meat and other agricultural commodities are due in 7 and 10 days, respectively. As a result of this legislation, significant progress has made in this troublesome area.

But does the Prompt Payment Act apply to the CCC? I believe it clearly does, although USDA seems to disagree. Earlier this year, the Comptroller General ruled that certain CCC contracts for red meat are covered by the Prompt Payment Act. I intend to contact the Secretary of Agriculture to express my hope that USDA will abide by the Comptroller General's position. And why should other CCC contracts be treated differently? My inclination would be that the Department should take the position that the act applies generally to CCC contracts,

although I suspect USDA will be unwilling to take this position.

The Senate will have the opportunity to address these issues when we conside S. 328, the Prompt Payment Act Amendments of 1987. The Governmental Affairs Committee has approved a provision that will make it clear that an agency is not exempt from the Prompt Payment Act simply because funds are temporarily unavailable. I would hope to have a reply from the Secretary by the time we take up S. 328. It seems to me that all or most CCC contracts should be covered by the Prompt Payment Act, and I would be interested in discussing this question with members of the Governmental Affairs Committee.

SCHOLAR ON MOZAMBIQUE OUTLINES CURRENT SITUATION THERE

Mr. HELMS. Mr. President, the Subcommittee on Africa of the Foreign Relations Committee heard testimony on June 24 of an outstanding and widely respected scholar on Mozambique. Dr. Thomas H. Henriksen, senior fellow of the Hoover Institution on War. Revolution and Peace, outlined the origins of the present civil war in Mozambique as well as describing the present situation there.

Dr. Henriksen noted:

By the time of FRELIMO's second party congress in 1968, the part program had shifted to the Marxist left, as FRELIMO sided with those who wished to wage a world-wide class struggle. When called a Communist movement by Portuguese colonial officials during the guerrilla war, FRELIMO officials, however, denied the charge and stated that their reliance on Soviet bloc military assistance was a necessity.

The situation sounds much like what happened in Cuba. Few in our State Department recognized, or admitted, that Castro's guerrillas were, in fact, of Communist origin.

Dr. Henriksen noted the similarities between the early Soviet and early Communist Chinese governments in terms of attempting to minimize the international recognition of their socialist nature.

With respect to Mozambique, Dr. Henriksen observed that the civil war is the result of the unpopularity of the FRELIMO regime and the popular support for Mozambique National Resistance [RENAMO] throughout the country.

In the last analysis, it was FRELIMO's domestic policies which caused its greatest problems. FRELIMO is the only legal party in the country. It controls the media. Soon after independence it set up "re-education camps" for thousands of Mozambicans deemed guilty of political offenses. It was indeed FRELIMO Communist schemes of collectivization and confiscation of private property and oppression of individual rights that planted the seeds of the formidable internal challenge now posed by RENAMO.

. . . It was and is FRELIMO's collectivized agricultural schemes that led directly to the famine which stalks that unhappy country. FRELIMO's policies occasioned widespread famine and the flight of refugees into neighboring states, just as similar schemes had helped to create the Ethiopian catastrophe of 1985. Under Portuguese colonialism, no equivalent famine had existed. Many Mozambicans wanted to get rid of Lisbon's rule—they won their independence—but not their expected freedom from fear or want.

Dr. Henriksen has devoted much of his academic life to the study of Mozambique. His publications on the topic include "Revolution and Counterrevolution: Mozambique's War of Independence, 1964-1974" (published in 1983) and "Mozambique: A History" (1978).

I commend his views to my colleagues, and I ask unanimous consent that his testimony be printed in the RECORD.

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

STATEMENT BY DR. THOMAS H. HENRIKSEN, SENIOR FELLOW, HOOVER INSTITUTION ON MOZAMBIQUE

Mr. Chairman, I welcome this opportunity to speak with this committee today about the situation in the People's Republic of Mozambique and the American policy toward and aid to that country.

Our policy objectives for the People's Republic of Mozambique should be to restore and advance United States influence; to deny the Soviet Union the use of that country's ports and airfields to expand its influence in southern Africa, the Indian Ocean and even reaching into the continent of Antartica. Our goal should also be to further the development of democracy in Mozambique as we did in such countries as the Philippines and Haiti by withdrawing support for the anti-democratic regime in power.

It is apparent that these objectives and goals are not furthered by present U.S. support for the current government of the People's Republic of Mozambique—FRELIMO, or the Front for the Liberation of Mozambique. FRELIMO is by its own declaration a "Marxist-Leninist vanguard party", which has in 1977 entered into a party-to-party twenty-year Treaty of Friendship and Cooperation with the Communist Party of the Soviet Union. In addition to acting as a staging area for Soviet objectives in the region, Mozambique has a long history of antidemocratic policies and oppression of its own citizens.

Following the growth of an opposition party espousing a platform of free and fair elections, such as the Mozambique National Resistance (RENAMO, formerly MNR), FRELIMO has reputedly seen the light. But despite FRELIMO's assumed conversion to pragmatism and neutralism, the FRELIMO leopard has not changed its spots. Allow me to summarize the key aspects of FRELIMO's rule before dealing with aspects and arguments of American aid and policy for the main players in the current drama in the People's Republic of Mozambique.

FRELIMO came into being in 1962 when three small organizations merged to launch a campaign to end Portuguese colonial rule. True to its name, the Front for the Liberation assumed "popular front" tactics designed to secure a broad base of support among Mozambicans and foreign states against colonialism. FRELIMO's initial political platform called principally for national liberation. Other resolutions of the First Congress in September, 1964, were directed to the achievement of independence by means of mobilization, preparation for war, education and diplomacy.

By the time of FRELIMO's second party congress in 1968, the party program had shifted to the Marxist left, as FRELIMO sided with those who wished to wage a world-wide class struggle. When called a communist movement by Portuguese colonial officials during the guerrilla war, FRELIMO officials, however, denied the charge and stated that their reliance on Soviet bloc military assistance was a necessity.

But after independence, FRELIMO's alliance with the Soviet bloc was as unmistakable as was its hostility to the West in general and the United States in particular. Likewise its domestic and foreign policy's demonstrated a wholehearted and genuine conversion to Marxism. I have mentioned already FRELIMO's announcement of being a "Marxist-Leninist vanguard party" at the Third Party Congress in 1977, and FRELIMO's party-to-party treaty with the CPSU. Additionally, FRELIMO invited Soviet warships to Mozambique ports, allowed Soviet aircraft to use its airfields and sent its youth and cadres to Soviet and Cuban schools and training camps.

In the last analysis, it was FRELIMO's domestic policies which caused its greatest problems. FRELIMO is the only legal party in the country. It controls the media. Soon after independence it set up "re-education camps" for thousands of Mozambicans deemed guilty of political offenses. It was indeed FRELIMO communist schemes of collectivization and confiscation of private property and oppression of individual rights that planted the seeds of the formidable internal challenge now posed by RENAMO.

The new regime in Maputo (formerly Lourenco Marques) sought to abolish private enterprise, introduce People's Shops, formed cooperative industrial centers and collective farming by moving tillers off the soil into communal villages. FRELIMO nationalized many farms, banks, industries and even the services of morticians, doctors and schoolteachers. It became embroiled in controversy with the Catholic Church in Mozambique by criticizing its rituals and schools, and by proclaiming its Marxist version of atheism as official state doctrine. The FRELIMO government also sought to undermine traditional rulers and ancient customs in its efforts to create a New Man, reminiscent of other communist regimes.

Alarmed by government policies, the Portuguese colonial population fled, leaving about 10,000-20,000 of the former 230,000 present before independence. The departing whites took their skills and capital, leaving the new country woefully short of managers, farmers, bankers, physicians, teachers, technicians and repairman. The economy worsened. Agricultural output tumbled to well below colonial production figures. The service sector collapsed. FRELIMO's efforts to improve literacy and health standards faltered.

Just as devastatingly, FRELIMO policies helped destablize traditions and customs of the rural Africans, who little understood and greatly feared the changes in their daily lives. The government moved them from traditionally held lands to communal villages by promises of readily accessible water, schooling, medical care and farming

assistance which proved to be upsetting. When the promised amenities failed to appear, Mozambicans, who had experienced rising expectations, expressed discontent and some turned to opposition. Rhodesia (now Zimbabwe) capitalized on Mozambican discontent by organizing, training, arming FRELIMO opponents.

The Marxist government matched its sweeping domestic programs with a forward foreign policy. FRELIMO granted sanctuaries and support to the Zimbabwe African National Union (ZANU), whose guerrillas fought to displace the Rhodesian government. The Rhodesians retaliated by devastating raids and pre-emptive strikes, not only on ZANU bases, but also on Mozambique's economic infrastructure. The Rhodesian imbroglio only extended the scope of FRELIMO's problems.

RENAMO's message and actions gained new converts. Former FRELIMO members, as well as urban dwellers and rural folk, became increasingly disenchanted with a Marxists regime, which strove to impose its vision of a reordered society on an economically backward land. For a time, the rebels received assistance from South Africa (until the signing of the Nkomati Accord in 1984.) But since its inception, RENAMO has proved adept at capturing weapons from FRELIMO or by simply improvising them. By all independent accounts, RENAMO lacks sophisticated weapons, uniforms, and arms for its recruits. Yet the struggle goes on.

In my opinion, it was and is FRELIMO's collectivized agricultural schemes that led directly to the famine which stalks that unhappy country. FRELIMO's policies occasioned widespread famine and the flight of refugees into neighboring states, just as similar schemes had helped to create the Ethiopian catastrophe of 1985. Under Portuguese colonialism, no equivalent famine had existed. Many Mozambicans wanted to get rid of Lisbon's rule—they won their independence—but not their expected freedom from fear or want. The United States should once more support the popular cause. Hence, I should like to make the following recommendations.

1. The United States Department of State, Agency for International Development and other appropriate American government offices should open contact with RENAMO.

2. The United States, wherever possible, must provide moral and material support to peoples struggling against communist inspired and communist aided governments. If we, as a nation, can back democracy in authoritarian states friendly to the United States, such as in Marco's Philippines or Baby Doc's Haiti, then we can and should support democratic forces, such as RENAMO, in countries such as Mozambique, which have not been friendly to the United States.

Specifically, we should provide military assistance to RENAMO to the same extent provided to UNITA (União Nacional para e Independência Total de Angola), about $15 million a year.

If the Soviet bloc (including Cuba and Ethiopha) withdraws its forces, advisors and ground troops from the People's Republic of Mozambique, in an effort to extend its policy of glasnot to the Third World, then the United States could consider reversing its decision to send arms to RENAMO.

Additionally, the United States should match its humanitarian aid, such as food relief, to FRELIMO with a similar amount to RENAMO. RENAMO's objectives of free and fair elections and the withdrawal of Foreign forces are commensurate with both American goals and values.

3. The United States should not participate in aid programs designed to rebuild or to protect the Beira Corridor. Some wellwishers of the FRELIMO regime point to its apparent adoption of pragmatism in its economic policies. We should, however, be wary of undue optimism in this regard. Short periods of economic liberalization in communist countries have never as yet produced political freedom. For example, the Soviet Union's New Economic Policy of the early 1920s was followed by the brutal Stalin policies of the next three decades. China's campaign of a Hundred Flowers preceded the terror of Cultural Revolution. Hungary has done somewhat better; but even Hungary is not a free country, and Janos Kadar does not serve as a model for the Mozambican nomenclature.

United States assistance to FRELIMO may in fact have unintended consequences. The United States would strengthen a Marxist-Leninist regime. By offering help in rebuilding Mozambique's infrastructure, the United States may unwittingly encourage individual Mozambicans to pursue private enterprise. Once the FRELIMO regime feels secure from foreign pressure, FRELIMO might well again change the party line and purge the new, but now unwelcome class of entrepreneurs. Speaking in more general terms, the West has never as yet succeeded in converting any communist regime into a democracy through the provision of foreign aid.

4. At the very least, the United States should post an accredited ambassador from Washington to Maputo, who will strive to place the United States in a position to offer its good offices in a search for peace. Such an ambassador should take as an initial step in fostering communications and negotiations between RENAMO and the Maputo regime.

In my opinion, history is at a crossroads in the People's Republic of Mozambique. The United States should choose to march with democracy.

It is a positive step that this committee is bringing into the open the question of People's Republic of Mozambique. It, of course, is up to the committee to decide what position it will take on the situation in Mozambique. In conclusion to this statement, I would like to suggest, however, that America's best interests are served by a strong Congressional stand that this country is on the side of RENAMO and the democratic government in Mozambique.

If I can provide additional details or answer your questions, I would be pleased to do so.

Thank you.

SUBSEABED DISPOSAL OF HIGH LEVEL NUCLEAR WASTE

Mr. HECHT. Mr. President, yesterday I introduced S. 1428, a bill to set up a special office in the Department of Energy to carry out research on the possiblity of subseabed disposal of high level nuclear waste.

The Federal Government has been participating in this research since 1974. By 1985 ten other nations had joined the United States in a cooperative research effort on this subject, with America contributing only about 42 percent of the total research budget.

Subseabed is potentially a superior alternative to our current plans for high level nuclear waste. It may prove to be cheaper and safer. This research allows us to cooperate with other nations in finding a common solution to the waste problem, and a solution that reduces the chances of nuclear proliferation. Finally, this research enables America to stay at the cutting edge of ocean research and technological development.

In the past, this research has been under the administrative direction of the Office of Civilian Radioactive Waste Management at the Energy Department. Unfortunately, that office has shown little or no interest in subseabed disposal, but instead has been preoccupied with promoting deep geologic disposal inside the continental United States. As a result, subseabed disposal research was not funded last year. If this sort of research does not go forward as it was intended according to the Nuclear Waste Policy Act of 1982, it is entirely possible that the Energy Department's entire waste disposal program might unravel due to a legal challenge under the National Environmental Policy Act.

If subseabed research is to receive the attention it deserves from the Energy Department, the Congress is going to have to put another part of the department in charge of this research effort. This bill puts the program in the office of energy research, where I expect it will receive more attention from the department.

Mr. President, I encourage the Senate to give this bill enthusiastic bipartisan support, and I hope we can rapidly process it through committee and bring it to the floor of the Senate for favorable consideration.

I ask unanimous consent that Senator REID be listed as a cosponsor of S. 1428.

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

LIZ CARPENTER ADDRESSES NATIONAL PRESS CLUB

Mr. FOWLER. Mr. President, it is wonderful to have Liz Carpenter back in town. She has always been a fount where the waters of wry wit and sobering wisdom have intermingled in a refreshing vision.

Yesterday, at the National Press Club luncheon here in Washington, the insight of a woman who has served eight presidents came through with greater crispness and clarity than ever.

Her book, "Ruffles and Flourishes", from 1970, is an unparalleled manual of the American political campaign.

Now, on her 65th birthday, she has published a new book of reminiscence and sage advice called "Getting Better

All the Time". I can't think of a more appropriate way to describe her. Long live Liz Carpenter!

I was pleased to be present for her speech, and I wanted to share it with my colleagues who couldn't be there.

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

REMARKS BY LIZ CARPENTER

How great thou art! How great it is to return after ten years and to find you are still here in the town where "try to remember" has become the national anthem. Like Rip Van Winkle, I rub my eyes in wonder at Washington today. Like George Bush, I wonder where I am and where I have been all this time.

It is gratifying that so many of you haven't forgotten me. But how many of you really remember what a President was doing August 8, 1986? Forgetting, of course, is a bad thing . . . remembering to forget is good politics.

It seems like only ten years ago, the speed limit was 55. Today it's 65 and so am I. I'm observing the limit, but I warn you, I'm accelerated. I am picking up speed, but at my age, that's about all. Well, we are all into aging. That sex symbol, Paul Newman is 62. Ben Bradlee is 66. Why am I so glad to know that?

If I have any claim to this podium, it is because this National Press Building has been a big part of my life for forty years. From FDR to Jimmy Carter, I had the pleasure of watching Washington through eight Presidents, and a whole covey of Vice Presidents and a gaggle of Attorneys General. I am a pre-television, pre-word processor, pre-pill, pad and pencil reporter.

When I came here that summer of '42, Franklin Roosevelt was President and Eleanor was making news and newspaper jobs for women. I was 22 when I first walked into this building . . . journalism degree in hand, virtue intact. I still have my journalism degree. I was a brunette then, and so naive, I thought the "body politic" was a candidate's wife.

I made the rounds looking for a job, wide-eyed at the mastheads on the doors: The New York Herald Tribune, Look Magazine, Bascom Timmons News Bureau—they had leaped out at me from the pages of my journalism textbook and here they were in real life. I had been given a trip to Washington as a graduation present so I wouldn't marry some Yankee soldier stationed in Texas. (We still had Yankee soldiers in World War II.) And I didn't. I married the boy from back home, also a reporter, and we were swept up into covering this magnificent marble Capitol, "Grandaddy and grandchild of all the main streets of America, in which evil men do good things and good men do evil in a way of government so delicately balanced that only Americans can understand it and often they are baffled." Remember? That was the description our fellow reporter, Allan Drury, gave in his novel that we all wished we had written.

Reporting is a marvelously romantic profession and here in this building, we worked, launched a family, a career, and life. Of course, we had Potomac fever! This is heady stuff. Uncle Sam in all his glory and a press pass to every thought and action. Every few years when things got dull, there were new faces, new Presidents and first families to cover and analyze.

I had become a reporter in spite of the advice of my first editor. Why is it we never encourage anyone to go into our profession? I remember his warning, "You don't want to be a newspaperwoman. It's the most underpaid and oversexed profession in the world." Of course, he never did anything to disprove it. Later, he went on to work at the Miami Herald.

So here I am back in town, stunned by headlines of shenanigans on Wall Street, Washington, the pulpit . . . what happened? Oh, in the past, we always had probes and investigations but it was friendlier like a good gynecologist. Come to think of it, that's what politics is coming to.

In the good old days, hanky panky was—

A midnight leap into the Tidal Basin;

A Congressman losing his pacemaker at the Marriott;

Drew Pearson and Joe McCarthy in a fist fight at the Sulgrave Club;

Harry Truman firing General MacArthur;

President Eisenhower removing the squirrels from the White House lawn so they wouldn't tear up his golf tee;

Arthur Schlesinger jumping into Bobby Kennedy's swimming pool with his clothes on;

LBJ showing his scar;

Watergate and the overgrown little boys tiptoeing around Foggy Bottom to bug the other gang;

Ham Jordan tossing amaretto and cream down the cleavage of an ambassador's wife.

But today, news has gone hog wild and you get the blame for telling it.

Today, I had hoped to bring some jokes and gag lines, but all the cutesy Gary Hart quips and puns about Iranamuck have been said. There's nothing left. Time was when I knew every nuance, every player, every quip around the press table, but I am no longer "au courant." I would like to report what they are saying and thinking in the middle of the Bible Belt where I come from—not below the Bible Belt where pious people seem to be straying.

In my own Lake Woebegone, my hometown of Salado, Texas—population 1,380 when everyone is home—we called a town meeting and even named it "understanding evil." Our local psychiatrist says someone needs to, now that evil is so stylish. It seems like a compassionate approach to a timely subject to help us know what's going on.

At the first meeting, we studied the problem of cocaine and Wall Street. Our local banker said, "Well, I've been wondering why Dow Jones is so high and now I know."

At the second meeting, we tried to understand the White House and the Contras. The Democratic chairman claimed he had seen it coming. "What do you expect from a crowd with so many Reagans and Regans and Bakers and Bakkers they can't decide how to pronounce them or spell them. Hell, we've just got it straight that Iran and Iraq are two different countries." Or are they? I haven't read today's papers.

At the third meeting, we tried to understand about Jim and Tammy Faye. Our local minister was in charge, and was he embarrassed. He just bowed his head in prayer, "Lord, forgive us that it would be a preacher who made 'Love Lifted Me' a porno song."

In our moment of truth, we realized "bringing in the sheaves" has a whole new meaning on the national level!

Actually, we grassrooters should be paying more attention. But in Texas where chapter 11 is a way of life, we have been too busy learning how to be broke.

And I have been busy aging and reflecting on life. It began on my Medicare birthday. Yes, a funny thing happened on my way to, hopefully, heaven. My back went out and I couldn't get out of bed, so, I began to think—what did it all mean, what did I learn in taking up space on this earth for sixty-five years.

And that set me doing what any of you could and should do, i.e. write an accounting of life as you have known it. Write it for your descendants if no one else so they won't keep making the same mistakes, and, of course, so they can know you.

As my fellow Texan, Bill Moyers, points out "You can't ignore the rear view mirror, every story is the consequence of events often unremembered but always inescapable. But alas, what is happening this hour seems to be our sole criterion for judgment and action."

He is amazed to find some young people who ask, "Who is this fellow Churchill you are always quoting?"

So it is with individuals. We are shaped by our genes, our roots, our education and experiences, by being tested on the trial fields of life. Ask yourself, what has life taught me and you find you're in debt to a wide circle of people and experiences.

I am so lucky. Life has always led me where things are happening, where people are exhilarating, where actions and laughter come quickly. When I took time out to ponder it, I had a book. At 65, I am proud to say, I mastered a word processor, graduating from the Underwood upright which had served me so well through my newspaper days, and I began to write, "Today, I am sixty-five years old. That seems like a lot to my grandchildren. They look at my white hair and think 'old,' maybe everyone does. But for me, it seems like nothing at all. I am still the same person, I have always been, the child wading in the creek, writing school songs, attending the university, going to Washington as a cub reporter, covering the Hill and the White House, then working in the White House, and finally coming home to lead a new kind of life as a widow."

I began to ask myself the question: "What is home? Roots, trappings, family, work, love. What is home for me? Five houses take shape, walls come alive, porches and rooms reach out to touch me, from the house where I, was born to my last lap house, my happy hour house overlooking Austin. This press building is very personal to me, part home, echoing another time, another me. I never pass the press building cornerstone, laid by Calvin Coolidge, with what was undoubtedly a very short speech, that I don't think of his last day in office. He strolled outside the grounds of the White House with a friend who asked in whimsy, "Who lives there?" Coolidge replied, "No one." But in truth, we all do. It is that sense of possessiveness which we all have about Washington whether we sit in the seat of the mighty or watch from the grassroots.

I recommend this exercise of reflectioning for everyone. We witness in our life span so much history and there is more time to reflect on it. Most of us will live sixty years after we are twenty. Some of us will even get to hear Willard Scott say happy birthday when we reach 100. He barely bothers with the 90 year olds any more.

We have just begun to probe what this new gift of time offers. Obviously, there is more time to learn and, as John Gardner points out, it's what you learn after you know it all that counts. We learn how to change careers and interests several times. We learn how much friendship really counts—how to widen our circle of friends by being one. We seize new ways to serve.

Like Van Gogh, I do not think we were put on this Earth to be merely honest or simply happy. We were put here to realize great things for humanity. This provides a sense of purpose so necessary to happiness. Then, we learn how humor is essential for perspective about ourselves. And we learn to avoid congenital complainers.

Age is very liberating. Grey hair is a license to say what you think. And what is happening beyond the mesmerizing Potomac? What is taking shape at this very moment? I am here to tell you:

(1) An almost superhuman effort is underway to save education. We simply have to redefine national defense to include education. The States are awash with emergency committees to put our priorities where they belong, off the sports field and into well financed classrooms. Otherwise we lose our world markets.

(2) There is a real antagonism towards soaring costs of political campaigns. Voters are drained by fundraisers and disgusted by the failure to put a lid on campaign costs which breed payoffs, and place a price on acts of public service.

(3) There is a graying of the peace movement. You hear it in the songs: "And may we have peace on Earth and may it begin with me." "We are the world, we are the children." We are also supposed to be the responsible adults.

The Contra hearings have won a lot of TV armchair peacemakers. The spectacle of hired gun runners, war profiteers, Swiss bank accounts and munitions makers is terrorizing. If Robert Sherwood hadn't used the title "Idiot's Delight" for his anti-war play, we could use it now. Back in Salado, even our local rifle association knows guns and missiles kill people, whether they are made in the USA or the USSR.

When I came to this town, there were 70 foreign nations represented here. Now there are about 160. Yet even as the world grows more crowded we have not found the way to make it more peaceful. It has been said the cold war set America's political maturity back two generations by creating an unreasoning fear of the Soviets which fuels the arms race. No one can know for sure whether this is so. Looking back, it was pretty silly not to let Khrushev go to Disneyland. It may be just as silly not to believe Gorbachev is for real. Yet, the only person brave enough to say it was Gregory Peck.

Out there in the grass roots, these are the stories waiting to be covered. Never have thoughtful journalists been so needed.

I assure you that dismay over national events has not created apathy. People are looking for answers and optimistic that we shall find them.

What saves us in a time of unthinkable shenanigans? What saves us when the system falters, the leaders go awry?

I used to think the only enemies of democracy were poverty and ignorance. but age and experience have taught me it is also the poverty of the rich and the ignorance of the learned who know the rules and wink at them. One thing our political history proves is that despite the headlines, behind the headlines, there are values that endure, people who don't follow the latest trends. The great movements for justice did not come from Washington but from the grassroots, scattered voices banding together to form coalitions for civil rights, equality for women, a humane environment, peace. Indeed the very reason pollsters were born was to search out the early signals that are alive in this country.

So we keep on trying what keeps us spellbound, ever hopeful, as citizens and as reporters in this free democracy with its free press, are the surprise endings.

Fifty years ago, we had a terrible depression, who would have thought it would be the aristocratic country squire from Hyde Park to give us a social conscience and put government and the country to work?

We survived a massive war and who would have imagined it would be the cocky high school graduate haberdasher from Independence wise enough to lift Europe out of the ashes of that war?

And in the aftermath, that it would be the military man who would check the excesses of the Pentagon's military industrial complex?

It was the wealthy swashbuckling Boston Lancelot who rallied us to ask what we could do for our country . . . and enobled public service as a career.

No Harvard or Stanford graduate gave us our agenda for education. It came from the Johnson City graduate of a small State teachers college—the same Texan who put civil rights into law and action.

It was the commie hunter from California who made us recognize Red China.

The Michigan football center who opened up access lines to government.

The Christian Southern Baptist who brought the Jews and Arabs to the altar of the peace table.

Maybe, just maybe, it will be the jingoistic hawk . . . who will bring us into an arms control treaty and lay down the swift sword. Wouldn't it be nice if the world announced a universal peace party and everyone RSVP's.

Yes, surprise endings to the continuing story of trials and failures, of scandals and shortcomings, in this ever trying unfinished democracy of ours.

Andy, I want to present the first copy of my book to the National Press Club library, so I can keep on being part of this building. The title of my new book is getting better all the time. Look at that cover girl. I'll let you in on a secret. The hair is real but the wrinkles aren't. They were airbrushed in to make me look more mature.

In closing, I offer you and everyone this toast:

Here's to your ability
To have the agility
To take your virility
Into your senility.

RETIREMENT OF JOHN A. KNAUSS

Mr. CHAFEE. Mr. President, Dr. John A. Knauss, dean of the Graduate School of Oceanography and vice president of Marine Programs at the University of Rhode Island, is retiring this month after an outstanding career at U.R.I. The leadership and guidance that he had consistently supplied to the school will be deeply missed.

Dr. Knauss' dedication to the university is limitless, and his contributions to the marine affairs scientific community are overwhelming in their variety and comprehensiveness.

John began his career in oceanic research with the U.S. Navy, but came to Rhode Island and to U.R.I. in 1962 after earning his doctorate at the Scripps Institution of Oceanography. Nineteen sixty-two was also the first year of the Sea Grant Program, and since that time Dr. Knauss has been a leader of that program, both in my home State and nationally. He has served as president of the association of Sea Grant Program institutions, but his accomplishments in the oceanic research field extend far beyond this position.

Dr. Knauss has served on several Federal advisory committees and he has been appointed to two presidential commissions, including the National Advisory Committee on Oceans and Atmosphere, of which he served as chairman from 1981-85. He has also been chairman of the Ocean Science Committee of the National Academy of Science, and has served on numerous other boards and committees in a variety of positions. In addition, he has written two textbooks and countless articles.

His career in the marine science field has certainly been full and successful.

The people of my home State are proud of John Knauss. Indeed, he was elected to the Rhode Island Heritage Hall of Fame in 1982. After all, in Rhode Island the ocean touches upon every citizen's life in one form or another. Our State is inextricably linked to the sea, both commercially and recreationally. Rhode Islanders deeply admire a man who has made the study of the ocean his life.

I believe that Dr. Knauss's record effectively demonstrates his dedication to educational quality, as well as public service and awareness. I congratulate John Knauss on his performance as dean at the University of Rhode Island and on his leadership in his chosen field of endeavor. His extraordinary efforts are recognized, appreciated, and admired. We wish him the best in his approaching and well-deserved retirement.

BICENTENNIAL MINUTE

JUNE 26, 1787: CONSTITUTIONAL CONVENTION DECIDES ON SENATE TERM AND PAY

Mr. DOLE. Mr. President, 200 years ago today, on June 26, 1787, the Constitutional Convention arrived at two major decisions about the structure of the proposed Senate.

By a vote of seven States to four, the delegates agreed to Gorham of Massachusetts' recommendation that Senators serve 6-year terms. South Carolina's Pinckney had urged a 4-year term, fearing that Senators would become too detached from the interests of their States if they were away at the national seat of government for a longer period. Read of Delaware, to the contrary, preferred an unlimited term of service "during good behavior." As he knew there was no support for this, he settled on the longest term then being considered—9 years. James

Madison agreed, saying "In framing a system which we wish to last for ages, we should not lose sight of the changes which ages will produce. An increase of population, will of necessity increase the proportion of those who will labor under the hardships of life, and secretly sigh for a more equal distribution of its blessings." Madison feared that without a stable Senate, power could slide into the hands of the numerous poor rather than the few rich. Despite Madison's wishes, the Convention defeated the 9-year term in favor of 6.

South Carolina's Pinckney then moved that Senators should receive no salary. As the Senate was to represent the wealth of the Nation, its membership should be composed of persons of wealth. Ben Franklin agreed. He hoped that many of the Convention's delegates would become Senators. If those positions were well paid, the public might charge the delegates with carving out comfortable positions for themselves. When this was defeated by a vote of 5 to 6, the delegates then rejected a motion that Senators be paid by their respective States. Ultimately, the Convention left the touchy issue of the amount of salaries to the first Congress.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, 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 and a treaty, which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:20 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 2700. An act making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; and

H.J. Res. 324. Joint resolution increasing the statutory limit on the public debt.

MEASURES REFERRED

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

H.R. 2700. An act making appropriations for energy and water development for the fiscal year ending September 30, 1988, and for other purposes; to the Committee on Appropriations.

H.J. Res. 324. Joint resolution increasing the statutory limit on the public debt; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The Committee on Commerce, Science, and Transportation was discharged from the further consideration of the following bill which was placed on the calendar:

H.R. 2480. An act to extend temporarily the governing international fishery agreement between the United States and the Republic of Korea.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 318. A bill to provide for the restoration of Federal recognition to the Ysleta del Sur Pueblo and the Alabama and Coushatta Indian Tribes of Texas, and for other purposes (Rept. No. 100-90).

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. KASTEN:

S. 1433. A bill to amend the Federal Meat Inspection Act with regard to certain frozen meat products; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BYRD (for Mr. GORE (for himself and Mr. SASSER)):

S. 1434. A bill for the relief of Rolen-Rolen-Roberts International of Knoxville, Tennessee; to the Committee on the Judiciary.

By Mr. EVANS (for himself and Mr. ADAMS):

S. 1435. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DANFORTH:

S. 1436. A bill to amend the Hazardous Materials Transportation Act regarding the transportation by rail of certain materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS:

S. 1437. A bill to make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence; to the Committee on Foreign Relations.

By Mr. DURENBERGER (for himself, Mr. HEINZ, Mr. DASCHLE, Mr. LUGAR, Mr. COHEN, Mr. MCCAIN, Mr. EXON, Mr. WIRTH, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HECHT, Mr. BURDICK, Mr. PRESSLER, Mr. STEVENS, Mr. CONRAD, Mr. STAFFORD, and Mr. HATCH):

S. 1438. A bill to assist rural hospitals facing unfair Medicare payment policies; to the Committee on Finance.

By Mr. MCCLURE:

S. 1439. A bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said Act, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EVANS (for himself, Mr. INOUYE, Mr. RIEGLE, Mr. KERRY, Mr. MURKOWSKI, Mr. HATFIELD, Mr. DECONCINI, Mr. HATCH, Mr. STAFFORD, Mr. KARNES, Mr. GLENN, Mr. LEVIN, Mr. ADAMS, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. WIRTH, Mr. MATSUNAGA, Mr. SIMON, Mr. SARBANES, Mr. PELL, Mr. STEVENS, Mr. WEICKER, Mr. DODD, Mr. BINGAMAN, and Mr. MOYNIHAN):

S. 1440. A bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid and Food Stamp programs; to impose a temporary moratorium for the collection of penalties under such programs, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. BRADLEY, Mr. HATCH, Mr. RIEGLE, Mr. QUAYLE, Mr. BENTSEN, Mr. MATSUNAGA, Mr. WEICKER, Mr. STAFFORD, Mr. INOUYE, Mr. SIMON, and Mr. BURDICK):

S. 1441. A bill to reduce the incidence of infant mortality; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY:

S. 1442. A bill regarding permitted public uses within the Desoto National Wildlife Refuge, Iowa; to the Committee on Environment and Public Works.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. GRAHAM, and Mr. SIMPSON):

S. 1443. A bill to amend title 38, United States Code, to establish an Office of Medical Inspector General in the Office of the Chief Medical Director of the Veterans' Administration, and for other purposes; to the Committee on Veterans Affairs.

By Mr. MURKOWSKI (for himself, Mr. CRANSTON, Mr. SPECTER, Mr. SIMPSON, Mr. THURMOND, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. GRAHAM):

S. 1444. A bill to amend title 38, United States Code, to establish the position of Assistant Inspector General for Health Care Quality Assurance Review in the Office of the Inspector General of the Veterans' Administration; to the Committee on Veterans Affairs.

By Mr. ROTH:

S. 1445. A bill to require the Secretary of Defense to conduct a pilot program for the encouragement of civilian and other uses of composites technology developed under research programs of the Department of Defense; to the Committee on Armed Services.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, and Mr. WIRTH):

S. 1446. A bill to amend section 112 of the Clean Air Act to regulate the emissions of certain hazardous air pollutants; to the Committee on Environment and Public Works.

By Mr. BYRD (for Mr. SHELBY (for himself and Mr. HEFLIN)):

S. 1447. A bill to designate Morgan and Lawrence Counties in Alabama as a single metropolitan statistical area; placed on the calendar.

By Mr. MELCHER (for himself, Mr. HEINZ, Mr. BREAUX, Mr. BURDICK, Mr. CHILES, Mr. DURENBERGER, Mr. HOLLINGS, Mr. KERRY, Mr. PELL, Mr. BENTSEN, Mr. PRYOR, Mr. GLENN, Mr. SHELBY, Mr. WARNER, Mr. NUNN, and Mr. REID):

S.J. Res. 168. Joint resolution designating the week beginning October 25, 1987, as "National Adult Immunization Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KENNEDY (for Mr. DURENBERGER (for himself, Mr. BYRD, Mr. KENNEDY, Mr. HELMS, Mr. PELL, Mr. THURMOND, Mr. KERRY, Mr. WILSON, Mr. GRAHAM, Mr. SIMPSON, Mr. BURDICK, Mr. STEVENS, Mr. BUMPERS, Mr. MCCAIN, Mr. PRYOR, Mr. GARN, Mr. SANFORD, Mr. SYMMS, Ms. MIKULSKI, Mr. D'AMATO, Mr. DECONCINI, Mr. RUDMAN, Mr. DIXON, Mr. HECHT, Mr. GORE, Mr. SHELBY, Mr. ARMSTRONG, Mr. SIMON, Mr. MURKOWSKI, Mr. LEAHY, Mr. NICKLES, Mr. MCCLURE, Mr. BOSCHWITZ, Mrs. KASSEBAUM, Mr. HUMPHREY, Mr. WARNER, Mr. GRASSLEY, Mr. ROTH, Mr. KASTEN, Mr. HATCH, Mr. ROCKEFELLER, Mr. QUAYLE, Mr. CHILES, Mr. GLENN, Mr. CRANSTON, Mr. TRIBLE, Mr. MCCONNELL, Mr. COCHRAN, Mr. HARKIN, Mr. SASSER, Mr. DOLE, Mr. PRESSLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. GRAMM, Mr. MOYNIHAN, Mr. LAUTENBERG, and Mr. RIEGLE)):

S. Res. 239. Resolution expressing the sense of the Senate concerning support for respect for human rights and evolution to genuine democracy in Panama, and for other purposes; considered and agreed to.

By Mr. KERRY (for himself, Mr. DODD, Mr. CRANSTON, Mr. DASCHLE, Mr. GORE, Mr. HARKIN, Mr. NICKLES, and Mr. PRESSLER):

S. Res. 240. A resolution expressing appreciation for America's Vietnam Veterans; to the Committee on Veterans' Affairs.

By Mr. BYRD (for Mr. DECONCINI (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. LUGAR, Mr. PELL, Mr. KERRY, Mr. BIDEN, Ms. MIKULSKI, Mr. KENNEDY, Mr. HARKIN, and Mr. BOND)):

S. Res. 241. Resolution expressing the sense of the Senate concerning support for the evolution to full democracy in the Republic of Korea; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KASTEN:

S. 1433. A bill to amend the Federal Meat Inspection Act with regard to certain frozen meat products; to the Committee on Agriculture, Nutrition, and Forestry.

TRUTH IN FROZEN PIZZA LABELING ACT

Mr. KASTEN. Mr. President, today I am introducing the Truth in Frozen Pizza Labeling Act of 1987.

For most consumers, a pizza is a pizza: A food with a bread or dough-based crust, topped with tomato sauce and cheese. Consumers expect that the crust will be made from wheat, the sauce will be made from real tomatoes, and the cheese will be made from milk.

But about 75 percent of frozen pizzas are made not with real cheese but with substitutes and imitation. These artificial cheeses are made from an imported milk protein extract called casein and a combination of vegetable fats and chemical stabilizers.

The consumer has no way of knowing this without reading—and being able to understand—the ingredient lists printed in very small type and technical language on the side of the frozen pizza box.

My bill would simply require that frozen pizzas containing cheese substitutes be clearly labeled as such. It would not force any pizza manufacturer to use real cheese; it would not discriminate against artificial cheeses.

Mr. President, the point of my legislation is simply that consumers have the right to be informed about what they are buying. Not informing consumers that what they think they are buying—pizzas with real cheese—is in fact made with something else is deception, pure and simple. It should not be permitted.

In 1983, the Department of Agriculture published proposed regulations relating to the labeling of frozen pizzas made with imitation cheeses or cheese substitutes. These regulations required prominent labeling on the front panel of frozen pizza containers of any substitute or imitation cheese content. The regulations also established a minimum content requirement of 12 percent cheese or cheese substitute on frozen pizzas, with one-half of that required to be real cheese.

After receiving over 5,000 comments from the public, USDA began a process of shuffling these regulations from one agency to another, repeatedly delaying dates for the publication of final regulations, and generally dragging its feet—in short, exhibiting the classic behavior of a bureaucracy afraid to make a decision.

Amazingly, the process dragged on for about 4 years. Arms control agreements have been negotiated in less time.

Finally, after being deluged by letters from many Senators, including me, and others urging them to make some kind of decision, USDA folded. It abandoned the proposal for truthful labeling and withdrew the regulations last February, doubtless hoping the issue would simply go away.

Mr. President, the issue will not go away. The Federal Government requires prominent labeling of artificial sweeteners in soft drinks and imitation flavors in cake mixes. Why not require the same for artificial cheese in frozen pizzas?

The answer, apparently, is that some frozen pizza manufacturers like things the way they are. They are afraid that if consumers knew what they were buying, they might opt for frozen pizzas containing real cheese. Companies using artificial cheese would either have to switch to real cheese or promote their current product differently.

The reason opponents of prominent labeling consider this a terrible hardship has never really been clear to me. I suppose change is always difficult. I would suggest that frozen pizza makers would do well to rely on open and honest competition in the marketplace, rather than depend on the Government to permit them to use deceptive labeling practices that processors of many other foods are not permitted to use.

For the record, I would note that many frozen pizza makers use all real cheese and do quite well. They include Bud's Pizza, Palermo's, Timoteo's Pizza, and Wisconsin's own Tombstone Pizza.

Mr. President, my legislation would require frozen pizzas containing cheese substitute or imitation cheeses to note that fact in prominent letters contiguous to the product name. A technical subject of this kind is usually dealt with in the regulatory process, and the necessarily general wording of the labeling requirement in my legislation may well need to be adjusted to prevent undue inconvenience to smaller pizza manufacturers. I would welcome any suggestions for changes in the language I have used that would accomplish this while still fulfilling my intent that imitation and substitute cheese content in frozen pizzas be labeled in such a way that the typical consumer knows what he or she is buying.

Mr. President, it may well be that frozen pizza makers required to inform consumers in a forthright way about their use of artificial cheese would choose to switch to real cheese. The increased purchases of real cheese this would cause would reduce the need for Government purchases under the dairy price support program, and could save the Government some money—on a program that, unlike other farm programs, costs significantly less than it did a few years ago.

But this is not the reason I am introducing this legislation. My primary concern is truth in labeling. It should be required for frozen pizzas, and it should be required now. To prevent a repetition of USDA's embarrassing

performance over the last 4 years on this issue, my legislation provides that imitation and substitute cheese content in frozen pizzas be required not later than October 1, 1987.

Mr. President, I urge my colleagues to support this legislation, and ask unanimous consent that the text of my bill be printed at this point in the RECORD.

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

S. 1433

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 "Truth in Frozen Pizza Labeling Act of 1987".

SEC. 2. MEAT PIZZA PRODUCTS CHEESE CONTENT.

Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended—

(1) in subsection (n)—

(A) by striking out "or" at the end of paragraph (11);

(B) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and

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

"(13) If it is a meat pizza product topped with a combination of cheese and one or more cheese substitutes or imitations and if its labeling fails to bear, in prominent letters contiguous to the product name, the statement: 'This product contains ———— used as a cheese substitute', the blank space therein being filled with the name of the cheese substitute or imitation used."; and

(2) by adding at the end thereof the following new subsections:

"(w) The term 'meat pizza products' is a product that is;

"(A) bread- or dough-based; and

"(B) topped with tomato sauce, cheese, and meat.

"(x) The term 'cheese' means any variety of cheese that is subject to a Food and Drug Administration standard of identity regulation.".

SEC. 3. EFFECTIVE DATE.

This act and the amendments made by this Act shall become effective on October 1, 1987.

By Mr. BYRD (for Mr. GORE, for himself and Mr. SASSER):

S. 1434. A bill for the relief of Rolen-Rolen-Roberts International of Knoxville, TN; to the Committee on the Judiciary.

RELIEF OF ROLEN-ROLEN-ROBERTS INTERNATIONAL

● Mr. GORE. Mr. President, today I am introducing, along with my distinguished colleague, the senior Senator from Tennessee [Mr. SASSER], a bill for the relief of Rolen-Rolen-Roberts International of Knoxville, TN, for the satisfaction of a claim against the United States. This company has been harmed by certain procurement actions of the Department of Commerce.

Specifically, on May 6, 1985, the Department issued a solicitation for the acquisition of management services for a renewable energy exhibition in which the United States was to participate in Beijing, China, later that year. Prospective contractors began the proposal preparation process. In an overseas exhibition such as this one, that process involved many long distance telephone calls, travel, preparation of artistic materials, and design work. This was expensive.

Meanwhile, the Department's contracting officer and inspector general were investigating allegations that preselection for the contract had already been made. That report determined that a Department of Commerce employee may have improperly, and without authority, attempted to bind the Government to the selection of one of the prospective offerers. The Government agrees with the facts to this point.

But what happened after that is mystifying. The Department of Commerce simply canceled the solicitation. It did not replace the procurement official who made the improper preselection. It did not rebid the contract. It did not disqualify the preselected bidder. It did not attempt to cleanse the process. It simply canceled the solicitation and did the work itself—expending the Department's limited and more expensive resources on the program.

All the work which went into the preparation of proposals went for naught. As bad as this situation is, it has been made worse by the tough luck attitude of the Department of Commerce. An appeal for relief from Rolen-Rolen-Roberts International was denied, with only the following justification from the Assistant Secretary for Administration:

> When seen in the light of the Government's responsibility to treat all offerers equally, it is clear that the Government did have a reasonable basis to cancel the solicitation.

Well, that is a pretty weak justification for refusing to make restitution to Rolen-Rolen-Roberts International. Even if we accept the argument of the Department that the solicitation should be cancelled, the issue of paying the claim remains. It seems strange to me that the Government could take the position of drawing this company into a procurement competition and then leave the company high and dry when the competition was canceled—not because of any factors within the control of Rolen-Rolen-Roberts International, but because of improper activity on the part of government officials.

Mr. President, this is simply a case of fairness, and I urge my colleagues to give quick approval to this bill. I ask unanimous consent that the bill be printed in its entirety in the RECORD at this point.

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

S. 1434

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

SECTION 1. SATISFACTION OF CLAIM AGAINST THE UNITED STATES.

The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $28,210.00 to Rolen-Rolen-Roberts International of Knoxville, Tennessee. The payment of such sum shall be in full satisfaction of any claim of Rolen-Rolen-Roberts International against the United States arising out of the preparation by Rolen-Rolen-Roberts International of a proposal in response to Solicitation No. 50-SATA-5-17359 issued on May 6, 1985, by the Department of Commerce for management services for an exhibition in Beijing, People's Republic of China, such solicitation having been cancelled by the Department before acceptance of a proposal.

SEC. 2. LIMITATION ON ATTORNEY'S AND AGENT'S FEES.

It shall be unlawful for more than 15 percent of the sum appropriated by section 1 to be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than $1,000.●

By Mr. EVANS (for himself and Mr. ADAMS):

S. 1435. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

Mr. EVANS. Mr. President, today I am introducing with my colleague, Senator ADAMS, a bill to authorize some of the elements of the Yakima River basin water enhancement project. Specifically, the bill would authorize the construction of storage facilities at the Cabin Creek reservoir site, and the construction of a pipeline connecting Keechelus Lake with Kachess Lake. The bill would also authorize several small projects to increase the efficiency of existing irrigation facilities within the Bureau of Reclamation's Yakima project in Washington State.

This bill is sorely needed. Just this week, the Bureau of Reclamation announced that it will begin prorating water due to a predicted water shortage in the basin. This bill will supplement existing irrigation development, increase the irrigation capacity on the Yakima Indian Reservation, and increase instream flows to protect and enhance salmon and steelhead resources. Congressman MORRISON will introduce companion legislation in the House of Representatives.

As a result of the development of its water resources, the Yakima basin has become one of the most productive agricultural areas in the United States. Yet chronic water shortages threaten the continued production of agricul-

tural products in the Yakima basin. The Yakima River was once one of the most productive rivers in the country for anadromous fish as well. By 1982, however, as a result of blockage of migratory routes and dewatering of spawning and rearing habitats, the Yakima River salmon and steelhead runs declined to a fraction of their historical numbers.

Mr. President, the primary objective of this legislation is to help alleviate the water supply problems in the Yakima basin. The bill will provide supplemental water to presently irrigated land. The bill will help to irrigate new lands on the Yakima Indian Reservation. Finally, the bill will provide water for increased instream flows for anadromous fish resources. It is the second phase of a longer term project to resolve the long term problem of water shortages in the Yakima River basin.

Specifically, this bill would authorize a number of projects to increase the efficiency of the Yakima enhancement project. The bill authorizes the construction of additional storage at Cabin Creek. This project could provide up to 150,000 acre feet of new water in the Yakima basin. The bill allows for the modification of existing radial gates at Cle Elum Dam, thereby increasing the storage capacity of that reservoir by 15,000 acre-feet. The bill authorizes the construction of a pipeline between Keechelus Lake and Kachess Lake, helping to balance storage between these two reservoirs. Building the pipeline will facilitate the transfer of water from one the Keechelus Lake to the Kachess Lake to take greater advantage of the storage capacity of the Keechelus reservoir. The bill authorizes the construction of a reregulating reservoir within the Roza irrigation system, and facilities to automate and improve canal operations of the Sunnyside Division and the Wapato irrigation project. These facilities will reduce the average annual diversions by 72,000 acre-feet of water. Finally, the bill authorizes the subordination of hydroelectric power generation at the Federal Roza and Chandler powerplants. Subordination would result in the suspension of power generation during periods of low river flows to increase instream flows for anadromous fish resources.

The legislation we are introducing today is unique in several respects. First, the bill represents a consensus among user groups to develop and conserve the water resources of the Yakima River basin. Second, the bill demonstrates that nonstorage facilities can also be used to achieve water conservation. Third, the bill demonstrates the commitment of non-Federal interests to contribute a substantial portion of the costs of the project. The total cost of these facilities is approximately $142 million. The non-Federal beneficiaries of the project will contribute 35 percent of the construction costs of the facilities during the period of construction, except for those to be located within the boundaries of the Yakima Indian Reservation.

Mr. President, this legislation represents an interim step in the process of developing a physical solution to the water supply problems of the Yakima River basin. Our first step was construction of fish passage facilities at existing irrigation facilities on the Yakima River. These facilities were authorized in 1984, and should be completed by 1989. The final step will include measures to conserve the use of water in the basin and the construction of additional storage capacity. The selection of this facility should occur sometime next year, provided that the Bureau of Reclamation, the State of Washington, the Yakima Indian Nation and others reach agreement on the site of the facility and the allocation of costs and benefits accruing from its construction.

It is important to note, Mr. President, that this bill provides a significant advance in reaching a solution to the water supply situation in the valley. It is not a complete solution. The valley needs to continue to work together to cooperatively agree on a course of action that will relieve the pressures of the over-allocated existing water supply. Unquestionably, the additional capacity provided by this bill is long overdue. There are many in the Yakima Valley who have been anticipating additional storage in the system since the 1940's.

The Yakima enhancement project is an equitable sharing of costs between the Federal Government and the non-Federal beneficiaries of the project. The development of this project will assure the delivery of irrigation water for one of the Nation's most productive agricultural areas. It will help to restore an anadromous fishery resource of great importance to the Pacific Northwest and the Nation. I heartily endorse this project and urge my colleagues to do the same.

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

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

S. 1435

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

SECTION 1. (a) That for purposes of protection and enhancement of fish and wildlife, irrigation, and water conservation, the Secretary of the Interior (hereafter, the Secretary) acting pursuant to Federal reclamation law (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof and supplementary thereto) and consistent with the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) is authorized to design, construct, operate and maintain the following facilities:

(1) modification of existing radial gates at Cle Elum Dam; a Keechelus Lake to Kachess Lake pipeline; a reregulating reservoir to increase water-use efficiency of the Roza Division; facilities to automate and otherwise improve canal operations of the Sunnyside Division; facilities to automate the headgate, wasteways and trashrack of the Chandler Power Canal to maintain operating controls for the Kennewick Irrigation District;

(2) facilities to automate and otherwise improve canal operations of the Wapato Irrigation Project which is operated by the Bureau of Indian Affairs; and

(3) storage facilities at the Cabin Creek site pending the completion of the preliminary analysis and submission of a report to Congress by the Bureau of Reclamation and a Secretarial determination of economic and technical justification and compliance with applicable laws: Provided that, in addition and consistent with the purposes authorized in section 1(a) of this Act, the Cabin Creek storage facilities are authorized to be operated for flood control purposes, and that reimbursement of such costs allocable to flood control shall be governed by provisions of law applicable to projects constructed by the Secretary of the Army.

(b) The Secretary shall, in cooperation with appropriate Federal, state, and local entities, develop a plan for the incorporation of prudent and responsible water conservation measures by recipients of irrigation water, pursuant to a contract with the Secretary, from the Yakima Enhancement Project, and shall submit such plan along with the Secretary's recommendations to Congress: Provided that, no funds shall be appropriated for land acquisition associated with the construction of the Cabin Creek facilities authorized by section 1(a)(3) of this Act until said report has been transmitted to Congress.

(c) The Secretary is authorized to accept funds from any entity, public or private, to design, construct, operate, and maintain facilities authorized by this Act.

SEC. 2. The facilities authorized by this Act and fish passage facilities authorized by the Acts of August 17, 1984 (98 Stat. 1933) and August 22, 1984 (98 Stat. 1369) shall be considered features of the Yakima River Basin Water Enhancement Project (hereafter, Yakima Enhancement Project), and their operation and maintenance shall be integrated and coordinated with other features of the existing Yakima Project. As appropriate, the Secretary shall enter into agreements to provide for the operation and maintenance of such facilities. The Secretary shall insure that such facilities are operated in an manner consistent with the treaty rights of the Yakima Indian Nation, Federal reclamation law, and water rights recognized pursuant to State law, including the valid contract rights of irrigation users.

SEC. 3. (a) The Roza reregulating reservoir shall become a feature of the Roza Division. Water savings resulting from construction and operation of the Roza reregulating reservoir shall be available for use as supplemental irrigation water for currently developed lands within the Roza Division.

(b) The facilities to automate and otherwise improve canal operations of the Wapato Irrigation Project shall become features of the Wapato Irrigation Project. Water savings resulting from construction and operation of such facilities shall be available for irrigation purposes and for the

protection and enhancement of fish and wildlife within the boundaries of the Yakima Indian Reservation. Design, construction, operation and maintenance costs related to such facilities shall be reimbursable and returnable according to the provisions of the Leavitt Act (Act of July 1, 1932 (47 Stat. 564).

(c) The facilities to automate and otherwise improve canal operations of the Sunnyside Division shall become features of the Sunnyside Division. Water savings resulting from construction and operation of such facilities shall be allocated to the protection and enhancement of fish and wildlife.

SEC. 4. The modified radial gates at Cle Elum Dam and the Keechelus Lake to Kachess Lake pipeline shall become a feature of the existing Yakima Project. The Secretary shall operate and maintain such facilities in accordance with the purposes of this Act.

SEC. 5. (a) The Secretary shall operate and maintain the existing Federal Chandler and Roza powerplants in a manner that provides priority for protection and enhancement of fish and wildlife.

(b) The Administrator of the Bonneville Power Administration (hereafter, the Administrator) shall make available power and energy from the Federal Columbia River Power System to the Secretary to meet contractual obligations entered into by the Secretary for the delivery of power and energy from the Chandler and Roza powerplants.

(c) Except as otherwise provided by this section, the Secretary shall offer to amend, without imposing any other requirement as a condition to such amendment, all existing contracts for the sale of power and energy from the Chandler and Roza powerplants to relieve any outstanding obligations for the repayment of construction costs for such powerplants allocated to irrigation.

SEC. 6. There is hereby authorized to be appropriated to the Secretary for planning, design, and construction of elements of the Yakima Enhancement Project authorized in Section 1(a)(1) of this Act, $37,300,000 (October 1986 prices), and $105,000,000 (October 1986 prices) for the construction of the facilities authorized in section 1(a)(3) of this Act, plus or minus such amounts as may be justified by reason of ordinary fluctuations of construction costs indexes applicable to the type of construction involved herein. There are also authorized to be appropriated to the Secretary such additional sums as may be required for the operation and maintenance of the three vertical feet enlargement of Cle Elum Lake and the Keechelus Lake to Kachess Lake pipeline, and that portion of the operation and maintenance cost of other facilities authorized by this Act determined by the Secretary to be a Federal responsibility, pursuant to the agreements specified in section 2 of this Act.

SEC. 7. The construction of facilities authorized by section 1(a)(1) and section 1(a)(3) of this Act shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary to fund 35 per centum of the total construction cost of such facilities during such period of construction.

SEC. 8. (a) Design, construction, operation and maintenance costs of facilities authorized by this Act allocated to fish and wildlife shall be reimbursable and returnable according to the provisions of the Federal Water Project Recreation Act (79 Stat. 213), as amended: *Provided*, That design, construction, operation and maintenance costs related to anadromous fish shall be nonreimbursable and nonreturnable.

(b) Design, construction, operation and maintenance costs of facilities authorized by this Act allocated to irrigation and which are determined by the Secretary to be an irrigation obligation shall be reimbursable and returnable according to the provisions of section 9(d) of the Reclamation Project Act of 1939 (53 Stat. 1187). The Secretary shall offer to amend existing irrigation repayment contracts, without imposing any other requirement as a condition to such amendment, to provide for repayment of the irrigation construction costs of facilities authorized by this Act over a period of not more than forty years exclusive of any development period authorized by law.

SEC. 9. If the State of Washington, the Yakima Indian Nation, or any other entity, public or private, prior to the providing of an appropriation of funds to the Secretary to construct the Yakima Enhancement project, shares in the costs of or constructs any physical element of the project, the costs incurred by the State, the Yakima Indian Nation, or any other entity in the construction of such elements shall be credited to the total amount of any costs to be borne by the State, the Yakima Indian Nation, or any other entity as contributions toward payment of the cost of the Yakima Enhancement Project; except that no such credit shall be given for any element constructed by the State, the Yakima Indian Nation, or any other entity unless the element has been approved by the Secretary prior to its construction. The Secretary shall grant such approval, when requested by the state or other entity, if the Secretary determines that the element proposed for construction would be an integral part of the Yakima Enhancement Project.

SEC. 10. (a) The Secretary, as part of the study authorized by the Act of December 28, 1979 (93 Stat. 1241), is directed to conduct a feasibility study of the following potential elements:

(1) Kittitas Valley irrigation system improvements;

(2) consolidation of the Selah-Moxee Irrigation District, Union Gap Irrigation District, Moxee Ditch Company, and Hubbard Ditch Company diversions from the Yakima River for delivery from the Roza Canal; and

(3) development of groundwater resources within the Roza Division for a supplemental irrigation water supply.

(b) There are hereby authorized to be appropriated to the Secretary for such feasibility study $500,000 (October 1986 prices); *Provided*, That the Secretary is authorized to accept funds from any entity, public or private, to assist in the financing of such feasibility study.

SEC. 11. Nothing in this Act shall be construed to—

(a) affect or modify any treaty or other right of the Yakima Indian Nation;

(b) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakima Indian Nation, or any other entity or individual;

(c) affect the rights or jurisdictions of the United States, the States, the Yakima Indian Nation, or other entities over waters of any river or stream or over any groundwater resource;

(d) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(e) alter, establish, or affect the respective rights of States, the United States, the Yakima Indian Nation, or any person with respect to any water or water-related right; or

(f) alter, diminish, or abridge the rights and obligations of any Federal, State, or local agency, the Yakima Indian Nation, or other entity, public or private.

Mr. ADAMS. Mr. President, I arise as a proud cosponsor of this legislation. The Yakima River Basin water enhancement project, certain elements of which are authorized by this legislation, is of enormous importance to Washington State. This bill represents a significant agreement between the various communities that live in the Yakima River Basin, and as such represents a crucial step toward successful completion of this project.

The Yakima River Basin water enhancement project is necessary because in a bad dry year there really isn't enough water in this basin to go around. The Yakima River Basin is the home of diverse peoples with diverse needs for water. It is the home of the Yakima Indian Nation, who are strongly interested in preserving and upgrading their traditional fisheries. It is also the home of farmers who grow fruit and raise cattle, farmers who depend on irrigated water for their livelihoods.

The history of the basin is to some extent a history of conflict between these two water user groups. I hope that the introduction of this bill today is a chapter in a new history in the basin, a history of cooperation for the common good.

This bill authorizes certain elements of the overall project. It authorizes modernization of existing irrigation facilities, both on the Yakima Indian Reservation, and in various irrigation districts along the river basin. Many of these elements are designed to enhance water conservation, and to promote more efficient use of existing water resources.

This bill also makes the first step toward developing a long-term solution for the water needs of the Yakima River Basin by authorizing construction of storage facilities at Cabin Creek. Construction of this facility will be contingent on analysis of the economic and technical feasibility of this site by the Bureau of Reclamation, and on a determination by the Department of the Interior that this project is in compliance with all applicable laws.

Mr. President, I would like to commend my good friend and colleague, Senator EVANS, for his long years of effort and leadership on this issue. This bill is also the product of hard work by Congressman MORRISON, the State of Washington, and the Northwest Power Planning Council. Finally, I would also like to again commend the people of the Yakima River Basin for coming to the agreements reflected in this legislation. This is essentially their bill, and this project will hope-

fully be an important part of their future.

By Mr. DANFORTH:

S. 1436. A bill to amend the Hazardous Materials Transportation Act regarding the transportation by rail of certain materials, and for other purposes; to the Committee on Commerce, Science, and Transportation.

RAIL TRANSPORT OF HIGH LEVEL NUCLEAR WASTES

● Mr. DANFORTH. Mr. President, transporting hazardous cargo—be it petroleum products, chemicals, radioactive wastes, or other materials—is an unfortunate but necessary part of this Nation's daily life. While only about 3 percent of all hazardous shipments involve radioactive materials, the threat of harm looms large in this area. Consequently, Congress must be especially vigilant with regard to our policies and procedures related to radioactive shipments.

I am introducing legislation today which would amend the Hazardous Materials Transportation Act [HMTA] to require that rail transportation of high-level radioactive waste and spent nuclear fuel be done on trains operated exclusively for that purpose. In other words, this legislation would require such shipments to be transported on dedicated trains.

This is a matter of great interest to the citizens of Missouri and every State affected by the Department of Energy's [DOE] shipment of damaged core materials from the Three Mile Island [TMI] reactor in Pennsylvania to DOE's research facility in Idaho Falls. Ever since this particular shipping campaign commenced, TMI spent nuclear fuel has been hauled on dedicated trains made up of a locomotive, a buffer car or idler, a cask car carrying the specially designed spent nuclear fuel container, another idler, and a caboose.

The railroads prefer to move radioactive materials from source to destination in the safest possible manner. The fact that radioactive materials present unique hazards, as well as the uncertainty of what would occur in the event of an accident, justify taking all reasonable safety precautions including the use of dedicated trains.

At this time, however, it appears that the use of mixed trains to transport high-level radioactive materials is inevitable unless Congress takes action to prevent it. First of all, neither DOE nor DOT require that high-level radioactive materials or spent nuclear fuel be transported in trains moving only that material. In addition, the Interstate Commerce Commission has ruled that the railroads cannot unilaterally decide to ship by dedicated train and expect to be compensated for that level of safety.

At the beginning of the TMI campaign, DOE said that high level radioactive shipments should use routes involving the least amount of switching on the best tracks available. Safety, not economic considerations, was its overriding concern. If a railroad preferred to ship by dedicated trains, DOE was willing to pay the premium. However, DOE now seems unwilling to provide reasonable compensation to the railroads for dedicated train service. It seems to want to rely solely upon the structural integrity of the casks used to carry nuclear wastes.

This was confirmed during a May 12 hearing before the Senate Subcommittee on Surface Transportation. DOE admitted that mixed trains, which may be carrying flammable or explosive materials in addition to nuclear materials, will be picking up and dropping off cars across the country, and will be subject to the switching and jolting that DOE originally sought to avoid.

The legislation I am introducing would require that all rail shipments of high-level nuclear wastes and spent nuclear fuel be on dedicated trains. It is my hope that the Senate will act on this legislation soon, either as a free-standing bill, or as a part of other legislation. Perhaps it could be included in legislation reauthorizing the Hazardous Materials Transportation Act. Perhaps an even more attractive legislative vehicle will present itself. I will be looking for an appropriate opportunity to expedite action on this measure.

Mr. President, I urge my colleagues to support this important initiative.●

By Mr. HELMS:

S. 1437. A bill to make certain members of foreign diplomatic missions and consular posts in the United States subject to the criminal jurisdiction of the United States with respect to crimes of violence; to the Committee on Foreign Relations.

DIPLOMATIC CRIMES

Mr. HELMS. Mr. President, I am introducing today legislation which is overdue and, in my judgment, made more necessary each day that passes.

The proposal, Mr. President, is designed to limit the diplomatic immunity enjoyed—or should I say frequently abused—by the family and support staff of foreign diplomats. In effect, the bill would also restore to innocent American citizens the rights, privileges and freedoms which were guaranteed to them 200 years ago in the Constitution.

I bring to the attention of the Senate, Mr. President, the fact that in the United States today, there reside over 37,000 individuals who are not citizens of this country and yet enjoy more freedom, liberty and personal privileges than our own countrymen. Indeed, there are 37,000 individuals in this country who are free to commit any crime, no matter how serious, how violent, how heinous, and remain free from prosecution.

In their book entitled "Diplomatic Crime" Chuck Ashman and Pamela Trescott detail in 350 pages the horrors suffered by innocent Americans at the hands of foreign residents who have no regard or remorse for their victims—our citizens.

Two hundred years ago, Thomas Jefferson wrote in the Declaration of Independence:

> We hold these truths to be self-evident; that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.

Unfortunately, for hundreds of Americans, their unalienable rights have been alienated, and continue to be alienated by foreign criminals who hide behind cloak of diplomatic immunity.

For innocent Americans like Carol Holmes who was brutally raped in her own home, or "Holly" a young Washington DC, teenager who was gang raped—there is no personal liberty. For residents like Dr. Halla Brown, professor of medicine and chief of the allergy clinic at George Washington University, there is no such thing as freedom. Her professional career, her contribution to our community, her financial independence and her personal life were all destroyed by a Panamanian diplomat who, through his callous arrogance and disregard for simple traffic regulations, has left Dr. Brown a prisoner in her own quadriplegic body. And for a young man like Kenneth Skeen, who had honorably served our country in military service, his guarantee of a right to life was all but extinguished by the son of a South American diplomat who shot him three times and left him to fight for his life in an intensive care unit.

In each of these cases, our citizens, these victims of international arrogance have not only been denied their constitutional rights of life, liberty, and the pursuit of happiness, they have also been denied the right of redress of grievances, the right of equal protection under law, and the right, Mr. President, to expect what every American is taught to expect and believe when they recite the Pledge of Allegiance—the right of liberty and justice for all.

I believe that our colleague, the distinguished senior Senator from West Virginia, Senator BYRD, stated it most succinctly when, in reference to the shooting of Kenneth Skeen, he said it seemed:

> Inconceivable to me that the relative of a diplomat can carry a gun in this country and shoot an American citizen and cannot be arrested; cannot be brought to trial; can just be turned loose on the street.

I too think it inconceivable that such an outrageous lack of regard for

our system of justice, our due process of law, and the rights of our citizens has been allowed to continue in this country. I think it is time that we, the representatives of the people of this Nation, put an end to the legal loophole that has allowed the family and support staff members of foreign diplomats to deny to our citizens the freedoms and protections which are rightfully theirs.

By Mr. DURENBERGER (for himself, Mr. HEINZ, Mr. DASCHLE, Mr. LUGAR, Mr. COHEN, Mr. MCCAIN, Mr. EXON, Mr. WIRTH, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HECHT, Mr. BURDICK, Mr. PRESSLER, Mr. CONRAD, Mr. STAFFORD, Mr. HATCH, and Mr. STEVENS):

S. 1438. A bill to assist rural hospitals facing unfair Medicare payment policies; to the Committee on Finance.

MEDICARE RURAL HOSPITAL PAYMENT EQUITY ACT

● Mr. DURENBERGER. Mr. President, today, along with my colleagues, Mr. HEINZ, Mr. DASCHLE, Mr. LUGAR, Mr. COHEN, Mr. MCCAIN, Mr. EXON, Mr. WIRTH, Mr. GRASSLEY, Mr. BOSCHWITZ, Mr. HECHT, Mr. BURDICK, Mr. PRESSLER, Mr. CONRAD, Mr. STAFFORD, Mr. HATCH, and Mr. STEVENS. I am pleased to introduce the Medicare Rural Hospital Payment Equity Act of 1987. This act is designed to provide assistance to rural hospitals faced with unfair Medicare payment policies.

Mr. President, in January of this year, President Reagan went to Bethesda Naval Hospital and successfully underwent prostate surgery performed by a team of Minnesota physicians. I'm not sure what the President's surgery cost, and I doubt if the procedure was paid for through the normal Medicare payment system.

But, had the President gone to Douglas County Hospital in Alexandria, MN, presented his Medicare card, and had his surgery paid for like most Medicare beneficiaries, the Medicare payment to Douglas County Hospital would have been $2,233. Had the President gone to a hospital in Minneapolis for his surgery, however, Medicare would have paid $3,640—over 50 percent more.

This case is an example of what is known in hospital circles as the urban-rural differential in the Medicare payment system. And, this illogical and unconscionable bias against rural hospitals is today, in 1987, one of the principal reasons that rural health care in this country is in very serious trouble.

Mr. President, our rural hospitals are ailing. From rural America, we hear an outpouring of concern that the primary focus of many communities' health care—the rural hospital—is in jeopardy of disappearing.

The present Medicare payment system doesn't adequately account for the fact that small rural hospitals like those in Deer River and Northfield, MN compete for the same doctors and nurses, buy from the same suppliers, and have other costs comparable to those in metropolitan areas such as Minneapolis/St. Paul or Duluth. In fact, the rural/urban differential is entirely arbitrary and capricious, penalizing a hospital if it happens to be located in an area classified as "rural," when just across some imaginary line is a hospital with the same underlying costs, but receiving higher payments.

In Minnesota, the financial underpinnings of many rural hospitals are so strained that talk of hospital closure is not uncommon. Rural hospitals have, in addition, to contend with a depressed economy and an aging and often declining population. Four rural hospitals in Minnesota have closed in the past 3 years, and the situation is projected to get worse: 36 of the State's 170 hospitals are in financial trouble, most are rural.

A similar picture is developing nationwide. From 1980 to 1985, of 214 hospitals that closed, 86 were rural. In 1985, there were 49 closings with urban closings slightly outnumbered rural, 28 to 21. But in 1986, 71 community hospitals closed—more than in any other year of this decade—and more than half were in rural areas.

Rural residents cite numerous reasons for the general decline in rural hospitals' financial health: The downturn in local agricultural and natural resource-based economies; the shift toward less expensive outpatient care with a parallel decline in inpatient hospital services, and profound changes in payment policies of Medicare and other payors.

It is toward this latter impact—the impact of Medicare payment changes—that rural communities are directing their frustration and anger. Rural residents are angry because they believe Medicare payment policies are unfair to rural hospitals. And they are not alone in their belief. Their concerns are echoed by such organizations as the American Hospital Association, which at its most recent house of delegates meeting urged its members to put aside self-interest in recognizing the need to resolve the issue of inequitable Medicare payments to rural hospitals.

And, the independent and respected Prospective Payment Assessment Commission [ProPAC], in a report submitted on April 1, calls for better treatment of rural hospitals under Medicare's prospective payment system [PPS]. Despite the actions of Congress in 1986 to remove some inequities in the way rural hospitals are paid, ProPAC concludes that more help will be needed to ensure that Medicare's payment policy does not jeopardize access to care for beneficiaries in rural areas.

Medicare payments have a particularly strong impact on rural hospitals. Because most rural hospitals are small, they cannot adjust easily to fluctuations in inpatient admissions or case mix, whereas larger hospitals can average the fluctuations from year to year and over many cases. For small rural hospitals which tend to operate closer to the margin, and which cannot take advantage of the law of large numbers—a key principle upon which PPS is based—these fluctuations can be devastating financially. Because about two-thirds of rural hospital patients are Medicare patients, compared to about one-third for urban hospitals, rural hospitals are doubly at risk when the prospective payment systems fails to compensate them adequately for their special circumstances or when inequities in payment policies exist.

A fundamental problem does exist within the payment rates for urban/rural hospitals. Rural hospitals, because of lower average costs in 1981, are paid a lower rate than urban hospitals. This differential, based on geographic location, means that rural hospitals receive considerably less than their urban counterparts for the same services, even though the actual costs of operating a hospital in these areas have now narrowed. Our bill seeks to correct this inequity by phasing out separate urban and rural payments and requiring that payments be based on a single national rate by 1991.

In the short term, our proposal provides immediate relief to rural hospitals by requiring, in 1988, a hospital payment update which is equitable for all hospitals, yet which is slightly higher for rural hospitals than for urbans, thereby reducing the payment gap. Our proposal provides additional relief by focusing on other Medicare hospital payment policies which fail to consider or provide for the needs of rural hospitals. Such policies, as in the case of the area wage index, do not account accurately for the cost of hospital labor in urban and rural areas. Similarly, in the case of sole community hospitals—a specially designated group of isolated hospitals whose existence is critical to access of Medicare beneficiaries to health care—we find that assistance that is supposed to be available to this group is only partially received.

This act proposes remedies for these and other inequities in the way in which the current hospital payment system treats the rural hospital. At the close of this statement we will provide, with the consent of our colleagues, a summary of the key features of the Rural Hospital Payment Equity Act of 1987.

Mr. President, this bill is not a bailout for rural hospitals. Certainly, for

some areas, there are duplicative facilities and facilities with far too little population base to support multiple hospitals. Moreover, some hospitals have an oversupply of acute care beds and need to look critically at the services they presently are delivering. Indeed, along with several of my colleagues, I recently introduced S. 1207, "The Medicare Rural Health Services Transition Act of 1987"; a bill designed to complement the Medicare Rural Hospital Payment Equity Act. S. 1207 would help small rural hospitals implement strategies to transform themselves into health care entities more suited to changing services needs of Medicare beneficiaries in some rural areas.

The Medicare Rural Hospital Payment Equity Act of 1987 will help to assure equity of Medicare payments for rural hospitals already struggling to survive in the rapidly evolving health care scene. We hope that our colleagues will join with us in supporting this bill, and we look forward to your comments and suggestions.

Mr. President, I ask that the text of this bill and a summary of its key features be printed in the RECORD.

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

S. 1438

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

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Rural Hospital Payment Equity Act of 1987".

(b) REFERENCES IN THIS ACT.—Whenever in this Act there is an amendment or repeal of a section or provision, the amendment or repeal shall be considered to be made to that section or provision in the Social Security Act.

SEC. 2. ELIMINATION OF SEPARATE AVERAGE STANDARDIZED AMOUNTS FOR URBAN AND RURAL PPS HOSPITALS.

(a) IN GENERAL.—Section 1886 (42 U.S.C. 1395ww) is amended by adding at the end thereof the following new subsection:

"(i)(1)(A) On or before April 1, 1988, the Secretary and the Prospective Payment Assessment Commission established under subsection (e) (in this subsection referred to as the 'Commission') shall each submit to the Congress a report recommending a methodology that provides for the elimination of the system of determining separate average standardized amounts for subsection (d) hospitals (as defined in subsection (d)(1)(B)) located in urban and rural areas. The methodologies set forth in such reports shall provide for a graduated reduction of the differences in the average standardized amounts applicable to urban and rural subsection (d) hospitals during the 36-month period beginning October 1, 1988 and shall provide for the complete elimination of such differences for discharges occurring on or after October 1, 1990. Such methodologies may provide for such changes to any of the adjustments, reductions, and special payments otherwise authorized or required by this section as the Secretary or the Commission determines to be necessary and appropriate to carry out the the purposes of this subsection.

"(B) Not later than May 1, 1988, the Congressional Budget Office (in this subsection referred to as 'CBO') shall submit to the Congress an analysis of each of the reports submitted under subparagraph (A).

"(C) Not later than June 1, 1988, the Secretary shall promulgate proposed regulations to implement the recommendations of the Secretary under subparagraph (A) (including any recommended changes in the adjustments, reductions, and special payments otherwise authorized or required by this section).

"(D) Not later than August 30, 1988, the Secretary shall promulgate final regulations to implement the recommendations and changes described in subparagraph (C).

"(E) If the Congress does not enact legislation after the date of the enactment of this subsection and before October 1, 1988, with respect to the average standardized amounts applicable to urban and rural subsection (d) hospitals, then, notwithstanding any other provision of this section, the average standardized amounts for such hospitals for discharges occurring on or after October 1, 1988, shall be determined in accordance with the final regulations promulgated under subparagraph (D).

"(2)(A) On or before April 1, 1989, the Secretary and the Commission shall each submit to the Congress a report specifying the manner in which the average standardized amounts determined under the regulations becoming effective in accordance with paragraph (1)(E) should be adjusted appropriately to reflect legitimate differences in the operating costs of inpatient hospital services (as defined in subsection (a)(4)) for different categories of subsection (d) hospitals.

"(B) Not later than May 1, 1989, the Congressional Budget Office (in this subsection referred to as 'CBO') shall submit to the Congress an analysis of each of the reports submitted under subparagraph (A).

"(C) Not later than June 1, 1990, the Secretary shall promulgate proposed regulations to implement the recommendations of the Secretary under subparagraph (A).

"(D) Not later than August 30, 1990, the Secretary shall promulgate final regulations to implement the Secretary's recommendations under subparagraph (A).

"(E) If the Congress does not enact legislation after the date of the enactment of this subsection and before October 1, 1990, with respect to adjustments to the average standardized amounts applicable to urban and rural subsection (d) hospitals, then, notwithstanding any other provision of the section, the average standardized amounts for such hospitals for discharges occurring on or after October 1, 1990, shall be determined in accordance with the final regulations promulgated under paragraph (1)(D) and subparagraph (D) of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.

SEC. 3. APPLICABLE PERCENTAGE INCREASE IN PAYMENTS FOR INPATIENT HOSPITAL SERVICES.

(a) IN GENERAL.—Section 1886(b)(3)(B) (42 U.S.C. 1395ww(b)(3)(B)(i)) is amended—

(1) in clause (i)—

(A) by striking "and for purposes of subsection (d) for discharges occurring during a fiscal year" in the matter preceding subclause (I), and

(B) by striking subclause (I) and redesignating subclauses (II) and (III) as subclauses (I) and (II), respectively,

(2) by redesignating clause (ii) as clause (iii), and

(3) by inserting after clause (i) the following:

"(ii) For purposes of subsection (d), for discharges occurring during a fiscal year, the 'applicable percentage increase' shall be—

"(II) for fiscal year 1987, 1.15 percent,

"(III) for fiscal year 1988, 2.2 percent for hospitals located in an urban area and 3.0 percent for hospitals located in a rural area,

"(IV) for fiscal year 1989, and subsequent fiscal year, the percentage determined by the Secretary pursuant to subsection (e)(4).".

(b) CONFORMING CHANGES.—

(1) Subclause (I) of section 1886(b)(3)(B)(i), as redesignated by subsection (a)(1)(B), is amended by striking "clause (ii)" and inserting in lieu thereof "clause (iii).

(2) Section 1886(b)(3)(A) is amended by striking "under subparagraph (B)" in the matter following clause (ii) and inserting in lieu thereof "under subparagraph (B)(i)".

(3) Section 1886(d)(3)(A) is amended by striking "(b)(3)(B)" and inserting in lieu thereof "(b)(3)(B)(ii)".

(c) EFFECTIVE DATE.—The amendments made by subsection shall apply to cost reporting periods beginning on or after October 1, 1987, and for purposes of section 1886(d) of the Social Security Act, to discharges occurring on or after October 1, 1987.

SEC. 4. PROSPECTIVE PAYMENT WAGE INDEX.

(a) APPLICATION OF REVISED HOSPITAL LABOR MARKET AREAS.—

(1) The Congressional Budget Office shall study and report to the Congress on the effect that the application of the labor market area definitions described in paragraph (2), in making the adjustments described in sections 1886(d)(2)(C)(ii), 1886(d)(2)(H), and 1886(d)(3)(E) of the Social Security Act, would have upon payments under part A of title XVIII of such Act to hospitals located in urban areas and hospitals located in rural areas (by State and by region).

(2) The labor market area definitions described in this paragraph are—

(A) urbanized portions of a metropolitan statistical area (MSA) or a New England county metropolitan area (NECMA),

(B) nonurbanized portions of an MSA or NECMA,

(C) urbanized counties not within an MSA or NECMA, and

(D) nonurbanized counties not within an MSA or NECMA.

(3) For purposes of paragraph (2)(C), a county shall be treated as 'urbanized' if a city or town with 25,000 or more inhabitants is located in the county.

(4) The report required by paragraph (1) shall be submitted not later than 180 days after the date of the enactment of this Act and shall analyze—

(A) the appropriateness of applying the labor market area definitions described in paragraph (2) for the purposes described in paragraph (1), and

(B) whether definitions of labor market areas other than the definitions described in paragraph (2) would more accurately reflect variations in wages and wage-related costs.

(b) UPDATING AND REFINING SURVEY OF HOSPITAL WAGES.—

(1)(A)(i) The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall—

(I) conduct a survey of the wages and wage-related costs of subsection (d) hospitals (as defined in section 1886(d)(1)(B) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)) for purposes of updating the area wage index applied in making the adjustments described in sections 1886(d)(2)(C)(ii), 1886(d)(2)(H), and 1886(d)(3)(E) of the Social Security Act, and

(II) apply the updated index in determining payments to such hospitals for discharges occurring on or after October 1, 1988.

(ii) The survey conducted pursuant to clause (ii) shall measure the earnings and paid hours of employment by occupational category and shall exclude data with respect to the wages and wage-related costs incurred in furnishing skilled nursing facility services.

(B) A survey of the type described in subparagraph (A) shall be conducted at least once every 36 months after the completion of the survey required by such paragraph, and an updated area wage index reflecting the results of the survey involved shall be applied in determining payments to subsection (d) hospitals for discharges occurring in fiscal years beginning after the completion of the survey.

(2) The Secretary shall publish in the Federal Register a summary of the results of any survey required by paragraph (1).

(3)(A) The Congressional Budget Office shall study and report to the Congress on—

(i) the effect of variations in occupational mix on the wage and wage-related costs of subsection (d) hospitals, and

(ii) the feasibility of adjusting the area wage index used for purposes of making the adjustments described in sections 1886(d)(2)(C)(ii), 1886(d)(2)(H), and 1886(d)(3)(E) of the Social Security Act to take into account variations in occupational mix.

(B) The report required by subparagraph (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 5. MEDICARE PAYMENT FOR HOSPITALS THAT ARE SOLE COMMUNITY PROVIDERS.

(a) PAYMENT FORMULA ELECTION.—The first sentence of section 1886(d)(5)(C)(ii) (42 U.S.C. 1395ww(d)(5)(C)(ii)) is amended—

(1) by striking "shall" and inserting in lieu thereof "may, at the election of the hospital," and

(2) by inserting "(rather than under the payment formula otherwise applicable under that paragraph)" after "that paragraph".

(b) REVISION OF VOLUME ADJUSTMENT PROVISION.—Section 1886(d)(5)(C)(ii) (42 U.S.C. 1395ww(d)(5)(C)(ii)), as amended by subsection (a), is further amended—

(1) by inserting "(I)" after "(ii)",

(2) by striking the second sentence, and

(3) by adding at the end the following new subclause:

"(II) In the case of a hospital that is a sole community hospital that experiences, in a cost reporting period (beginning before October 1, 1990), compared to the previous cost reporting period, a decrease of more than 5 percent in its total number of inpatient cases, the Secretary shall provide for such adjustment to the pay amounts provided under this subsection (other than under paragraph (9)) as may be necessary to fully compensate the hospital for the fixed costs it incurs in the period in providing inpatient hospital services, including the reasonable cost of maintaining necessary core staff and services. The previous sentence shall not apply to a decrease to the extent it is attributable to the closing of beds by a hospital or other affirmative actions taken by a hospital to reduce capacity or case load.".

(c) CLARIFICATION OF CRITERIA.—The Secretary of Health and Human Services shall issue, before October 1, 1987, instructions for implementation of the volume adjustment described in section 1886(d)(5)(C)(ii)(II) of the Social Security Act for sole community hospitals, in order to clarify the interpretation of the criteria used in granting such an adjustment (including those circumstances that will be treated as circumstances beyond a hospital's control) and to simplify the process of applying for such adjustment.

(d) STUDY.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall study and report to the Congress on the feasibility and appropriateness of applying a formula, based on the average increase (for each decrease of 1 percent in the total volume of inpatient cases) in the cost per discharge for hospitals of similar size and characteristics, to determine the payment adjustments made pursuant to section 1886(d)(5)(C)(ii)(II) of the Social Security Act. The Secretary shall submit the report to the Congress not later than October 1, 1987.

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to cost reporting periods beginning on or after July 1, 1987.

SEC. 6. OUTLIER REDUCTIONS AND PAYMENTS FOR RURAL HOSPITALS.

(a) BASED ON ACTUAL OUTLIER PAYMENTS FOR SECOND PREVIOUS FISCAL YEAR.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended—

(1) in subsection (d)(3)(B), by striking "(estimated by the Secretary)" and inserting "(determined by the Secretary)";

(2) in subsection (d)(5)(A)(iv)—

(A) by striking "projected or estimated" and inserting "determined", and

(B) by striking "in that year" and inserting "in the second previous fiscal year";

(3) in subsection (e)(5)—

(A) in subparagraph (A), by inserting "and the determinations under subsections (d)(3)(B) and (d)(5)(A)" after "paragraph (4)", and

(B) in subparagraph (B), by inserting "and such subsections" after "such paragraph".

(b) ANNUAL REPORT.—The Secretary of Health and Human Services shall include in the annual report submitted pursuant to section 1875(b) of the Social Security Act a comparison of the total reductions made pursuant to section 1886(d)(3)(B) of such Act and the total payments made pursuant to section 1886(d)(5)(A) of such Act for hospitals located in rural areas, and the total reductions and payments made pursuant to such sections for hospitals located in urban areas. The comparison shall be for discharges occurring in the most recently completed fiscal year.

SUMMARY OF KEY FEATURES, RURAL HOSPITAL PAYMENT EQUITY ACT OF 1987, SENATOR DAVE DURENBERGER

1. ESTABLISH A SINGLE, NATIONAL PAYMENT RATE

Rationale: In 1983, when the prospective payment system [PPS] was established, rural and urban hospitals were grouped separately as the basis of the calculation of the payment rate, or standardized amount. The rural/urban variable was selected because it was believed to be a reasonable proxy for unexplained, yet historically higher, costs of operation of urban hospitals. Congress agreed to pay hospitals some portion of the cost difference, although the empirical basis of the differences was not then, and continues to be uncertain.

Subsequently, Congress has recognized that the rural/urban distinction has resulted in rural hospitals receiving inequitable, significantly lower payments than urban hospitals. Through a series of provisions and adjustments, it has attempted to close the payment gap. The rural/urban variable has failed as a means of reflecting underlying cost differences because it is a poorly defined, discrete variable which is unable to distinguish between the differences in the cost of doing business in different communities. There are as many differences within these broad rural and urban groups, as there are between the groups. For example, a hospital can be only a few miles away from another, but if one is located in a metropolitan area, that hospital can receive as much as 40 percent higher payment for a "DRG".

This proposal requires that the payment gap, in phases, be closed completely by fiscal year 1991. This goal is achieved by establishing a single national payment rate. A single, national rate would enable Medicare to: a. eliminate the rural/urban variable as the means of accounting for underlying, undetermined cost differences, b. pay the same rate for all hospitals—except for payments which can be demonstrated to reflect an underlying source of costs which are unavoidable or determined to be legitimate for payment from a public policy perspective, c. develop new or revised factors which are not now explicitly acknowledged by PPS but which might achieve the fine discriminations necessary to provide equitable payments. Only if it could be determined that a specific grouping of hospitals have higher or lower costs for reasons well founded, should new payment adjustments be developed and implemented.

The Prospective Payment Assessment Commission [ProPAC] and the Department of Health and Human Services [HHS], would make recommendations by April 1, 1988, as to the specific rate, the method of calculation of the rate, and the transition year amounts. Congress, by acting on those recommendations, would establish fiscal year 1988 as the first transition year for phasein of a single rate. In fiscal year 1990, the second transition year, the rates would converge even further. On Oct. 1, 1990—first year 1991—the entire gap would have been eliminated and the single rate would take effect.

Windfall profits—or losses—for any hospital group should not be permitted to occur as a side effect of the shift to a single rate. Such profits/ losses might occur because of the modifications already instituted by Congress which were designed to reduce the gap between rural and urban hospitals. Those modifications might no longer be applicable as the transition to a single rate proceeds. Even the other, new provisions of this proposed bill might need revision or elimination. We have provided, therefore, that ProPAC and HHS would make recommendations to the Congress by April 1, 1988, about any other changes needed.

Similarly, we require that these organizations provide recommendations to Congress

by April 1, 1989, about any new adjustments to the single standardized amount which would be required once the single rate is in effect to assure that hospitals receive fair payment based on unavoidable and legitimate underlying variation in costs or other factors.

2. DEVELOP SEPARATE RURAL AND URBAN 1988 UPDATE FACTORS FOR PAYMENTS UNDER THE PROSPECTIVE PAYMENT SYSTEM (PPS)

Rationale: This proposal will immediately reduce the distance between urban and rural hospitals' rates of payment. In 1988, rural hospitals would receive a 3.0-percent update andurban hospitals would get a 2.2-percent increase. Reduction in the disparity in rates is required to restore equity for rural hospitals. The update amount proposed here also was proposed by the ProPAC and would equal 2.3 percent when the rural and urban proportions are weighted and averaged. The amount proposed falls between the administration's proposal for a 0.75-percent update, and the probable update of 2.9 percent that would result under current law—in which the update equals hospital market basket minus 2 percent. The update amount would be subject to revision depending upon more recent data reflecting additional fluctuations in the hospital market basket and case mix amounts.

ProPAC's recommendations provide a sensible and reasoned approach to the complex problem of providing equitable payments to hospitals. The recommendations are based on a procedure which recalculates the standardized amount paid to hospitals by partially incorporating changes in the cost base, while sharing productivity gains between the hospital industry and the Medicare Program. It also takes into consideration downward adjustments in the update factor made in prior years. Rebasing, in its purest form, would not take these adjustments into account, but would adjust for all of the cost changes that have occurred between 1981 and 1984, and, in effect, would take away the productivity gains achieved by hospitals which played by the rules that Congress set forth.

3. IMPROVING THE AREA WAGE INDEX BY: (A) AMENDING THE LABOR MARKET AREA DEFINITION, AND (B) UPDATING THE WAGE SURVEY AND ADDING A SKILL MIX FACTOR

Rationale: As soon as possible, we should account more accurately for wage variation in rural and urban areas. This accounting is important because the relative distribution of Medicare payments is based on the area wage index. Equity in hospital payments requires that we redefine labor market areas. However, changes in definitions suggested by ProPAC, in the short term, may result in changes that are not clearly understood and which may contribute to new inequities. Such questions suggest that additional information regarding the impact of the new definitions is necessary to assure that they would increase equity in the system, not exacerbate current problems.

The Congressional Budget Office [CBO] has plans to conduct a study of the effect of the proposed redefinition and of potential alternatives. The study results may be ready this summer (1987), providing opportunity to incorporate CBO findings into the bill. However, to assure that congressional timetables are met, this bill directs that such a study be completed within 180 days of adoption of this proposal.

The current hospital wage index is based on data for cost reporting periods ending in 1982, prior to the introduction of PPS and before effects on hospitals and their staffing patterns could be quantified. The survey and area wage index must be updated as soon as possible and on a regular basis thereafter to reflect changes in the relative costliness of hospital labor.

The current survey-based wage index does not account for variations in hospital occupational mix. The Health Care Financing Administration [HCFA], should collect such occupational data and analyze it to determine whether an adjustment is warranted for occupational categories. In conducting the survey, and indeed in the computation of the area wage index, skilled nursing home staff not providing PPS services should be excluded.

We understand that the CBO has plans to study the probable impact of occupational categories using existing data, and may have information soon enough to incorporate an appropriate methodology into this legislation. Again, to ensure that this information is available in a timely fashion, this act requires CBO to conduct and complete such a study within 6 months of the act's adoption.

4. EXPAND ELIGIBILITY CRITERIA FOR SOLE COMMUNITY HOSPITALS AND AMEND VOLUME ADJUSTMENT PROVISIONS

Rationale: Sole Community Hospital status was created by the Congress in 1972, and continued under PPS because it recognized that such hospitals are at substantially greater risk under any payment methodology or cost control mechanism in which payment is tied to patient admissions, unless there are protections when admissions decline. No matter how few patients there are, certain costs are fixed. Failure of the only hospital in a geographic area would jeopardize access of Medicare populations to inpatient services. In order to protect access for the beneficiaries and share the risks of the PPS with these hospitals, the hospitals have been given certain benefits which includes: First, payment based on a combination of 75 percent hospital-specific and 25 percent Federal rates; second, exemption from capital payment cuts until 1990; and third, a payment adjustment for a decline in discharges of more than 5 percent over the preceding cost period.

Not all hospitals which might be in need of such protection have applied for sole community hospital status. In fact, only about 363 hospitals are currently approved as sole community hospitals. Some hospitals, including many small rural hospitals, who otherwise meet geographic criteria for sole community status cannot take advantage of the volume adjustment and capital payment protection because they have per case costs lower than the national average and cannot give up the national rate. We have elected to resolve this dilemma by permitting hospitals which are otherwise eligible for sole community hospital status to select the national rate if they so desire. This action would increase the number of sole community hospitals by an unknown number, but probably by about 100 additional hospitals. As discussed previously, protections against downside swings in volume are very important to sole community hospitals, however, implementation of this provision has not been very successful. Only 11 of 363 sole community hospitals have applied for such adjustment, and only 4 have received it. This result is particularly surprising in view of the large average volume declines which have been observed in small rural hospitals since 1984.

This lack of activity can be attributed to unclear and subjective methods used in approval of applications, and cumbersome administrative procedures. Pro-PAC concludes that issuance of implementing regulations would help clarify criteria and increase the number of sole community hospitals applying for and receiving adjustments.

Issuance of such instructions would help, but would not rectify the problem since regulations now in effect are more restrictive than intended by Congress. For example, sole community hospitals currently must document not merely that volume reductions were "due to circumstances beyond their control", but rather due to "extraordinary circumstances * * * such as (but not limited to) strikes, fires, earthquakes, floods, or similar unusual occurrence * * *." Three hospitals were denied adjustments because they claimed local economic problems had caused precipitous volume declines. This bill would revise the volume adjustment provision to facilitate a hospital's receipt of an adjustment while continuing to recognize that case-by-case review is necessary to assure that the adjustment is appropriate and fair.

5. IMPROVING OUTLIER EXPENDITURES

Rationale: The 1986 Omnibus Budget Reconciliation Act (P.L. 99-509), included a provision that established separate urban and rural set-asides for outlier payments. These payments compensate hospitals for unusually long or costly cases. Rural hospitals are not major recipients of outlier payments. Yet, until creation of the separate set-aside, they contributed equally with urban hospitals in the funding of the outlier payments. It remains unclear whether outlier set-asides are being used fully in making payments for outliers in urban and rural areas respectively. This provision will permit an accounting of all rural and urban outlier payments each year, and ensure that all hospitals are being treated fairly. In addition, the provision will assure that total outlier payments to hospitals are equal to the total amount withheld from hospitals through offsets against their DRG payments. This is accomplished by requiring that both total payments and amounts withheld are based on the total known DRG prospective payment amounts incurred in a year for which such data is available—that is, the year 2 years previous to the current year.●

Mr. DASCHLE. Mr. President, I join with Senator DURENBERGER today in introducing the Medicare Rural Hospital Payment Equity Act of 1987.

The title tells you exactly what this bill is about: Equity for rural hospitals. But it also could have been named the Rural Hospital Survival Act of 1987, and that would have been just as accurate.

Mr. President, over 25 percent of this Nation's rural hospitals lose money on their Medicare patients. The average Medicare profit margin for rural hospitals is only 60 percent of the average profit margin for urban hospitals. For small rural hospitals, the situation is even worse; their Medi-

care profit margin is less than 50 percent of the urban level.

These numbers demonstrate two inescapable facts. First, rural hospitals are in trouble. Many of them are in big trouble. Second, the reason they're in such big trouble is because they're not being treated fairly. That's what this bill would correct.

The bill has five main provisions. First, it would eliminate the separate urban and rural payment rates, and establish a single, national rate starting in fiscal year 1990. Second, it would provide a higher 1988 update for rural hospitals than for urbans. Third, it would make the wage index more accurate. Fourth, it would expand the eligibility criteria for sole community providers. Finally, it would help make sure that rural hospitals get their fair share of outlier payments.

Mr. President, the numbers I cited earlier demonstrate that having separate urban and rural payment rates is inexcusably unfair. I do not dispute that some urban hospitals have higher costs than some rural hospitals, but we have already corrected for those differences by basing payments on variables like the level of local wages. There is no reason to have separate urban and rural rates as well, and the numbers I cited prove that rural hospitals are being hurt as a result.

The changes that would be brought about by this bill are absolutely essential if we are to guarantee the survival of rural America's health care system. Many hospitals in South Dakota are teetering on the brink of financial collapse, largely because they lose money on their Medicare patients.

But this bill does more than protect South Dakota's small hospitals; it also protects the small towns where they're located. We cannot expect people to live in small towns if they must jeopardize their families' health in the process. This bill will allow rural hospitals to keep their doors open, and it will allow people to live in the small towns where they grew up. I am pleased to work with Senator DURENBERGER on this issue.

● Mr. McCAIN. Mr. President, I'd like to join my distinguished colleague from Minnesota, Senator DURENBERGER, in introducing legislation which seeks to address a very serious situation confronting many of the rural communities in our country. That situation is the potential closure of hospitals in rural America due to a flaw in the payment methodology which has provided for a differential between the Medicare payment levels provided to urban and rural hospitals.

Many of our Nation's rural hospitals are in real trouble. I do not believe the financial difficulties rural hospitals are currently facing were brought on intentionally, but nonetheless they do exist.

The root of the current problem goes back to 1983, when a radical change was made in hospital payment methodology. The Medicare prospective system was born. Hospitals would no longer be paid on the basis of their customary billing, rather the payment would be a predetermined amount based on the type of procedure or treatment the patient received. In adopting this new payment methodology, we were not aware of any differences between rural and urban hospitals that might adversely effect the financial viability of one group.

It was not until we began receiving initial data indicating the effect that the new payment methodology was having on hospitals that we realized there was a problem. Since that time, we have made several modifications in the payment formula which have somewhat lessened the severity of the payment differential between urban and rural hospitals. There is, however, still more that remains to be done in order that the rural communities of our Nation—and their citizens—will not lose access to hospital care.

In March, the prospective payment assessment commission [Pro-PAC] issued its annual report. In its report, the Commission indicated that the most stunning difference in the first-year prospective payment system margins were between urban and rural hospitals. According to the Commission, the differential was 7 percent.

The report also cited that in excess of 25 percent of small rural hospitals ended the fiscal year in the red, while this could only be said about a small number of urban hospitals. The hospitals which—as an aggregate—had the lowest operating margins, and tended to go into the red most frequently, were those hospitals with less than 50 beds. Of those hospitals, 10 percent had deficit operating margins as great as 18.4 percent.

These facts make it accutely clear that the hospital industry has been correct in arguing that we cannot look to the aggregate profit figures to determine how well hospitals are doing under the prospective payment system. While it is correct that some hospitals are fairing very well, there are many that are not so well off—most of which are rural hospitals.

Mr. President, in my own State of Arizona, close to 50 percent of the 93 hospitals are rural. More than half of the rural hospitals have less than 50 beds. In addition to having fewer beds, these hospitals treat a higher percentage of patients who are elderly—people whose illnesses tend to be more acute, resulting in more costly care. Nine hospitals in Arizona have patient loads comprised of more than 70 percent Medicare beneficiaries. The volume of this type of patient, coupled with the intensity of care required, in turn makes these hospitals much more dependent on the Medicare system for their survival than other hospitals. As you can well imagine, the level of financial strain felt by these hospitals, due to the payment differential, is greatly exacerbated.

Mr. President, it is my belief that this legislation which is being introduced today, is a responsible approach to addressing the situation faced by rural hospitals. The legislation has four components.

First, this legislation proposes that the separate payment rates for urban and rural hospitals under the prospective payment system be eliminated and that a single, national standardized payment rate be developed. The move to a single rate would occur across the period of 3 years and the gap would be completely closed by 1991.

Second, this legislation seeks to correct problems which exist in the wage index—a tool which is used to determine reimbursement rates. The wage index includes such factors as the average wages for each type of employee, in addition to the ratio of technical to nontechnical employees. There are two provisions to this part of the legislation. First, it would require the Congressional Budget Office to study, and report to Congress, the effect that the application of the labor market area definitions have on hospitals. Second, it would provide for the updating and refining of the survey of hospital wages. This would be done only after the Secretary of HHS conducts a survey of the wages, and the CBO studies the effect of variations in occupational mix on the wage and wage-related costs of these hospitals and the feasibility of adjusting the area wage index.

Third, this legislation includes several provisions relevant to hospitals that are sole community providers. First, it would allow the Secretary to compensate, for their fixed costs, those hospitals which experience a decline of more than 5 percent in their patient census. Second, it would require the Secretary to issue instructions for implementation of the volume adjustment, in order to clarify the interpretation of the criteria and to simplify the process of applying for such an adjustment. Third, it would require the Secretary to study, and report to Congress, the feasibility and appropriateness of applying a formula, based on the average increase in the cost per discharge for hospitals of similar size and characteristics, to determine the payment adjustments.

Fourth, this legislation includes a provision that will permit hospitals and the Congress to know the total amount of money held back and used for outlier payments. In addition, this provision will assure that total outlier payments to hospitals are equal with

respect to the total amount withheld from hospitals through offsets against their DRG payments. This is accomplished by requiring that both total payments and the amounts withheld are based on the total known DRG prospective payment amounts incurred in the most recent year for which data is available.

In the 1986 Omnibus Reconciliation Act, a provision was included which established separate urban and rural set-asides for outlier payments. These payments compensate hospitals for unusually long or costly cases. Currently, rural hospitals are not major recipients of these payments. Yet, until the creation of the separate set-aside, rural hospitals contributed equally with urban hospitals in the funding of outlier payments. It remains unclear whether outlier set-asides are currently being used fully in making payments for outliers in rural and urban areas respectively. The provision just mentioned will permit an accounting of all rural and urban outlier payments each year, and ensure that all hospitals are being treated fairly.

On May 6, during consideration of the budget resolution, we adopted a rural hospital amendment offered by Senator GRASSLEY. This amendment, of which I was a cosponsor, expressed the sense of the Congress that the special needs of rural hospitals should be taken into account in enacting any legislation which would amend the Medicare Program to reconcile expenditures with the budget resolution. The legislation being offered here today, begins to move us down the road of making some of the needed changes, that will ultimately spell relief and protection for a great number of our Nation's rural hospitals.

Mr. President, I urge my colleagues to support this legislation—legislation which will begin moving us down the road to righting the current situation, thus protecting access to hospital care for the citizens of this country who live in rural communities.●

● Mr. GRASSLEY. Mr. President, I rise as a cosponsor of this bill to indicate my strong support for it and to urge my colleagues, especially those from rural States, to support it as it moves through the legislative process.

Mr. President, during the Senate debate on the budget resolution last May, I offered, as an amendment, a sense-of-the-Senate resolution to the effect that the special needs of rural hospitals be taken into consideration when Medicare Program expenditures are reconciled with the requirements of the budget resolution. That amendment was accepted by the committee and was included in the budget resolution.

There is abundant evidence available to indicate that rural hospitals need such consideration. As I noted in my discussion of that amendment, the February 1987 report of the prospective payment review commission noted striking differences in the first-year prospective payment system margins between urban and rural hospitals. According to their report, the urban margin was a full 7-percent higher than the rural margin. Over one-fourth of rural hospitals incurred losses under the system, while few urban hospitals had losses. Some 10 percent of the smallest hospitals, those with fewer than 50 beds—the overwhelming majority of which are in rural areas—had margins of minus 18 percent. The Commission stated in their report:

> Financial difficulties of rural hospitals deserve continued attention, especially small rural hospitals, which had the highest proportion of PPS losses of any hospital group.

My own State of Iowa is one in which this problem is acutely felt. At least 50 percent of our hospitals have less than 50 beds. Older people—Medicare beneficiaries—constitute a larger percentage of admissions in rural areas than in urban areas, so the prospective payment system has a proportionally larger effect on these hospitals than on urban hospitals. Fortunately, there is a consensus among Iowa hospitals, including our urban hospitals, to the effect that we have to take steps to protect the viability of our smaller rural hospitals. Everyone involved in providing health care in Iowa knows very well that these hospitals are the backbone of health care in their communities. They know full well also that these hospitals have a major economic impact on their communities.

That sense-of-the-Senate resolution to which I referred a moment ago did not say how the special needs of small rural hospitals should be taken into account. Senator DURENBERGER's bill does lay out a way to achieve greater payment equity for rural hospitals under the prospective payment system.

The Durenberger bill has at least three provisions which, if enacted into law, will have a direct and positive effect on the financial well-being of rural hospitals. These are: a separate rural and urban update factor for payments under the prospective payment system for fiscal year 1988, an expansion of the eligibility criteria for sole community hospitals and an improvement in the volume adjustment provisions, and improvements in outlier expenditures. The bill would also bring about improvements in the area wage index which will have a positive effect on the financial situation of rural hospitals.

I think that the provisions of this bill, if enacted, will help sustain our rural hospitals and hence, high quality health care in our rural communities, and I am pleased to be a cosponsor of the bill.

Mr. President, I am also cosponsoring S. 1390, a bill introduced last week by Senator BAUCUS which contains numerous provisions which would ultimately have a beneficial effect on health care in rural communities.●

By Mr. McCLURE:

S. 1439. A bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY EMERGENCY PREPAREDNESS ACT AMENDMENTS

● Mr. McCLURE. Mr. President, today I introduce the Energy Emergency Preparedness Act Amendments of 1987. This measure reflects my continuing concern for the energy security of the United States. Repeatedly I have advocated a strengthening of the United States' preparedness to deal with international energy emergencies.

This measure, Mr. President, authorizes the President to activate the enegy emergency reserves, in the event of three defined national or international energy emergencies: activation of the International Energy Agency, drawdown of the strategic petroleum reserve, or in the event of a "severe energy supply emergency." Up to 50 Reservists could be called up to aid the Federal Government in coping with such energy emegencies; however, they can serve only in advisory or consultative positions.

Second, the measure authorizes the use of voluntary agreements and plans of action, in the event of such energy emergencies.

Third, with regard to the International Energy Program, the measure extends the expiration date for the limited antitrust defense until June 20, 1995.

Fourth, the measure contains several provisions addressing use of the strategic petroleum reserve, such as first, predrawdown diversion of SPR petroleum products in transit; second, use of the Defense Production Act to effectuate transportation of SPR petroleum products; third, coordination of IEA stock policies; and fourth, a report on SPR sales options. The measure also includes a study of a 1 billion barrel SPR.

Fifth, with regard to preemption of State laws and State set-asides, the measure would provide for preemption of State price and allocation laws in the event of any of three energy emergencies. If the IEA is triggered or the SPR is drawndown, an automatic State set-aside program would be provided. In the event of a "severe energy

supply interruption," but not either of the aforementioned events, a State set-aside program would require Federal approval to be implemented.

Sixth, the measure also incorporates an extension of titles I and II of EPCA until June 30, 1995.

And, finally, the measure requires reports to the Congress of efforts of the administration to prepare for international energy emergencies.

Mr. President, this measure reflects the legislative efforts by the Energy and Natural Resources Committee in 1984 during the 98th Congress. At that time I reached agreements with then Secretary of Energy Hodel and OMB Director Stockman regarding the elements of an energy emergency preparedness bill that the administration could support. Hearings were held and markup began. However, markup was suspended when it was recognized that final congressional action was not feasible within the time remaining in the 98th Congress. This measure reflects that earlier effort.

I ask unanimous consent that the text of the measure as well as the earlier correspondence with OMB Director Stockman and then Secretary of the Interior Hodel be printed following these remarks.

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

S. 1439

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 "Energy Emergency Preparedness Act Amendments of 1987".

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SEC. 2. CONGRESSIONAL FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) further legislative and administrative actions are needed to strengthen and improve our Nation's energy emergency preparedness in order to implement section 271 of the Energy Policy and Conservation Act (42 U.S.C. 6281), which established the policy that the Federal Government shall be prepared prior to any shortage of petroleum products to respond to energy emergencies, as a supplement to reliance on the free market to mitigate the adverse impacts of a shortage of petroleum products—

(A) on public health, safety, and welfare; and

(B) on the price of petroleum products; and

(2) individual State and local pricing and allocation of petroleum products could frustrate—

(A) free market pricing and allocation of available petroleum product supplies, and

(B) the response of the Federal Government to energy emergencies.

(b) PURPOSE.—The purpose of this Act is to carry out further the policy set forth in section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b)) by—

(1) extending the expiration date of titles I and II of said Act until June 30, 1995.

(2) amending existing energy emergency authorities to—

(A) assure that such authorities are adequate for, and remove any inconsistencies which may impede, proper implementation of the energy emergency preparedness policy established by section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b));

(B) assure the availability and effectiveness of organizations for utilizing the assistance of the private sector, including the Energy Emergency Executive Reserves, and Voluntary Agreements and Plans of Action, in national and international energy emergencies; and

(C) preserve the ability of the domestic marketplace to work effectively in the event of a severe petroleum supply disruption by protecting against the possibility that States or local governments by the adoption of pricing and allocation laws, may interfere in the domestic marketplace and thereby worsen energy emergencies;

(3) undertaking on a continuing and timely basis appropriate administrative actions to—

(A) improve and upgrade the Comprehensive Energy Emergency Response Procedures provided for in the Energy Emergency Preparedness Act of 1982, by incorporating improvements that are needed in light of the results of ongoing tests and exercises relating to the energy emergency response capabilities of the United States; and

(B) assure, commensurate with the Strategic Petroleum Reserve Distribution Plan and with applicable law, that—

(i) the Strategic Petroleum Reserve will be applied to meet domestic needs, including regional hardships, and can be applied to meet international obligations of the United States (including those under the International Energy Program and NATO Agreements); and

(ii) any petroleum products from the Strategic Petroleum Reserve, including any such petroleum products distributed by directed sales, enter the market during the energy emergency and are protected from speculation and hoarding; and

(4) completing the Strategic Petroleum Reserve by:

(A) developing a 750 million barrel Reserve by the end of fiscal year 1991; and

(B) maintaining an average annual fill-rate in accordance with applicable law.

(c) CONFORMING AMENDMENT—Amend section 271(c) of the Energy Policy and Conservation Act (42 U.S.C. 6281(c)) by making purpose plural; by inserting two dashes, a paragraph, and "(1)" before "carry out"; and by inserting before the period a semicolon followed by "and" and the following new paragraph: "(2) assure the availability and effectiveness of organizations for utilizing the assistance of the private sector, in the Energy Emergency Executive Reserves, and Voluntary Agreements and Plans of Action, during national or international energy emergencies".

TITLE I—EMERGENCY PREPAREDNESS

SEC. 101. ENERGY EMERGENCY PREPAREDNESS ORGANIZATIONS: EXECUTIVE RESERVES, AND VOLUNTARY AGREEMENTS AND PLANS OF ACTION.

(a) Part C of Title II of the Energy Policy and Conservation Act (42 U.S.C. 6281), relating to energy emergency preparedness, is amended by adding at the end thereof the following new sections:

"ENERGY EMERGENCY EXECUTIVE RESERVES

"SEC. 273. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; AND EXECUTIVE RESERVES.—(a)(1) The President is authorized, to the extent he deems it necessary and appropriate in order to implement the Comprehensive Energy Emergency Response Procedures (including any revisions thereto) provided for in section 272(b), and subject to such regulations as he may issue, to train and employ, subject to paragraph (2), persons of outstanding experience and ability in connection with the activities of the Emergency Petroleum and Gas Executive Reserve, the Emergency Solid Fuels Executive Reserve, and the Emergency Electric Power Executive Reserve of the Department of Energy. Such persons shall be employed only in advisory or consultative positions.

"(2) The President may employ persons pursuant to this subsection when there is in effect—

"(A) a finding by the President pursuant to section 161(d) that implementation of the Distribution Plan contained in the Strategic Petroleum Reserve Plan is required by a severe energy supply interruption or by obligations of the United States under the International Energy Program;

"(B) an international energy supply emergency (as defined in section 252 (a)(1)); or

"(C) a Presidential declaration, expressly stated to be pursuant this section, that there exists or is imminent a severe energy supply interruption (as defined in section 3(a)).

"(3) In the appointment of personnel and in assignment of their duties, the President shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

"(4) Notwithstanding any other provision of law, the President, upon finding that the achievement of the purpose of section 271(c)(2) requires such action, may exempt with respect to specified activities up to 50 persons in connection with the activities of each Reserve:

"(A) who become employed pursuant to paragraph (1) from the operations of sections 601 through 608 of the Department of Energy Organization Act (42 U.S.C. 7211-7218); and

"(B) who become employed pursuant to paragraph (1) and their private employers from the antitrust laws (as defined in Section 3(9)) or similar State law: *Provided,* That the exemption authorized in this subparagraph shall apply only with respect to activities undertaken in good faith within the scope of the employees; official governmental duties.

"(5) Appointments under this subsection shall be supported by written certification by the Secretary that—

"(A) the appointment is necessary and appropriate in order to implement the Comprehensive Energy Emergency Response Procedures;

"(B) the duties of the position to which the appointment is being made require outstanding experience and ability; and

"(C) the appointee has the oustanding experience and ability required by the position.

"(6) The Secretary shall publish in the Federal Register a statement including the name of the appointee, the title of his position, and the name of his private employer. The appointee shall file with the Secretary for publication in the Federal Register a statement listing the names of any corporations of which he is an employee, officer or director or within sixty days preceding his appointment has been an employee, officer or director, or in which he owns, or within sixty days preceding his appointment has owned, any stocks, bonds, or other financial interests, and the names of any partnerships in which he is, or was within sixty days preceding his appointment, a partner, and the names of any other businesses in which he owns, or within such sixty-day period has owned, any similar interest. At the end of each succeeding six-month period, the appointee shall file with the Secretary for publication in the Federal Register a statement showing any changes in such interests during such period.

"(7) At least once every three months the Director of the Office of Personnel Management shall survey appointments made under this subsection and shall report his findings to the President and the Congress and make such recommendations as he may deem proper.

"(8) Persons appointed under the authority of this subsection may be allowed transportation and per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment, in accordance with title 5 of the United States Code.

"(9) For the purpose of participating in the Executive Reserve training program, members of these Executive Reserves who are not at the time full-time Federal Government employees may be allowed transportation and per diem in lieu of subsistence, in accordance with title 5 of the United States Code (with respect to individuals serving without pay, while away from their homes or regular places of business).

"(b) In order to achieve the purpose of section 271(c)(2), the President may utilize the voluntary services of State and local agencies and he is authorized to provide for the exemption with respect to specified activities of persons whose services are utilized under this subsection from the operation of:

"(1) sections 601 through 608 of the Department of Energy Organization Act (42 U.S.C. 7211-7218); and

"(2) the antitrust laws (as defined in section 3(9)) or any similar State law: *Provided,* That the exemption authorized in this subparagraph shall apply only with respect to activities undertaken in good faith within the scope of the official duties of the employee and shall extend to the State and local agency employers of persons whose services are utilized under this section.

"(c) Notwithstanding any other provision of law, any activities conducted under this section are exempt from the operation of all Federal laws, rules, and regulations pertaining to advisory committees.

"(d) The Secretary, in consultation with the Federal Trade Commission and with the concurrence of the Attorney General, shall promulgate regulations implementing the exemptions contained in subsections (a)(4), (b), and (c)(1).

"(e) The report required by the Secretary pursuant to section of the Energy Emergency Preparedness Act of 1982 shall include a description of those actions taken to solicit participation in a particular Energy Emergency Executive Reserve by qualified personnel who, in the aggregate, possess a diversity of expertise and employment backgrounds relevant to the activities of such Reserve.

"(f) The authority granted by this section shall be supplementary to, and shall have no effect on, the authority provided under section 10 of the Defense Production Act of 1950 (50 U.S.C. App.).

"VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR ENERGY EMERGENCIES.

"SEC. 274. (a)(1) The President is authorized to consult with representatives of the energy industry, energy consumers and other interests, in order to initiate, and encourage such persons to participate in, voluntary agreements and plans of action which—

"(A) he deems important to the national interest and which, in his judgement, would contribute to the objectives of this part by facilitating preparation for, or a response to, an energy emergency of national or international scope or character in a manner that—

"(i) is consistent with the policy set forth in section 271(b); and

"(ii) does not unreasonably or unnecessarily interfere with competition; and

"(B) are related to—

"(i) providing equitable and otherwise appropriate domestic mechanisms to encourage or facilitate transactions to satisfy the obligations of the United States under the International Energy Program;

"(ii) actions necessary to ensure the transportation and distribution of Strategic Petroleum Reserve petroleum products;

"(iii) emergency response efforts to optimize the distribution of Strategic Petroleum Reserve petroleum products, and other stocks, for the purposes of critical refinery or transportation operations;

"(iv) emergency response efforts to ensure that adequate supplies of petroleum products are made available in geographic areas subject to imminent and severe shortages of petroleum products through normal market distribution mechanisms; or

"(v) actions necessary to meet national security commitments to the NATO Wartime Oil Organization and the United States-Israeli (petroleum product) supply agreement.

"(2) Within ninety days of enactment, the President, pursuant to this section, shall initiate and encourage the development of and participation in voluntary agreements and plans of action that provide equitable and otherwise appropriate domestic mechanisms to encourage or facilitate transactions to satisfy the obligations of the United States under the International Energy program.

"(b) The President shall prescribe standards and procedures by which persons may develop and carry out voluntary agreements and plans of action provided for in subsection (a).

"(c) The standards and procedures prescribed under subsection (b) shall include without limitation the following requirements:

"(1)(A) Except as provided in subparagraph (B), meetings held to develop or carry out a voluntary agreement or plan of action under this section shall—

"(i) permit attendance by representatives of committees of the Congress and interested persons, including all interested segments to the energy industry, energy consumers, and the public;

"(ii) be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, committees of the Congress, and (except during an energy emergency with respect to meetings to carry out a voluntary agreement or to develop or carry out a plan of action) the public; and

"(iii) be initiated and chaired by a regular full-time employee of the Department of Energy.

"(B) The President may determine that a meeting held to carry out a voluntary agreement or to develop or carry out a plan of action shall not be open to interested persons or that attendance by interested persons may be limited, if the President finds that a wider disclosure would be detrimental to—

"(i) achievement of the purpose described in section 271(c)(2); or

"(ii) the interests of the United States.

"(2) Interested persons permitted to attend such a meeting shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings, subject to any reasonable limitations with respect to the manner of presentation of data, views, and arguments as the Secretary may impose.

"(3) A full and complete record, including where practicable (in order of preference) a verbatim transcript or tape recording, shall be kept of any meeting held, and a full and complete record shall be kept of any communication (other than in a meeting) made, between or among participants or potential participants, to develop or carry out a voluntary agreement or a plan of action under this section. Such record, transcript, or tape recording shall be deposited, together with any agreement resulting therefrom, with the Secretary and shall be available to the Attorney General and the Federal Trade Commission. Such records, transcripts, or tape recordings shall be available for public inspection and copying in accordance with section 552 of title 5, United States Code; except that (A) matter may not be withheld from disclosure under section 552(b) of such title on grounds other than the grounds specified in section 552(b)(1), (b)(3), or so much of (b)(4) as relates to trade secrets; and (B) in the exercise of authority under section 552(b)(1), the President shall consult with the Secretary of State and the Attorney General with respect to questions relating to the foreign policy interests of the United States.

"(4) No provision of this section may be implemented so as to prevent representatives of committees of Congress from attending meetings to which this section applies, or from having access to any transcripts, records, and agreements kept or made under this section. Such access to any transcript or tape recording that is required to be kept for any meeting shall be provided as soon as practicable (but not later than 14 days) after that meeting.

"(5) Any person shall be afforded an opportunity to seek participation in a voluntary agreement or plan of action by submitting a petition to the President. Any such petition may be granted if the requested participation meets the criteria set forth in subsections (a)(1) (A) and (B). Denial of a petition shall be accompanied by a written statement of the reasons for such denial.

"(d)(1) The Attorney General and the Federal Trade Commission, as they deem appropriate, may participate in the develop-

ment, and when practicable, in the carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this part. A voluntary agreement or plan of action under this section may not be carried out unless approved by the Secretary and by the Attorney General, after consultation with the Federal Trade Commission. Prior to the expiration of the period determined under paragraph (2), the Federal Trade Commission shall transmit to the Attorney General its views as to whether such an agreement or plan of action should be approved, of action shall be available for public inspection and copying, except that a plan of action shall be so available only to the extent to which records are so available as provided in the last sentence of subsection (c)(3). Any action taken pursuant to such voluntary agreement or plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as may be prescribed under subsections (e)(3) and (4).

"(3) A voluntary agreement or plan of action may not be approved by the Attorney General under this subsection unless such agreement or plan—

"(A) describes the types of substantive actions which may be taken under the agreement or plan, and

"(B) is as specific in its description of proposed substantive actions as is reasonable in light of circumstances known at the time of approval of such agreement or plan.

"(e)(1) The Attorney General and the Federal Trade Commission, as they deem appropriate, shall monitor the development and carrying out of voluntary agreements and plans of action authorized under this section in order to promote competition and to prevent anticompetitive practices and effects, while achieving substantially the purposes of this part.

"(2) In addition to any requirement specified under subsections (b) and (c) of this section and in order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Secretary, may promulgate rules concerning the maintenance of necessary and appropriate records related to the development and carrying out of voluntary agreements and plans of action authorized pursuant to this section.

"(3) Persons developing or carrying out voluntary agreements and plans of action authorized pursuant to this section shall maintain such records as are required by rules promulgated under paragraph (2). The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

"(4) The Attorney General and the Federal Trade Commission may each prescribe such rules as may be necessary or appropriate to carry out their respective responsibilities under this section. They may both utilize for such purposes and for purposes of enforcement any powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by the antitrust laws or the Antitrust Civil Process Act; and wherever any such law refers to "the purposes of this Act" or like terms, the reference shall be understood to include this section.

"(f)(1) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (as defined in section 3(9)) or any similar State law in respect to actions taken to develop or carry out a voluntary agreement or plan of action (provided that such actions were not taken for the purpose of injuring competition) that—

"(A) such actions were taken—

"(i) in the course of developng a voluntary agreement or plan of action pursuant to this section, the making of which was initiated by the President, or

"(ii) to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section, the making of which was initiated by the President, and

"(B) the persons taking such actions complied with the requirements of this section and the rules promulgated hereunder.

"(2) Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense provided in this subsection shall be available only if and to the extent that the person asserting the defense demonstrates that the actions were specified in, or within the reasonable contemplation of an approved voluntary agreement or plan of action the making of which was initiated by the President.

"(3) Persons interposing the defense provided by this subsection shall have the burden of proof upon the elements of the defense, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of injuring competition.

"(g) No provision of this section shall be construed as granting immunity for, or as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any act or practice which occurred prior to the date of enactment of this section or subsequent to its expiration or repeal.

"(h) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once annually, a report on the implementation of this section, including any impact on competition and on small business of actions authorized by this section.

"(i) In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken—

"(A) when there is in effect a Presidential finding pursuant to section 161(d) that implementation of the Distribution Plan contained in the Strategic Petroleum Reserve Plan is required by a severe energy supply interruption (as defined in section 3(8)) or by obligations of the United States under the International Energy Progam,

"(B) there is in effect an international energy supply emergency (as defined in section 252(l)(1), or

"(C) which are necessary to meet national security commitments to the NATO Wartime Oil Organization and the United States-Israeli (petroleum product) supply agreement,

to carry out a plan of action authorized and approved in accordance with this section.

"(j) Notwithstanding any other provision of law, any activities conducted under this section, when conducted in compliance with the requirements of this section, the rules promulgated hereunder, and the provisions of the voluntary agreement or plan of action, are exempt from the operation of all Federal laws, rules and regulations pertaining to advisory committees.

"(k) The authority provided by this section shall not apply to the development or carrying out of voluntary agreements or plans of action to implement the allocation and information provisons of the International Energy Program: *Provided*, That this shall not preclude or limit the applicability of the authority to voluntary agreements or plans of action by oil compaines that provide equitable and otherwise appropriate domestic mechanisms to encourage or facilitate transactions to satisfy the obligation of the United States under the International Energy Program.".

"(b) Section 208(b) of title 18, United States Code, relating to acts affecting a personal financial interest, is amended by striking "." in clause (2), after the world "services", and inserting in lieu thereof——

"; or (3) if the Government official responsible for appointment of the officer or employee, with the concurrence of the Director of the Office of Government Ethics, make a certification, published in the *Federal Register*, that the national interest would be served by the participation of the officer or employee because the officer or employee has outstanding qualifications not otherwise available and is acting with respect to a particular matter that requires such qualifications, and that—

"(A) the financial interest is not likely to affect the integrity of the services which the Government might expect from such officer or employee; or

"(B) the participation by such officer or employee in the particular matter will be limited to the rendering of advice and all persons receiving such advice will be notified of the nature and extent of the officer's or employee's financial interest in the matter.".

"(c) CONFORMING AMENDMENTS.—Section 271 of the Energy Policy and Conservation Act (42 U.S.C. 6281) is amended—

(1) in subsection (b), by deleting "other than this part" and inserting in lieu thereof, "other than section 272".

(2) in subsection (c), by deleting "other than this part" and inserting in lieu thereof, "other than section 272, and by making available to the President authorities for utilizing the private sector in implementing this policy".

(d) The table of contents of the Energy Policy and Conservation Act is amended further by inserting after the item relating to section 272 the following:

"Sec. 273. Energy emergency executive reserves.

"Sec. 274. Voluntary agreements and plans of action for energy emergencies.".

SEC. 102. INTERNATIONAL ENERGY PROGRAM AMENDMENTS.

(a) Section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272) is amended—

(1) in subsection (d)(1), by adding at the end thereof, "No action to approve a voluntary agreement or plan or action under this subsection shall be subject to judicial review.

(2) in subsection (d)(3), by deleting "known circumstances" and inserting in lieu thereof, "circumstances known at the time of approval";

(3) in subsection (e)(2), by deleting "shall" and inserting in lieu thereof, "may";

(4) in subsection (f)(2), by inserting after "approved", the phrase "voluntary agreement or"; and

(5) in subsection (i), by deleting "once every six months" and inserting in lieu thereof, "annually, or once every six months when there is in effect a Presidentially-declared energy emergency,".

(b) EXTENSION.—Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking our "1988" and inserting in lieu thereof "1995".

SEC. 103. STRATEGIC PETROLEUM RESERVE AMENDMENTS.

(a) Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding the following new subsections:

"(g) When the President has found that implementation of the Strategic Petroleum Reserve Distribution Plan is required, he is authorized to use the authority contained in section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)), in such manner as he deems necessary or appropriate to effectuate the transportation of petroleum products from the Strategic Petroleum Reserve during drawdown and distribution of the Reserve, as if the drawdown and distribution of the Reserve were a national defense program within the meaning of that section; notwithstanding such usage, procurements for the Reserve shall not be subject to any Cost Accounting Standards as required pursuant to any statute or regulation applicable to national defense contractors.

"(h) Notwithstanding any other provision of law, the President may permit any crude oil withdrawn from the Strategic Petroleum Reserve in accordance with the provisions of this section to be sold to persons who will have such crude oil refined outside the United States pursuant to an arrangement for the delivery of refined petroleum products to the United States.

"(i) PREDRAWDOWN DIVERSION OF STRATEGIC PETROLEUM RESERVE PETROLEUM PRODUCTS.—(1) If the President finds that a severe energy supply interruption may be imminent and that the world price of crude oil has, as a result, increased substantially, then the execution of new contract for petroleum products for injection into the Strategic Petroleum Reserve may be curtailed or suspended for not to exceed 30 days, and the provisions of sections 160 (c) and (d) shall not apply: *Provided, however,* That such finding may be extended for additional 30 day periods upon a finding that the conditions that justified the initial finding still exist.

"(2) During the period for which such Presidential finding is in effect, the quantity of any petroleum products involved shall be disregarded in applying the provisions of such subsections for periods following the effective period of such finding.

"(3) When such a finding is in effect, the Secretary is authorized to sell, in accordance with rules or regulations which he shall promulgate, any petroleum products acquired by contract and produced for storage in, but not injected into, the Strategic Petroleum Reserve.

(b) BILLION BARREL STRATEGIC PETROLEUM RESERVE STUDY.—Within one year from the date of enactment, the Secretary of Energy shall submit to the Congress a report on the benefits and costs to the Nation of filling the Strategic Petroleum Reserve to the level of one billion barrels (as originally intended in section 151(b) of the Energy Policy and Conservation Act (Public Law 94-163)) as compared to the currently planned storage capacity of 750 million barrels. Such report shall include:

(1) an economic analysis of the relative levels of protection that would be provided our economy at these two storage capacity levels,

(2) an analysis of the likely costs of the additional storage capacity and petroleum products, and

(3) a specific finding and recommendation by the President as to the amount of storage capacity to which the Reserve should be filled upon its completion.

(c) COORDINATED IEA STOCK POLICIES.—It is the sense of Congress that the President is to be commended for an encouraged to continue seeking to establish among the countries participating in the International Energy Program a policy for the rapid buildup of strategic petroleum stocks prior to a major oil supply disruption and the coordinated drawdown of such strategic petroleum stocks early in a major oil supply disruption.

(d) STRATEGIC PETROLEUM RESERVE SALES OPTION REPORT.—Within one hundred and eighty days of enactment, the Secretary of Energy shall transmit to the Congress a report evaluating the feasibility, cost-benefit comparisons, and other advantages and disadvantages, of conditional market options for the sale of petroleum products from the Strategic Petroleum Reserve. In making his evaluation, the Secretary, among other things, shall provide—

(1) a description of the authorities available under existing law; and

(2) any changes to existing law which would be necessary in order to use such options.

SEC. 104. EFFECT ON STATE LAWS.

(a) Part C of Title II of the Energy Policy and Conservation Act, relating to energy emergency preparedness, is further amended by adding at the end thereof the following new section:

"EFFECT ON STATE LAWS

"SEC. 275. (a) PREEMPTION.—(1)(A) When there is in effect,

"(i) a finding by the President pursuant to section 161(d) that implementation of the Distribution Plan contained in the Strategic Petroleum Reserve Plan is required by a severe energy supply interruption or by obligations of the United States under the International Energy Program, except as provided in subsection (b)(1),

"(ii) an international energy supply emergency (as defined in the first sentence of section 252(l)(1)), except as provided in subsubsection (b)(1), or

"(iii) a Presidential declaration, expressly stated to be pursuant to this section, that there is imminent a severe energy supply interruption (as defined in section 3(8)), except as provided in subsection (b)(2),

any law or regulation adopted or promulgated by a State or any political subdivision thereof, to the extent that such law or regulation provides for the pricing or allocation of any petroleum product, is hereby preempted, except as provided in paragraph (2).

"(2) The President may, by rule or order, exempt from the operation of paragraph (1) classes or categories of laws or regulations, or specific laws or regulations, which would otherwise be preempted under such paragraph, to the extent that the President determines that such laws or regulations would—

"(A) preserve a significant State or local interest;

"(B) not unduly burden interstate commerce; and

"(C) not interfere with the policy established by section 271.

"(C) No action of the President under subparagraph (A) or (B) shall be subject to judicial review.

"(b) STATE SET ASIDE.—(1) When there is in effect,

"(A) a finding by the President pursuant to section 161(d); or

"(B) an international energy supply emergency (as defined in the first sentence of section 252(1)(1)),

the Governor of any State may implement a State set-aside program for petroleum products upon notification of the President of the Governor's intent to do so.

"(2)(A) When there is in effect a Presidential declaration, expressly stated to be pursuant to this section, that there exists or is imminent a severe energy supply interruption (as defined in section 3(8)), the Governor of any State may notify the President of the Governor's intent to implement a State setaside program for petroleum products.

"(B)(i) The Governor shall provide the President with notice under subparagraph (A), accompanied by a request for approval of the State set-aside program the Governor intends to implement, at least 10 days prior to the date on which the Governor intends to implement the program.

"(ii) Within 10 days after receipt of such notice and request transmitted by the Governor, the President, in his discretion, shall either approve or disapprove such request and notify the Governor of the President's action.

"(iii) To the extent that the President approves the request within such 10-day period, the program shall then be exempt from the operation of subsection (a).

"(iv) If the President does not approve such request within such 10-day period, the request shall be considered disapproved and the program shall not be exempt under this subsection from the operation of subsection (a).

"(v) The President's approval of any program under this subsection may be in whole or in part; but only so much of any State set-aside program as the President approves under this paragraph may be implemented.

"(C) Notwithstanding the 90-day limitation in paragraph (3)(B), an exemption under this subsection allowing implementation of any State set-aside program may be extended by the President for successive 90-day periods if the Governor transmits a notice and request therefor to the President and the President approves such request prior to the expiration of the applicable 90-day period. For such purposes, the preceding provisions of this subsection shall apply with respect to any notice and request for such an extension as if it were for exemption for initial implementation.

"(D) Any approval or disapproval by the President of a request under paragraph (B)(ii) or (iv) shall not be subject to judicial review.

"(3) For purposes of this subsection, the term 'State set-aside program' means with respect to any petroleum product, a program administered by the State under State law and which—

"(A) is implemented only upon a determination by the Governor that the program is required to meet a petroleum product supply shortage within the State which will significantly impair essential public services or essential economic activity;

"(B) continues in effect for no more than 90 days;

"(C) authorizes the Governor to require a prime supplier of any petroleum product subject to the program to set aside in any month a volume of such petroleum product for distribution under the program which volume does not exceed 5 percent of the total supply, as estimated by such supplier of such petroleum product which will be sold by the supplier in the State for consumption within the State in that month;

"(D) defines a prime supplier as a supplier which makes the first sale of that petroleum product subject to the State set-aside into the State distribution system for consumption within the State;

"(E) does not authorize the Governor to fix or limit the price of any petroleum product which is set aside; and

"(F) does not unduly burden interstate commerce.

"(c) PROTECTION OF CERTAIN INVENTORIES.—(1) Notwithstanding subsection (b), no State shall have authority to—

"(A) provide for the allocation of consumer petroleum product inventories,

"(B) impose restrictions on the consumption of such inventories, or

"(C) consider or take into account the existence or size of such inventories in determining the amount of petroleum products to be allocated to any such consumer.

"(2) For purposes of paragraph (1)—

"(A) The term 'consumer petroleum product inventory' means an inventory of petroleum products which is—

"(i) held by and in the custody of a consumer (other than a refiner, except to the extent provided in subparagraph (C)) for such consumer's own end-use consumption,

"(ii) held by and in the custody of such consumer on the day before the date on which a State set aside program is implemented, and

"(iii) not thereafter sold by such consumer, but only to the extent that such inventory does not exceed the inventory of petroleum products held by and in the custody of that consumer for its own end-use consumption on the 30th day prior to the date of such implementation.

"(B) The term 'held by and in the custody of', when used with respect to an inventory, means any such inventory owned by the consumer and in the direct possession of the consumer, such as on the consumer's site.

"(C) The term 'end-use consumption', in the case of an inventory of petroleum products of any consumer which is a refiner, means the use by the refiner of such petroleum products to meet normal fuel requirements necessary for operating refinery equipment and facilities.'."

(b) CONFORMING AMENDMENTS.—Section 271 of the Energy Policy and Conservation Act is amended—

(1) in subsection (a)(2), by deleting "and";

(2) in subsection (a)(3), by deleting the period and inserting in lieu thereof a semicolon and the word "and";

(3) in subsection (a), by adding the following new paragraph:

"(4) individual State and local pricing or allocation of petroleum products could frustrate free market pricing and allocation of available petroleum product supplies, and the response of the Federal Government to energy emergencies."; and

(4) in subsection (c), by inserting after, "than this part", a semicolon and "further, by preventing individual State and local petroleum product pricing or allocation laws or regulations from interfering with the carrying out of this policy.".

(c) The table of contents of the Energy Policy and Conservation Act is amended by inserting after the new item relating to section 274 the following:

"Sec. 275. Effect on State laws.".

SEC. 105. EXTENSION OF TITLES I AND II OF THE ENERGY POLICY AND CONSERVATION ACT.

Section 531 of the Energy Policy and Conservation Act (42 U.S.C. 6401) is amended by striking "1988" wherever it appears and inserting in lieu thereof "1995".

SEC. 106. REPORT TO THE CONGRESS.

(a) The Energy Emergency Preparedness Act of 1982 is amended by adding at the end thereof the following new section:

"SEC. 7. REPORT TO THE CONGRESS.

"(a) The Secretary of Energy shall, pursuant to authorities otherwise available under applicable law, continue to strengthen and improve our Nation's energy emergency preparedness in order to implement the policy established by section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b)). The Secretary shall report as specified in subsection (b), to the Congress on any such actions taken, to—

"(1) improve and upgrade on a timely basis, the Comprehensive Energy Emergency Response Procedures provided for by section 272(b) of the Energy Emergency Preparedness Act of 1982 (42 U.S.C. 6282(b)) by incorporating improvements (including improvements in Department of Energy organization, inter-agency coordination, decision-making procedures, and emergency alert systems and logistics support) that are needed in light of the results of ongoing tests and exercises relating to the energy emergency response capability of the United States;

"(2)(A) assure the availability and effectiveness of organizations for utilizing the assistance of the private sector, including the Energy Emergency Executive Reserves, and Voluntary Agreements and Plans of Action, in energy emergencies of national or international scope or character in order to meet both defense-related and non-defense-related needs;

"(B) solicit participation in a particular Energy Emergency Executive Reserve by qualified personnel who, in the aggregate, possess a diversity of expertise and employment backgrounds relevant to the activities of such Reserve;

"(3) preserve the ability of the domestic marketplace to work effectively, in the event of a severe petroleum supply disruption, by protecting against the possibility that States or local governments may, by the adoption of price and allocation laws, interfere in the domestic marketplace and thereby worsen energy emergencies;

"(4) assure, commensurate with the Strategic Petroleum Reserve Distribution Plan and with existing legal authorities, that—

"(A) the Strategic Petroleum Reserve will be applied to meet domestic needs (including regional hardships) and can be applied to meet international obligations of the United States (including those under the International Energy Program and NATO Agreements); and

"(B) petroleum products from the Strategic Petroleum Reserve, including any such petroleum products distributed by directed sales, enter the market during the energy emergency and are protected from speculation and hoarding; and

"(5) complete the Strategic Petroleum Reserve by:

"(A) developing a 750 million barrel Reserve by the end of Fiscal Year 1991;

"(B) maintaining an average annual fill-rate in accordance with applicable law; and

"(6) consult with respect to stock levels and stock drawdown policies of International Energy Program member countries.

"(b) Within three months after the date of enactment of this section, and annually thereafter in the annual report required by title X of the Department of Energy Organization Act, the Secretary of Energy shall submit a report to the Congress containing a description of the actions taken pursuant to subsection (a) and any other measures to strengthen and improve our Nation's energy emergency preparedness in order to further carry out the policy set forth in section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b)).".

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, July 19, 1983.

Hon. JAMES A. MCCLURE,

Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR JIM: I appreciate the opportunity to clarify for you the Administration's plans for funding completion of the Strategic Petroleum Reserve.

As is evident from the rapid acceleration of oil purchases undertaken by this Administration soon after the President's inauguration, we share the strong commitment to the Strategic Petroleum Reserve expressed by the Congress through the actions of both the appropriations and authorizing committees.

The plan to which we are committed, developed after consultation with the Congress, calls for the following:

Development of the full 750 million barrel reserve by the end of fiscal year 1991.

Requesting funds for major construction at Big Hill in the budget for fiscal year 1985 that will be submitted to Congress next January.

Requesting funds for oil acquisition sufficient to maintain a fill rate over the 1984–88 period of at least 145,000 barrels per day, with some necessary year-to-year flexibility to accommodate especially favorable purchases that may arise in the future.

Completion of Big Hill on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987.

We believe that this plan balances fiscal policy objectives and the need to complete our energy security preparations in timely fashion. In this regard, it is very important to note that other actions of this Administration, such as immediate decontrol of oil, have greatly enhanced the level of protection provided by the more than 400 million barrels we will have in storage by next year.

The Strategic Petroleum Reserve is just one facet of our energy emergency preparedness effort. As part of our continued effort to work with Congress to take the necessary steps to ensure such preparedness, we plan to implement certain additional actions, which are outlined in a letter to you from Secretary Hodel sent under separate cover.

I am certain that Secretary Hodel and I would be pleased to provide any further clarification you might require on these important issues.

Sincerely,

DAVID A. STOCKMAN,
Director.

THE SECRETARY OF ENERGY,
Washington, DC, July 19, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As recent correspondence to you from the Director of the Office of Management and Budget makes clear, this Administration shares with the Congress a strong commitment to the Strategic Petroleum Reserve (SPR). However, as Mr. Stockman has stated, the SPR is just one part of our Nation's energy emergency preparedness efforts. Such efforts, in turn, constitute but a facet of the President's determination that the United States maintain and improve its defense and national security positions.

I publicly have recognized that adequate energy emergency preparedness may require certain, carefully defined legislative action. Specifically, I have testified to my willingness to seek legislation to assure legally the availability and effectiveness of the Executive Manpower Reserves in domestic and international energy emergencies in order to meet both defense-related and nondefense-related needs. I have supported extension of Section 252 of the Energy Policy and Conservation Act (EPCA), pertaining to the International Energy Agency antitrust defense, to coincide with the EPCA expiration date of June 30, 1985. In addition, I have promised to identify, and to support corrective legislation in regard to, shortfalls in existing emergency preparedness legislation, such as current provisions which require clarification or which contain inconsistencies, which I believe may impede proper implementation of the current energy emergency preparedness policies established in Section 271 of the EPCA.

You and others have called to my attention the possible need for legislation to preserve the ability of the domestic marketplace to work effectively in the event of a severe petroleum supply disruption. The concern has been expressed that states or local governments may interfere, and thereby worsen the situation, by adoption of petroleum price and allocation laws. My understanding is that members of your Committee may be considering legislation designed to protect against such interference, and we agree to work with you to achieve an appropriate legal resolution to this problem.

A principal purpose of this letter is to express the commitment of this Administration to enter into a prompt and meaningful dialogue with you and other members of the Congress who have expressed interest or concern about these matters, with a view to developing acceptable legislation which appropriately deals with these issues. Such acceptable legislation having been developed, the Administration will lend its full support to the required legislative program. On the other hand, I must inform you I will not hesitate to recommend to the President that he veto any energy emergency preparedness legislation, including but not limited to petroleum price or allocation controls, which exceed the scope of the legislative possibilities described above.

Comprehensive energy emergency preparedness may be furthered also by appropriate administrative action on a timely basis. The Department of Energy already has embarked upon, and I am determined to continue, an effort to improve and to upgrade the comprehensive energy emergency response procedures contemplated by the Energy Emergency Preparedness Act of 1982 so as to assure achievement of the preparedness policies and purposes of Section 271 of EPCA. Among other things, we shall continue to determine, in light of results of ongoing tests and exercises, the improvements which may be needed in the areas of internal Department of Energy organization, inter-agency coordination, decision-making procedures and emergency alert systems and logistics support.

An analysis of prudent administrative actions, commensurate with the existing SPR drawdown plan and other presently effective, associated legal authorities, already is underway, and will continue, with a view to development of measures necessary to assure that the SPR will be applied to meet domestic needs, including regional hardships, and foreign obligations, including those under the International Energy Agency and NATO agreements, and also to assure that SPR Oil, including any SPR oil distributed by directed sales, enters the market during the emergency and will be protected against speculation and hoarding.

As plans for the abovementioned administrative actions progress, I shall communicate appropriately with the Congress.

Incidentally, I am informed by Mr. Stockman's office that there was a typographical error in the sentence of his letter to you pertaining to completion of Big Hill. The sentence was intended to refer to "completion of Big Hill on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987."

The long-standing concerns you and other members of Congress repeatedly have expressed about the energy emergency preparedness of our Nation are taken most seriously by the Administration. We look forward to working with you and with them on this all-important subject.

Sincerely yours,

DONALD PAUL HODEL.●

By Mr. EVANS (for himself, Mr. INOUYE, Mr. RIEGLE, Mr. KERRY, Mr. MURKOWSKI, Mr. HATFIELD, Mr. DECONCINI, Mr. HATCH, Mr. STAFFORD, Mr. KARNES, Mr. GLENN, Mr. LEVIN, Mr. ADAMS, Mr. HOLLINGS, Mr. ROCKEFELLER, Mr. WIRTH, Mr. MATSUNAGA, Mr. SIMON, Mr. SARBANES, Mr. PELL, Mr. STEVENS, Mr. WEICKER, Mr. DODD, and Mr. BINGAMAN):

S. 1440. A bill to provide consistency in the treatment of quality control review procedures and standards in the Aid to Families with Dependent Children, Medicaid, and Food Stamp programs; to impose a temporary moritorium for the collection of penalties under such programs, and for other purposes; to the Committee on Finance.

QUALITY CONTROL AMENDMENTS

● Mr. EVANS. Mr. President, today I am introducing legislation reinstituting the moratoria on the collection of fiscal penalties from States in the Aid to Families with Dependent Children, (AFDC), Medicaid and Food Stamps Programs. I am joined in this effort by several of my colleagues from both sides of the aisle.

During the last legislative session, we recognize that there were serious flaws in the existing quality control system in AFDC, Medicaid and Food Stamps. We called into question the validity of statistical procedures used to measure State performance. We agreed that the purpose of quality control is not to raise Federal revenues. It is not to shift program costs from Federal to State budgets and its purpose is not to force States to reduce administrative resources which ironically, will result in higher program errors in the future. We acknowledged that the purpose of quality control is to provide States with an effective management tool so that program administration can be as cost-efficient as possible.

We acted upon these concerns. Specifically, during consideration of the 1986 Farm bill, I offered an amendment which called for a comprehensive study of the food stamp quality control system and imposed a 2 year moratorium on the collection of fiscal sanctions. This amendment was adopted by a substantial majority. Unfortunately, the moratorium period was cut down to 6 months in Conference and expired in June 1986.

Similar provisions for the AFDC and Medicaid Programs were included in the 1985 Senate-passed reconciliation measure. The 2 year moratorium on Medicaid collections, however, was excluded in conference. To date, therefore, there is no moratorium in either the Medicaid or Food Stamp Programs. The existing moratorium in the AFDC Program will expire on July 30, 1988.

When we first enacted the quality control study and moratorium provisions, it was contemplated that reform of the system would take 2 years. Accordingly, the moratorium was to last 2 years. The study was to be completed within 1 year and Congress was to have an additional year to review and implement the recommendations. Recently, the National Academy of Sciences released a portion of this congressionally-mandated study addressing food stamp quality control reform. The academy, however, does not anticipate finishing the rest of the report until the end of 1987.

Unforeseeably, the completion of the study has taken longer than anticipated, which now necessitates certain revisions to existing law timetables for quality control reform. The legislation I am introducing today would extend the moratoria in all three programs until the end of 1988. This extension would give Congress the necessary time to review the study recommendations and enact legislation implementing a new Federal quality control system.

Our failure to reinstate the moratoria in all three programs will have severe and unintended consequences for not only the States but for pro-

gram beneficiaries as well. When we first enacted the moratoria, we recognized that States should not be penalized under a system whose accuracy had been widely challenged. Furthermore, as we begin the task of reviewing the work of the National Academy of Sciences and preparing reform initiatives, we cannot continue imposing fiscal penalties against the States—especially when the evidence illustrates overwhelmingly that the existing system is not working.

Mr. President, the existing system undoubtedly is broke and it needs fixing very badly. The National Academy of Sciences already has found that the food stamp quality control system, "offers little to State and local program managers in support of continued improvement in administration." It also concluded that the existing system, "lacks many of the elements of a comprehensive quality improvement system."

The academy was concerned particularly with the extraordinary number of States subject to fiscal sanctions. I share their concern and agree with their recommendation that a sound quality control system should provide sanctions only for extremely poor State performance. Mr. President, I ask unanimous consent that the following tables be included in the RECORD at the conclusion of my remarks. They outline the extent of State performance and liability under the current quality control system.

These tables show, for example, that despite a national average error rate which continues to decline each year, the number of States subject to sanction and the amount of money levied in penalties continues to increase at an alarming rate. For example, in AFDC, 45 States failed to meet their statutory error rate target for fiscal year 1984. Approximately $234 million is pending in penalties for that year alone. In all three programs, over $1 billion is pending in penalties against the States.

After 4 years of official sanctions in all three programs, every single State but one has been subject to fiscal penalties. Recently, the Department of Agriculture announced that 45 States would be subject to fiscal penalties for their error rates in the Food Stamp Program. Ironically, the national average error rate has dropped from 12.5 percent in 1981 to 8.6 percent for fiscal year 1984.

There is something wrong with a system which has penalized 49 States in just the few short years of its existence. Now 49 States are not incapable. 49 States are not fraudulent. 49 States are not incompetent. And, its very hard to believe 49 States are in willful noncompliance with the law. Without the protection of a temporary moratorium, therefore, virtually every State in the Union will be subject to exorbitant fiscal penalties. The burdens of additional sanctions will have further dysfunctional effects upon the States.

Allowing this type of environment to develop will not result in the atmosphere of cooperation necessary between the States and the Federal Government to implement quality control reform. My legislation will foster this essential cooperative environment. It will give us the opportunity to enact substantive reforms and it will protect the integrity of existing programs. Until we can develop a new system that will serve as an effective management tool measuring overall State performance, we cannot allow the existing process to be used to impose additional and more punitive hardships upon the States and ultimately, the very people these programs are to serve.

Mr. President, I urge my colleagues to join me in this effort which is of such vital importance to an effective Federal-State partnership in our major means-tested entitlement programs.

There being no objection, the tables were orderd to be printed in the RECORD, as follows:

AFDC PAYMENT ERROR RATES

	Fiscal year—				
	1981	1982	1983	1984	1985
National average	7.7	6.9	6.5	6.0	6.25
Alabama	7.7	5.3	3.2	4.4	4.0
Alaska	18.1	12.1	15.5	6.8	10.5
Arizona	8.3	11.6	10.0	9.7	9.3
Arkansas	6.8	7.0	4.9	3.8	3.0
California	6.8	6.0	4.8	5.2	6.3
Colorado	8.2	6.6	6.2	4.6	5.5
Connecticut	7.5	6.4	4.4	3.4	4.7
Delaware	11.6	11.9	9.4	7.8	7.9
District of Columbia	13.6	17.1	13.1	11.2	9.9
Florida	7.9	6.0	4.5	5.4	5.7
Georgia	6.5	5.1	5.7	6.2	7.8
Hawaii	10.1	8.2	6.9	6.7	6.3
Idaho	9.1	5.4	3.0	9.7	3.9
Illinois	8.3	8.2	6.8	6.5	7.4
Indiana	4.1	3.9	4.9	4.0	4.7
Iowa	4.3	4.5	3.4	3.7	4.9
Kansas	8.1	2.8	5.1	5.5	5.2
Kentucky	5.0	3.6	3.4	4.1	3.1
Louisiana	6.7	6.2	5.7	5.8	7.2
Maine	7.9	4.1	4.5	4.1	5.7
Maryland	11.6	8.2	5.3	5.7	7.0
Massachusetts	9.3	7.4	11.4	7.8	3.6
Michigan	7.3	8.2	9.1	8.0	6.6
Minnesota	4.4	3.0	2.6	2.0	3.0
Mississippi	6.9	4.7	3.5	2.0	2.8
Missouri	7.1	4.8	3.4	3.7	3.9
Montana	4.9	2.5	2.5	6.9	7.5
Nebraska	5.5	9.6	4.7	6.9	8.1
Nevada	2.3	1.3	2.7	2.1	2.6
New Hampshire	6.6	5.9	4.3	7.5	5.2

AFDC PAYMENT ERROR RATES—Continued

	Fiscal year—				
	1981	1982	1983	1984	1985
New Jersey	8.0	7.3	6.4	5.1	6.3
New Mexico	12.4	10.5	6.3	5.9	5.7
New York	8.0	8.0	9.4	7.1	7.4
North Carolina	5.4	3.3	2.7	3.5	2.2
North Dakota	3.1	1.9	2.1	4.7	1.2
Ohio	8.9	7.6	5.6	6.4	6.6
Oklahoma	6.6	3.8	4.1	3.0	2.8
Oregon	6.8	7.1	6.0	4.6	3.9
Pennsylvania	9.0	8.5	9.1	9.1	6.6
Puerto Rico	8.9	8.9	8.6	7.7	6.3
Rhode Island	6.3	5.7	6.2	3.7	4.6
South Carolina	7.8	8.9	7.1	7.8	6.9
South Dakota	4.7	3.7	2.1	2.9	1.5
Tennessee	8.9	4.9	4.5	4.3	3.4
Texas	7.5	8.4	7.2	5.7	4.3
Utah	4.9	5.0	5.7	5.8	4.5
Vermont	5.2	4.5	7.9	5.8	5.7
Virginia	3.6	4.1	3.8	3.5	3.5
Washington	9.3	6.4	4.8	4.1	6.4
West Virginia	7.4	8.2	3.0	4.8	5.8
Wisconsin	8.2	6.5	5.1	6.6	8.8
Wyoming	13.7	4.8	7.1	5.6	3.0

AFDC DISALLOWANCES

	Fiscal year—			
	1981	1982	1983	1984
Alabama	47,000			700,000
Alaska			1,000,000	700,000
Arizona	[1] 209,000	1,090,634	2,400,000	2,800,000
Arkansas		323,042	200,000	200,000
California	35,067,000	27,358,934	12,000,000	34,500,000
Colorado	1,898,000	1,130,182	1,200,000	900,000
Connecticut	424,000	854,023	400,000	400,000
Delaware		545,227	700,000	700,000
District of Columbia		3,013,839	3,700,000	3,100,000
Florida	3,467,000	1,782,642	1,700,000	3,400,000
Georgia			2,200,000	4,300,000
Guam			500,000	600,000
Hawaii	1,212,000	1,083,939	1,300,000	1,500,000
Idaho	691,000	168,807		900,000
Illinois			11,600,000	14,800,000
Indiana	113,000		700,000	900,000
Iowa				600,000
Kansas	1,903,000		500,000	1,100,000
Kentucky				1,100,000
Louisiana			1,500,000	2,600,000
Maine	168,000		200,000	600,000
Maryland	[1] 1,325,000	1,093,979	1,400,000	3,100,000
Massachusetts			16,600,000	9,700,000
Michigan		13,305,903	29,100,000	30,800,000
Minnesota	571,000			
Mississippi				
Missouri				900,000
Montana				700,000
Nebraska	280,000	1,521,056	200,000	1,300,000
Nevada				
New Hampshire			50,000	600,000
New Jersey	[1] 1,200,000	4,019,957	5,900,000	5,200,000
New Mexico	2,554,000	1,929,997	600,000	1,000,000
New York	6,270,000	19,812,355	47,600,000	39,400,000
North Carolina				500,000
North Dakota				200,000
Ohio	3,935,000	5,894,804	5,800,000	13,600,000
Oklahoma	1,508,000		20,000	10,000
Oregon			1,000,000	900,000
Pennsylvania		1,797,228	21,200,000	24,600,000
Puerto Rico	1,714,000	1,749,992	2,200,000	1,800,000
Rhode Island			900,000	300,000
South Carolina	[1] 1,004,000	2,071,595	1,700,000	2,600,000
South Dakota	13,000			
Tennessee	1,754,000		300,000	700,000
Texas	1,112,000	2,138,881	2,100,000	2,800,000
Utah	[1] 300,000	324,694	600,000	1,000,000
Vermont	[1] 225,000	93,532	1,000,000	800,000
Virgin Islands			100,000	
Virginia				400,000
Washington	4,162,000	1,826,594	1,000,000	1,600,000
West Virginia		691,271		1,000,000
Wisconsin		294,799	3,000,000	10,700,000
Wyoming	413,000	33,281	200,000	200,000
Total	69,200,000	95,951,000	189,000,000	223,000,000

[1] full disallowance waived.

MEDICAID PAYMENT ERROR RATES

	Fiscal year—				
	1981	1982	1983	1984	1985
National average	3.8	3.8	2.8	2.6	2.7
Alabama	3.02	2.9	2.8	3.0	1.6

MEDICAID PAYMENT ERROR RATES—Continued

	Fiscal year—				
	1981	1982	1983	1984	1985
Alaska	12.7	2.6	5.2	2.6	2.0
Arizona	3.08			7.3	6.2
Arkansas		3.5	3.6	3.4	1.7
California	5.8	5.5	2.7	4.2	2.8
Colorado	4.1	5.5	4.1	2.6	4.1
Connecticut	5.1	2.1	1.4	2.6	2.4
Delaware	9.4	4.4	1.1	.9	.4
District of Columbia	2.6	10.8	3.8	1.6	4.8
Florida	5.3	4.3	1.8	2.4	1.4
Georgia	6.8	5.6	2.7	6.3	4.3
Hawaii	8.4	6.8	2.3	1.5	1.9
Idaho	4.6	2.4	1.0	1.8	.7
Illinois	4.9	2.0	2.2	2.4	1.9
Indiana	1.0	7.4	5.0	4.8	3.6
Iowa	3.0	4.7	2.4	2.0	2.1
Kansas	3.1	3.0	2.9	3.1	1.1
Kentucky	4.4	2.8	2.3	1.6	1.5
Louisiana	3.2	3.1	3.5	1.9	2.8
Maine	7.5	7.7	4.6	1.8	3.6
Maryland	5.2	4.0	2.7	2.2	3.2
Massachusetts	8.3	7.8	4.6	2.7	2.5
Michigan	2.7	3.3	2.1	2.6	2.2
Minnesota	.5	.5	1.9	1.3	3.4
Mississippi	3.0	5.7	3.1	1.1	2.4
Missouri	.5	3.4	4.9	1.4	3.1
Montana	14.7	8.5	1.5	.9	2.2
Nebraska	6.0	5.1	3.2	1.7	1.5
Nevada	1.8	2.1	.7	.5	.1
New Hampshire	3.5	4.1	1.7	2.6	.2
New Jersey	3.0	2.5	2.1	1.2	1.2
New Mexico	3.9	8.4	7.1	3.7	3.0
New York	2.4	1.9	2.8	2.3	2.8
North Carolina	3.7	2.1	1.5	.7	2.3
North Dakota	3.6	2.3	1.1	1.0	1.1
Ohio	2.2	4.5	2.6	2.7	3.5
Oklahoma	5.7	3.0	3.4	5.5	5.0
Oregon	3.4	3.5	1.9	2.1	1.6
Pennsylvania	3.6	5.5	2.9	3.8	4.1
Rhode Island	5.5	2.0	4.0	1.2	2.5
South Carolina	2.3	5.8	4.2	3.6	3.0
South Dakota	3.7	3.5	1.5	1.0	1.4
Tennessee	3.5	4.5	2.2	1.7	2.6
Texas	3.4	5.4	3.0	2.8	1.8
Utah	4.9	3.7	1.2	3.2	1.1
Vermont	5.0	4.2	3.3	4.3	2.8
Virginia	2.0	3.2	1.6		
Washington	6.8	6.7	3.3	2.2	2.0
West Virginia	10.2	5.5	.3	1.6	1.8
Wisconsin	3.1	3.9	3.2	3.3	2.2
Wyoming	3.9	3.6	2.6	1.4	2.3

MEDICAID DISALLOWANCES

	Fiscal year—				
	1981	1982	1983	1984	1985
Alabama				13,314	
Alaska	1,955,000		487,738		
Arizona			274,918	1,269,480	944,548
Arkansas			2,091,634	652,496	
California		4,112,979	8,201,735	11,910,430	
Colorado	171,000	1,653,883			748,612
Connecticut					
Delaware	359,000				
District of Columbia		3,269,333			1,519,513
Florida					
Georgia				6,707,527	3,407,726
Guam					
Hawaii	2,309,000	1,660,577			
Idaho	234,000				
Illinois					
Indiana		9,870,921		6,836,060	2,734,825
Iowa					
Kansas				103,209	
Kentucky					
Louisiana					
Maine		655,091			744,843
Maryland			30,344		574,555
Massachusetts		6,771,575	873,300		
Michigan					
Minnesota					2,092,336
Mississippi		732,509			
Missouri			6,153,787		
Montana					
Nebraska	1,567,000	894,150	784,641		
Nevada					
New Hampshire		219,402			
New Jersey					
New Mexico		1,587,507	271,994		790,405
New York					
North Carolina					
North Dakota					
Ohio					5,063,621
Oklahoma	1,170,000				5,407,145
Oregon					
Pennsylvania			466,230		8,160,461
Puerto Rico					
Rhode Island	1,018,000			399,629	
South Carolina		1,671,286		370,913	

MEDICAID DISALLOWANCES—Continued

	Fiscal year—				
	1981	1982	1983	1984	1985
South Dakota					
Tennessee		855,893			
Texas		3,301,065			
Utah	614,000			217,701	
Vermont	27,000			484,276	
Virgin Islands					
Virginia					
Washington	2,645,000	3,266,889	848,388		
West Virginia	1,321,000	92,986			
Wisconsin			1,166,692	1,330,919	
Wyoming			24,994		
Total	12,578,000	40,616,046	22,076,024	37,562,953	32,188,590

FOOD STAMP PAYMENT ERROR RATES

State	Fiscal year—				
	1981	1982	1983	1984	1985
National average	12.4	11.9	8.32	8.64	8.30
Alabama	7.36	5.72	6.98	13.35	13.50
Alaska	23.23	20.80	13.86	9.29	13.53
Arizona	12.25	11.98	9.79	9.38	9.38
Arkansas	9.17	9.64	8.88	9.66	7.88
California	7.11	8.61	6.73	7.67	7.08
Colorado	12.87	15.07	12.63	10.66	8.48
Connecticut	9.97	12.73	12.80	7.11	7.04
Delaware	7.45	6.40	4.94	6.40	7.17
District of Columbia	13.12	11.10	10.08	8.80	9.81
Florida	12.85	10.25	10.09	9.00	6.71
Georgia	9.48	8.34	7.48	9.57	12.91
Hawaii	6.97	5.96	4.28	3.69	4.35
Idaho	9.49	8.32	8.48	6.88	5.16
Illinois	8.50	8.93	7.23	8.31	8.16
Indiana	8.08	7.41	8.77	8.64	10.90
Iowa	9.11	9.25	8.51	8.51	8.41
Kansas	11.12	9.69	9.09	7.35	8.16

FOOD STAMP PAYMENT ERROR RATES—Continued

State	Fiscal year—				
	1981	1982	1983	1984	1985
Kentucky	7.75	7.15	6.90	8.98	6.00
Louisiana	10.45	9.71	9.45	10.16	9.76
Maine	8.09	8.49	8.37	6.74	7.91
Maryland	14.22	9.70	7.12	6.85	7.37
Massachusetts	11.31	13.38	13.60	9.86	9.71
Michigan	9.30	8.99	7.70	6.46	7.35
Minnesota	7.65	8.37	7.92	9.77	9.51
Mississippi	10.10	9.11	8.33	9.24	7.98
Missouri	8.52	7.40	6.72	5.83	5.23
Montana	13.48	7.56	5.52	8.77	7.44
Nebraska	11.02	10.67	7.22	8.79	9.04
Nevada	3.39	1.48	2.17	2.54	2.48
New Hampshire	12.53	16.29	9.99	8.18	4.42
New Jersey	9.40	8.68	7.95	7.47	8.50
New Mexico	13.34	12.85	11.43	11.83	8.83
New York	13.63	11.42	9.98	10.14	7.11
North Carolina	11.37	10.51	7.86	7.22	6.49
North Dakota	5.16	6.89	4.98	6.27	3.53

FOOD STAMP PAYMENT ERROR RATES—Continued

State	Fiscal year—				
	1981	1982	1983	1984	1985
Ohio	7.74	8.56	6.90	6.65	7.43
Oklahoma	9.31	8.02	8.79	7.61	10.58
Oregon	8.99	10.36	10.03	9.18	9.41
Pennsylvania	9.567	10.87	10.37	10.41	9.36
Puerto Rico	9.71	N/A	N/A	N/A	N/A
Rhode Island	10.50	8.90	8.90	7.08	8.00
South Carolina	9.03	9.57	8.20	10.90	12.10
South Dakota	8.26	10.64	7.84	3.59	3.15
Tennessee	11.31	10.04	6.83	6.09	6.39
Texas	9.28	9.69	7.57	9.97	10.38
Utah	7.89	9.79	13.29	11.43	7.26
Vermont	9.21	10.26	16.71	9.71	8.06
Virginia	7.50	8.20	6.46	7.63	6.67
Washington	8.49	9.82	10.08	9.23	9.50
West Virginia	9.09	9.03	5.52	6.95	5.07
Wisconsin	10.24	11.40	8.27	9.60	8.00
Wyoming	12.37	8.72	9.88	9.88	6.78

FOOD STAMP ERROR RATE FISCAL SANCTIONS

State	Fiscal year—				
	1981	1982	1983	1984	1985
Alabama	0	0	0	9,221,622	13,118,714
Alaska	2,148,102	0	0	1,199,017	2,096,708
Arizona	236,206	0	0	4,263,749	4,329,756
Arkansas	0	0	0	1,144,268	13,136,972
California	0	0	0	0	1,242,979
Colorado	0	0	1,000,445	1,381,910	1,354,275
Connecticut	0	0	0	0	1,025,885
Delaware	0	0	0	0	246,819
District of Columbia	0	0	0	235,823	1,561,937
Florida	0	0	181,223	2,116,453	2,432,062
Georgia	0	0	0	3,697,445	16,441,248
Hawaii	0	0	0	0	0
Idaho	0	0	0	0	57,098
Illinois	0	0	0	2,844,492	9,029,457
Indiana	0	0	0	1,361,069	5,659,493
Iowa	0	0	0	690,194	2,028,618
Kansas	0	0	0	101,150	1,078,122
Kentucky	0	0	0	1,395,355	776,939
Louisiana	0	0	965,340	5,283,439	7,719,113
Maine	0	0	0	0	598,696
Maryland	0	0	0	0	2,531,9920
Massachusetts	0	1,585,034	2,796,743	2,321,093	5,860,198
Michigan	0	0	0	0	4,563,908
Minnesota	0	0	0	1,461,779	3,218,388
Mississippi	0	0	0	1,731,884	1,816,892
Missouri	0	0	0	0	487,902
Montana	0	0	0	90,933	385,539
Nebraska	0	0	0	301,193	1,152,601
Nevada	0	0	0	0	0
New Hampshire	0	0	0	73,631	0
New Jersey	0	0	0	1,088,471	5,829,207
New Mexico	0	623,045	563,423	2,197,196	1,620,542
New York	0	0	0	10,063,964	16,280,441
North Carolina	0	0	0	523,964	1,802,557
North Dakota	0	0	0	0	0
Ohio	0	0	0	0	3,690,595
Oklahoma	0	0	0	586,756	5,312,273
Oregon	0	1,642,118	303,364	1,340,292	3,800,149
Pennsylvania	0	1,619,419	2,316,399	7,819,005	11,709,304
Puerto Rico	0	0	0	0	0
Rhode Island	0	0	0	0	391,265
South Carolina	0	0	0	3,159,387	8,319,451
South Dakota	0	0	0	0	0
Tennessee	0	0	0	0	2,058,553
Texas	0	0	0	8,212,334	28,120,597
Utah	0	576,696	726,506	1,334,155	583,204
Vermont	0	0	705,015	200,169	410,263
Virginia	0	0	0	652,347	1,415,766
Washington	0	0	705,919	1,509,980	4,048,211
West Virginia	0	0	0	0	111,525
Wisconsin	0	0	0	1,391,622	1,267,661

FOOD STAMP ERROR RATE FISCAL SANCTIONS—Continued

State	Fiscal year—				
	1981	1982	1983	1984	1985
Wyoming	0	0	14,853	94,377	138,332
Total	2,384,308	6,046,312	10,279,230	81,090,518	200,862,117

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By Mr. KENNEDY (for himself, Mr. BRADLEY, Mr. HATCH, Mr. RIEGLE, Mr. QUAYLE, Mr. BENTSEN, Mr. MATSUNAGA, Mr. WEICKER, Mr. STAFFORD, Mr. INOUYE, Mr. SIMON, and Mr. BURDICK):

S. 1441. A bill to reduce the incidence of infant mortality; to the Committee on Labor and Human Resources.

PUBLIC HEALTH SERVICE ACT INFANT MORTALITY AMENDMENTS OF 1987

Mr. KENNEDY. Mr. President, today I am introducing legislation to improve the access of high risk women and children to necessary health care. This legislation will increase the number and outreach of Community and Migrant Health Centers targeting services to poor pregnant women and children, improve the coordination of services to this population, and improve the quality of care in health facilities serving underserved populations by increasing the number of health professionals including nurse practitioners and nurse midwives skilled in meeting the needs of high risk maternal and infant populations.

THE PROBLEM

It is a deplorable fact that the United States ranks 17th in the world in infant mortality rate, behind Singapore and Hong Kong. Nearly 40,000 of the 3.7 million children who were born in the United States in 1984 died before their first birthday, a rate of 10.8 infant deaths per 1,000 live births. The disparity between black and white infant mortality is particularly alarming; black infants are nearly twice as likely as white infants to die in the first year of life. At our current rate of progress, the United States has little chance of meeting the Surgeon General's goal of reducing the infant mortality rate to 9 per 1,000 live births by 1990.

Two-thirds of all infant mortality can be attributed to low birth weight. In 1987, a quarter of a million babies will be born with low birth weight. These infants are 40 times more likely to die in the first month of life, 5 times more likely in the first year. They are also far more likely to have mental and physical birth defects and handicaps, which often mean lifelong challenges, hardships, and expenses for themselves, their families and society.

Low birth weight is largely preventable—and at relatively low cost. Early prenatal care can reduce the number of infants born with low birth weight by more than 25 percent. The Institute of Medicine has estimated that for every $1 spent for prenatal care, $3.38 would be saved in the total cost of caring for low-birth-weight infants.

Although access to prenatal care is the most effective way to prevent low birth weight, millions of women receive little or no prenatal care. In 1983, it is estimated that about one-quarter of all pregnant women in the United States did not begin prenatal care in the first trimester of pregnancy. Poor women were twice as likely to receive either no prenatal care or late prenatal care. Among teenagers and black women, nearly one-half do not receive prenatal care in the first trimester.

Infant mortality is closely associated with low-income and lack of health insurance. One out of every three poor children and one out of three poor women of childbearing age is completely uninsured. Women of childbearing age and children compose nearly 60 percent of the uninsured; and 12 percent of pregnant women are uninsured. Pregnant women and children who are poor and uninsured are about half as likely as their insured counterparts to use health services. Twenty percent of uninsured pregnant women receive late prenantal care.

COMMUNITY AND MIGRANT HEALTH CENTERS

Few programs have made as significant a contribution to increasing the access to quality health care for low-income and uninsured families as Community and Migrant Health Centers.

Begun in 1965 as eight research and demonstration projects, the program has grown and matured over the past 20 years into a network of nearly 800 primary health care centers providing comprehensive primary care to nearly 6 million poor and underserved Americans in 50 States, Puerto Rico, and the District of Columbia. Of the individuals served by such centers, 60 percent are poor, 48 percent lack any form of health insurance, over one-third are children under the age of 14, and over one-fourth are women of child-bearing age.

Despite their record of achievement, health centers still reach less than one-fourth of America's 25 million medically underserved residents. The need to strengthen the capacity of health centers has grown more urgent in recent years, as the number of families living in poverty and without health insurance has grown. Health centers are their only potential source of affordable health care for millions of our most vulnerable citizens.

For these reasons, I am proposing $35 million to increase the number and outreach capabilities of Community and Migrant Health Centers with services targeted to high risk women and children. With these funds, new centers can be established in underserved areas and satellite facilities can be added to existing facilities. In addition, outreach, coordination and other special services could be implemented to bring high-risk, hard-to-reach women into care and encourage them to remain so. Approximatley 200,000 more women and children would receive services under this proposal.

To ensure access to high quality care for this high risk population, adequately trained health professionals must be available to serve in these settings. Therefore, I am proposing two additional initiatives. The first would authorize $4 million for expenses related to the training of nurse practitioners and nurse midwives. Under this program, preference would be given to nurses employed by Community and Migrant Health Centers, the Indian Health Services, and Native Hawaiian Health Centers. In light of the national nursing shortage and the demonstrated cost-effectiveness of nurse practitioners and nurse midwives, these facilities have expressed a need for more of these providers. The second training initiative would authorize $3 million to expand AHEC's in underserved Southern border areas to allow training of more physicians and other health care professionals to serve in these areas.

Even during a time of fiscal restraint it is sound economic policy to invest in the health of mothers and children. Investment in improved pregnancy outcomes has enormous future returns in both human and fiscal terms.

I urge all of my colleagues to join us in this effort. Mr. President, I ask unanimous consent that 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. 1441

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 "Public Health Service Act Infant Mortality Amendments of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States has made far less progress than other industrialized nations in reducing the infant mortality rate;

(2) the Surgeon General in 1980 established the 1990 Health Objectives for the Nation concerning the provision of prenatal care early in pregnancy and for reducing the incidence of low birthweight babies and infant mortality;

(3) the incidence of low birthweight, which is one leading cause of infant mortality and handicapping conditions (such as retardation, cerebral palsy, epilepsy, and autism) has been reduced only marginally;

(4) insufficient progress has been made in the reduction of the overall infant mortality rate;

(5) despite a declining infant mortality rate, black infants remain twice as likely as white infants to die in the first year of life;

(6) it now appears that the Nation will fail to meet the objectives of the Surgeon General described in paragraph (2);

(7) it is well established that appropriate and timely prenatal care and primary care for infants can reduce infant mortality and improve infant health and are essential if the Nation is to meet objectives of the Surgeon General described in paragraph (2);

(8) it is well established that inadequate prenatal care and infant mortality and disability are highest for those individuals who are poor and are without health insurance;

(9) recent statistics indicate that 1 out of every 3 poor children and 1 out of every 3 women of child bearing age does not have health insurance;

(10) community and migrant health centers were established to provide primary health care to poor individuals and individuals without health insurance;

(11) of the individuals served by such centers, 60 percent are poor, 48 percent lack any form of health insurance, over one-third are children under the age of 14, and over one-fourth are women of child bearing age; and

(12) the services of community and migrant health centers should be expanded to provide increased prenatal care and infant care, including an expansion of the number of health professionals providing such services.

MIGRANT HEALTH CENTERS

SEC. 3. Section 329(h)(1) of the Public Health Service Act is amended by striking out "$45,400,000" the second place it appears and inserting in lieu thereof "$48,400,000".

COMMUNITY HEALTH CENTERS

SEC. 4. (a) Section 330(g)(1) of the Public Health Service Act is amended by striking out "$400,000,000" the second place it appears and inserting in lieu thereof "$435,000,000".

(b) Section 330(c) of such Act is amended by adding at the end thereof the following new paragraph:

"(4) In making grants under this subsection and subsection (d), the Secretary shall give special consideration to the unique needs of frontier areas.".

(c) Section 330(g) is amended by adding at the end thereof the following new paragraph:

"(4) In any case in which the amounts appropriated under paragraph (1) for fiscal year 1988 exceed $418,000,000, the total amount of any such excess shall be available for grants under subsections (c) and (d) to community health centers to support special prenatal services to decrease infant mortality and special perinatal coordination projects to develop and coordinate referral arrangements between community health centers and other agencies, institutions, and organizations that are crucial to the successful management of pregnant women and infants. In making grants from amounts available under the preceding sentence, the Secretary shall give priority to community health centers in areas in which there is a high incidence of infant mortality or in which there is an increased incidence of infant mortality.".

AREA HEALTH EDUCATION CENTERS

SEC. 5. (a) Section 781(a)(1) of the Public Health Service Act is amended—

(1) by inserting "(A)" before "The"; and

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

"(B) Under subparagraph (A), the Secretary shall enter into contracts to establish and support area health education center programs which include training of personnel to offer maternal health services and child health services in underserved areas. In entering into contracts under the preceding sentence, the Secretary shall give priority to programs which will train personnel to provide such services in areas along the border between the United States and Mexico, in frontier areas, and in areas in which the rate of infant mortality and low birthweight are disproportionately higher than such rates for the State in which such an area is located.".

(b) Section 781(c)(1) of such Act is amended by inserting before the semicolon a comma and "except that a program described in subsection (a)(1)(B) shall only be required to provide for the active participation in such program of individuals who are associated with the administration of the school and each of the departments (or specialties if the school has no departments) of pediatrics, obstetrics and gynecology, and family medicine".

(c) Section 781(c)(2) of such Act is amended by inserting "except in the case of a program described in subsection (a)(1)(B)," before "provide".

(d) Section 781(d)(2)(C) of such Act is amended—

(1) by inserting "(i) except as provided in clause (ii)," before "provide";

(2) by inserting "or" after the semicolon; and

(3) by adding at the end thereof the following new clause:

"(ii) in the case of a program described in subsection (a)(1)(B), provide for or conduct a medical residency program in obstetrics and gynecology in which no fewer than six individuals are enrolled in first year positions in such program;".

(e) Section 781(d)(2)(F) of such Act is amended by striking out "and nurse practitioners" and inserting in lieu thereof ", nurse practitioners, and nurse midwives".

(f) Section 781(g) of such Act is amended—

(1) by striking out "$18,000,000" the last place it appears and inserting in lieu thereof "$21,000,000"; and

(2) by adding at the end thereof the following new sentence: "Of the amounts appropriated under this subsection for fiscal year 1988, $3,000,000 shall be available for contracts under subsection (a)(1)(B).".

FELLOWSHIPS FOR NURSE PRACTITIONERS AND NURSE MIDWIVES

SEC. 6. Part A of title VIII of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FELLOWSHIPS FOR NURSE PRACTITIONERS AND NURSE MIDWIVES

"SEC. 823. (a) The Secretary shall make grants to public or nonprofit private schools of nursing for the establishment and operation of fellowship programs for the education of nurse midwives and pediatric, family, obstetric, and gynecologic nurse practitioners. Such programs shall meet the guidelines prescribed by the Secretary under subsection (b).

"(b) After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for fellowship programs for the education of nurse midwives and pediatric, family, obstetric, and gynecologic nurse practitioners. Such guidelines shall, as a minimum, require that such a program—

"(1) extend for at least one academic year; and

"(2) consist of—

"(A) supervised clinical practice; and

"(B) at least four months (in the aggregate) of classroom instruction,

directed at preparing nurses to deliver pediatric, family, obstetrical, and gynecological services, particularly prenatal care other services designed to reduce infant mortality.

"(c) A fellowship funded under this section shall include, for each year for which the fellowship is awarded, 100 percent of the costs of tuition, books, fees, reasonable living expenses (including stipends), reasonable moving expenses, and necessary transportation.

"(d)(1) In order to receive a fellowship funded under this section, an individual must be a registered nurse.

"(2) In awarding fellowships funded under this section, a school of nursing shall give priority to any applicant who—

"(A) is employed by a facility providing health services to medically underserved populations, such as a community health center, a migrant health center, a facility operated by the Indian Health Service, or a Native Hawaiian health center; and

"(B) has been recommended for the fellowship by the facility described in subparagraph (A).

"(e) No grant may be made for the establishment and operation of a fellowship program under this section unless this application for the grant contains assurances satisfactory to the Secretary that the program meets or will meet the guidelines which are in effect under subsection (b).

"(f) For grants under this section, there are authorized to be appropriated $4,000,000 for fiscal year 1988.".

Mr. BURDICK. Mr. President, I am pleased to join my colleague Mr. KENNEDY in offering the Public Health Service Infant Mortality Act of 1987. The issue of infant mortality in the United States is a critical one with statistics showing that among industrialized nations, we have the highest mortality rates. Our health care system and the knowledge and technology that system affords, are among the finest in the world. These infant mortality statistics are truly a national shame.

The legislation proposed today is designed to help fill the gaps in health care delivery by targeting groups who need that help the most. Specifically, this legislation emphasizes and sup-

ports the need to expand prenatal services available through migrant and community health centers. These are the centers which reach out to those who need quality prenatal care most. Also, this act includes support for the education of nurses and physicians in the areas of obstetrics and gynecology.

Without Federal initiatives, we are destined to watch the cycle continue—infant illness and death that could have been avoided had we chosen to respond. I urge my colleagues to heed this call to action on behalf of thousands of infants yet to be born to whom this legislation could make a difference.

Mr. HATCH. Mr. President, I am pleased to join with Senator KENNEDY and Senator QUAYLE in support of this legislation. Infant mortality is an ongoing problem in this country, but one that can be prevented.

The bad news is that the United States ranks behind other western countries in infant mortality rates. The good news is that the United States is first in the world in birth weight specific infant survival rates.

So how can we explain those two conflicting facts? First, we do have the best health care system in the world. An infant born in a hospital in this country has a better chance of survival than they would have if born anywhere else in the world.

Second, we have too many low birth weight babies born in this country. Low birth weight babies are less likely to survive and low birth weight babies are preventable. They are preventable by providing proper nutrition, proper prenatal care, decreasing alcohol abuse, drug use, and tobacco use, by decreasing the incidence of AIDS, and by decreasing the number of teenage pregnancies.

The Public Health Service Act Infant Mortality Amendments of 1987 addresses this second issue. It establishes a new program to coordinate prevention efforts—prevention efforts which should reduce the number of low birth weight babies in this country.

This legislation is especially important to my home State of Utah because it has seen a recent increase in infant mortality rate and this legislation targets resources to States that have seen recent increases.

In addition, this legislation recognizes that some areas of our country—frontier areas—have health care problems which are different from urban or rural areas. This provision should increase the availability of health care through community health centers for large areas of the United States, including my own State of Utah.

I am pleased to have worked with Senator KENNEDY and Senator QUAYLE on this legislation and I look forward to its enactment.

Mr. QUAYLE. Mr. President, I am pleased to join Senator HATCH and Senator KENNEDY and several other colleagues in introducing the Public Health Service Act Infant Mortality Amendments of 1987.

During this century, enormous improvements have been made in reducing our infant mortality rates. The extraordinary improvements in life expectancy have been largely a function of reductions in infant mortality rates. Great strides occurred as a result of improved ability to control the infectious diseases that threatened young lives. Our declining mortality rates clearly demonstrate the enormous success of these efforts.

However, we still need to do more. I am cosponsoring this legislation because I am concerned that, without such an initiative, we will fall short of meeting the Surgeon General's goal of reducing the infant mortality rate to 9 per 1,000 live births by 1990. The need to step up our efforts toward this goal was recently pointed out by the Department of Health and Human Services in its report "The 1990 Health Objectives for the Nation: A Midcourse Review".

The need to reduce infant mortality rates is particularly acute in minority communities. Unfortunately, this has become a particularly serious problem in specific areas of my own home State of Indiana.

Innovative approaches in dealing with this problem are clearly needed. I believe that this bill will provide for such approaches while at the same time relying on existing systems. This legislation will:

Increase the funding authorization for community health centers that provide medical care to medically underserved populations for the purpose of providing special prenatal services to decrease infant mortality. Priority will be given to those centers where there is a high incidence of infant mortality or where there is an increased rate of infant mortality.

Allow for the establishment of additional centers in areas with high infant mortality rates.

Provide incentives for health professionals to work in these centers and to focus on the means of reducing infant mortality by establishing a fellowship program for pediatric, obstetric, and gynecologic nurse practitioners.

I urge my colleagues to join me in supporting this important legislation.

By Mr. GRASSLEY:

S. 1442. A bill regarding permitted public uses within the DeSoto National Wildlife Refuge, IA; to the Committee on Environment and Public Works.

PERMITTED PUBLIC USES WITHIN THE DE SOTO BEND NATIONAL WILDLIFE REFUGE

● Mr. GRASSLEY. Mr. President, I rise today to offer legislation to reopen the DeSoto Bend National Wildlife Refuge near Missouri Valley, IA, for several recreational uses which had been previously available to the public at that facility.

When plans for the proposed DeSoto Bend National Wildlife Refuge and Recreational Area were made public by the Bureau of Sport Fisheries and Wildlife Service in the late 1950's, a great deal of opposition from the public in the immediate vicinity made necessary public hearings to air grievances.

On September 4, 1957, at Blair, NE, and on September 5, 1957, at Missouri Valley, IA, public hearings on the proposed project were held. By far the most significant objection to the proposed refuge was the need for 7,800 acres of valuable real estate to be designated as refuge land. In order to overcome this objection and to gain the necessary support of influential groups, Government officials exhibited numerous slides of similar refuge areas along with exciting commentary, most of which dealt with recreational scenes, water skiing, camping, controlled shooting areas within specially constructed buffer zones, and so forth.

During the hearing, Mr. Robert Burwell, an official of the Department of Interior's regional office in Minneapolis, MN, stated, "We are here this evening to describe for you a proposed plan for this refuge as we have developed it, how we would like to operate and administer it, and what we would want to accomplish." He went on to say, "It is our opinion that the area should generally be open to public enjoyment at all times of the year, except during the period approximately September 15 until the end of waterfowl season. I believe that with the exception of the period from September 15 to about the first of January, it can be opened to boating, fishing, swimming, picnicking, et cetera. If the ice is thick enough and the folks want to do so, we know of no reason why there can't be ice fishing."

Most of the supporting statements from well-meaning participants in these discussions stressed the desirable recreational benefits to the public and not primarily the creation of a game refuge alone. These minutes are a matter of public record and many of the participants in these hearings were prominent in the field of conservation and local affairs.

Strangely enough, the DeSoto Bend proposal as presented at that time was no pipedream. It became a reality and was every bit as successful, initially, as the Government salesman promised. Unfortunately, several key recreational activities used as attractive fringe benefits to win public support never were developed and some were gradually deemphasized after the first few years of implementation.

The Iowa Conservation Commission has stated:

The issue, as viewed by the Commission, is that the U.S. Bureau of Sports Fisheries and Wildlife has gone back on its promise to the people of Iowa and Nebraska as to how the vast resources of DeSoto Bend would be used.

In 1957, public acceptance of Federal control of DeSoto Bend was given only after Federal officials assured the public that in addition to giving refuge to migration waterfowl, DeSoto Bend would provide public recreation. This was to include fishing, boating, waterskiing, swimming, picnicking, hiking, hunting, camping, etc.

The battle over the use of this facility has gone on and on. The citizens of my State are tired of fighting the bureaucrats who are going back on their promises. They were told one thing by the Government and over the past 10-15 years a Federal agency has tried to go back on that promise after they got our citizen's land for the waterfowl program.

Mr. President, I recently received an article from the Nonpareil of Council Bluffs, IA, that summarizes the quandary my State is in. I ask unanimous consent that it be printed in the RECORD at the end of my statement.

By passing this simple legislation, the Government would be keeping its promises. It would open up half the lake for power boating and skiing, and the other half for fishing and vegetation for the waterfowl. This is vitally important to the people in my State because DeSoto Bend is one of the only areas that can be used as a recreational area.

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

[From the Nonpareil, June 11, 1987]

HISTORY, FUTURE OF DESOTO BEND

MISSOURI VALLEY.—The DeSoto Bend Justice Association, a newly forming organization, intends to "make the U.S. Fish and Wildlife Service honor their "pledges" in operating the DeSoto National Wildlife Refuge.

The association's first meeting will be held at 8 p.m. June 29 at the Youth Center in Logan.

It is time for people to demand their park back, says the self-proclaimed "Missouri River rat" who first came up with the idea for a lake at DeSoto Bend.

And it will be with the leadership and testimony of Jerry Jauron and other DeSoto pioneers that the association will build its case.

Controversy has been sparked by decisions to close the refuge to swimming, powerboating, concessions and skiing—plus the recent announcement that visitors will soon have to pay an entrance fee.

Jauron, 75, of Earling, was the Missouri River coordinator for the Iowa Conservaton Commission, forerunner of the current Department of Natural Resources when he and Washington County (Neb.) Sheriff Rudy Fick came up with the idea for a lake at DeSoto Bend. That was in 1956.

Besides his own notes and memory, Jauron has official documentation of the lake's development from the early days on.

This, Jauron says—and he invites attempts to contradict him, is the way it was:

In 1956, a bridge was built on State Highway 175—on dry land. Congressman Ben Jensen of Exira was asked by the bridge's promoters to instruct the U.S. Army Corps of Engineers to put the Missouri River where the 1943 the Corps had said it would be located. In those prechannelization days, the Missouri meandered at will.

The Corps told Jensen that to put the river under the bridge the river would have to be redesigned for 17 miles upstream.

Jensen, Jauron said, told the Corps: "I don't care if you have to go all the way to Sioux City, but put the river under that bridge like you told the people you would."

Hearing that the Corps would comply with Jensen's order, Jauron "began to plan—and inquire from the Corps what the future design of the river would look like."

"In the process of searching for this information, I found out there would be a minimum of nine bends cut off to shorten and straighten the river," he said.

DeSoto Bend was not in the Corps' plans.

"So being inquisitive," Jauron said, "I asked another Missouri River rat who was also the sheriff of Washington County why Big Bertrand Bend—it wasn't called DeSoto Bend back then—was not cut off in 1943."

Fick said the Corps wanted to cut it off but "politics in Lincoln"—Nebraska red tape—stopped them.

So DeSoto was not cut off during the original river design in 1943.

Upon hearing this, Jauron asked the Corps area engineer, Randy Fitzhugh, if it was indeed politics that prevented the bend from being cut off. "I was told that it was," Jauron said.

Jauron then went to Mel Steen, director of the Nebraska Game and Parks Commission, to see if the state would be interested in buying the land cut off a straightened river channel.

Steen replied, "Absolutely not. The State of Nebraska will invest not one dime east of the new river channel," Jauron said.

So, Jauron contacted Michael Murray, special assistant Attorney General of Iowa, and asked if he had any political contacts in Washington, D.C.

Murray said yes, he did. Congressman Ben Jensen.

"And I also told him that the Corps was in the process of setting up construction sites around DeSoto Bend in its natural course and if any results were to be obtained it would have to be quick," Jauron said.

Murray reached for the telephone. Jensen, showing immediate interest, told Murray to stand by his phone. In a few hours, Murray received a call from the Corps' district engineer, a Col. Hayes, who said he had received a call from the Washington office that informed him that Jensen had requested a delay of 60 to 90 days on further planning of DeSoto Bend to give him—Jensen—time to try to obtain an appropriation to cut the bend through.

"Within a few days," Jauron said, "Murray was informed that a new canal would be built cutting off Bertrand Bend at the expense of the Corps of Engineers."

Then Jensen went after funds to buy land surrounding the soon-to-be formed ox-bow lake. In a few days, Jensen called Murray and told him $200,000 would be appropriated to buy the interior area.

"A conflict developed at about that time," Jauron said, "between local sportsmen's clubs and sportsmen about federal ownership of the land. Some were for federal ownership, some against."

Landowners, he said, "were nearly 100 percent against the proposal because they did not want to dispose of their land."

"Congressman Ben Jensen gave explicit instructions to Michael Murray that not one inch of Iowa land could or would be condemned for the project," Jauron said.

But, Jensen hoped landowners would sell at least 150 feet of property around the lake for a road to allow the public to enjoy the aesthetic value of the lake.

Jauron contacted every landowner and renter and told them of Jensen's orders.

"About this time," Jauron said, "the Fish and Wildlife Service had become acquainted with the project and began to stick its foot in the door.

"They were not wanted by anybody. Not one soul wanted them on this safari."

The FWS set up public meetings in Blair, Neb., on Sept. 4, 1957 and in Missouri Valley the following day. Jauron has copies of the official notes from both meetings.

In the years following those emotional meetings, years when the FWS assumed stewardship of the area, "everything went smoothly," Jauron said, "until the early '60s."

It was then that the U.S. Department of the Interior instigated condemnation proceedings on land Jensen had ordered would not be condemned.

"At the time of the public hearings," Jauron said, "Robert Burwell (regional FWS director) informed the people of the area that Congressman Jensen's request would be carried out to the letter.

"And also he said that it would not be a refuge only, that it would be a recreational area patterned after the Crab Orchard federal refuge in southern Illinois, which was also formed by a river cutoff—the Mississippi River.

"The park director of the region showed slides of swimming, boating, camping, picnicking and all other recreation that accommodates 1.25 million visitors a year—including boat ramps, boat rentals and so on. It's all in the meeting notes."

And, Jauran added, Burwell said the refuge would be closed to the public only from September 15 until such time as the waterfowl had migrated to the south and there would be only one employee, a refuge manager.

"The first thing they did," Jauron said, "is build three houses."

The states of Iowa and Nebraska, Jauron said, were to be included in all decisions and activities affecting the park "which, by the way, never happened."

This is where Jauron gets hot.

In 1959, a refuge manager, Kermit Dybsetter, was sent to area. He set up an office in Blair.

Jauron said that even though Burwell had said there could be ice fishing the first winter, Dybsetter insisted that all fishing houses be removed not only from the lake but from the area every night, "which stopped 90 percent of the ice fishing."

Then, despite another Burwell promise, Dybsetter said there would be no camping on the area, Jauron said. "This is when the state of Iowa started to develop Wilson Island adjacent to the refuge. That was April 10, 1960."

"The next violation of their promises occurred July 13, 1961," Jauron said, "when refuge manager Dybsetter closed all areas to the public."

Hearing of the closing, Jauron informed Jensen. The refuge was reopened July 22.

Later that year—about September, Jauron said, the state of Iowa's fisheries section had made plans to eradicate the rough fish in the lake by use of rotenonne, a fish toxicant. "Dybsetter absolutely refused to let the state of Iowa do it," Jauron said.

In the summer of 1964, Jauron said, after the refuge was again placed off-limits to certain recreational activitiies, officials from the regional FWS office in Minneapolis and representatives of the Iowa Conservation Commission met in Missouri Valley "where it was agreed between Iowa commission members and Mr. Burwell that prior agreements would be honored and complied with."

Again, for a while, Jauron said, "everything went smoothly."

Until the spring of 1974.

A new refuge manager, Jim Salyer, was sent to the area "who proceeded at once to hide 75 picnic tables to stop the influx of visitors;" and the number of boats permitted on the lake was limited; and the refuge was again closed on July 15, 1974.

After Iowa and regional FWS officials talked it over, the refuge reopened August 31.

Jauron's list of "violated promises" continues:

In 1983, the beach was closed, the concession stand bulldozed, a dock, bait and gas store removed; and other buildings razed. "They didn't just close it, they destroyed it," he said.

In 1985, boating was limited to 5 mph, ending water skiing and power boating.

Also in 1985, the lake underwent renovation. Tons of fish were killed and left to decompose in the water "which caused algae bloom and that made the water slimey, stinky and undesirable," Jauron said.

Refuge officials contend the lake renovation and activity restrictions are more in keeping with the FWS wildlife refuge concept. Jauron contends that that is not what was intended and promised, for the area.

And through it all, visitor attendance has dropped, Jauron said.

At the time appropriations were being sought to build a visitor's center, refuge officials estimated they would host 1.1 million visitors a year, Jauron said, "It took them six years by their own count to register I million," he said.

So that, in part—and in a large nutshell, is The History of DeSoto According to Jerry Jauron.

It is time for people to demand that the FWS live up to its promises, Jauron said. Legislation introduced in 1986 by Sen. Grassley and Rep. Jim Lightfoot to resolve the contoversy by opening half of the lake to powerboating, skiing, etc., went nowhere.

Among things to be discussed at the meeting will be a petition effort aimed at Sen. Grassley and Nebraska Sen. David Karnes.

Among those expected to attend, Jauron said, is Jim Bixler, former director of the Iowa Conservation Commission and now a Council Bluffs Businessman.

The DeSoto Bend Justice Association, Jauron said, is after just that—justice.●

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. MATSUNAGA, Mr. DECONCINI, Mr. GRAHAM, and Mr. SIMPSON):

S. 1443. A bill to amend title 38, United States Code, to establish an Office of Medical Inspector General in the Office of the Chief Medical Director of the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

VETERANS' ADMINISTRATION MEDICAL INSPECTOR GENERAL ACT

Mr. CRANSTON. Mr. President, as the chairman of the Committee on Veterans' Affairs, I am today introducing the proposed Veterans' Administration Medical Inspector General Act of 1987. I am pleased to note that I am joined in introducing this measure by the ranking minority member of our committee, Senator MURKOWSKI, just as I am joining him in introducing a complementary bill, the proposed Veterans' Administration Assistant Inspector General for Health Care Quality Assurance Review Act of 1987. Our bills are cosponsored by committee members Senators MATSUNAGA, DECONCINI, GRAHAM, and SIMPSON.

Mr. President, my bill (S. 1443) has as its basic purpose the upgrading within the VA's Department of Medicine and Surgery [DM&S] of the medical investigation, quality assurance, and risk management programs and operations by establishing an effective and autonomous Office of the Medical Inspector General [MIG], directly accountable to the Chief Medical Director [CMD], which will be charged with investigating reports of inadequate quality of care, and by establishing as Assistant Chief Medical Director for Quality Assurance [ACMD]. Senator MURKOWSKI's complementary bill would establish within the VA's Office of Inspector General [IG] an Assistant Inspector General for Health Care Quality Assurance Review, and related positions, responsible for comprehensive monitoring of the functioning of the MIG's operation as well as of the DM&S quality assurance and risk management programs and procedures. Together, the two measures are designed to upgrade the VA's medical inspection and health care quality assurance and risk management programs and operations so as to ensure that the VA health care system operates in such a manner as to merit the confidence of veterans seeking care from the VA and their families.

On September 21, 1980, the Office of the Medical Inspector was established administratively by then-CMD Dr. Donald Custis for the purpose of investigating and surveying the quality of care within VA health care facilities. As the committee's chairman during the consideration of the establishment of this office, I had asked for assurances that confusion between the delineated responsibilities of this Office and those of the IG would be minimized. Later, during a June 1984 oversight hearing of our committee, I expressed concern about the resources available to the Medical Inspector, the lack of statutory mandate, and the level of independence, authority, and credibility of that Office within DM&S and in the eyes of the public.

The General Accounting Office [GAO], in a June 1985 report entitled "VA Has Not Fully Implemented Its Health Care Quality Assurance System," which was requested by our committee, found that medical centers were not reporting adverse occurrences in a timely fashion and that there were no incentives for employees to report poor quality care. In May of this year, the GAO released a follow-up report entitled "VA Health Care—VA's Patient Injury Control Program Not Effective," documenting a major failure by the Medical Inspector to provide oversight and supervision of the VA's patient injury control program. The provisions in the bills we are introducing today are intended to provide a farmework to resolve many of these concerns.

SUMMARY OF PROVISIONS

Mr. President, our bill includes provisions that would:

First, statutorily establish the Office of Medical Inspector General [MIG] in the Office of the Chief Medical Director [CMD] and make the head of that office directly accountable to the CMD; the MIG's functions and duties would generally continue to be described in DM&S directives, except that the MIG could not be assigned any operational responsibility for quality assurance or risk management activities, including patient injury reporting.

Second, require the MIG to be a physician who would be appointed by the Administrator, upon the recommendation of the CMD, for a term of 4 years, removable only for cause, as are the Assistant Chief Medical Directors [ACMD], for example.

Third, require the office of the MIG to be staffed by not less than five full-time physicians, two registered nurses, one dentist, and five support personnel.

Fourth, require the Administrator of the VA to transfer to the MIG 10 staff years, and such funds as are designated by the CMD to be necessary to support the positions described above.

Fifth, except for those instances where the Administrator or the CMD specifically requests an investigation, give the MIG sole discretion as to which investigations to conduct; investigations would be conducted in the manner described in 38 C.F.R. section 17.508 as well as in such manner as would be defined by the CMD and approved by the IG.

Sixth, require that all MIG investigations conducted by personnel from outside the medical facility being investigated include at least one Central Office professional MIG staff member.

Seventh, require that the MIG be a member of all policy-making bodies of DM&S relating to the quality of care and quality assurance [QA] programs.

Eighth, require the CMD to take appropriate steps to ensure that all DM&S employees understand their responsibilities for QA activities and are advised that failure to cooperate with such activities, or report activities as required by VA regulations or manuals, will result in appropriate disciplinary action.

Ninth, require the MIG to make annual reports, due February 1 of each year, to the CMD, Administrator, and House and Senate Committees on Veterans' Affairs, regarding the activities of the MIG for the preceding fiscal year, including (a) the resolution of all recommendations for remedial or disciplinary actions made by the MIG, (b) the same general detail as is included in the IG semiannual reports, and (c) a list specifying which studies were initiated by the CMD or Administrator and which were self initiated.

Tenth, require that the position of Assistant Chief Medical Director [ACMD] for Quality Assurance be established to carry out the responsibilities of the CMD as defined in subchapter V of title 38, "Quality Assurance", as well as other duties assigned by the CMD.

STATUTORY ESTABLISHMENT OF THE OFFICE OF THE MEDICAL INSPECTOR GENERAL

Mr. President, as I noted earlier, the Medical Inspector was established administratively in 1980. Since then, I have continued to be concerned with the effectiveness and autonomy of that office. As chairman of the committee in August 1980, I was notified of a proposal—under discussion between the VA, IG and the CMD—to establish a Medical Inspector's Office within DM&S to review matters relating to the quality of care at VA health-care facilities. I responded to this proposal by contacting then-Administrator of Veterans' Affairs Max Cleland to urge, among other things, that any argument reached ensure the autonomy of the Medical Inspector's Office.

Later, at a June 6, 1984, oversight hearing of our committee pertaining to quality assurance issues within DM&S, I expressed my continuing concern that the MI did not have a clear statutory mandate as did the IG and therefore might not have the credibility or the stature to carry out needed investigations or the clout to pursue remedial action where indicated. The bill we are introducing should help rectify that situation by statutorily defining the office and giving it additional resources.

Since the inception of the MI office, I have questioned the advisability of it remaining within DM&S versus the feasibility of moving this investigative function to the IG. Both arguments seem to have merit. Moving the Office to the IG would assure the autonomy needed by the MIG to carry out functions of the Office in a manner that would prevent any conflict of interest. But, because the CMD is clearly ultimately accountable under law for the quality of care provided to veteran patients, and one aspect of ensuring such quality is to investigate questionable practices in the provision of clinical services, I am satisfied that this investigative function should continue to report directly to the CMD as long as we put in place the safeguards proposed in this bill to ensure the autonomy of the Office. If in the implementation of this legislation and these safeguards it is found that a substantial enhancement of the operations of this investigative function is not forthcoming, then consideration will be given to the need for legislation to move the MIG into the Office of the IG.

QUALIFICATIONS AND TENURE

The science of medicine and the art of medical care are complex. Although often there is only one acceptable treatment for an illness or one preferred approach for a procedure, there are frequently times when the method can be varied. For this reason, Mr. President, this bill would require that the MIG be a physician to ensure the knowledge base to ascertain whether the judgments made in a particular situation were reasonable.

Not only must the MIG have the knowledge and capabilities to make medical judgments, but he or she must also have the freedom to do so without fear of reprisal. The MIG must have protection from retribution from those who disagree with the conduct of an investigation or a decision forthcoming as a result of an investigation. To provide such protection, the bill specifies that the MIG be appointed for a tenure of 4 years, removable only for cause.

COMPOSITION AND FUNDING OF THE OFFICE

The VA health-care system is comprised of 172 hospitals, 226 outpatient centers, 105 nursing homes, and 16 domiciliaries. The present administratively established Office of the Medical Inspector has four employees, two professional and two support persons. Such a level of staffing cannot ensure the necessary adequacy and thoroughness of investigations. I have been concerned about this staffing issue for many years and, at our June 6, 1984, oversight hearings, voiced concerns about the level or resources that were available to the Medical Inspector and the background and training of those who were assigned to carry out or monitor investigations. One of the most important elements in any effort is the devotion of resources to the effort. The extent of resources allocated is, I believe, a good measure of the degree of commitment to quality health care.

To address this concern, the legislation we are introducing would mandate a minimum number and composition of employment for the Office of the Medical Inspector General. Specifically, the office would be required to have not less than five physicians, two registered nurses, one dentist, and five support personnel. Such a mix of staff would provide the necessary diversity of skills to perform and analyze information obtained in the course of MIG investigations. Further, this measure would mandate that the Administrator transfer to the MIG—from funds other than those appropriated to support the central office operation of DM&S—the full-time equivalent employees and funds to support 10 MIG positions.

FUNCTIONS OF THE OFFICE OF THE MEDICAL INSPECTOR GENERAL

Mr. President, this legislation would provide for the autonomy of the MIG by authorizing that office to carry out investigations deemed necessary by the MIG, without obtaining prior approval from either the CMD or the Administrator. Conversely, the Administrator or the CMD would not be permitted to prohibit an investigation. This should help prevent accusations that an investigation was not made because the operating VA officials were attempting to hide or "cover up" an incident. While this measure provides for the Administrator or CMD to request an investigation either deems necessary, they would not be able to prevent the MIG from taking the initiative and investigating those areas where possible adverse patient outcomes may be occurring.

Our bill would further provide that when a MIG investigation team is sent into the field to interview staff and review documentation, a member of the MIG Office would be a part of the team. At present, when a site visit is carried out to determine the facts in a particular case, staff from other facilities within the VA generally are assigned to conduct the investigation. Although such visiting experts may have technical knowledge within their specialty, they often lack training in investigative procedure and, more importantly, may feel pressure—inadvertent or advertent—from their peers to minimize findings. Even if these pressures are subtle and unintentional, we can never truly know whether the results of the investigation were influenced. It is difficult to rely entirely on the objectivity and aggressiveness of a field investigation by DM&S employees when those critiquing the work of others may be working with them at a later time. This factor should be mitigated by having a member of the MIG Office as a member of any site visit team.

Prior to March 3, 1985, when the DM&S Office of Quality Assurance [QA] was established, the Medical Inspector was responsible for all QA activities. On that date, all QA programs

were transferred to the QA office except patient injury reporting. Mr. President, this measure would specify that QA and risk management activities would not fall under the direct authority of the MIG. However, the bill would mandate that the MIG be an ex officio, nonvoting member of all Central Office policy-making committees which address those subjects as well as that of QA. I believe that a conflict of interest would exist if the Medical Inspector General had direct responsibility for any programs within DM&S that he or she would have responsibility for investigating, but to maintain knowledge of DM&S requirements and to lend expertise and concrete information to QA policy-making activities, he or she should be included in all pertinent QA and health-care quality discussions.

RESPONSIBILITIES OF DM&S EMPLOYEES

In its May 1987 study entitled "VA Health Care—VA's Patient Injury Control Program Not Effective", the GAO reported that many patient injury or adverse occurrences were not, because of a variety of reasons including disincentives associated with reporting, reported according to established policy. These disincentives included a reluctance on the part of nursing staff to report physician-related incidents, the view that reporting of incidents was negative and could perhaps cause a fellow employee to lose his or her job, and the fear that reported incidents would not remain confidential and would thus become the basis for malpractice action.

Although I believe these fears are understandable, I also feel strongly that, in order to have an effective QA program, employees must understand and fulfill their reponsibilities in the areas of problem detection and reporting. Although the concerns of staff should be addressed through major educational efforts and the development of a creative program to reward positive behavior, I believe regulations must also be prescribed to support appropriate disciplinary action if employees fail to comply with required reporting. Hence, this measure would include a provision requiring the CMD to issue such regulations.

REPORTING REQUIREMENTS

Mr. President, the bill would require the MIG to submit a report to the Administrator, the CMD, and both Committees on Veterans' Affairs, by February 1 of each year, describing the activities of the MIG Office over the preceding year, including the outcome of MIG recommendations for remedial or disciplinary action and an assessment of the effectiveness of that office, and a listing of those investigations which were self-initiated and those which were assigned by the Administrator or CMD. As the chairman of the Committee on Veterans' Affairs, I am very interested in the scope and types of problems occurring in the VA health-care system and, more importantly, what is being done to correct and prevent these problems from reoccurring. This report should help us maintain effective oversight on these issues.

As a preventive measure, to discourage the Administrator or CMD from overwhelming the MIG with management-prescribed investigations, to the point of preventing the MIG from studying other potential problems, the bill would also require the MIG to delineate in the report the number of investigations—and the total resources devoted to them—which were requested by the Administrator or CMD and the number which were self-initiated.

Since the Administrator and CMD are charged with the responsibility for providing safe, effective care to our veterans, they will also require access to this report.

STATUTORY CREATION OF THE ASSISTANT CMD FOR QUALITY ASSURANCE

It is evident when one reviews the 1985 and 1987 GAO reports referred to previously that DM&S is not meeting the goals and objectives it has established for itself in the area of quality assurance, let alone the expectations of others. This lack of emphasis on QA comes at a time when the private sector has begun to put greater stress on QA activities. Because of the impact quality assurance and risk management programs have on the operations of a hospital, hospital boards of directors are now requiring indepth QA analyses and reports to be provided to them. The Joint Commission on Accreditation of Hospitals is also giving QA more prominence than it has in the past.

To provide a similar emphasis in DM&S, this legislation would upgrade QA activities in DM&S by establishing the position of ACMD for Quality Assurance responsible for carrying out the responsibilities of the CMD as defined in subchapter V of title 38 as well as other QA functions as assigned by the CMD. The importance of this position as conveyed by this title should provide a greater impetus to those in the field carrying out QA activities.

OVERSIGHT BY THE INSPECTOR GENERAL

Mr. President, I am pleased to note that I am today joining with our committee's ranking minority member, Senator MURKOWSKI, in introducing a complementary bill, the proposed "Veterans' Administration Assistant Inspector General for Health Care Quality Assurance Review Act of 1987." That legislation would provide for an Office of the Assistant Inspector General for Health Care Quality Assurance Review, staffed with sufficient numbers of professional and support personnel to, among other things, first, monitor the establishment and implementation of quality assurance and risk management activities within DM&S, second, monitor the analysis of trends, and determine the completeness of the information collected, third, monitor the activities of the MIG and review investigations made by that office, making such recommendations as might be appropriate, including recommendations for additional investigations, and fourth, provide an annual report to the Administrator and the Senate and House Committees on Veterans' Affairs setting forth the findings, conclusions, and recommendations for corrective actions, and the actions taken with respect to those recommendations, arising out of the monitoring activities of the Assistant Inspector General during the preceding fiscal year.

In mid-December 1984, a "Statement of Responsibilities and Relationships Between The Office of Medical Inspector and The Office of Inspector General" was signed. This agreement set forth the roles and responsibilities of the respective offices and their relationships with each other. Although the agreement specified that the IG would perform oversight review of medical inspector investigations, unfortunately, as can be seen by the results of the May 1987 GAO report studying the VA's patient injury program, it did not have the force needed to ensure the effectiveness of the Office of the MI—to be renamed the "Medical Inspector General" under my bill—as was intended.

Monitoring of the Office of the Medical Inspector by the IG must be strengthened, and the legislation proposed by Senator MURKOWSKI would provide the necessary reinforcement while at the same time avoiding setting up a duplicate mechanism in the IG's office. Not only would these monitoring responsibilities be set forth very specifically but the necessary resources to carry out the additional functions successfully would be assured.

As I noted earlier, the CMD is accountable by law for the quality of care provided our veterans in VA medical facilities. Creating an autonomous Office of the Medical Inspector General and an ACMD for Quality Assurance, as would be brought about by the complementary legislation I am introducing today, would enhance the efforts of the CMD to carry out the mandate of his office; Senator MURKOWSKI's measure should complete the loop. Independent monitoring of the MIG and DM&S quality assurance and risk management activities by the IG should provide assurances that the MIG is acting independently and responsibly and that QA efforts are functioning effectively to carry out the investigations and reviews necessary to establish that the quality of

care provided in the VA health-care system is appropriate.

CONCLUSION

Mr. President, the VA needs to be a leader in the provision of quality health-care services, not a follower. If this is to be the case, problems which appear to arise in the provision of health-care services must be fully investigated in a constructive and aggressive manner. To accomplish this task, DM&S must have an Office of the Medical Inspector General free and able to function autonomously, without interference from others in DM&S or the VA, and DM&S must have an enhanced Quality Assurance program and operation. The MIG Office must also have the personnel and resources needed to do its job. In addition, the Inspector General must have the direction and capacity to monitor those investigative and Quality Assurance activities very closely. Finally, Congress needs to have ongoing information about these activities.

The two bills we are introducing today would offer much needed improvements to these areas and, hopefully, result in enhancing the level of public confidence in the VA health-care system.

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. 1443

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 "Veterans' Administration Medical Inspector General Act of 1987".

SEC. 2. ESTABLISHMENT OF OFFICE OF MEDICAL INSPECTOR GENERAL.

(a) IN GENERAL.—Chapter 73 of title 38, United States Code, is amended by inserting after section 4103 the following new section:

"§ 4103a. Office of Medical Inspector General

"(a) There is established in the Office of the Chief Medical Director an Office of Medical Inspector General.

"(b) The Office of the Medical Inspector General shall consist of the following:

"(1) The Medical Inspector General who (A) shall be the head of the Office of Medical Inspector General, (B) shall be directly responsible to the Chief Medical Director for such functions as may be assigned to the Medical Inspector General in regulations prescribed by the Chief Medical Director consistent with the provisions of this section, and (C) shall be a qualified doctor of medicine appointed by the Administrator upon the recommendation of the Chief Medical Director.

"(2) Not less than five Assistant Medical Inspectors General who shall be qualified doctors of medicine, doctors of dental surgery or dental medicine, or registered nurses and who shall be employed on a full-time basis in the Veterans' Administration.

"(3) Not less than two registered nurses (including any who are Assistant Medical Inspectors General) who are employed on a full-time basis in the Veterans' Administration.

"(4) Not less than one qualified doctor of dental surgery or dental medicine (who may be an Assistant Medical Inspector General) who is employed on a full-time basis in the Veterans' Administration.

"(5) Not less than five support personnel, who are employed on a full-time basis in the Veterans' Administration.

"(b) The Medical Inspector General shall be appointed for a term of four years, with reappointment permissible for successive like periods. The Medical Inspector General shall be subject to removal by the Administrator only for reasonable cause upon the recommendation of the Chief Medical Director.

"(c)(1) The Medical Inspector General shall monitor, review, and investigate any adverse incident which is experienced by a patient during the course of the patient's care in a Veterans' Administration health-care facility, including any incident that would not normally be considered a natural consequence of the patient's disease process or illness and any incident that would carry a recognized need for medical intervention.

"(2) The Medical Inspector General shall also conduct such reviews and investigations as the Medical Inspector General considers necessary to identify problems in the provision of health care to veterans and, when problems are detected, shall propose to the Chief Medical Director such corrective measures as the Medical Inspector General considers necessary or appropriate.

"(3) The Medical Inspector General shall conduct such other studies, reviews, and investigations relating to the quality of health care provided to veterans as the Administrator or the Chief Medical Director may assign to the Medical Inspector General.

"(4) Subject to paragraph (3) of this subsection, the Medical Inspector General shall have sole discretion in determining whether to investigate any incident involving patient care or to study or review any problem in the provision of health care to veterans.

"(d) In conducting an investigation of any incident involving the care of a patient or any study or review of any problem in the provision of health care to veterans, the Medical Inspector General shall assign to the investigation, study, or review at least one health-care professional from the Office of the Medical Inspector General.

"(e) The Medical Inspector General shall submit to the Administrator, the Chief Medical Director, and the Committees on Veteran Affairs of the Senate and the House of Representatives a report each year, not later than February 1, on the activities of the Office of the Medical Inspector General under this section during the preceding fiscal year. The Medical Inspector General shall include in each such report—

"(1) a description of significant problems, abuses, and deficiencies relating to the administration of programs and operations of the Department of Medicine and Surgery disclosed by such activities during the preceding fiscal year;

"(2) a description of (A) the recommendations for corrective action and of any recommendations for disciplinary action made by the Office during the preceding fiscal year with respect to significant problems, abuses, or deficiencies identified pursuant to clause (1) of this subsection, and (B) the action taken as of the end of such fiscal year on each such recommendation, including any such recommendations on which action had not been completed prior to the end of such fiscal year;

"(3) a specification of (A) which activities of the Office were carried out (A) pursuant to an assignment by the Administrator or the Chief Medical Director, and (B) which activities of the Office were carried out on the initiative of the Medical Inspector General;

"(4) an identification of each significant recommendation for corrective or disciplinary action described in the report or in previous annual reports under this subsection on which action has not been completed;

"(5) a summary of any matters referred to prosecutorial authorities and the prosecutions and convictions which have resulted; and

"(6) a summary of each incident in which information or assistance requested by the Medical Inspector General from the Department of Medicine and Surgery during the preceding fiscal year has been, in the judgment of the Medical Inspector General, unreasonably refused or not provided.

"(f) The Medical Inspector General shall be an ex officio, nonvoting member of all policymaking bodies within the central office of the Department of Medicine and Surgery that are concerned with the quality of health care provided in Veterans' Administration facilities or that are concerned with quality assurance in the provision of such care. The Medical Inspector General shall not, however, have any direct responsibility for quality assurance activities, including patient risk management and the reporting of patient injuries under quality assurance procedures.

"(g)(1) The Administrator shall transfer to the Office of the Medical Inspector General each fiscal year, out of any funds available to the Veterans' Administration for such fiscal year (other than funds available for the operation of the central office of the Department of Medicine and Surgery), such amounts as may be necessary, as determined by the Chief Medical Director, to support five full-time medical doctors and five full-time support personnel in the Office of the Medical Inspector General.

"(2) The positions of five full-time medical doctors and five full-time support personnel in the Office of Medical Inspector General shall be counted against the number of full-time employees authorized by the Office of Management and Budget for the program, function, or activity for which the funds transferred pursuant to paragraph (1) of this subsection would be available except for the transfer of such funds. In the event that the Administrator transfers funds from more than one program, function, or activity, the ten full-time positions shall be counted against the number of such positions authorized by the Office of Management and Budget for each such program, function, or activity in proportion to the amount of funds transferred therefrom."

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4103 the following:

"4103a. Office of Medical Inspector General.".

SEC. 3. ASSISTANT CHIEF MEDICAL DIRECTOR FOR QUALITY ASSURANCE.

Section 4103(a)(4) of title 38, United States Code, is amended by adding at the end the following new sentence: "One Assistant Chief Medical Director shall be a qualified physician trained in, or having suitable extensive experience in, health-care quality assurance and risk management who

shall be responsible to the Chief Medical Director for carrying out the responsibilities assigned to the Chief Medical Director in subchapter V of this chapter and such related responsibilities as are assigned to the Assistant Chief Medical Director by the Chief Medical Director.".

SEC. 4. IMPLEMENTATION OF THE HEALTH CARE QUALITY ASSURANCE PROGRAM.

Section 4151 of title 38, United States Code, is amended by adding at the end the following:

"(f) The Chief Medical Director shall take such action as may be necessary to ensure that all personnel of the Department of Medicine and Surgery—

"(1) are given an explanation periodically of their responsibilities for the quality assurance activities of such department; and

"(2) are advised that any failure to comply with quality assurance procedures prescribed in regulations or in procedural publications issued by the Department of Medicine and Surgery, including any failure to report any incident as required under such procedures, will result in appropriate disciplinary action.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect on October 1, 1987.

By Mr. MURKOWSKI (for himself, Mr. CRANSTON, Mr. SPECTER, Mr. SIMPSON, Mr. THURMOND, Mr. MATSUNAGA, Mr. DECONCINI, and Mr. GRAHAM):

S. 1444. A bill to amend title 38, United States Code, to establish the position of Assistant Inspector General for Health Care Quality Assurance Review in the Office of Inspector General of the Veterans' Administration.

VETERANS' ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR HEALTH CARE QUALITY ASSURANCE REVIEW ACT

Mr. MURKOWSKI. Mr. President, today I rise to introduce, along with Senators CRANSTON, SPECTER, SIMPSON, THURMOND, MATSUNAGA, DECONCINI, and GRAHAM, the proposed "Veterans' Administration Assistant Inspector General for Health Care Quality Assurance Review Act of 1987." I believe this legislation will serve to build confidence in the Veterans' Administration's [VA] healthcare system. In my view, top priority must be given to matters relating to quality of medical care. Our Nation's veterans deserve no less. As the Administrator of Veterans' Affairs has recently stated, "An effective quality assurance program depends upon an effective system of data collection, analysis, and reporting." This legislation is designed to ensure that these important functions are properly established and fully implemented.

Those who serve veterans in VA health-care facilities are dedicated and highly professional individuals and deserve much credit for their efforts. And I strongly believe that VA health care is of the highest quality. However, absent an effective quality assurance program—we simply don't know. The fact is, Mr. President, that veterans who receive VA care must know. And the American people—who through taxes fund nearly $10 billion for this program—must know. Without this knowledge, the VA's medical care system will surely erode.

I believe that my legislation will serve an extremely vital role—and that is to independently validate the high quality of VA health care services. Make no mistake about it, this bill is not intended to invoke a "police state" atmosphere in the VA. In fact, my bill envisions thoughtful exchanges of ideas between the providers of VA health care and the independent body which will oversee quality assurance issues.

Mr. President, the legislation I am proposing is designed to ensure that the Veterans' Administration inspector general [IG] fulfill his important statutory responsibilities with regard to independent oversight of the VA's Department of Medicine and Surgery [DM&S].

Specifically, my legislation would enhance the role and duties of the IG by providing a statutory mandate that there be in the Office of the IG an Assistant Inspector General for Quality Assurance Health Care Review. Through this office, an interdisciplinary team of health-care professionals would carry out important oversight of quality of care issues.

BACKGROUND

Before I discuss the details of my bill, and in order to fully understand the need for this legislation, it is important to take a brief look at where we are and how we got here.

The Inspector General Act of 1978, Public Law 95-452, created the Office of Inspector General to conduct and supervise independent and objective audits and investigations of programs and operations of Government agencies. The IG is charged with providing leadership, coordination and policy recommendations to promote economy, efficiency and effectiveness, and to prevent and detect fraud and abuse in the programs and operations of that agency. The IG has the statutory authority to have access to all material which relates to the agency.

Following the establishment of the VA's IG, concerns were raised with regard to specific duties of the IG—especially relating to quality of health-care issues. The Senate Committee on Veterans' Affairs raised concerns about having certain IG functions delineated to DM&S. Further, the committee questioned the objectivity and independence of medical reviews which were conducted by the department charged with delivering the service.

Senator CRANSTON, then chairman of the Committee on Veterans' Affairs, conducted a hearing on June 11, 1980, to explore this matter. At that time, a discussion took place between committee members and the VA concerning the viability of establishing a medical unit within the IG's office. In response to that suggestion, the IG responded that the volume of work would not sufficiently warrant the range of staff which would be required of such a unit and that it would be difficult to hire staff to perform these types of activities. I simply do not agree with that contention.

In light of those concerns, and apparently the strong desire of DM&S to keep quality assurance oversight within DM&S, in 1981 the Office of Medical Inspector was created. The Medical Inspector is responsible to the Chief Medical Director for monitoring, investigating, and reporting on quality of care issues within DM&S. The Medical Inspector, in effect, performs oversight of quality of care issues. And the IG performs oversight of the Medical Inspector to ensure that investigations are timely and adequate. These responsibilities—although general and somewhat vague—were also outlined in a December 1984 memorandum of understanding between the IG and DM&S with regard to their respective roles in quality of care matters. That memorandum specifically noted the concerns of Congress regarding the necessity for an independent and objective Medical Inspector. In order to focus increased attention to quality assurance programs, in March 1985, the VA established an Office of Quality Assurance. This new office is responsible for establishing and implementing the VA's quality assurance program. The important investigative and oversight functions remained with the Medical Inspector. However, very limited resources have been provided to the Medical Inspector. In fact, the Office of Medical Inspector consists of only two professionals who must oversee the implementation of quality assurance activities within the largest health-care delivery system in the Nation. Given that fact, one could certainly question the VA's commitment to this important office.

VA'S RECORD ON QUALITY ASSURANCE PROGRAMS

Many observers of VA health care—both in and out of Government—believe that when inspections and reviews of clinical activity and quality of care are performed by those within the department to be reviewed that there's "a fox watching the hen house" situation. Regardless of its accuracy, there is a very strong perception that this type of oversight will not provide an objective and hard look at quality of care issues.

Mr. President, this is not only an issue in Federal health care programs—like the ones operated by the VA and Department of Defense—but in the private sector as well. Health care professionals have traditionally been hesitant to be critical of their peers. But unlike the Federal Govern-

ment, there are incentives in the private sector to ensure that quality assurance programs are being implemented. Malpractice costs are just one such incentive.

Additionally, VA's medical facilities are "closed" to examination from outside reviewers. The only exception is review of all VA medical centers by the Joint Commission on Accreditation of Hospitals [JCAH]. Typically, JCAH simply looks at the "potential of the facility for providing quality care." That is, JCAH determines if procedures are in place but not whether they are effective or appropriately implemented. Because of the VA's apparent unwillingess to undergo outside review, a perception exists that the VA has something to hide. I do not believe for a moment that the VA has anything to hide, but, make no mistake about it, there needs to be the perception of independence—and, in fact, there must be independence—if confidence in the system is to exist.

Mr. President, it seems to me that with few exceptions the only time an "independent review" is conducted in this area is when a Member of Congress requests a study by the General Accounting Office [GAO]. Don't get me wrong, I strongly support GAO and appalud the fine work which they have done at my request and at the request of other members of the committee. However, GAO cannot and should not have the ongoing responsibility to monitor quality of care indicators and issues in the VA.

Although these GAO studies are extremely useful to the Congress—and I suppose to a certain extent the VA—often the recommendations are not implemented. For example, in 1985, GAO released a report which concluded that at the 13 facilities visited, none had fully implemented the required quality assurance program. More importantly, the report concluded that the Medical Inspector was not evaluating the effectiveness of medical centers' programs. Subsequently, our committee held hearings to explore quality assurance programs; and, I introduced legislation, which was ultimately enacted on December 3, 1985, as Public Law 99-166, which required the VA to establish a comprehensive quality assurance program to include the collection and analysis of mortality and morbidity data. Further, this legislation required the VA to establish relationships with appropriate entities to verify the credentials of health-care professionals. The VA is currently in the process of implementing these provisions.

Recently, GAO has released to me a report which concluded that an important component of the VA's quality assurance program—known as Patient Injury Control—was not working. The medical inspector is responsible for ensuring that program is working and for any investigations resulting from it. Unfortunately, GAO found that at the centers they visited, 86 percent of the incidents which, according to VA regulations, are required to be reported simply were not. Let me be clear, if incidents like unexpected deaths, suicides and surgical complications are not reported, then they are not investigated.

And trending and analysis of these incidents will not occur; and, most important, action will not take place to correct problems. If corrective action is not taken, then similar types of incidents will not be avoided. When I speak of needless suffering, this is what I am referring to and not of the quality of care generally in VA hospitals. As I stated earlier, in an April 1, 1987, report to Congress mandated by Public Law 99-166, the VA noted "an effective quality assurance program depends upon an effective system of data collection, analysis, and reporting." I could not agree more. The unfortunate part is that the VA has indicated that their primary reporting mechanism—the Patient Injury Control Program—needs improvement.

In addition to the work of GAO, the VA's IG has done several studies of medical malpractice claims. The first was completed in 1985 and recommended, among other things, that the VA analyze malpractice claims in order to improve its risk management activities and quality assurance programs. Although the VA agreed with the IG recommendations, a March 1987 followup IG report found that the VA had not fully implemented the recommendations.

So, what have we learned from all these studies? I think we have learned that there are some rather serious deficiencies in the VA's quality assurance programs—ones which must be corrected immediately.

WHAT SHOULD BE OUR RESPONSE?

Mr. President, my staff and I have grappled long and hard to determine the best way to deal with these troubling matters. I have attempted to respond in a thoughtful manner. A series of meetings have been held in an attempt to learn how other health care systems—including those in the Department of Defense—work. In my mind, we keep coming back to the same basic issue; and, that is, the VA must open its doors to independent review of the quality of care which it delivers. No health care delivery system has the luxury of making "assertions" regarding the quality of their services. Patients and their families as well as insurance companies and Government agencies now expect and deserve much more.

Mr. President, my legislation establishes an assistant inspector general for Health Care Quality Assurance Review, who shall be a qualified doctor of medicine. The staff of this office would consist of at least thirteen employees to include at least two doctors, and at least one of the following: doctor of dental surgery or medicine, nurse, health care administrator, quality assurance/risk management specialist, and health-care attorney. This interdisciplinary team would have the medical expertise and experience to cooperate and exchange ideas with the medical inspector. The specific duties of this new assistant IG would be to:

First, monitor the establishment and implementation of quality assurance and risk management programs through on-site reviews of VA health-care facilities: second, monitor the activities of the medical inspector; and recommend the conduct of investigations, as needed, as well as coordinate activities with the medical inspector; fourth, review investigations of the medical inspector and recommended appropriate followup or additional action; fifth, monitor and analyze the collection and analysis of quality assurance and risk management data, determine if additional data should be collected, and monitor the analysis and trending of data relating to the delivery of health care services; sixth, make recommendations for corrective action on health care matters and monitor the implementation of those recommendations: and seventh, perform any other duties which are deemed appropriate by the IG.

Mr. President, I do not intend for the assistant inspector general for Health Care Quality Assurance Review to duplicate the work of the medical inspector. However, in order for the assistant IG to fulfill his or her responsibilities, on-site reviews of VA health care facilities and analysis of information and data obtained through those visits will be necessary. That is, I expect that this office may and, in fact, should collect its own information. In my view, that is an important mechanism to validate the DM&S data.

Finally, my legislation would require an annual report of the activities of the Assistant Inspector General. This report would be required to include a discussion of activities of this office, findings and conclusions resulting from their work, recommendations made to the Administrator for corrective action, and specific activities undertaken to monitor the Medical Inspector.

It is interesting to note that the Navy and Air Force Inspectors General currently carry out similar functions and report very positive results from this type of approach. As one of their doctors noted, "military medical care has been enhanced due to this independent oversight." This legislation in no way alters or restricts the ability of DM&S to establish, implement, and

monitor its quality assurance program. It is most appropriate that they do so. In fact, I strongly believe that the capability—in terms of priority and resources—must exist, and the responsibility to provide quality care belongs to the Chief Medical Director. This legislation does not in any way change the statutory duties of the Chief Medical Director. It serves only to enhance and strengthen the responsibilities of the Inspector General.

In fact, because of my strong belief that the establishment, implementation and oversight of quality assurance programs belongs to the Chief Medical Director, I have joined with the distinguished chairman of the Veterans' Affairs Committee, Senator CRANSTON, in introducing a bill which would mandate the establishment of the Office of the Medical Inspector General within DM&S. The bill would provide adequate staff for the Office of the Medical Inspector General in that a health-care team would be assigned to that office. The office would be provided with specific statutory requirements to monitor, review and investigate any adverse incident experienced by a veteran receiving care in a VA facility.

The Medical Inspector General would be required to submit reports annually to the Administrator and Chief Medical Director describing significant problems, abuses or deficiencies in VA health-care programs. In addition, this legislation would require that there be an Assistant Chief Medical Director who is a physician trained in quality assurance and risk management programs. I am pleased to join with Senator CRANSTON on this important initiative for it will certainly provide increased priority for VA quality assurance programs. This has truly been a bipartisan effort, and I thank Senator CRANSTON and his staff for their cooperation in the development of these legislative proposals.

Mr. President, I believe that the bills Senator CRANSTON and I, along with other members of the committee, have introduced today are appropriate responses to the many complex issues which I have stated. I believe that these two bills will serve to establish a needed priority for quality assurance oversight in the VA.

Finally, I would like to note the interest and involvement of my friend from Pennsylvania, Senator SPECTER, in the development of my legislation. I thank Senator SPECTER and his staff, particularly Jim Barnette who provided useful assistance and insight into this issue. Jim is leaving the Senate shortly to attend Georgetown Law School. I wish him all the best in this endeavor.

I look forward to working with Senator CRANSTON, the other members of the committee, the VA, and veterans' service organizations on this vital legislation.

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. 1444

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 "Veterans' Administration Assistant Inspector General for Health Care Quality Assurance Review Act of 1987".

SEC. 2. ESTABLISHMENT OF THE VETERANS' ADMINISTRATION ASSISTANT INSPECTOR GENERAL FOR HEALTH CARE QUALITY ASSURANCE REVIEW.

(a) IN GENERAL.—(1) Chapter 3 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"Subchapter V—Other Veterans' Administration Offices

"§ 250. Assistant Inspector General for Health Care Quality Assurance Review

"(a) There is established in the Veterans' Administration Office of the Inspector General, in addition to the positions of Assistant Inspector General of the Veterans' Administration provided under section 3(d) of the Inspector General Act of 1978 (5 U.S.C. App. 3), the position of Assistant Inspector General for Health Care Quality Assurance Review.

"(b) The Administrator shall make available to the Office of the Inspector General sufficient resources to provide for an Assistant Inspector General for Health Care Quality Assurance Review and the personnel required by subsection (d) of this section and to enable such Assistant Inspector General and personnel to perform the duties of such Assistant Inspector General.

"(c) The Assistant Inspector General for Health Care Quality Assurance Review shall be a qualified doctor of medicine appointed by the Inspector General of the Veterans' Administration.

"(d) The staff of the Assistant Inspector General for Health Care Quality Assurance Review shall include the following:

"(1) Not less than two qualified doctors of medicine.

"(2) Not less than one qualified doctor of dental surgery or dental medicine.

"(3) Not less than one qualified registered nurse.

"(4) Not less than one attorney who has expertise in health care law.

"(5) Not less than one individual who has expertise in health care quality assurance and risk management.

"(6) Not less than one individual who has expertise in health care administration.

"(7) A sufficient number of support and additional personnel, but not less than the equivalent of five full-time personnel, to enable the Assistant Inspector General for Health Care Quality Assurance Review to perform the duties of such Assistant Inspector General.

"(e) The Assistant Inspector General for Health Care Quality Assurance Review, in addition to performing (with respect to activities of the Department of Medicine and Surgery) such other functions and duties prescribed for the Inspector General of the Veterans' Administration in the Inspector General Act of 1978 (5 U.S.C. App. 3) as may be directed by the Inspector General, shall—

"(1) monitor, including through reviews of Veterans' Administration health care facilities, the establishment and implementation of the health-care quality assurance and risk management programs of the Department of Medicine and Surgery;

"(2) monitor the activities of the Medical Inspector of the Department of Medicine and Surgery;

"(3) recommend that the Medical Inspector of the Department of Medicine and Surgery conduct such investigations as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate;

"(4) coordinate the activities of the Assistant Inspector General for Health Care Quality Assurance Review with the activities of the Medical Inspector of the Department of Medicine and Surgery;

"(5) review any investigation conducted by the Medical Inspector of the Department of Medicine and Surgery of any adverse incident or incidents occurring during the course of providing health-care services in a Veterans' Administration facility or facilities and make such recommendations for additional action to such Medical Inspector as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate;

"(6) monitor and analyze the collection and analysis of quality assurance and risk management information by the Department of Medicine and Surgery (including information relating to medical malpractice claims), review the quality assurance and risk management information collected by the Department of Medicine and Surgery in order to identify data that is not collected and should be collected, and monitor the analysis by the Department of Medicine and Surgery of trends in the provision of health care services by such Department;

"(7) make to the Inspector General such recommendations for corrective action on health-care matters as the Assistant Inspector General for Health Care Quality Assurance Review considers appropriate; and

"(8) monitor the implementation of recommendations for corrective action made to the Administrator by the Inspector General on health-care matters.

"(f) The Inspector General of the Veterans' Administration, in addition to preparing and submitting the reports required by the Inspector General Act of 1978 (5 U.S.C. App. 3), shall submit to the Administrator and the Committees on Veterans' Affairs of the Senate and the House of Representatives each year, not later than February 1, a report containing—

"(1) a discussion of the activities undertaken by the Assistant Inspector General for Health Care Quality Assurance Review during the fiscal year preceding the fiscal year in which the report is submitted, including—

"(A) the findings and conclusions resulting from such activities;

"(B) the recommendations made (on the basis of such activities) by the Inspector General to the Administrator for corrective action in the activities of the Department of Medicine and Surgery; and

"(C) any corrective actions taken with respect to those recommendations; and

"(2) a discussion of the activities undertaken by the Assistant Inspector General for Health Care Quality Assurance Review to monitor the activities of the Medical Inspector during the fiscal year preceding the

fiscal year in which the report is submitted, including—

"(A) the findings of the Inspector General and the Assistant Inspector General for Health Care Quality Assurance Review on the activities of the Medical Inspector during such preceding fiscal year;

"(B) the recommendations, if any, made by the Inspector General to the Chief Medical Director or the Administrator on the basis of such monitoring activities, including any recommendations for remedial or disciplinary actions as a result of such activities; and

"(C) an assessment of the extent to which the Medical Inspector has been effective during such preceding fiscal year in bringing about such recommended remedial and disciplinary actions.

"(g) The rate of pay for the position of Assistant Inspector General for Health Care Quality Assurance Review shall be the same rate of pay established for the positions of the other Assistant Inspectors General of the Veterans' Administration.".

(2) The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by adding at the end the following:

"SUBCHAPTER V—OTHER VETERANS' ADMINISTRATION OFFICES

"250. Assistant Inspector General for Health Care Quality Assurance Review.".

(b) RESOURCES FOR MONITORING QUALITY ASSURANCE PROGRAM.—Section 4151(e)(2) of title 38, United States Code, is amended by inserting "to the Assistant Inspector General for Health Care Quality Assurance Review" after "qualifications)".

Mr. SPECTER. Mr. President, I am pleased to join with Senator MURKOWSKI today in introducing legislation which I feel will go a long way toward ensuring the quality of medical care in Veterans' Administration facilities across the country. The Veterans' Administration Assistant Inspector General for Health Care Quality Assurance Review Act of 1987 will establish an independent office to oversee all aspects of medical care administered by the VA.

In my service on the Veterans' Affairs Committee, and in regular meetings with Pennsylvania veterans, I have become concerned that there is not a sufficient mechanism within the VA to pinpoint medical care problems, abuses, malpractices, and other occurrences that reduce the quality of care that our Nation's veterans receive. Most recently, a May 20, 1987, General Accounting Office [GAO] report on the VA's Patient Injury Control Program further substantiated this concern.

The GAO found that the VA's current medical inspector, who works out of the Department of Medicine and Surgery, failed to report and investigate surgical complications, unexpected deaths, and dozens of other serious incidents under the injury control program.

After the release of the report, I visited the Philadelphia and Pittsburgh VA medical centers to discuss its particular criticisms, and the larger issue of the quality of health care. I found a great deal of interest in the idea of creating an independent VA medical inspector from both veterans and VA medical staff.

The principal reason for this legislation, of course, is to ensure that VA medical care equals the standards of private institutions throughout the country, and at a minimum that of other Federal facilities. It is important to recognize that while the VA operates the largest health care system in the Nation, it does not have the kind of independent watchdog of other Federal systems half its size, such as the Navy or the Air Force.

The current efforts of the inspector general for overseeing this system have not been adequate. A December 1984 memorandum of understanding between the inspector general and the Chief Medical Director outlines the inspector general's responsibilities, but does not provide for the necessary expertise and resources to carry them out. Additionally, a large share of the burden for investigations was assigned to the medical inspector, who is subordinate to the Chief Medical Director, and in many quality assurance issues reports directly to his superiors in the Department of Medicine and Surgery.

By statutorily establishing a new assistant inspector general's office, with appropriate support staff, and with the exclusive responsibility for oversight of the VA medical care system, we will ensure that the inspector general will be able to carry out his duties. As indicated in the most recent GAO report on patient injury control, and in another report of June 27, 1985, these duties are essential to maintaining quality medical care throughout the VA system.

Almost just as importantly, the knowledge that there will be independence in VA medical care review will instill greater confidence in our Nation's veterans in the integrity of the system that serves them.

I look forward to working with the members of the committee and the Veterans' Administration on this intiative, and urge my colleagues to support this effort.

By Mr. STAFFORD (for himself, Mr. CHAFEE, Mr. DURENBERGER, and Mr. WIRTH):

S. 1446. A bill to amend section 112 of the Clean Air Act to regulate the emissions of certain hazardous air pollutants; to the Committee on Environment and Public Works.

REGULATION OF HAZARDOUS AIR POLLUTANTS

● Mr. STAFFORD. Mr. President, I am introducing, on behalf of myself and for Mr. CHAFEE, Mr. DURENBERGER, and Mr. WIRTH, a bill to ban by statute four chemicals. They are best known to the press and the public by the names of the products of which they are the major ingredients. All of these products are pesticides and the most infamous is chlordane.

Probably half of the Members of the Senate live in homes which have been treated with chlordane because it is the pesticide used to kill termites. In some cases, it has the same effect on humans, which is a major reason I am introducing this bill.

The first industry studies suggesting that chlordane was too dangerous for common use were reported in 1969. They were so persuasive that chlordane was among the first pesticides to be evaluated in 1971 by the newly created Environmental Protection Agency. Within 4 years all agricultural uses of chlordane were eliminated. But because there seemed to be no available substitutes and because it was believed that the chemical could be safely applied by professional insect control firms, the EPA allowed continued use of chlordane to kill termites.

Today, we know that those assumptions were almost certainly wrong.

Mr. President, without going into details, it is apparent that chlordane is in practice a much more dangerous chemical than the Environmental Protection Agency believed in 1975. The preliminary analyses indicate that the cancer risk from chlordane, even when properly applied, is between 1 in 1,000 and 3 in 1,000. Equally important is the practical experience indicating that the public simply cannot expect that proper application will be the case.

Because of the requirements of lending institutions and real estate companies, homes which are resold are routinely being inspected and treated for insect and termite infestation. As a result, some homes have been repeatedly treated with chlordane and, in many cases, there have been tragic consequences. Some people have died, and others have been permanently disabled.

One scientist, Dr. Samuel Epstein, has estimated that there will be 700,000 cancer deaths due to chlordane. That is a staggering number which even I find difficult to believe. But even if Dr. Epstein is wrong—which many believe is unlikely—this suggests the magnitude of the public health threat.

This bill proposes to eliminate applications of chlordane which result in contamination of the indoor or ambient air, or soil, or water. There are alternatives.

The Congress could instead wait for the Environmental Protection Agency to cancel chlordane under the Federal Insecticide, Fungicide and Rodenticide Act. But that would take 4 or more years.

Or it could wait for an emergency suspension. But that would take at least $50 million.

A better choice, Mr. President, is to ban chlordane and its relatives, which is what this bill proposes.

Mr. President, I ask unanimous consent that the bill be reprinted in the RECORD at this point.

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

S. 1446

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

SECTION 1. REGULATION OF CERTAIN HAZARDOUS AIR POLLUTANTS.

(a) PROHIBITION ON AIR EMISSIONS.—Section 112 of the Clean Air Act is amended by adding the following new subsection at the end thereof:

"(f) EMISSIONS OF CERTAIN AIR POLLUTANTS.—In order to protect the public health and environment, it shall be unlawful for any person to release, or cause to be released, into the indoor air, ambient air, or soils or waters the following substances:

1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7a-hexahydro-4,7-methano-1H-indene (also marketed as Chlordane);

1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methano-1H-indene (also marketed as Heptachlor);

1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-dimethano-napthalene (also marketed as Aldrin);

and 3,4,5,6,9,9-hexachloro-1aα, 2β, 2aα, 3β, 6β, 6aα, 7β, 7aα-octahydro-2,7:3,6-dimethanonaphth[2,3-b]oxirene (also marketed as Dieldrin)."

(b) ENFORCEMENT.—Section 113(c)(1)(C) of such Act is amended by inserting "or 112(f)," after "112(c)".●

By Mr. MELCHER (for himself, Mr. HEINZ, Mr. BREAUX, Mr. BURDICK, Mr. CHILES, Mr. DURENBERGER, Mr. HOLLINGS, Mr. KERRY, Mr. PELL, Mr. BENTSEN, Mr. PRYOR, Mr. GLENN, Mr. SHELBY, Mr. WARNER, Mr. NUNN, and Mr. REID):

S.J. Res. 168. Joint resolution to designate the week beginning October 25, 1987, as "National Adult Immunization Awareness Week;" to the Committee on the Judiciary.

NATIONAL ADULT IMMUNIZATION AWARENESS WEEK

● Mr. MELCHER. Mr. President, today I am introducing a joint resolution to designate the week of October 25, 1987, as "National Adult Immunization Awareness Week." This measure is identical to House Joint Resolution 250, introduced by my counterpart on the House Select Committee on Aging, Chairman ROYBAL.

Tens of thousands of adults, most of them elderly, will die this year from vaccine-preventable diseases. While every State in the Union requires preschool immunization, adult immunization has been largely neglected. Fewer than one in every eight adults is protected against flu, pneumonia, hepatitis B, measles, diphtheria, rubella or tetanus.

Despite the fact that Pneumococal Pneumonia is the sixth leading cause of death in the United States, fewer than 10 percent of our Nation's elderly are immunized against it. This deadly disease is responsible for between 25,000 and 30,000 deaths each year, most of which could be prevented by a simple vaccination.

Influenza is another killer, striking hardest among the elderly and chronically ill. During the past 30 years, our country has been hit by 16 major flu epidemics that have each claimed the lives of at least 10,000 Americans, the majority of them elderly. Many of these deaths could have been prevented had people known that a simple shot could save their lives.

In my mind, it is a national disgrace that tens of thousands are dying each year from vaccine-preventable diseases. Clearly, much remains to be done to raise national consciousness regarding the need for increased adult immunization.

The joint resolution I am introducing today designates the week of October 25, 1987 as "National Adult Immunization Awareness Week." Last year this resolution passed both Houses of Congress and was signed into law by the President. This year's legislation will enable Congress to continue raising national awareness about the need for greater adult immunization. I urge my colleagues to work for the quick passage of this measure and, once again, show their commitment to ending the tragic loss of life caused by these deadly and, in most cases, easily preventable diseases.●

ADDITIONAL COSPONSORS

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's Disease and related demnetias home and community based services block grant.

S. 249

At the request of Mr. DODD, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 346

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 346, a bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employement is for his last nonrailroad employer.

S. 533

At the request of Mr. THURMOND, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 567

At the request of Mr. SASSER, his name was added as a cosponsor of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 814

At the request of Mr. HATFIELD, the name of the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Vermont [Mr. STAFFORD] were added as cosnponsors of S. 814, a bill to facilitate the resettlement of Indochinese refugees and to provide for the protection of Indochinese refugees along the border of Thailand from cross-border attacks, and for other purposes.

S. 840

At the request of Mr. THURMOND the name of the Senator from Arizona [Mr. DECONCINI], the Senator from Alabama [Mr. HEFLIN], the Senator from North Carolina [Mr. HELMS], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 840, a bill to recognize the organization known as the 82nd Airborne Division Association, Inc.

S. 936

At the request of Mr. DURENBERGER, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 936 a bill to amend title XVIII of the Social Security Act to permit certain individuals with physical or mental impairments to continue Medicare coverage at their own expense.

S. 998

At the request of Mr. DECONCINI, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 998 a bill entitled the "Micro Enterprise Loans for the Poor Act".

S. 1109

At the request of Mr. HARKIN, the name of the Senator from Montana [Mr. MELCHER] was added as a cosponsor of S. 1109 a bill to amend the Federal Food, Drug, and Cosmetic Act to require certain labeling of foods which contain tropical fats.

S. 1203

At the request of Mr. GRASSLEY, the names of the Senator from Utah [Mr. GARN] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1203, a bill to amend title 22, United States Code, to make unlawful the establishment or maintenance within the United States of an office of the Palestine Liberation Organization, and for other purposes.

S. 1207

At the request of Mr. DURENBERGER, the name of the Senator from Mississippi [Mr. STENNIS] was added as a cosponsor of S. 1207, a bill to amend title XVIII of the Social Security Act to establish a program of grants, funded from the Federal Hospital Insurance Trust Fund, to assist small rural hospitals in modifying their service mixes to meet new community needs and in providing more appropriate and cost-effective health care services to medicare beneficiaries.

S. 1234

At the request of Mr. CHAFEE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1234, a bill to amend title 38, United States Code, to insure eligibility of certain individuals for beneficiary travel benefits when traveling to Veterans' Administration medical facilities.

S. 1320

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1320, a bill to provide adequate funding levels for solar energy research and development, to encourage Federal procurement of solar energy systems, to encourage Federal loans for solar energy equipment, to enhance the international competitiveness of the solar industry, and for other purposes.

S. 1333

At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. SYMMS] and the Senator from Nebraska [Mr. KARNES] were added as cosponsors of S. 1333, a bill to allow the 65 miles per hour speed limit on highways that meet interstate standards and are not currently on the National System of Interstate and Defense Highways.

S. 1366

At the request of Mr. KENNEDY, the names of the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 1366, a bill to revise and extend the programs of assistance under title X of the Public Health Service Act.

S. 1395

At the request of Mr. HECHT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1395, a bill entitled "The Nuclear Waste Transportation Act of 1987."

S. 1430

At the request of Mr. CRANSTON, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1430, a bill to impose a moratorium on prepayments under section 515 of the Housing Act of 1949.

SENATE JOINT RESOLUTION 53

At the request of Mr. CRANSTON, the names of the Senator from Texas [Mr. BENTSEN], the Senator from North Dakota [Mr. BURDICK], the Senator from Kansas [Mr. DOLE], the Senator from Tennessee [Mr. GORE], the Senator from Oklahoma [Mr. NICKLES], the Senator from Minnesota [Mr. BOSCHWITZ], and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week."

SENATE JOINT RESOLUTION 59

At the request of Mr. THURMOND, the names of the Senator from Illinois [Mr. SIMON] and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 126

At the request of Mr. PACKWOOD, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Nevada [Mr. REID], the Senator from Missouri [Mr. BOND], the Senator from Georgia [Mr. NUNN], the Senator from Vermont [Mr. LEAHY], and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of Senate Joint Resolution 126, a joint resolution to designate March 16, 1988, as "Freedom of Information Day".

SENATE JOINT RESOLUTION 160

At the request of Mr. LAUTENBERG, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 160, a joint resolution to designate July 25, 1987, as "Clean Water Day".

SENATE JOINT RESOLUTION 161

At the request of Mr. DECONCINI, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Joint Resolution 161, a joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation.

SENATE JOINT RESOLUTION 165

At the request of Mr. BRADLEY, the names of the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. MCCLURE], the Senator from Maryland [Ms. MIKULSKI], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from California [Mr. CRANSTON], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Georgia [Mr. FOWLER], the Senator from Arkansas [Mr. BUMPERS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Ohio [Mr. METZENBAUM], the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oklahoma [Mr. BOREN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. STAFFORD], and the Senator from Missouri [Mr. DANFORTH] were added as cosponsors of Senate Joint Resolution 165, a joint resolution expressing the sense of the Senate and the House of Representatives that the President is authorized and requested to issue a proclamation declaring June 27, 1987, as "National Sokol Day in the United States."

SENATE CONCURRENT RESOLUTION 23

At the request of Mr. CRANSTON, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Maine [Mr. MITCHELL], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Concurrent Resolution 23, a concurrent resolution designating jazz as an American national treasure.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. DECONCINI, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union.

SENATE CONCURRENT RESOLUTION 38

At the request of Mr. ARMSTRONG, the names of the Senator from Ohio [Mr. GLENN], the Senator from Delaware [Mr. ROTH], and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of Senate Concurrent Resolution 38, a concurrent resolution to recognize the International Association of Fire Fighters and the National Fallen Fire Fighter Memorial in Colorado Springs, CO.

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. HATFIELD, the names of the Senator from Iowa [Mr. HARKIN], the Senator from Wisconsin [Mr. KASTEN], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress with respect to relations between Vietnam and the United States.

SENATE RESOLUTION 238

At the request of Mr. MOYNIHAN, his name was added as a cosponsor of Senate Resolution 238, a resolution of support regarding the United States delegation's participation at the United Nation's International Conference on Drug Abuse and Illicit Trafficking.

At the request of Mr. CHILES, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Resolution 238, supra.

SENATE RESOLUTION 239—SUPPORTING RESPECT FOR HUMAN RIGHTS AND EVOLUTION OF DEMOCRACY IN PANAMA

Mr. KENNEDY (for Mr. DURENBERGER) (for himself, Mr. BYRD, Mr. KENNEDY, Mr. HELMS, Mr. PELL, Mr. THURMOND, Mr. KERRY, Mr. WILSON, Mr. GRAHAM, Mr. SIMPSON, Mr. BURDICK, Mr. STEVENS, Mr. BUMPERS, Mr. MCCAIN, Mr. PRYOR, Mr. GARN, Mr. SANFORD, Mr. SYMMS, Ms. MIKULSKI, Mr. D'AMATO, Mr. DECONCINI, Mr. RUDMAN, Mr. DIXON, Mr. HECHT, Mr. GORE, Mr. SHELBY, Mr. ARMSTRONG, Mr. SIMON, Mr. MURKOWSKI, Mr. LEAHY, Mr. NICKLES, Mr. MCCLURE, Mr. BOSCHWITZ, Mrs. KASSEBAUM, Mr. HUMPHREY, Mr. WARNER, Mr. GRASSLEY, Mr. ROTH, Mr. KASTEN, Mr. HATCH, Mr. ROCKEFELLER, Mr. QUAYLE, Mr. CHILES, Mr. GLENN, Mr. CRANSTON, Mr. TRIBLE, Mr. MCCONNELL, Mr. COCHRAN, Mr. HARKIN, Mr. SASSER, Mr. DOLE, Mr. PRESSLER, Mr. HEFLIN, Mr. HOLLINGS, Mr. GRAMM, Mr. MOYNIHAN, Mr. LAUTENBERG, and Mr. RIEGLE) submitted the following resolution; which was considered and agreed to:

S. RES. 239

Whereas the Republic of Panama is an historic ally and friend of the United States;

Whereas the security and stability of the Republic of Panama is vital to the security of all states in the Western Hemisphere;

Whereas over 9,000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

Whereas the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama and the United States, and the free world;

Whereas evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

Whereas genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and economic well-being of the Republic of Panama;

Whereas the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

Whereas recent allegations concerning the role of members of the Panama Defense Forces and its commander in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics trafficking, money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

Whereas a broad coalition of church, professional, business, civic, labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Forces;

Whereas the recent suspension of constitutional guarantees by the government of Panama has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

Whereas the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be addressed and cannot be thwarted indefinitely: Now, therefore, be it

Resolved by the Senate, That

(a) the American people reaffirm our commitment to promoting the development of democracy in all the Americas.

(b) It is the sense of the Senate that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987 by the Panamanian Episcopal Conference and should:

(a) Restore suspended constitutional guarantees to the people of Panama;

(b) Establish genuine autonomy for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from non-military activities and institutions;

(c) Provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(d) Take specific steps to help ensure the credibility of and confidence in free and fair elections;

(e) Underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama would best be served by the peaceful establishment of genuine democratic institutions in accordance with the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, non-political military establishment under civilian control;

(3) compliance with internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with requests issued by the Panamanian Chamber of Commerce, Industry, and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution and in response to the communique issued by the Civic Crusade for Justice and Democracy in Panama, the government of Panama should apply the provisions of the judicial code of Panama, Title 9, Chapter 2, Book 3, Article 2470 and direct the current commander of the Panama Defense Forces and any other implicated officials to relinquish their duties pending the outcome of the independent investigation.

SENATE RESOLUTION 240—EXPRESSING APPRECIATION FOR AMERICA'S VIETNAM VETERANS

Mr. KERRY (for himself, Mr. DODD, Mr. CRANSTON, Mr. DASCHLE, Mr. GORE, Mr. HARKIN, Mr. NICKLES, and Mr. PRESSLER) submitted the following resolution; which was referred to the Committee on Veterans' Affairs:

S. RES. 240

Whereas, nearly three million Americans served their country in Vietnam during the period of the Vietnam war; and

Whereas, over 58,000 Americans gave their lives in that war, and thousands more suffered injuries in the course of combat; and,

Whereas, the sacrifices of Vietnam veterans were not adequately recognized or rewarded by their country upon their return from Vietnam; and

Whereas, the people of the United States have recognized, through the construction of the Vietnam Veterans Memorial in Washington, D.C. and through other events, that an enormous debt of gratitude is owed to our nation's Vietnam veterans; and,

Whereas, many Vietnam veterans continue to have ongoing needs for adequate food, shelter, and health care; and,

Whereas, the 4th of July, being our national Independence Day, is an appropriate day to take note of the sacrifices and contributions of Vietnam veterans and to honor them; and,

Whereas, a Welcome Home concert honoring Vietnam veterans and raising funds for the benefit of Vietnam veterans will be held in our nation's capital on July 4, 1987; and,

Whereas, this benefit concert is an appropriate and fitting way to honor America's Vietnam veterans; now therefore be it

Resolved, by the United States Senate, That it expresses its profound gratitude, and that of the entire nation, for the contributions and the sacrifices of all Vietnam veterans; and be it further

Resolved, That the Secretary of the Senate shall transmit a copy of this Resolution to the President of the United States.

SENATE RESOLUTION 241—CONCERNING SUPPORT FOR THE EVOLUTION TO FULL DEMOCRACY IN THE REPUBLIC OF KOREA

Mr. BYRD (for Mr. DECONCINI) (for himself, Mr. CRANSTON, Mr. MURKOWSKI, Mr. LUGAR, Mr. PELL, Mr. KERRY, Mr. BIDEN, Ms. MIKULSKI, Mr. KENNEDY, Mr. HARKIN, and Mr. BOND).

S. RES. 241

(a) FINDINGS.—The Congress finds that—

(1) The Republic of Korea is a historical ally and partner of the United States whose security, prosperity, and stability are of longstanding concern to the United States;

(2) The American people have an enduring commitment to the freedom of the Korean people, demonstrated by the sacrifices of the United States during the Korean War in which over fifty thousand Americans died;

(3) United States troops, stationed in Korea under our bilateral military treaty, represent a critical American presence in the Far East, reflecting a recognition that Korea's security is central to that of Japan

and East Asia and the Pacific and is of overall geopolitical importance to the United States;

(4) The Republic of Korea is seeking to establish a level of political and civil rights commensurate with their increased role in the international economy;

(5) The United States recognizes and supports the desire of the Korean people to achieve a level of political development commensurate with their outstanding economic, social, and cultural achievements;

(6) Genuine democracy, governmental respect for internationally recognized human rights, and internal stability, together with effective defense forces, best guarantee the security of the Republic of Korea against the threat of aggression from North Korea;

(7) A peaceful transition of governmental power through democratic elections could become the political landmark that will break the tragic cycle of political confrontation and crisis which has slowed Korea's evolution toward full democracy; and

(b) POLICY.—It is the sense of Congress that—

(1) the United States supports the efforts of Koreans to establish fair and free elections and peacefully evolve to a full democratic government;

(2) the necessary conditions for achievement of a genuine democracy in the Republic of Korea are flexibility and fairness, and the renunciation of violence by all parties in achieving a democratic system which can give the people of Korea confidence that the outcome of elections will reflect their will;

(3) the necessary conditions for meaningful and free elections include such internationally recognized standards as freedom of expression, freedom of the press, respect for due process of law, an independent judiciary, the restoration of full political and civil rights, and legal guarantees for the proper and humane treatment of all detainees.

(4) the United States recognizes President Chun Doo Hwan's commitment to initiate the first peaceful transition of executive power in the Republic of Korea's history by stepping down in March 1988;

(5) such a peaceful transfer of power is endangered by inability to agree on timely democratic reforms essential for free and fair national elections;

(6) the United States calls on all parties in the Republic of Korea to resume the search for a peaceful agreement on democratic reform in the spirit of restraint and compromise essential to democracy; and

(7) the President of the United States and the Administration should undertake all possible efforts to facilitate dialogue and negotiation among the parties to achieve democracy in the Republic of Korea.

AMENDMENTS SUBMITTED

OMNIBUS TRADE ACT

ARMSTRONG (AND OTHERS) AMENDMENT NO. 323

Mr. ARMSTRONG (for himself, Mr. DODD, Mr. SYMMS, Mr. HELMS, Mr. NICKLES, Mr. BRADLEY, Mr. TRIBLE, Mr. ADAMS, and Mr. MURKOWSKI) proposed an amendment to the bill (S. 1420) to authorize negotiations of reciprocal trade agreements, to strengthen U.S. trade laws, and for other purposes; as follows:

At the appropriate location in the bill, add the following:

SEC. . CONGRESSIONAL FINDINGS.

The Congress—

(1) notes that the Department of State, in the publication Country Reports on Human Rights Practices for 1985, determined that "In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romania practice. . . . The party, through the Government, continues to restrict and control the right to free speech, free assembly and association, and the practice of one's religion.";

(2) is aware that overall emigration from Romania, and particularly Jewish emigration, has declined for the second consecutive year;

(3) is aware of numerous accounts from the Department of State, Congressional delegations, and various human rights organizations, that Romanian citizens are being arbitrarily harassed, interrogated, and arrested by Romanian government authorities for the exercise of civil and religious liberties;

(4) finds that official Romanian harassment of religious believers has not only been extended to the arrest of persons for carrying Bibles and other religious materials, but even carried to the point of destroying places of worship, including most recently the country's largest Seventh Day Adventist Church and the Sephardic synagogue in Bucharest;

(5) further finds that the United States trade deficit with Romania (which continues to be high) is a result of our extension of nondiscriminatory treatment (most-favored-nation treatment) to that country and can be construed as an endorsement of that nation's abusive internal practices;

(6) is aware of the severe limits placed on the rights of Hungarians and other ethnic minorities within Romania to express and maintain their cultural heritage, as is illustrated by the attempts made by the Romanian government to eliminate systematically Hungarian churches, schools, traditions, and even the Hungarian language from Romanian society;

(7) recognizes and emphasizes the continued dedication of the United States to fundamental human rights (as noted in section 402 of the Trade Act of 1974) and is concerned with Romania's commitment to those rights; and

(8) commends the President for withdrawing Romania's eligibility for duty-free treatment under the Generalized System of Preferences because of Romania's violation of "internationally recognized worker rights".

SEC. . OBJECTIVES

The objectives of this Act are to effect—

(1) the termination of the current policies and practices of the Government of Romania under which—

(A) its citizens are denied the right or opportunity to emigrate,

(B) more than nominal tax is imposed on emigration or on the visas or other documents required for emigration, and

(C) more than nominal taxes, levies, fines, fees, or other charges are imposed on citizens as a consequence of their desire to emigrate to the countries of their choice; and

(2) substantial progress in halting the persecution by the government of Romania of its citizens on religious and political grounds, and the repression by such Government of Hungarians and other ethnic minorities within Romania.

SEC. . DEFINITIONS OF RIGHTS REVIEW PERIOD.

As used in this Act, the term "rights review period" means—

(1) the 6-month period referred to in section 4(a); and

(2) each successive period of 180 consecutive calendar days occurring after the last day of the 6-month period referred to in paragraph (1).

SEC. . SUSPENSION OF NONDISCRIMINATORY TREATMENT FOR ROMANIAN PRODUCTS.

(a) INITIAL SUSPENSION.—The products of Romania may not receive nondiscriminatory treatment (most-favored-nation treatment) during the 6-month period beginning on the date of the enactment of this Act.

(b) AFTER INITIAL SUSPENSION.—The products of Romania may receive nondiscriminatory treatment (most-favored-nation treatment) during any rights review period referred to in section 3(2) only if—

(1) no later than the 30th day before the close of the immediately preceding rights review period, the President submits to the House of Representatives and the Senate a document containing—

(A) a Presidential determination, and the reasons therefore, that the application of nondiscriminatory treatment to the products of Romania during the next rights review period will substantially promote the objectives listed in section 2,

(B) a statement that the President has received assurances that the policies and practices of the Romanian government will henceforth lead substantially to the achievement of such objectives, and

(C) based on such determination and finding, a recommendation by the President that nondiscriminatory treatment be applied to the products of Romania during the rights review period; and

(2) a joint resolution disapproving such application is not enacted, in accordance with the procedures referred to in section 5, before the close of the rights review period in which the document referred to in paragraph (1) is submitted.

SEC. . RESOLUTION DISAPPROVING NONDISCRIMINATORY TREATMENT FOR THE PRODUCTS OF ROMANIA.

(a) CONTENTS OF RESOLUTION.—For purposes of this section, the term "joint resolution" means only a joint resolution of the two Houses of Congress the matter after the resolving clause of which is as follows: "That the Congress disapproves the application of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania that was recommended by the President to the Congress on ———", with the blank space being filled with the appropriate date.

(b) APPLICATION OF PROCEDURES UNDER THE TRADE ACT OF 1974.—The provisions of section 152 of the Trade Act of 1974 (relating to concurrent resolutions) apply to joint resolutions except that in applying section 152(c)(1), all calendar days shall be counted and 5 calendar days shall be substituted for 30 calendar days. Section 145(a) of the Trade Act of 1974 applies to documents transmitted by the President under section 4(b)(1).

SEC. 6. INAPPLICABILITY OF CERTAIN TITLE IV PROVISIONS.

On and after the date of enactment of this Act, section 401 and 401 of the Trade

Act of 1974 do not apply with respect to the tariff treatment of the products of Romania.

THURMOND AMENDMENT NOS. 324 AND 325

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill S. 1420, supra; as follows:

AMENDMENT No. 324

On page 646, line 3, strike "$20,000,000" and insert $7,500,000.

AMENDMENT No. 325

On page 646, line 3, after "." add "to be eligible for a grant under this program, a telecommunications, partnership must provide a 50% match of the funds made available under this program."

BAUCUS AMENDMENT NO. 326

Mr. BAUCUS proposed an amendment to the bill S. 1420, supra; as follows:

Title VII of the Tariff Act of 1930 is amended by inserting after Section 771A (19 U.S.C. 1677-1) the following new Section:

"Section 771B—In the case of an agricultural product processed from a raw agricultural product in which (1) the demand for the prior stage product is substantially dependent on the demand for the latter stage product, and (2) the processing operation adds only limited value to the raw commodity, subsidies found to be provided to either producers or processors of the product shall be deemed to be provided with respect to the manufacture, production, or exportation of the processed product.

GRAMM AMENDMENT NO. 327

Mr. GRAMM proposed an amendment to the bill S. 1420, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . NORTH AMERICAN TRADE EXPANSION AREA.

(a) SHORT TITLE.—This section may be cited as "The North American Trade Expansion Area Act of 1987:"

(b) IN GENERAL.—The President shall take action to initiate negotiations to obtain trade agreements with Mexico, the Caribbean Basin countries, and Canada, the terms of which provide for the reduction and ultimate elimination of tariffs and other nontariff barriers to trade for the purpose of promoting the establishment of a North American Trade Expansion Area.

(c) RECIPROCAL BASIS.—An agreement entered into under subsection (a) shall be reciprocal and provide for mutual reductions in trade barriers to promote trade, economic growth, and employment.

(d) BILATERAL OR MULTILATERAL BASIS.—Agreements may be entered into under subsection (a) on a bilateral basis or on a multilateral basis with all of such countries or any group of such countries, described in subsection (b).

(e) CARIBBEAN BASIN COUNTRIES.—For purposes of this section, the term "Caribbean Basin countries" means the countries designated as beneficiary countries under section 212 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702).

SEC. . IMPLEMENTATION OF TRADE AGREEMENTS.

(a) REQUIREMENTS.—Any trade agreement entered into under the previous section shall enter into force with respect to the United States if (and only if)—

(1) the President has, at least 90 days before the day on which he enters into such trade agreement, notified the House of Representatives and the Senate of his intention to enter into such an agreement, and promptly thereafter publishes notice of such intention in the Federal Register.

(2) after entering into the agreement, the President transmits a document to the Congress containing a copy of the final legal text of such agreement together with —

(A) a statement of any administrative action proposed to implement such agreement,

(B) a draft of an implementing bill,

(C) an explanation of how the proposed administrative action and implementing bill change or affect existing law, and

(D) a statement of the reasons as to how the agreement serves the interests of the United States and as to why the proposed administrative action and implementing bill are required or appropriate to carry out the agreement, and

(3) an implementing bill is enacted into law with respect to such agreement.

(b) EFFECTIVE DATE OF AGREEMENT.—If the requirements of subsection (a) are met with respect to a trade agreement entered into under the previous section, the trade agreement shall enter into force with respect to the United States on the date on which the implementing bill is enacted with respect to such trade agreement.

(c) Any agreement entered into under the previous section shall be treated as an agreement entered into under section 102 of the Trade Act of 1974 for purposes of section 151 of the Trade Act of 1974.

DURENBERGER (AND OTHERS) AMENDMENT NO. 328

Mr. DURENBERGER (for himself, Mr. KENNEDY, Mr. HELMS, Mr. BYRD, Mr. PELL, Mr. THURMOND, Mr. KERRY, Mr. WILSON, Mr. GRAHAM, Mr. SIMPSON, Mr. BURDICK, Mr. STEVENS, Mr. BUMPERS, Mr. MCCAIN, Mr. PRYOR, Mr. GARN, Mr. SANFORD, Mr. SYMMS, Ms. MIKULSKI, Mr. D'AMATO, Mr. DECONCINI, Mr. RUDMAN, Mr. DIXON, Mr. HECHT, Mr. GORE, Mr. SHELBY, Mr. ARMSTRONG, Mr. SIMON, Mr. MURKOWSKI, Mr. LEAHY, Mr. NICKLES, Mr. HARKIN, Mr. MCCLURE, Mr. SASSER, Mr. BOSCHWITZ, Mr. CRANSTON, Mrs. KASSEBAUM, Mr. GLENN, Mr. HUMPHREY, Mr. WARNER, Mr. QUAYLE, Mr. CHILES, Mr. GRASSLEY, Mr. ROTH, Mr. TRIBLE, Mr. KASTEN, Mr. MCCONNELL, Mr. COCHRAN, Mr. MOYNIHAN, Mr. GRAMM, Mr. HATCH, Mr. PRESSLER, and Mr. LAUTENBERG, proposed an amendment to the bill S. 1420, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. .

(a) FINDINGS.—The Senate finds that—

(1) the Republic of Panama is a historic ally and friend of the United States;

(2) the security and stability of the Republic of Panama are vital to the security of all states in the western hemisphere;

(3) over 9000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

(4) the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama, the United States, and the free world;

(5) evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

(6) genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and economic well-being of the Republic of Panama;

(7) the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

(8) recent allegations concerning the role of members of the Panama Defense Forces and its commender in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics trafficking and money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

(9) a broad coalition of church, professional, business, civic, and labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Force;

(10) the recent suspension of constitutional guarantees by the government of Panama has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

(11) the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be the addressed and cannot be thwarted indefinitely.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987, by the Panamanian Episcopal Conference and should:

(a) Restore suspended constitutional guarantees to the people of Panama;

(b) Establish genuine autonomy for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from non-military activities and institutions;

(c) Provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(d) Take specific steps to help ensure the credibility of and confidence in free and fair elections;

(e) Underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama would best be served by the peaceful establishment of genuine democratic institutions in accordance with

the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, non-political military establishment under civilian control;

(3) compliance with internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with the requests issued by the Panamanian Chamber of Commerce, Industry, and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution and in response to the communique issued by the Civic Crusade for Justice and Democracy in Panama, the government of Panama should apply the provisions of the judicial code of Panama, Title 9, Chapter 2, Book 3, Article 2470 and direct the current commander of the Panama Defense Forces and any other implicated officials to relinquish their duties pending the outcome of the independent investigation.

REID AMENDMENT No. 329

Mr. REID proposed an amendment to the bill S. 1420, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . NATIONAL CRITICAL MATERIALS COUNCIL.

(a) THE NATIONAL FEDERAL PROGRAM PLAN FOR ADVANCED MATERIALS RESEARCH AND DEVELOPMENT.—The National Critical Materials Council shall prepare the national Federal program plan for advanced materials research and development under section 205(a)(1)(A) of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1251) and shall submit such plan to Congress not later than 180 days after the date of the enactment of this Act.

(b) PERSONNEL MATTERS.—(1) Not later than 30 days after the date of the enactment of this Act, the Executive Director of the National Critical Materials Council shall increase the number of employees of the Council by the equivalent of 5 full-time employees over the number of employees of the Council on the date of the enactment of this Act.

(2) Not less than the equivalent of 4 full-time employees appointed pursuant to paragraph (1) shall be permanent professional employees who have expertise in technical fields that are relevant to the responsibilities of the National Critical Materials Council, such as materials science and engineering, environmental matters, minerals, and natural resources, ceramic or composite engineering, metallurgy, and geology.

(c) AUTHORITY TO ACCEPT SERVICES AND PERSONNEL FROM OTHER FEDERAL AGENCIES.—Section 210(4) of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1254) is amended by striking out "reimbursable" and inserting in lieu thereof "nonreimbursable".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 211 of the National Critical Materials Act of 1984 (Public Law 98-373; 98 Stat. 1254) is amended by striking out "1990" and inserting in lieu thereof "1992".

GRAHAM (AND KERRY) AMENDMENT NO. 330

Mr. GRAHAM (for himself and Mr. KERRY) proposed an amendment to the bill S. 1420, supra; as follows:

At the end of title IX of the bill add the following:

SEC. . CARIBBEAN BASIN INITIATIVE.

(a) EXTENSION.—Subsection (b) of section 218 of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2706) is amended to read as follows:

"(b) Duty-free treatment provided to beneficiary countries under this title remain in effect until the date that is 12 years after the date of enactment of the Omnibus Trade Act of 1987.".

BENTSEN (AND OTHERS) AMENDMENT NO. 331

Mr. BENTSEN (for himself, Mr. CHILES, Mr. DURENBERGER, Mr. METZENBAUM, Mr. HATCH, Mr. PRYOR, Mr. DECONCINI, Mr. ROTH, Mr. MCCONNELL, Mr. THURMOND, Mr. JOHNSTON, Mr. EXON, Mr. MURKOWSKI, and Mr. DOLE) proposed an amendment to the bill S. 420, supra; as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . DENIAL OF TRADE BENEFITS TO COUNTRIES SUPPORTING ACTS OF TERRORISM.

(a) IDENTIFICATION.—(1) The Secretary of State shall identify each foreign country that repeatedly provides support for acts of international terrorism and shall publish such identification in the Federal Register. Such identification shall remain in effect until a determination is made with respect to such country under paragraph (2).

(2) If the Secretary of State determines that a foreign country identified under paragraph (1) has ceased to provide support for acts of international terrorism, the Secretary of State shall publish such determination in the Federal Register.

(3) By no later than February 15 of 1988, and of each calendar year thereafter, the Secretary of State shall submit to the Congress a list of the names of each foreign country with respect to which an identification under paragraph (1) is in effect.

(b) DENIAL OF TRADE BENEFITS.—Notwithstanding any other provision of law, if a foreign country is identified under subsection (a)(1)—

(1) the President shall terminate, withdraw, or suspend any portion of any trade agreement or treaty that relates to the provision of nondiscriminatory (most-favored-nation) trade treatment to such country,

(2) such country shall be denied nondiscriminatory (most-favored-nation) trade treatment by the United States and the products of such country shall be subject to the rates of duty set forth in column number 2 of the Tariff Schedules of the United States,

(3) the provisions of title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.) shall not apply with respect to the products of such country, and

(4) the provisions of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2701, et seq.) shall not apply with respect to the products of such country,

during the period in which such identification is in effect.

(c) WAIVERS.—(1) The President may waive all, or any portion of, the provisions of subsection (b) with respect to any foreign country if the President determines that such a waiver would be in the best interests of the United States. The President shall submit to the Congress written notice of any waiver granted under this paragraph.

(2) Any waiver granted under paragraph (1) may be revoked by the President at any time.

(3)(A) Any waiver granted under paragraph (1) shall take effect only after the close of the 30-day period that begins on the date on which the President submits to the Congress written notice of such waiver.

(B) The following days shall be excluded in determining the 30-day period described in subparagraph (A):

(i) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die, and

(ii) any Saturday and Sunday, not excluded under clause (i), when either House of Congress is not in session.

EVANS (AND OTHERS) AMENDMENT NO. 332

Mr. EVANS (for himself, Mr. GRAMM, and Mr. BRADLEY) proposed an amendment to the bill S. 1420, supra; as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . TRADE STATISTICS.

(a) REPORTING OF IMPORT STATISTICS.—Subsection (e) of section 301 of title 13, United States Code, is amended by striking out the last sentence thereof.

(b) VOLUMETRIC INDEX.—

(1) The Director of the Census, in consultation with the Director of the Bureau of Economic Analysis and the Commissioner of Labor Statistics, shall conduct a study to determine the feasibility of developing, and of publishing, an index that measures the real volume of merchandise trade on a monthly basis, which would be reported simultaneously with the balance of merchandise trade for the United States.

(2) The Director of the Census shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on the study conducted under paragraph (1) by no later than the date that is 1 year after the date of enactment of this Act.

THURMOND AMENDMENT NO. 333

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill S. 1420, supra; as follows:

On page 645, line 17, beginning with "to", strike out through "acquire" on line 18 and insert in lieu thereof the following: "to pay the Federal share of the development, construction, and acquisition of".

On page 645, line 19, strike out "for" and insert in lieu thereof "of".

On page 646, line 3, strike out "$20,000,000" and insert in lieu thereof "$7,500,000".

On page 646, between lines 11 and 12, insert the following:

"(d) FEDERAL SHARE.—The Federal share shall be 50 percent in each fiscal year.

On page 650, between lines 9 and 10, insert the following:

"(6) provide assurances that the applicant will pay the non-Federal share of the activities for which assistance is sought from non-Federal sources;

On page 650, line 10, strike out "(6)" and insert in lieu thereof "(7)".

On page 650, line 15, strike out "(7)" and insert in lieu thereof "(8)".

MIKULSKI AMENDMENT NO. 334

Ms. MIKULSKI submitted an amendment intended to be proposed by her to the bill S. 1420, supra; as follows:

At the end of subtitle B of title VII of the bill, add the following:

SEC. —D. RELIQUIDATION OF CERTAIN ENTRIES AND REFUND OF ANTIDUMPING DUTIES.

(a) IN GENERAL.—Nothwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the entries listed in subsection (b) shall be reliquidated without liability of the importer of record for antidumping duties, and if any such duty has been paid, either through liquidation or compromise under section 617 of the Tariff Act of 1930 (19 U.S.C. 1617), refund thereof shall be made.

(b) SPECIFIC ENTRIES.—The entries referred to in subsection (a) are as follows:

Entry Number:	Date of Entry:
144549	March 26, 1976
150297	April 27, 1976
152729	May 11, 1976
156068	May 26, 1976
161653	June 23, 1976
168759	July 30, 1976
173393	August 25, 1976
175173	September 3, 1976
178811	September 23, 1976
108842	November 18, 1976
113000	December 9, 1976
115229	December 21, 1976
120070	January 17, 1977
120908	January 20, 1977
121403	January 24, 1977
130005	March 10, 1977.

DODD (AND OTHERS) AMENDMENT NO. 335

Mr. DODD (for himself, Mr. EVANS, and Mr. BIDEN) proposed an amendment to the bill S. 1420, supra; as follows:

Strike all after the preamble and insert in lieu thereof the following:

Whereas the Republic of Panama is a historic ally and friend of the United States;

Whereas the security and stability of the Republic of Panama is vital to the security of all states in the Western hemisphere;

Whereas over 9000 American military personnel are currently stationed in Panama in a number of important military installations, including the headquarters of the Southern Command of the United States Armed Forces;

Whereas the unimpeded operation of the Panama Canal is in the strongest interests of the Republic of Panama and the United States, and the free world;

Whereas the United States remains fully committed to honoring its treaties and international obligations;

Whereas evolution toward genuine democracy with guarantees of freedom of speech, press, and assembly is in the best interest of the Republic of Panama and the people of the region;

Whereas genuine democracy, governmental respect for internationally-recognized human rights, and internal stability best guarantee the long-term security and economic well-being of the Republic of Panama;

Whereas the executive, judicial, and legislative branches of the government of Panama are now under the influence and control of the Panama Defense Forces;

Whereas recent allegations concerning the role of members of the Panama Defense Forces and its commander in the murder of Doctor Hugo Spadafora, Panama's 1984 presidential election, involvement in international narcotics trafficking and money laundering, and corruption have resulted in spontaneous demonstrations on the part of the Panamanian people calling for a full and independent investigation of the conduct of those officials;

Whereas a broad coalition of church, professional, business, civic, and labor, and political groups have joined to call for an objective and thorough investigation into the allegations concerning senior members of the Panama Defense Force;

Whereas the recent suspension of constitutional guarantees by the government of Panama has been accompanied by restrictions of the fundamental human rights of the Panamanian people, including censorship and closure of the independent media, hundreds of arrests without due process, and instances of excessive force;

Whereas the legitimate aspirations of the Panamanian people for democratically elected government and respect for internationally recognized human rights deserve to be addressed and cannot be thwarted indefinitely: Now, therefore, be it

Resolved by the Congress, that

(a) the American people reaffirm our commitment to promoting the development of democracy in all the Americas.

(b) It is the sense of the Congress that—

(1) the government of Panama should respond to the points contained in the communique issued on June 17, 1987 by the Panamanian Episcopal Conference and should:

(b) Establish genuine autonomy for civilian authorities and seek the effective and progressive removal of the Panamanian Defense Forces from non-military activities and institutions;

(c) Provide for a public accounting of accusations leveled against certain authorities of the Panamanian Defense Forces;

(d) Take specific steps to help ensure the credibility of and confidence in free and fair elections;

(e) Underscore a full commitment to the kind of political pluralism that is necessary to avoid a climate of violence, unrest, revenge or reprisal;

(2) the vital interests of the United States in securing authentic democracy in the Republic of Panama would best be served by the peaceful establishment of genuine democratic institutions in accordance with the Panamanian constitution, including the holding of free and fair elections, the establishment of an independent judicial system, and the guarantee of a professional, non-political military establishment under civilian control;

(3) compliance with internationally-recognized human rights, including freedom of speech, freedom of the press, freedom of assembly, respect for the due process of law, the restoration of political and civil rights, and the lifting of the current suspension of constitutional guarantees are essential preconditions to the restoration of democracy in Panama;

(4) consistent with the requests issued by the Panamanian Chamber of Commerce, Industry, and Agriculture, the Archdiocese of Panama, and the National Civic Crusade, an impartial and independent investigation into the allegations against senior Panamanian civilian and military officials should be conducted by an objective group of Panamanians with authority to publish their findings without delay or fear of reprisal;

(5) in accordance with universally recognized principles of fair procedure, to guarantee the objectivity of the investigation, to preserve the integrity of the military institution, the government of Panama should apply all relevant provisions of the Panamanian judicial code with respect to all implicated officials, whether civilian or military.

MATSUNAGA AMENDMENT NO. 336

Mr. MATSUNAGA proposed an amendment to the bill, S. 1420, supra, as follows:

At the end of subtitle B of title IX of the bill, add the following:

SEC. . HARMONIZED COMMODITY DESCRIPTION AND CODING SYSTEM FOR A NEW TARIFF SCHEDULE.

(a) FINDINGS.—The Congress finds that—

(1) the establishment of a uniform system of tariff classification among the major trading nations of the world will yield significant benefits to United States firms and individuals involved in international trade and will enhance the prospects for a more efficient operation of the world trading system; and

(2) implementation of the Harmonized Commodity Description and Coding System by the United States on the internationally set target date of January 1, 1988, is a highly desirable goal and should be achieved by Congressional approval of the Harmonized System Convention and its implementing legislation at the earliest possible date.

(b) CONVENTION IMPLEMENTING BILL.—For purposes of the section, the term "Convention implementing bill" means a bill of either House of the Congress—

(1) with respect to which the requirements of subsection (c) have been met, and

(2) which is limited to provisions that—

(A) approve the International Convention on the Harmonized Commodity Description and Coding System, done at Brussels on June 14, 1983, and the Protocol to such Convention done at Brussels on June 24, 1986.

(B) implement such Convention and Protocol, and

(C) make any necessary conforming changes in Federal laws.

(c) REQUIREMENTS.—

(1) The requirements of this subsection are met with respect to a bill if—

(A) the President has consulted with the Congress in accordance with paragraph (2),

(B) the President has, before the date that is 15 days after the date of enactment of this Act—

(i) notified the Congress of the intention of the President to submit to the Congress a draft of a bill that would approve and imple-

ment the convention and protocol described in subsection (b)(2)(A), and

(ii) published notice of such intention in the Federal Register, and

(C) the President has, before the date that is 30 days after the date on which notice is provided to the Congress under subparagraph (B), transmitted a document to the Congress containing a copy of the final legal text of the convention and protocol described in subsection (b)(2)(A), together with—

(i) a draft of the bill,

(ii) a statement of any administrative action proposed to implement such convention and protocol,

(iii) an explanation as to how the bill and proposed administrative action change or affect existing law, and

(iv) a statement of the reasons as to why the bill and proposed administrative action is required or appropriate to carry out such convention and protocol.

(2) As soon as practicable after the date of enactment of this Act, but before the date on which the document is submitted to the Congress under paragraph (1)(C), the President shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate with respect to the convention and protocol described in subsection (b)(2)(A). Such consultation shall include all matters relating to the implementation of such convention and protocol.

(d) EXPEDITED CONGRESSIONAL CONSIDERATION.—

(1) Any draft of a Convention implementing bill which is submitted by the President to the Congress under subsection (c)(1)(C)(i) and with respect to which the requirements of subsection (c) have been met shall be introduced by the majority leader of each House of the Congress (by request) on the first day on which such House is in session after the date such draft is submitted to the Congress.

(2) Any Convention implementing bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and any Convention implementing bill introduced in the Senate shall be referred to the Committee on Finance.

(3) Any Convention implementing bill introduced in a House of the Congress under paragraph (1) shall be treated as an implementing revenue bill for purposes of subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191), but in applying such subsections with respect to a Convention implementing bill, the term "10th day" shall be substituted for the term "45th day" and for the term "15th day" each place such terms appear in such subsections.

(4) This subsection is enacted by the Congress—

(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules, and

(B) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

BINGAMAN AMENDMENT NO. 337

Mr. BINGAMAN proposed an amendment to the bill S. 1420, supra; as follows:

At the end of Subtitle B of Title IX of the Bill, add the following:

SEC. . (1) Immediately after the date of enactment of this Act, the United States Customs Service shall implement the proposed rule published in the Federal Register on July 15, 1986, concerning the country-of-origin marking of imported Native American-style jewelry, unless such rule is implemented before that date.

HUMPHREY (AND OTHERS) AMENDMENT NO. 338

Mr. HUMPHREY (for himself, Mr. PROXMIRE, Mr. DOLE, and Mr. SYMMS) proposed an amendment to the bill S. 1420, supra; as follows:

At the end of subtitle D of title IX of the bill, add the following:

SEC. . Trade with Afghanistan.

(a) AUTHORIZATION TO PROHIBIT IMPORTS.

(1) Notwithstanding any other provision of law, the President is authorized to prohibit the importation into the United States of all products of Afghanistan after the date of enactment of this Act.

(2) For purposes of this subsection, the term "product of Afghanistan" means any article which—

(A) is grown, produced, or manufactured in Afghanistan, and

(B) is exported by—

(i) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(ii) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(b) AUTHORIZATION TO PROHIBIT EXPORTS.—Notwithstanding any other provision of law, the President is authorized to prohibit the exportation of any goods or technology from the United States for the benefit of, or use by—

(1) the so-called Democratic Republic of Afghanistan that is sponsored by the Union of Soviet Socialist Republics, or

(2) any political party, faction, or regime in Afghanistan sponsored by the Union of Soviet Socialist Republics.

(c) REPORT TO CONGRESS.—If the President has not, before the date that is 45 days after the date of enactment of this Act, taken actions under this section to prohibit trade between the United States and the Democratic Republic of Afghanistan, a regime that is sponsored by the Union of Soviet Socialist Republics, the President shall submit to the Congress on such date a report which states the reasons why the President has not taken actions to prohibit such trade.

(c) It is not the intent of Congress to authorize the President to prohibit trade with those Afghan forces or factions for which the Congress has expressed support.

MATSUNAGA (AND OTHERS) AMENDMENT NO. 339

Mr. MATSUNAGA (for himself, Mr. SYMMS, and Mr. BYRD) proposed an amendment to the bill S. 1420, supra; as follows:

In section 703 of the bill—

(1) strike out "$15,248,000" and insert in lieu thereof "$15,348,000", and

(2) strike out paragraph (2) and insert in lieu thereof the following:

(2) by adding at the end thereof the following new sentence: "Of the amounts appropriated under the authority of this paragraph for fiscal year 1988—

"(A) $1,000,000 shall remain available until expended, and

"(B) $100,000 shall be used to fund a full-time position for a Deputy Director of Japanese Affairs and a full-time position for a Director of Chinese Affairs.".

MELCHER AMENDMENT NO. 340

Mr. MELCHER proposed an amendment to the bill S. 1420, supra; as follows:

On page 541, line 8, insert "tax-exempt nonprofit agribusiness organizations," after "cooperators,".

MOYNIHAN AMENDMENT NO. 341

Mr. MOYNIHAN proposed an amendment to the bill S. 1420, supra; as follows:

At the end of subtitle D of title IX, add the following:

SEC. . ANNUAL TRADE REPORT.

(a) IN GENERAL.—In order for the Congress to be informed of the impact of foreign trade barriers and macroeconomic factors on the balance of trade of the United States, the United States Trade Representative and the Secretary of the Treasury shall jointly prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on April 1 of each year a report which consists of—

(1) a review and analysis of—

(A) the merchandise balance of trade,

(B) the goods and services balance of trade,

(C) the balance on the current account,

(D) the external debt position,

(E) the exchange rates,

(F) the economic growth rates,

(G) the deficit or surplus in the fiscal budget, and

(H) the impact of market barriers and other unfair practices of the United States, the European Communities, all other Western European nations considered as a group, Japan, Canada, Latin America, Korea, Taiwan, Hong Kong and Singapore and the Arab member countries of the Organization of Petroleum Exporting Countries, considered as a group, and of all other countries considered as a group;

(2) projections for each of the economic factors described in the subparagraphs of paragraph (1) except (E) for each of the countries and groups of countries described in paragraph (1) for the year in which the report is submitted and for each of the 2 succeeding years; and

(3) conclusions with regard to whether the projections described in paragraph (2) are satisfactory from the standpoint of the United States, and if the projections are not satisfactory, the policy changes, including changes in trade policy, exchange rate policy, and fiscal policy, that will be implemented to improve the outlook.

(b) CONSULTATION.—

(1) The United States Trade Representative and the Secretary of the Treasury shall consult with the Chairman of the Board of Governors of the Federal Reserve System in

the preparation of each report required under subsection (a).

(2) After submission of each report required under subsection (a), the United States Trade Representative and the Secretary of the Treasury shall consult with each of the congressional committees described in subsection (a) with respect to the report.

(c) COMMITTEE REPORTS.—Each of the congressional committees described in subsection (a) shall prepare and publish a report which contains the views and recommendations of the committee with respect to each of the reports submitted under subsection (a).

HEINZ AMENDMENT NO. 342

Mr. HEINZ proposed an amendment to the bill S. 1420, supra; as follows:

On page 191, line 17, strike the quotation mark and final period and add the following:

"(3) The U.S. Trade Representative may, in a manner consistent with the purpose of any so-called 'third country equity provision' of an arrangement entered into under the President's Steel Policy, take such actions as he deems necessary with respect to steel imports of any other country or countries so as to ensure the effectiveness of any portion of such arrangement.".

McCONNELL AMENDMENT NO. 343

(Ordered to lie on the table.)

Mr. McCONNELL submitted the following amendment, intended to be proposed by him, to the bill S. 1420, supra; as follows:

On page 562, between lines 18 and 19, insert the following new section:

SEC. —. OBLIGATIONS, BORROWING AUTHORITY, AND APPROPRIATIONS OF THE COMMODITY CREDIT CORPORATION.

(a) OBLIGATIONS AND BORROWING AUTHORITY.—

(1) OBLIGATIONS.—The first sentence of section 4 of the Act of March 8, 1938 (52 Stat. 109, chapter 44; 15 U.S.C. 714a-4) is amended by striking out "$25,000,000,000" and inserting in lieu thereof "$40,000,000,000".

(2) BORROWING AUTHORITY.—The proviso of the first sentence of section 4(i) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714(i)) is amended by striking out "$25,000,000,000" and inserting in lieu threof "$40,000,000,000".

(b) ANNUAL APPROPRIATIONS.—

(1) IN GENERAL.—The first sentence of section 2 of Public Law 87-155 (15 U.S.C. 713a-11) is amended by striking out ", commencing with the fiscal year ending June 30, 1961" and inserting in lieu thereof "by means of a current, indefinite appropriation".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply beginning with fiscal year 1988.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled to consider the nomination of Martha O. Hesse to be a Member of the Federal Energy Regulatory Commission. (The President has indicated his intent to continue to designate Ms. Hesse as Chairman of the Commission.) This hearing will take place on July 9, 1987 at 10 a.m. in SD-366.

For further information please contact Mike Harvey at 224-0611.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be allowed to meet during the session of the Senate Friday, June 26, 1987, to conduct hearings on the role of employee ownership in corporate takeovers.

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

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research and General Legislation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Friday, June 26, 1987, to hold a hearing on new uses for farm and forest products.

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

SUBCOMMITTEE ON EDUCATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Education Subcommittee, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Friday, June 26, 1987, to conduct a hearing.

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

SUBCOMMITTEE ON TERRORISM, NARCOTICS, AND INTERNATIONAL OPERATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Narcotics and International Operations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 26, 1987, at 2 p.m. to hold a hearing on drugs, law enforcement and foreign policy: the Colombian cartel.

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

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Friday, June 26, 1987, to discuss a Marine Corps nomination list that is pending before the committee.

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

ADDITIONAL STATEMENTS

THE SANTA FE INDIAN SCHOOL'S 100TH ANNIVERSARY

● Mr. BINGAMAN. Mr. President, the Sante Fe Indian School in Sante Fe, NM, this year is celebrating its 100th anniversary. Through its first century this outstanding school has performed a most laudable and lasting service. It has educated hundreds of Indian children who have gone on to become leaders of our Indian communities and throughout the country.

I would like to recognize the school's first 100 years by entering into the RECORD the eloquent words of its present superintendent, Joseph Abeyta, a Santa Clara Indian who has directed the institution since it was first contracted by the All Indian Pueblo Council in 1977. His words are from his introduction to the catalog of photographs entitled, "The First One Hundred Years: Sante Fe Indian School."

I ask that Mr. Abeyta's remarks be entered into the RECORD.

THE FIRST ONE HUNDRED YEARS—SANTA FE INDIAN SCHOOL

INTRODUCTION

(By Joseph Abeyta)

Education is the basis of a people's way of life. It is one of the most significant contributors to the past, to the present, and to an unfolding future. From its founding in 1890, Sante Fe Indian School was the institution charged with the responsibility for educating a group of people, the Indian children of southwestern tribes. Whether the school in the past was good or bad, the point is that it was an Indian school. Its impact was monumental. The result of the education that was offered is apparent all around us. The people who participated in the school over the past one hundred years are the product of the education they received. They are now the core of their communities. There are literally hundreds of former students who are alive and active now, educating their own children based on what and how they were taught.

The Indian community is now of unprecedented importance at Sante Fe Indian School. The 19 Pueblo Governors control and operate the school. They appoint a School Board that is at the heart of the organization and that gives direction to the school. The Indian community owns the school in the sense that it establishes policy. It dictates what the curriculum will be, and the school's goal is to take what the community says is important and translate that into the curriculum. The entire staff is accountable to Indian people.

Our school must have a curriculum that meets the needs of Indian children. What a challenge that is! We must develop individuals who can return to their communities and become committed and contributing Indian people, and we must develop Indian people who will be participants in the society at large. Our challenge is to teach students to exercise all the potential they have as Indian people and as American citizens.

There is a critical difference between an Indian school and a public school. As Indian people, our students have needs that go

beyond those addressed by the public school. They require instruction that has to do with a specific way of life. They must understand tribal government, because it is central to their lives and their communities. They must understand the government-to-government relationship that exists between Indian tribes and the federal government. And they must understand the issues of tribal, state and federal jurisdiction. Indian students have these special needs, as well as those addressed by the public school curriculum.

Soon, there is going to be a tremendous change in the area of Indian education. Historically, the Indian community has operated on the philosophy that the whole is important, and that the community makes its decisions as a group. In promoting economic development, however, the society at large encourages the individual rather than the group, and private enterprises rather than tribal businesses. More and more, individuals are emerging with their own agendas. Over the next ten to fifteen years, competition will emerge between Indian people who are oriented towards individual goals, and the traditional community that has always operated on behalf of the whole.

The solution to this coming conflict is dirctly related to the way in which educators orchestrate and organize the educational pursuits of Indian students. We must teach them to respect their traditional way of life and also to develop themselves as individuals with individual talents.

Finally, at Santa Fe Indian School we have to look at ways to support ourselves so that we can in fact be in control of our own destiny. It is incumbent upon Indian people to become less dependent upon the government and to be more self-sufficient. We must be able to speak adequately on our own behalf, without being subsidized or owned.

As Santa Fe Indian School enters its next one hundred years, now under the direction of the Pueblo leadership, we know that education will continue to be a significant part of Indian life. Our goals are to realize the aspirations of the Indian community; to teach our young people to foster and continue the Indian way of life, while participating in the larger society as American citizens; to encourage individual development, but not at the expense of the community; and to move towards economic self-sufficiency.●

IMMIGRATION ENFORCEMENT CAN PROTECT LABOR STANDARDS

● Mr. KENNEDY. Mr. President, our country is in the process of adjusting to new patterns of doing business following passage last year of the landmark Immigration Reform and Control Act.

The bill's provisions—as ably sponsored by Senator ALAN SIMPSON and Congressman PETER RODINO—are clearly far reaching. The employer sanctions provisions touch upon every new hire in this country, and the legislation program promises to bring hundreds of thousands of undocumented workers out of the shadows of exploitation.

With this perspective that I was struck by a thoughtful article in the June 22 Christian Science Monitor by Malcolm R. Lovell, Jr. Mr. Lovell has spent several years in leadership positions in the Department of Labor, most recently from 1981 to 1983 as Undersecretary. In his article, he properly underscores the potential pitfalls and advantages of the new employer sanctions. He emphasizes the necessity of a coordinated and thoughtful implementation strategy which views employer sanctions in partnership with manpower training and other labor services.

Mr. President, I commend Mr. Lovell's article to my colleagues, and ask that it be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, June 22, 1987]

ENFORCING SANCTIONS

(By Malcolm R. Lovell, Jr.)

Unless Congress votes further delays, the United States government is to begin shortly a major experiment, the imposition of warnings and then penalties against employers of illegal aliens.

There is a public interest in successful enforcement of employer sanctions. If poorly enforced, sanctions could be a device in the hands of unscrupulous employers to exploit illegal aliens. But effectively enforced, sanctions can curb illegal immigration, protect job prospects and labor standards for less skilled US workers and legal residents, and safeguard the newly won rights of the 2 million or more illegal aliens that amnesty will bring out of the shadows. Effective sanctions can also help end a form of labor subsidy that has distorted investment decisions and rewarded less innovative companies.

The decade-long experience of some major Western Europeans nations in enforcing employer sanctions effectively offers some lessons. First and most obvious is that we must provide enough compliance officers for the two enforcement agencies leading the effort, the Immigration and Naturalization Service (INS) and the Labor Department's Employment Standards Administration. In last fall's Immigration Reform Act, Congress proclaimed the need for adequate funding for both agencies. But the modest sense of urgency and commitment displayed in following up has not been promising. Employer sanctions have many enemies. Those who lost the 15-year legislative battle against them now seek to convert sanctions into a symbolic law reminiscent of the Volstead Act or the 55-mile-an-hour speed limit by starving them of resources.

America's employers by and large have long displayed profound goodwill in cooperating voluntarily in enforcement of federal tax and labor laws, a civic asset that must be drawn on once again in making sanctions work. In return, employers have the right to expect evenhanded, uniform enforcement among industries and regions, clear rules, and a light paper-work burden. Nothing could ease paper work more than a tamper-proof system of identification for eligible workers, which would relieve well-intentioned employers of perplexing uncertainties and threats of discrimination charges. Most Western European states are ahead of the US in secure identification with no loss of democracy.

The Europeans learned from experience that fines and other penalties must be strong enough to deter, or they will simply become a cost of doing business often shifted to the workers themselves. We can also expect subcontracting, dummy fronts, and short-term hires to be used as evasions here, as they were in Europe. They must be met by extra enforcement vigilance.

Finally, the French and German governments found that immigration and labor enforcement officials could not do it alone. National and local revenue, farming, social welfare, safety, and law enforcement agencies concerned with the workplace also had a stake in effective sanctions and were brought in on enforcement.

It is clear from Western Europe's experience that illegal immigration is a deeply rooted social practice. Employer sanctions can deter, but they work best when meshed with other remedies. As we strive for effective enforcement, we must first of all back up sanctions with more-effective manpower training and labor market services to meet the needs of employers and ensure full and efficient use of our ample domestic labor force. American workers and employers can gain from an end to exploitation at the workplace, along with hundreds of thousands of newly legalized workers whom we have promised the full protection of our laws.

(Malcolm R. Lovell, Jr. is director of the Labor and Management Institute of the School of Government and Business Administration at George Washington University. He was Assistant Secretary of Labor for Manpower from 1970 to 1973 and Undersecretary of Labor from 1981 to 1983.)●

PLANT CLOSING LAWS—TWO MORE VIEWPOINTS

● Mr. HUMPHREY. Mr. President, I would like to share with my colleagues two more viewpoints of the plant closings provisions contained in title XXII of the new trade bill that is now before the Senate.

The Atlanta Journal and Constitution has joined numerous other newspapers in editorializing against mandatory advance notice and information disclosure provisions. In fact, I am unaware of one single editorial that supports such legislation.

And Alexander B. Trowbridge, currently president of the National Association of Manufacturers, succinctly and convincingly lays out the case against these European style laws in an article that recently appeared in the Kansas City Star.

Mr. Trowbridge has considerable experience with the competitive problems facing the American Economy. As a former Secretary of Commerce under President Johnson, I hope that all Senators see the widsom of his thinking.

Mr. President, I ask that the two may be printed in the RECORD.

The editorials follow:

[From the Atlanta Journal/Constitution, June 13, 1987]

A BAD IDEA THEN, A BAD IDEA NOW

A bad idea that has been hanging around in Congress since Rep. William Ford (D-Mich.) introduced it in 1973 looks likely to pass the House and, with Democrats in control of the Senate, to enjoy more favor there than it has had before. This is just

the sort of legislation Democrats find it difficult to shun—and ought to shun for their own good, not to mention everyone else's.

Ford's bill would require companies that are planning plant closings or layoffs that would result in the loss of more than 50 jobs to give public notice of their intention 90 days before acting.

The professed aim is to inhibit closings and layoffs. The effect, however, is likely to be just the opposite.

On philosophical grounds alone, the plan is a questionable intrusion into the workings of the economy. As a practical matter, it would run up the costs and hassles of layoffs and plant closings in ways that would make managers quicker rather than slower to jump to such actions.

Where unions are involved, a thousand roadblocks would be thrown in the way of carrying out the actions. Even where there is no union, employee lawsuits seeking to stop the moves would be likely. Certainly, in the 90-day period, employees would be less rather than more productive, an additional cost.

No business closes operations or orders major layoffs just for the sport of it. With the costs of the Ford legislation in prospect, employers who come to believe a closing or major layoff is likely to be necessary would be best advised to act on the possibility quickly, while they still have some assets to burn, rather than waiting to see if the operation might be pulled out of its tailspin.

The House Education and Labor Committee has voted 23-11 to recommend passage. If Democrats in the House or in the Senate can't restrain themselves from this humanely intended but unwise impulse, President Reagan shouldn't hesitate to veto.

[From the Kansas City (MO) Star, May 28, 1987]

PLANT CLOSING LAW WON'T HELP WORKERS

(By Alexander B. Trowbridge)

Once again, American business is being labeled the "bad guy" in Congress in a debate over mandatory pre-notification of plant closings. But we refuse to accept that label.

Indeed, we would argue that the villains in this case are those very senators and congressmen who think they are riding to the rescue of American workers and American competitiveness.

The legislation being considered would mandate advance notice of plant closings or worker layoffs, anywhere from 90 days to six months. It also would require employers to turn over sensitive corporate financial information to those groups affected by the actions, supposedly to ease the transition for employees and the community and explore buy-out opportunities.

Nobel objectives—with potentially disastrous consequences.

First of all, no company closes a plant cavalierly. It is a difficult, painful decision, often a last resort for a company that just can't make it in a certain locale any longer. And contrary to some claims, rarely does an employer close his doors on a Friday night and tell workers not to report on Monday morning.

By the same token, no employer gets pleasure out of terminating workers. Often cutting out jobs of some employees is the only way to save jobs for many more.

Should the benefit of the few be to the detriment of the many? And is it good public policy to legislate on this basis? Obviously not, but the rigid controls contained in the proposed bills would put the bulk of such jobs at risk.

Flexibility is the key word for companies on the move. Without it, a business will become stagnant and won't be able to improve productivity, increase efficiency, restructure, or, so important in today's global economy, compete.

In many instances, such companies tend to be smaller and more entrepreneurial. While their very nature dictates that they sometimes fail, they are also the job creators.

According to the Labor Department task force on dislocated workers, the U.S. economy has generated almost 29 million jobs since 1979, most in small businesses and service industries.

In contrast, in European countries with which we trade—where stringent plant closing laws are the norm—job creation has been essentially flat, and unemployment is a perennial problem.

Twenty-nine million jobs. That an impressive number, but it wouldn't be so impressive if rigid rules such as those written into the plant closings bill had been in effect. There's nothing like strict parameters on how, when and what a business can do to put a wet blanket on the embers of creativity and entrepreneurship.

Smaller companies are the ones that would be most affected by the plant closings bill. Currently, most large corporations already provide advance notice voluntarily or comply with advance notice provisions that are the results of labor agreements. They plan for such contingencies.

But smaller firms often cannot predict their economic outlook months in advance. They are directly dependent on orders, customers and suppliers. When they lose a big customer or face an unexpected economic downturn, they scramble to cover themselves and work out short-term solutions.

That almost always involves arranging new financing or approaching new customers, and often takes the company right up to the wire before it is assured of survival.

Economically, it would be a disaster for such a company to have to announce potential layoffs months in advance; few creditors or customers would be willing to sign on with a company that has already admitted defeat.

There are provisions of the plant closings bill that business supports, namely those that will help workers readjust to economic changes and retain them for jobs that are now available.

We also support voluntary corporate compliance with procedures that will ease the strain of a plant closing or layoff on workers and communities.

But we can't support—and will actively fight—government stepping in and mandating decisions that must be tied to the marketplace and are best left to company management.●

DEVELOPING A CONSUMER PRICE INDEX FOR THE ELDERLY

● Mr. SHELBY. Mr. President, I rise today to commend the Senate Special Committee on Aging which will be holding a hearing on "Developing a Consumer Price Index for the Elderly" on Monday, June 29. I would like to particularly thank Chairman JOHN MELCHER for his continued interest in this most vital issue. I only regret that I cannot attend the hearing. I had, however, several months ago, arranged to hold town meetings in Cherokee, Calhoun, Talladega, and Cleburne Counties in Alabama. From experience, I know that as I meet with Alabamians throughout the day, I will undoubtedly come in contact with many senior citizens. It is typical that in the forum of a town meeting the concerns I will hear about most from these senior adults will center around their struggle to get by.

During Aging Committee hearings over the past couple of months, we have discussed many of the problems elderly Americans face—from catastrophic health care coverage to abuses within the home health care field. Monday, the committee will discuss and examine a problem which affects our senior adults on a day-to-day basis. The task of the committee is simple in theory—and a little more difficult in practice. The witnesses will help us determine the ultimate design of a consumer price index for the elderly and how a more appropriately adjusted index will help older Americans. The testimony of these witnesses will assist us in our understanding of what needs to be considered and implemented. The Senate, as a whole, has already spoken on the need to develop a CPI for the elderly. The task before us now is to begin the first stages of examination of this CPI and a possible modification of the COLA formulation.

In June 1982, the General Accounting Office [GAO] published a report to Congress in which it claimed that "A CPI for retirees is not needed now, but could be in the future." Well, 5 years later we find the American consumer in a different situation—while the inflation rate is decreasing for the general population, the elderly consumer finds the costs of the products and services they need increasing at an alarming rate.

Our esteemed chairman, Senator MELCHER, realized the importance of a CPI for the elderly when he offered an amendment to H.R. 1827, the supplemental appropriations bill. His amendment would require the Department of Labor to develop an adjusted index for the elderly. Having been 1 of the 95 Senators who supported this measure, I hope that the supplemental conferees choose to retain the Melcher amendment in the final conference report.

But the Senate is not alone in its recognition of this critical problem. Just 1 week ago, our colleague on the House side, the distinguished ranking minority member of the House Select Committee on Aging, Congressman RINALDO, introduced H.R. 2729—a bill to direct the Secretary of Labor to develop and publish a new consumer price index adjusted specifically for the spending habits of the elderly. Congressman RINALDO is reacting, like

many of us who want to see something done, to a cry for help from the elderly whose COLA's do not reflect the outstanding expenses they face. Just last January, I am sure we all heard the cries for help from Social Security and civil service retirement recipients in our districts who received a COLA of just 1.3 percent.

The buying patterns and spending priorities of the elderly are special—different from anyone else because they are based on a fixed income and very specific needs. So when prices increase and Social Security or other Federal benefits do not increase at the same rate—our elderly have more than a tough time getting along. In addition, the prices of the services and goods the elderly purchase tend to increase faster than those prioritized by the under age 65 population. This, on top of the unfortunate reality of catastrophic illness expenses, tends to tarnish the luster of the "golden years."

I am shocked by information brought to my attention by the committee, that indicates a recent reweighting of the components of the CPI by the Bureau of Labor Statistics [BLS]. Based on the varying of consumption and spending patterns, the BLS downweighted the medical component of the CPI claiming that Government and private insurance is carrying a far greater proportion of health costs for the general population. This figure, however, does not seem to take into account the medical inflation our Nation's elderly face. In addition, an April 1987 GAO report revealed that between 1980 and 1985, the inflation-adjustment out-of-pocket cost for Medicare-covered services increased by about 49 percent for part A services and 31 percent for part B services.

Mr. President, clearly now is the time to place the congressional spotlight back on a CPI for the elderly and I thank Senator MELCHER for making this effort to do so. Monday's hearing is indeed a "first step" toward helping the Members of this 100th Congress determine the need to modify the COLA formulation and at the same time provide them with a realistic representation of the effects of inflation on the elderly. I welcome the opportunity to place this issue back under the scrutiny of the Congress. I look forward to reviewing the testimony from Monday's hearing and working with my colleagues on the committee to put some of the "gold" back in the "golden years."●

WESTCHESTER CITIZENS CYCLE TO ALLEVIATE HOMELESSNESS

● Mr. MOYNIHAN. Mr. President, I wish to applaud the commitment of a group of young citizens of Westchester County, NY, who are pedaling their way from their hometowns to our Nation's Capital to raise funds for the homeless.

Cyclists participating in the 360-mile Westchester Bike-a-thon hope to raise greater social awareness of the problem of homelessness, and to raise desperately needed funds for three local organizations that assist homeless individuals and families: the Coalition for the Homeless, the Coalition of Westchester Food Pantries and Food Kitchens, and the Have a Heart for the Homeless Committee.

Most people familiar with this beautiful suburban area associate Westchester County with great affluence; indeed, painful social conditions like poverty and homelessness would appear to be someone else's problem. So it may come as a surprise that, on a per capita basis, Westchester's homeless problem is as severe as New York City's.

In recent testimony before the Finance Subcommittee on Social Security and Family Policy, Westchester County Executive Andrew P. O'Rourke advised us that "Westchester has the bulk of the homeless problem in New York State outside of New York City * * * . In April of this year, 750 Westchester families, with 1,450 children, were homeless." This figure represents a shocking 62-percent increase in just 1 year in the number of homeless families. This significantly increases the tax burden on citizens of Westchester County in the form of additional AFDC payments to those families, representing the annual 62-percent increase, who find themselves homeless. The county expects to spend over $22 million this year on homeless AFDC families—and half this amount will be Federal money. Clearly, Mr. President, we must take steps to alleviate this enormous burden.

As my colleagues recall, both Houses of Congress recently passed H.R. 558, the Stewart B. McKinney Homeless Assistance Act, which will provide more than $400 million in immediate, Federal assistance for homeless programs. In the coming days, we will vote on the conference agreement for H.R. 558, and the measure will have my strongest support. Under this legislation, funding will be provided for housing—emergency, transitional, and long term; health care for the homeless; education and training services; and food assistance programs, among others. Such funding is vital, it comes not a moment too soon; but, even so, it is not nearly adequate. In short, our Nation's homeless crisis will not be solved—indeed, will barely be ameliorated—by the legislation we pass.

We will not come to grips with the tragedy of homelessness in our Nation without the efforts of individuals in each and every community across the land. It is a formidable task: to raise money; to help feed and clothe our neighbors who have fallen upon hard times; to work within the community providing short-term help for our fellow citizens who need but a little encouragement, and long-term help for those who might be in need of psychiatric care or counseling for substance abuse. Homelessness, we know, is a multifaceted problem which demands a multifacted response.

The bike-a-thon'ers from Westchester deserve our admiration and our thanks. We would all do well to follow the example they set.

Mr. President, the participants in the Westchester bike-a-thon are: Ross Pollack, Susan Lauer, Raphael Riverso, Adam Klotz, Margot Brown, Larry Paquette, Michael Molinelli, Christopher Guglielmo, Bertha Well, Winston Gonzalez, Russell Roman, Les Mahen, Hilary Kao, Martin Zagari, James Halsey, Richard DiGiacomo, Chuck Resnick, and county legislator Paul Feiner.●

ROBERT L. LOUGHHEAD

● Mr. ROCKEFELLER. Mr. President, I would like my colleagues to join me in paying tribute to Robert L. Loughhead, who is preparing to retire as chairman, president, and chief executive officer of Weirton Steel Corp.

Bob Loughhead is a businessman who has won the admiration of the people of the northern panhandle of West Virginia for helping guide Weirton Steel to an extraordinary recovery and great success as the Nation's largest employee-owned company. At a time when many steelmills have been forced to close their doors, he has earned respect in the business community for consistently promoting quality products and customer service.

Bob has also won my respect and great admiration. We spent many sleepless nights and anxious moments together, while I was Governor of West Virginia, putting together what has become known as the "miracle of Weirton Steel." While I've rarely had a prouder moment than the day that the final agreement was signed giving birth to Weirton Steel, I can only imagine the kind of pride Bob has had serving as the head of Weirton during the company's infancy.

Bob Loughhead has led this great steel company, and its 8,400 workers—who are also its owners—to profits and high quality products that have become industry standards. He has helped to demonstrate, through that "miracle of Weirton Steel" and his unique brand of participatory management, what the American steel industry is capable of doing—competing in a world market and providing the best workers in the world. The proof, as he would proudly point out, is in the 12 consecutive quarters that Weirton Steel has remained in the black.

Bob Loughhead has been an American success story. Before taking over Weirton Steel, Bob had planned on an early retirement, but the challenge of guiding Weirton into prosperity lured him from his plans. His 28-year career in the steel industry began when he started with Jessop Steel, first as controller and later as president. He later took over as executive vice president of Copperweld Corp. and president of Copperweld Steel.

In January 1986, a New York City business newsletter, recognizing Bob's prominence in the steel industry, named him one of America's best corporate chief executives. Bob Loughhead deserves this honor not only for his leadership in this important industry but also for his active participation in professional and civic organizations.

Bob has served as director and a member of the executive committee of the American Iron and Steel Institute. He also has been director of the Employee Stock Ownership Plan, president of Weirton United Way, Inc., and executive board member of the Boy Scouts of America.

Bob Loughhead has been a tremendous community leader and his influence, dedication, and expertise will be truly missed in Weirton. But, the lessons he has taught us can never be forgotten: hard work, sacrifice, determination are all essential to success, and the we-can-do-it years at Weirton is the Loughhead model to follow. Moreover, I believe that Bob Loughhead, still young at 57, will make many more significant contributions to the business world and to our country in the coming years.●

ORDER FOR LEADERS' TIME TOMORROW VITIATED

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, the standing order for the two leaders be vitiated.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Republican leader may reserve his time under that order for his use later in the day, if he so desires.

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

Mr. BYRD. I make the same requests on my own behalf.

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

DEMOCRACY IN THE REPUBLIC OF KOREA

Mr. BYRD. Mr. President, I ask unanimous consent—if I have not already done so—that the resolution which I now send to the desk on behalf of Mr. DECONCINI, Mr. CRANSTON, Mr. MURKOWSKI, Mr. LUGAR, Mr. PELL, Mr. KERRY, Mr. BIDEN, Ms. MIKULSKI, Mr. KENNEDY, Mr. HARKIN, and Mr. BOND be laid before the Senate immediately following the prayer on tomorrow.

This is the resolution for which consent was earlier granted, upon my request, that it be called up immediately after the prayer; and I am introducing it this evening for the purpose of having it printed. This is the resolution that will be called up under the previous order.

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

Mr. BYRD. Mr. President, I believe I had gotten an order earlier to the effect that upon the disposition of the DeConcini resolution, an amendment by Mr. REID be in order.

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I thank the Chair.

I believe there is a time limitation on that amendment by Mr. REID.

The PRESIDING OFFICER. The majority leader is correct. It will be 30 minutes, equally divided.

Mr. BYRD. I thank the Chair.

PROGRAM

Mr. BYRD. Mr. President, on tomorrow, the Senate will convene at 9 o'clock a.m.

After the prayer, the Senate will proceed to the consideration of the resolution submitted by myself on behalf of Mr. DECONCINI and other Senators. There is a time limitation on that resolution of 40 minutes, to be equally divided. The yeas and nays have previously been ordered thereon.

So there will be a rollcall vote at around 9:40 a.m. if all the time is used. I think that all Senators may want to know when that rollcall vote will occur. I ask unanimous consent that the rollcall vote on that resolution occur at 9:40 a.m.

Mr. HECHT. There is no objection.

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

Mr. BYRD. Mr. President, upon the disposition of the resolution by Mr. DECONCINI and others, the Senate will resume consideration of the trade bill. The pending question at that time, under the order, will be on the amendment that will be offered by Mr. REID. There is a 30-minute time limitation on that amendment. The yeas and nays have not been ordered on that amendment. Mr. REID indicated to me today that he would ask for the yeas and nays on that amendment.

Other amendments will be called up during the day. I would urge Senators, as I have asked already today, that they be ready to call up their amendments. I expect it to be a busy tomorrow. I think the reasons have been explained ad infinitum as to why there has to be a session tomorrow, as to why we need to make progress on the trade bill on tomorrow. There are many amendments, and I have listed them in the RECORD.

Discounting those few amendments that have been disposed of, there are still circa 90 known amendments, if, indeed, they are all called up. Some of them may never be called up.

Mr. President, in the neighborhood of 90 amendments are listed. So there is much work that can be done tomorrow.

Then at the close of business tomorrow, the order has been entered that the Senate will go over until Tuesday next at 10 o'clock.

There will be votes on Tuesday next beginning early in the day because the Senate will resume consideration of the trade bill.

The Senate will be in on Wednesday, and will come in early—the order is for 9 a.m. I anticipate that both Tuesday and Wednesday will see late sessions.

The conference report on the homeless relief legislation is ready to be called up and there is a time limit on that conference report. That will also necessitate a rollcall vote tomorrow.

Mr. President, may I ask the distinguished acting Republican leader if he has any statement he wishes to make or any business that he would like to have transacted today before the Senate recesses over?

Mr. HECHT. I thank the distinguished majority leader, but I have none.

Mr. BYRD. I thank the distinguished Senator. It is a pleasure working with him.

Mr. HECHT. I thank the majority leader.

Mr. BYRD. I think he does a good job as acting Republican leader. I am sure that the able Republican leader is proud that he has this Senator whom he can call upon to be here at this moment and who will do the work for the leader in a dedicated fashion and do it well.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 o'clock tomorrow morning.

The motion was agreed to, and at 8:09 p.m., the Senate recessed until tomorrow, Saturday, June 27, 1987, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 26, 1987:

THE JUDICIARY

William D. Hutchinson, of Pennsylvania, to be U.S. circuit judge for the third circuit vice Arlin M. Adams, retired.

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Anthony J. Scirica, of Pennsylvania, to be U.S. circuit judge for the third circuit vice Ruggero J. Aldisert, retired.

DEPARTMENT OF ENERGY

Robert O. Hunter, Jr., of California, to be Director of the Office of Energy Research, vice Alvin W. Trivelpiece, resigned.

NATIONAL ADVISORY COUNCIL ON WOMEN'S EDUCATIONAL PROGRAMS

Judith D. Moss, of Ohio, to be a member of the National Advisory Council on Women's Educational Programs for a term expiring May 8, 1990, reappointment.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Hansford T. Johnson, [redacted] FR, U.S. Air Force.

IN THE NAVY

The following-named Navy enlisted candidates to be appointed permanent ensign in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

German S. Arcibal
Roland E. Arellano
Rebecca J. Bernard
Valmori M. Castillo
John T. Dotter
Danilo F. Fernando
Anthony W. Guerra
Phillip E. Jackson
Patricia A. Lando
William M. McGee
Charles R. Miranda
Leslie V. Moore
Johnny B. Perry, Jr.
Robert A. Rahal
Gail J. Robin
Gilbert L. Smith
Robert B. Taylor
Carl V. Tresnak
Sheldon R. Trowbridge
Robert A. Welch
Marcia L. Young

IN THE AIR FORCE

The following cadets, U.S. Air Force Reserve Officers Training Corps, for appointment in the Regular Air Force in the grade of second lieutenant under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Adams, Brent J., [redacted]
Adams, Douglas R., [redacted]
Anderson, Donald R., [redacted]
Anderson, Holly R., [redacted]
Andrews, Anne M., [redacted]
Arellano, Mark M., [redacted]
Arnold, Michael J., [redacted]
Ashenfelter, Christine H., [redacted]
Atterbury, Clarence III, [redacted]
Auer, Mark D., [redacted]
Auld, Greg H., [redacted]
Baier, Lori A., [redacted]
Barlow, John T., [redacted]
Basnett, Edward J., [redacted]
Bedesem, Kerri A., [redacted]
Bee, Arlen E., [redacted]
Beisner, Arthur T., II, [redacted]
Berry, Warren D., [redacted]
Black, Robert U., [redacted]
Bluhm, Thomas W., [redacted]
Board, Mark E., [redacted]
Boilesen, Karen M., [redacted]
Bowers, Matthew S., [redacted]
Bowers, William L., [redacted]
Boyer, David E., [redacted]
Branch, Irvin E., [redacted]
Brannan, Richie H., [redacted]
Breeland, Mack L., [redacted]
Brenton, David S., [redacted]
Bridgeman, Theresa C., [redacted]
Brilando, Guy J., [redacted]
Bristol, Peter W., [redacted]
Broadwater, Robert K., II, [redacted]
Brocker, Kevin B., [redacted]
Brown, Benjamin B., [redacted]
Burgoyne, Jon R., [redacted]
Burns, Ann M., [redacted]
Burns, Shannon L., [redacted]
Busch, John M., [redacted]
Cahill, Tim, [redacted]
Carroll, Oran Y., [redacted]
Caudle, Mike S., [redacted]
Centrella, Thomas J., [redacted]
Chautin, Joseph C., III, [redacted]
Clawson, Gregory S., [redacted]
Cline, Karhryne R., [redacted]
Coleman, Nicholas D., [redacted]
Collevecchio, Ann L., [redacted]
Cooper, Dane S., [redacted]
Costa, Robert, [redacted]
Couvillion, Gerard G., [redacted]
Cynamon, Charles H., [redacted]
Dargenic, Michael J., [redacted]
Darling, Michael A., [redacted]
Davis, Asa S., [redacted]
Davis, Jay M., [redacted]
Davis, John H., [redacted]
Davis, Robert D., [redacted]
Dean, Deborah A., [redacted]
Debree, Daniel R., [redacted]
Determan, Deborah A., [redacted]
Dewerth, Michele A., [redacted]
Dickerson, Brenda S., [redacted]
Dickey, Michael R., [redacted]
Dickinson, Joel C., [redacted]
Dickinson, Karolyn B., [redacted]
Diserafino, David J., [redacted]
Dolfi, Christine, [redacted]
Donnelly, Margaret M., [redacted]
Dries, William D., Jr., [redacted]
Drouillard, Charles A., [redacted]
Duker, Russel L., [redacted]
Dunn, Michael T., [redacted]
Dwyer, Michael J., [redacted]
Dye, Thomas P., [redacted]
Eck, James K., [redacted]
Edwards, Mark P., [redacted]
Farnsworth, Gay M., [redacted]
Farris, Jesse L., III, [redacted]
Ficke, Diane C., [redacted]
Findley, James C., [redacted]
Firkin, Eric C., [redacted]
Fisher, John A., [redacted]
Fittante, Philip R., [redacted]
Fitzgerrell, John R., [redacted]
Fitzpatrick, Mary E., [redacted]
Fleishauer, Robert P., [redacted]
Fowler, Julie P., [redacted]
Francis, Barbara J., [redacted]
Franke, Matthew P., [redacted]
From, James A., [redacted]
Gaddis, Gregory S., [redacted]
Gandhi, Rohini T.S., [redacted]
Genco, Andrew J., [redacted]
Guerts, James F., [redacted]
Ginnetti, Katherine E., [redacted]
Glass, Marvin J., Jr., [redacted]
Goff, Jerry C., [redacted]
Golden, Mace L., [redacted]
Gomrick, Kathleen M., [redacted]
Gonzales, Norman M., [redacted]
Green, Timothy S., [redacted]
Griffith, Kristine D., [redacted]
Grove, Ronald L., [redacted]
Guichard, Lawrence R., [redacted]
Hall, Timothy J., [redacted]
Halphen, Michael F., Jr., [redacted]
Hamilton, Bruce P., [redacted]
Hansen, Ralph S., [redacted]
Harms, Scott A., [redacted]
Harris, David Alan, [redacted]
Hatchett, Tonia J., [redacted]
Hehemann, Robert W., [redacted]
Heiniger, Penny A., [redacted]
Hevenor, Russell S., [redacted]
Hicks, Allen D., [redacted]
Higgins, John M., [redacted]
Hinson, Franklin J., Jr., [redacted]
Hirayama, Alan A., [redacted]
Hock, Robert J., [redacted]
Holda, Julie A., [redacted]
Holder, Alexander L., [redacted]
Howell, Paul E., [redacted]
Hylen, Joel A., [redacted]
Jacob, Stephen T., [redacted]
Jaggers, Mark L., [redacted]
Janoschka, Darin M., [redacted]
Jeffries, Derek A., [redacted]
Jenkins, William K., [redacted]
Jennings, William S., [redacted]
Johnson, Peter R., [redacted]
Jones, Robert A., [redacted]
Jorgensen, Raymond W., [redacted]
Karre, Debra M., [redacted]
Katuzienski, Joseph C., [redacted]
Keefe, James J., [redacted]
Kelley, John J., [redacted]
Kelly, Dana C., [redacted]
Kenkel, Tina M., [redacted]
Kennedy, Joseph C., [redacted]
Kholos, Alan S., [redacted]
King, Lemuel L., [redacted]
Kitts, Christopher A., [redacted]
Knesek, David R., [redacted]
Knierim, Craig J., [redacted]
Knippel, Jefery D., [redacted]
Kobak, Marguerite C., [redacted]
Koepke, Lisa C., [redacted]
Kolota, Daniel P., [redacted]
Konnath, Scott A., [redacted]
Koontz, David W., [redacted]
Kopf, Monica, [redacted]
Lacroix, Vicki A., [redacted]
Lamb, Jeanette E., [redacted]
Lamond, Cynthia G., [redacted]
Lance, James A., [redacted]
Lane, David W., [redacted]
Langland, Bart W., [redacted]
Larson, Brock A., [redacted]
Lauffer, Karl H., [redacted]
Lautzenheiser, Ronald W., [redacted]
Lawson, Glen K., [redacted]
Leister, Stephanie M., [redacted]
Leister, William S., [redacted]
Less, Joseph A., [redacted]
Lindsay, Ray A., [redacted]
Littlefield, John W., [redacted]
Looby, Thomas A., [redacted]
Lowenstein, Guermantes I., [redacted]
Lu Keith, W., [redacted]
Lucus Robert, E., Jr., [redacted]
Lukowski, Joseph G., [redacted]
Lum, Stuart A., [redacted]
Lundhagen, Cindy G., [redacted]
Mallory, Christopher L., [redacted]
Manning, Michael T., [redacted]
Marcellus, John E., [redacted]
Marcontell, David A., [redacted]
Marrazzo Robert, A., [redacted]
Massaro, Melissa R., [redacted]
Mathers, Russell F., [redacted]
Mauch, Deborah L., [redacted]
McBride, Karen A., [redacted]
McCormick, Sott L., [redacted]
McCroan, Donald D., [redacted]
McDuffie, Margaret A., [redacted]
McFeely, Daniel, J., [redacted]
McGee, Michael P., [redacted]
McGehee Michael, B., [redacted]
McKenzie, Kevin R., [redacted]
McQueary, Gerard J., [redacted]
Meadows, William D., [redacted]
Medley, Ronald S., [redacted]
Merrell, Richard C., [redacted]
Michel, John E., [redacted]
Millard, Richard P., [redacted]
Milliner, Lyndon B., [redacted]
Mithchell, Joseph B., [redacted]
Miltchell, Russell L., [redacted]
Molloy, Matthew H., [redacted]
Moore, Dennis M., [redacted]

Murray, Gregory A., xxx-xx-xxxx
Myers, Deborah J., xxx-xx-xxxx
Myers, Russell S., xxx-xx-xxxx
Nelson, Lowell A., xxx-xx-xxxx
Nelson, Paul D., xxx-xx-xxxx
Newman, Kristen M., xxx-xx-xxxx
Nielsen, Erik C., xxx-xx-xxxx
Norris, Dian L., xxx-xx-xxxx
Northrup, Alan J., xxx-xx-xxxx
Novin, Michael J., xxx-xx-xxxx
O'Connor, Stephen, xxx-xx-xxxx
Otey, Gregory S., xxx-xx-xxxx
Ouellette, Brian A., xxx-xx-xxxx
Palmisano, Frank W., xxx-xx-xxxx
Parent, Edward D., Jr., xxx-xx-xxxx
Parente, Henry J., xxx-xx-xxxx
Patterson, Chris B., xxx-xx-xxxx
Peck, Brian G., xxx-xx-xxxx
Powell, John P., xxx-xx-xxxx
Price, Arthur C., xxx-xx-xxxx
Price, Carl E., xxx-xx-xxxx
Puckett, Clifford T., xxx-xx-xxxx
Purdham, Aldon E., xxx-xx-xxxx
Raach, Jennifer L., xxx-xx-xxxx
Rabon, William W., xxx-xx-xxxx
Raglow, Patrick J., xxx-xx-xxxx
Reed, Christopher B., xxx-xx-xxxx
Reed, Wayne B., xxx-xx-xxxx
Reese, Marc E., xxx-xx-xxxx
Reid, John R., xxx-xx-xxxx
Reveron, Rafael, xxx-xx-xxxx
Rice, Laurence H., Jr., xxx-xx-xxxx
Riveragaud, Jose A., xxx-xx-xxxx
Robbins, Michael G., xxx-xx-xxxx
Roberts, Gregory D., xxx-xx-xxxx
Roman, Ruth M., xxx-xx-xxxx
Romano, Elisa L., xxx-xx-xxxx
Roof, Becky Jane, xxx-xx-xxxx
Ruhnau, Darren S., xxx-xx-xxxx
Ruple, Kimberly D., xxx-xx-xxxx
Sadler, Ronald K., xxx-xx-xxxx
Sanders, James B., xxx-xx-xxxx
Sanders, William G., xxx-xx-xxxx
Sawyer, Barbara L., xxx-xx-xxxx
Schalk, Valerie L., xxx-xx-xxxx
Schoonmaker, Richard L., xxx-xx-xxxx
Schumacher, Curtis M., xxx-xx-xxxx
Scott, Craig T., xxx-xx-xxxx
Scudder, Brett H., xxx-xx-xxxx
Setser, Richard F., xxx-xx-xxxx
Sevigny, Renee, xxx-xx-xxxx
Sheppard, Jeffrey A., xxx-xx-xxxx
Sheppard, Michael G., xxx-xx-xxxx
Sheridan, Daniel John, xxx-xx-xxxx
Shibaro, Stuart O., xxx-xx-xxxx
Shintaku, David S., xxx-xx-xxxx
Shular, Robert G., xxx-xx-xxxx
Silvestri, Paul R., xxx-xx-xxxx
Simmons, Kevin Hugh, xxx-xx-xxxx
Smith, Steve A., xxx-xx-xxxx
Sommers, William J., xxx-xx-xxxx
Spacy, Bradley D., xxx-xx-xxxx
Stachelczyk, Laura D., xxx-xx-xxxx
Stein, Lisa R., xxx-xx-xxxx
Stephens, Matthew T., xxx-xx-xxxx
Stephenson, Bruce W., xxx-xx-xxxx
Swanson, Donald E., II, xxx-xx-xxxx
Swayne, Daniel L., xxx-xx-xxxx
Takach, James E., xxx-xx-xxxx
Thurgood, Gregory S., xxx-xx-xxxx
Tice, Lisa M., xxx-xx-xxxx
Tighe, Kathleen, V., xxx-xx-xxxx
Tope, Timothy J., xxx-xx-xxxx
Tucker, Edgar K., xxx-xx-xxxx
Van De Walle, Curt Alan, xxx-xx-xxxx
Vanslyke, Kirk J., xxx-xx-xxxx
Walchli, Scott E., xxx-xx-xxxx
Walsh, Stephen J., xxx-xx-xxxx
Ward, Jennifer R., xxx-xx-xxxx
Warn, Laura B., xxx-xx-xxxx
Wasson, Michael S., xxx-xx-xxxx
Waterman, Scott M., xxx-xx-xxxx
Weggeman, Christopher P., xxx-xx-xxxx
Wells, Scott R., xxx-xx-xxxx
Wesselmann, Gary F., xxx-xx-xxxx
West, Robert A., xxx-xx-xxxx
Wetzel, Robert J., xxx-xx-xxxx
Wheeler, Thomas M., xxx-xx-xxxx
Whiting, Calvin D., xxx-xx-xxxx
Williams, Andrew P., xxx-xx-xxxx
Williams, John D., xxx-xx-xxxx
Williams, Paul E., xxx-xx-xxxx
Wing, Natalie K., xxx-xx-xxxx
Zander, Roger A., xxx-xx-xxxx
Zentner, John J., xxx-xx-xxxx

The following officers, U.S. Air Force Officer Training School, for appointment as second lieutenants in the Regular Air Force, under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force:

Anderson, Clayton M., xxx-xx-xxxx
Archer, Glen E., xxx-xx-xxxx
Asay, Brent F., xxx-xx-xxxx
Barker, Barry K., xxx-xx-xxxx
Barkley, Jerry G., xxx-xx-xxxx
Beecher, Jeffrey L., xxx-xx-xxxx
Blackmon, Dennis T., xxx-xx-xxxx
Bledsoe, Kelly G., xxx-xx-xxxx
Boman, Robert P., xxx-xx-xxxx
Bostrom, Laurence C., xxx-xx-xxxx
Burton, William E., Jr., xxx-xx-xxxx
Carroll, James J., xxx-xx-xxxx
Caskey, Richard M., xxx-xx-xxxx
Chitty, Jeffrey P., xxx-xx-xxxx
Connet, Lynn F., xxx-xx-xxxx
Copper, Glynn A., xxx-xx-xxxx
Cosnyka, Edward L., xxx-xx-xxxx
Coss, David L., xxx-xx-xxxx
Defenderfer, Victor R., xxx-xx-xxxx
Derry, Marvin L., xxx-xx-xxxx
Deuitch, Douglas M., xxx-xx-xxxx
Dewsnap, John R., xxx-xx-xxxx
Distaolo, Robert A., xxx-xx-xxxx
Doering, Miriam H., xxx-xx-xxxx
Doucette, John W., xxx-xx-xxxx
Ehrenstein, Gabriel H., xxx-xx-xxxx
Ellenberger, Keith W., xxx-xx-xxxx
Ellisor, Gregory K., xxx-xx-xxxx
Erickson, Mark A., xxx-xx-xxxx
Erickson, Mark A., xxx-xx-xxxx
Essad, Robert P., xxx-xx-xxxx
Forsythe, Timothy A., xxx-xx-xxxx
Gandal, Bruce R., xxx-xx-xxxx
Graham, Robert P., xxx-xx-xxxx
Greco, Philip T., xxx-xx-xxxx
Griffin, Ruth A., xxx-xx-xxxx
Hall, Ralph E., xxx-xx-xxxx
Hamel, Anthony W., xxx-xx-xxxx
Hansen, David S., xxx-xx-xxxx
Hawes, Howard M., xxx-xx-xxxx
Hank, James M., xxx-xx-xxxx
Helman, Christopher C., xxx-xx-xxxx
Herrera, Theodore D., xxx-xx-xxxx
Herte, Mark S., xxx-xx-xxxx
Hoffman, Patricia D., xxx-xx-xxxx
Hoffmann, Peter J., xxx-xx-xxxx
Holbrook, Benny D., xxx-xx-xxxx
Hoots, David W., xxx-xx-xxxx
Jensen, Lance S., xxx-xx-xxxx
Johnson, Kurt R., xxx-xx-xxxx
Kaufman, Christopher J., xxx-xx-xxxx
Keefe, Wende L., xxx-xx-xxxx
Keen, Ronald L., xxx-xx-xxxx
Keller, Leroy S., II, xxx-xx-xxxx
Kitti, Kurt J., xxx-xx-xxxx
Kromer, Jeffrey B., xxx-xx-xxxx
Lacy, Kenneth E., xxx-xx-xxxx
Law, Judith A., xxx-xx-xxxx
Leavy, Gray J., xxx-xx-xxxx
Lorang, Luke A., xxx-xx-xxxx
Matty, Eric J., xxx-xx-xxxx
McCarthy, Bruce A., xxx-xx-xxxx
McClellan, Brian A., xxx-xx-xxxx
McClendon, George W., xxx-xx-xxxx
McKenzie, Samuel D., xxx-xx-xxxx
McNear, Andrew E., xxx-xx-xxxx
Miller, Keith S., xxx-xx-xxxx
Modlin, Norman R., xxx-xx-xxxx
Morin, Bernard A., xxx-xx-xxxx
Murphy, Matthew W., xxx-xx-xxxx
Neely, William M., xxx-xx-xxxx
Overman, John T., xxx-xx-xxxx
Paddio, Mary E., xxx-xx-xxxx
Parker, Christopher G., xxx-xx-xxxx
Payne, Jack S., Jr., xxx-xx-xxxx
Penner, Bruce W., xxx-xx-xxxx
Perry, Diana K., xxx-xx-xxxx
Peters, Patrick J., xxx-xx-xxxx
Petranick, Judith A., xxx-xx-xxxx
Phillips, Gordon D., xxx-xx-xxxx
Plourde, Bruce D., xxx-xx-xxxx
Polahar, Daniel J., Jr., xxx-xx-xxxx
Poston, Jeffrey A., xxx-xx-xxxx
Pouliot, Robert D., xxx-xx-xxxx
Roberts, Russell G., xxx-xx-xxxx
Robinson, Jeffrey D., xxx-xx-xxxx
Roman, Mark C., xxx-xx-xxxx
Saling, Patricia L., xxx-xx-xxxx
Saltzman, John E., xxx-xx-xxxx
Sasano, Schuyler K., xxx-xx-xxxx
Sauchuk, Catherine J., xxx-xx-xxxx
Schaelling, Gregory C., xxx-xx-xxxx
Schmidt, Eric W., xxx-xx-xxxx
Seehorn, Donna M., xxx-xx-xxxx
Sellers, John S., xxx-xx-xxxx
Shanahan, Kevin F., xxx-xx-xxxx
Sharrar, Kristopher A., xxx-xx-xxxx
Shonk, David R., Jr., xxx-xx-xxxx
Shrout, Charles R., xxx-xx-xxxx
Siegel, Nicholas E.T., xxx-xx-xxxx
Stapp, Richard S., xxx-xx-xxxx
Steinwand, Tracy A., xxx-xx-xxxx
Sturgill, Daphne J., xxx-xx-xxxx
Taggart, Mark T., xxx-xx-xxxx
Thompson, Randal S., xxx-xx-xxxx
Ullman, Jon H., xxx-xx-xxxx
Ulrich, Alex E., xxx-xx-xxxx
Wallin, Monika L., xxx-xx-xxxx
Waltrip, Mark A., xxx-xx-xxxx
Webb, Jerome G., xxx-xx-xxxx
Wiley, Larry L., xxx-xx-xxxx
Woltering, Diane C., xxx-xx-xxxx
Zuverink, David H., xxx-xx-xxxx