HOUSE OF REPRESENTATIVES—*Thursday, January 29, 1987*

The House met at 11 o'clock a.m. and was called to order by the Speaker pro tempore [Ms. OAKAR].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 29, 1987.

I hereby designate the Honorable MARY ROSE OAKAR to act as Speaker pro tempore on this day.

JIM WRIGHT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We recognize, O God, that in Your spirit there is no east or west, no north or south, but one great fellowship divine. Help us to appreciate that Your good Word shines in darkness and takes away the gloom and thus can bring people together in a new spirit of understanding and peace. May Your light make bright the inner reaches of our hearts that ignorance may be put aside, resentments eased and fears changed to faith. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

A DANGEROUS PRECEDENT IN HEALTH CARE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, for thousands of LTV retirees in my district, May 15, 1987, may be a dark day. It could be the end of their health benefits. LTV filed chapter 11 and denied benefits. The first company to ever do this.

This situation must not be tolerated. LTV's action sets a dangerous precedent. To prevent such a catastrophe, I have introduced legislation to amend the bankruptcy code to prevent companies filing for bankruptcy from terminating any contract providing health and hospitalization benefits, period.

America's workers are now being put through the mill. Trade policies have taken away their jobs. Proposed cuts will take away their children's education. Pensions are in danger and now health benefits that employees earned over an entire lifetime are being thrown out the window. It's time to put our foot down and give American workers the helping hand they need. I'm asking you to cosponsor my legislation, and put an end to this.

EXTEND ESSENTIAL AIR SERVICE PROGRAM

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Madam Speaker, Essential Air Service was enacted in 1978 to help small communities through the initial stages of airline deregulation.

This program, which has been so important to rural, isolated communities, is scheduled to expire in 1988. I have introduced legislation, H.R. 808, that will extend the legislation past the 1988 sunset date.

About 150 communities in 40 States have benefited from this program. Ten of those communities are in the Third District of Nebraska.

Recently, DOT estimated that 87 percent of those communities now receiving subsidy would lose all air service if Essential Air Service were eliminated.

And for most of us, that would be a disaster.

Many Essential Air Service cities no longer need subsidies—proof that the program has been successful in assisting cities to ease into the era of deregulation.

But other communities are still in the process of adjusting to a deregulated environment.

For them, a completely free market in the airline industry would mean losing their air service—and for many of these cities in remote areas, air service is the only link to the national transportation system.

We're trying to adjust to deregulation, and we've come a long way. But we're not ready to have the rug pulled out from under us. Not yet.

I urge my colleagues to support this legislation.

WERE YOU STANDING AND CHEERING, TOO?

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Madam Speaker, Tuesday night's State of the Union audience looked like the wave at the Super Bowl.

Periodically, portions rose to cheer the President's words.

Republicans were trying to create an impression of support where little exists.

They cheered his failed policy of selling arms to Iran.

They cheered selling arms to the terrorists who financed the murder of 241 marines in Beirut.

They cheered circumventing the State Department and the Congress, the democratic procedures and the Constitution of the United States—the one that begins, "We, the people"—so the President could deal with terrorists.

They cheered his cuts in Medicare, education, and drug enforcement.

They cheered $300 billion a year for the Pentagon, including star wars in space, despite a deteriorating economy here at home.

That's what the Republicans were standing and cheering about.

And if Americans want to know, which party is on your side, ask yourself:

Were you standing and cheering, too?

TIME TO BREAK RELATIONS WITH MANAGUA

(Mr. COURTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTER. Madam Speaker, in 1979 and 1980 we supplied material aid to the Sandinista government in Nicaragua. But apparently its Marxist inclinations were simply beyond influence.

By the second anniversary of the revolution, an editor of the famous anti-Somoza newspaper La Prensa said publicly that the new Sandinista rulers "practically idolize Cuba" and keep "moral and ideological ties that cannot be broken with Cuba, Russia, East Germany, Bulgaria * * *" and the like.

Four years after the revolution, in 1983, the evidence that Nicaragua was treating its subjects like a typical

Communist country was indisputable by all but the most hardened apologists. As Ismael Reyes, the former President of the Nicaraguan Red Cross said:

In the American continent, there is no regime more barbaric and sanguinary, no regime that violates human rights in a manner more constant and permanent, than the Sandinista regime.

Mr. Speaker, the time has come to break relations with the Government of Nicaragua. We owe it to the Nicaraguans who long for freedom. We owe it to our own principles of consistency, since we joined the other members of the OAS in 1979 to delegitimize the Somoza dictatorship.

This week I'll be introducing a concurrent resolution to ask the President to make the formal break with Managua, and grant limited political recognition to the democratic resistance. I hope my colleagues will join me as original cosponsors of this resolution.

CANYONLANDS NATIONAL PARK

(Mr. OWENS of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OWENS of Utah. Madam Speaker, I am today introducing a bill to expand the boundaries of Canyonlands National Park in the heart of southeastern Utah, an act which is politically both controversial and complicated, here as well as in my State.

I do so, notwithstanding the difficulties, for two reasons: First, Canyonlands National Park is a cherished and unique national scenic treasure which, notwithstanding the 5-year delay in site selection announced yesterday by DOE, is still threatened with the placement of a high-level nuclear waste repository in a canyon within a mile of the park.

Second, my bill would preclude that site selection because the enlargement of Canyonlands National Park to the natural boundaries which were originally proposed for it would include and thus disqualify that proposed site.

We should, once and for all, give legal status to the entirety of that park which nature created over tens of thousands of years ago.

Canyonlands is prized for its abundant scenic, cultural, and wildlife resources. The park currently surrounds the confluence of the Green and Colorado Rivers in an area that is a feast for the eyes and for the human spirit.

The extension is a brilliantly colored wilderness of rock where, over thousands of years, wind and water have carved countless mesas, canyons, natural arches, and soaring spires. The land encompasses habitat for rare birds of prey, bighorn sheep, and mountain lions, among other wildlife. Also the park and the areas proposed for inclusion in new boundaries contain hundreds of ancient Indian pictographs painted onto rock nearly a thousand years ago by Indian artisans. A visitor to the park gains a rich experience which can be enhanced time after time. A study conducted in 1983 indicates that 82 percent of the visitors questioned would be less likely to return if a nuclear waste repository were placed nearby. Tourism is the lifeblood of our State's economy and the key to its future. Furthermore, Utahns have been exposed to much more radiation fallout than citizens of any other State. Residents of Utah are still enduring exposure to radiation leaking from the underground nuclear weapons test site in our neighboring State of Nevada.

Former Interior Secretary Stewart Udall, three other attorneys, and I successfully sued the Federal Government on behalf of victims of fallout in Utah, Arizona, and Nevada, who were exposed to fallout from above ground nuclear tests in the 1950's and early 1960's. The Federal Government was found liable for cancers caused by fallout from the tests.

The Department of Energy still maintains its policy, in existence since open air testing began in 1951, to conduct nuclear tests only when the wind is blowing toward Utah. Research indicates that since the underground testing began in 1963, Utahns have been exposed to radiation equal to one and a half times the amount which leaked during the Soviet Union's Chernobyl disaster, so it is not fair to ask Utah to accept this nuclear waste repository—we've already had far more than our share of nuclear garbage.

The scientific effort to locate the safest, most reasonable repository site has now become a political game of elimination. The intent of the repository legislation is that a site close to a national park should be selected only if all other feasible sites were scientifically excluded.

In addition, the Interior Department's official position is that a nuclear waste repository near Canyonlands would be in conflict with Federal law passed in 1916 which carefully sets down what may or may not be done in or near a national park.

It is a position that the Department of Energy seems to be resisting.

LEGISLATION INTRODUCED FOR EARLY AND ORDERLY RETIREMENT OF FEDERAL EMPLOYEES

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Madam Speaker, today I am introducing legislation which would amend title V of the United States Code to establish an optional early retirement program for Federal Government employees. The purposes of the act are to reduce Federal Government civilian payrolls in an orderly and voluntary manner and to accommodate the personal plans of certain Federal Government employees who desire to retire but have not satisfied the applicable age and service requirements.

Basically, it would allow early retirement during a 90-day period of this year for those who have completed 25 years of service, for those who have become 50 years of age and completed 20 years of service, and those who have become 55 years of age and completed 15 years service, or, after becoming 57 years of age and completing 5 years of service.

As I said, Madam Speaker, the purpose of this is to allow an early and orderly retirement of those who would like to retire now. I urge my colleagues to support this.

□ 1110

JUST SAY NO TO DRUGS WEEK

(Mr. HUTTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTTO. Madam Speaker, this week I introduced a resolution designating the week of May 17, 1987, as "Just Say No to Drugs Week."

In 1984 over 7,000 Americans died from drug overdoses, and peer pressure among teenagers is a major factor. Because of greater emphasis on how peer pressure contributes to the drug abuse problem, "Just Say No" clubs have been founded in schools across America. This important resolution recognizes this Nation's young people who are publicly fighting drug abuse by saying no to drugs and are thereby contributing to a monumental goal, the end of drug abuse in America.

Giant steps have been taken over the last year to combat drug use among our Nation's youth. I ask my colleagues to help continue this progress by supporting this resolution and cosponsoring "Just Say No to Drugs Week."

ARMS EXPORT REFORM ACT OF 1987

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Madam Speaker, today I am introducing, along with a bipartisan group of my colleagues, the Arms Export Reform Act of 1987. This legislation would make significant changes in the Arms Export Control Act. It would cut redtape for noncontroversial sales, while providing for more effective congres-

sional oversight of controversial arms sales. In addition, this bill would require future arms sales that are controversial to have the support of a majority of Congress, not a small minority, as current law now requires, if those sales are to survive.

Last year, both Houses of Congress overwhelmingly rejected a proposed sale of missiles to Saudi Arabia. However, because of our outmoded laws on this subject, the sale proceeded nevertheless with the support of only 14 percent of the House and one-third plus one Member of the Senate.

More recently, the Arms Export Control Act may have been violated by the attempt to sell arms to Iran. Although this legislation would not directly affect the Iran arms situation, both the Saudi and the Iranian episodes demonstrate the need for Congress to reestablish its authority in the area of arms sales, and to reassert its rightful and constitutional role—as a coequal of the executive branch—in the conduct of American foreign policy.

I urge my colleagues to support this important legislation.

PRESIDENT'S STATE OF THE UNION ADDRESS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Madam Speaker, the night before last, in this majestic Hall, the President of the United States gave his State of the Union Address to the 100th Congress and to the American people. I consider myself to be very privileged to have been in this Chamber to witness that historic event, and I have a few thoughts about Mr. Reagan's speech.

I am personally satisfied with the emphasis the President placed on the need for a strong national defense. I feel it is not incompatible with the equal emphasis he placed on balancing the budget.

Mr. Reagan correctly described our massive Federal deficit as "outrageous." As I listened to the applause for the President when he called for a balanced budget, I wondered if Congress would show the same support when the legislation comes up for a recorded vote.

If every Member of Congress who so applauded the emphasis the President placed on a strong national defense and a balanced budget would resolve himself to proper diligence, we could have both.

I am certain that the vast majority of Americans were applauding the President for his emphasis on my two favorite subjects: a strong defense and a balanced budget.

HEARINGS SCHEDULED ON PAY INCREASES

(Mr. FORD of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD of Michigan. Madam Speaker, today the Committee on Post Office and Civil Service organized and adopted rules for the 100th Congress. Under those rules I have exercised my authority to appoint a five-member task force made up of members of the committee to act on all resolutions affecting pay for the executive, legislative, and judicial pay systems.

The task force will hold hearings and consider resolutions to disapprove the President's recommendations for increasing executive, legislative, and judicial pay. The hearings will be held on February 2 and February 3 in room 311 of the Cannon House Office Building.

They are designed to give Members of Congress as well as proponents, opponents, judicial representatives, and representatives of the executive branch an opportunity to testify prior to action on the various resolutions and bills which we assume are being referred to our committee.

It is imperative that the committee act on the resolutions of disapproval, just as it is critically important that the President's proposals and objections to them get a complete public hearing.

I am inviting all Members who wish to testify or submit testimony for the record to contact me or the committee staff. Of course we will give preference to Members of the House over other witnesses who wish to testify either for or against any resolution pending before the committee.

ACTION URGED TO ANSWER UNFAIR TRADE PRACTICES

(Mr. WATKINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, today a number of our citizens across this country are wondering why the GNP is sputtering along at approximately 2.5-percent growth, and at the same time the stock market is skyrocketing through the ceiling. Could it be that the investors know that the inflation is being held down as a result of massive cheap imports flooding the United States?

At the same time, this past year the target for the growth in the money supply was between 3 to 8 percent. It actually was a 15.3-percent growth. In all circumstances inflation should have just gone sky high. It did not, because the growth in business and industry productivity occurred overseas, and imports are being shipped into this country.

We are losing the trade battle, and we are losing the standard of living for our citizens under the policies of this administration.

Madam Speaker, it is high time that the people of this country know we are sacrificing their standard of living and the national security of our country. We are sacrificing those kinds of jobs that produce a standard of living for our children and grandchildren that they so rightly deserve.

I came into public service to try to leave the "woodpile" of opportunity a little higher for our children and grandchildren, not less. Yet our policies are not answering the unfair trade practices of other countries that are literally destroying the economy of this country of ours. It is going to take more than the words of the President of the United States; it is going to take action by the President and this Congress to turn it around. Let's do the job necessary to secure a future for the generations ahead.

LEGISLATION EXTENDING FULL CITIZENSHIP TO ANN BRUSSELMANS

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Madam Speaker, until recently, not many Americans knew the name Ann Brusselmans. Yet as I have known for almost 3 years, to know her is to respect her extraordinary contributions to this Nation.

President Reagan knows about Ann Brusselmans. On January 12, after he learned that this remarkable woman, who is credited with saving hundreds of lives of soldiers parachuting into Nazi-occupied Belgium, had one dream—to become a permanent resident of the United States—he responded.

The President, by administrative action citing her meaningful contribution to our national security, granted her permanent residency as my bill, H.R. 440, would have done.

The President in a letter to me added that he supported full citizenship for Ann Brusselmans saying "There is no one more worthy than Ann Brusselmans. She has earned it."

Last week I authored my second bill of the 100th Congress for Ann Brusselmans—H.R. 624, a private bill to extend her full citizenship.

A comparable bill has been introduced in the other body.

I am gratified by the more than 80 calls of support I have so far received from my colleagues for this bill.

I appreciate the interest registered by my distinguished colleague, Chairman MAZZOLI, of the Immigration Subcommittee.

Ann Brusselmans is 81 years of age and in declining health. She will be 82 on April 3. What better present could our Nation give her than full citizenship. I urge swift action on my bill to reward this one in a million woman—patriot and heroine.

She too reflects the "we the people" spirit the President cited so eloquently in his State of the Union Address.

□ 1120

HURRICANE DISASTER IN AMERICAN SAMOA

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Madam Speaker, a good friend, FOFO SUNIA, the Delegate from American Samoa, is not here today. He is back in his district helping his people who are suffering from the after-effects of a devastating hurricane that hit the island of Manua. Over 2,000 of our brothers and sisters, American citizens and nationals in American Samoa, have been left homeless. On some of these smaller islands that were hit every single building was knocked down and livestock was killed. It is estimated that in livestock and crops $9 million of damage was done.

I want to commend the Department of the Interior, in particular Assistant Secretary Montoya, for his response. He took technical assistance money and sent it out there to help in this emergency and FEMA is also trying to help.

But I hope that if this is not enough the Members of Congress will help us to seek additional help for these American citizens and nationals in their time of need.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Ms. OAKAR) laid before the House the following communication from the Clerk of the House of Representatives:

JANUARY 29, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 4 of Rule III of the Rules of the U.S. House of Representatives, I herewith designate Mr. W. Raymond Colley, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in cases of my temporary absence or disability.

If Mr. Colley should not be able to act in my behalf for any reason, then Ms. Dolores C. Snow, Assistant to the Clerk, or Mr. Dallas L. Dendy, Jr., Assistant to the Clerk, should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 100th Congress, or until modified by me.

With great respect, I am,
Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

LEGISLATIVE PROGRAM

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute.)

The SPEAKER pro tempore. Without objection, the gentlewoman from Maryland is recognized for 1 minute.

There was no objection.

Mrs. BENTLEY. Madam Speaker, I ask for this 1 minute for the purpose of inquiring of the majority what the program will be for the balance of this week and for the next week.

Mr. TRAFICANT. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Madam Speaker, in sitting in for our great majority leader, the gentleman from Washington [Mr. FOLEY], there will be no further business for today.

The calendar, the schedule for next week, Monday, February 2, we are scheduled for a pro forma session.

On Tuesday, February 3, the House will meet at noon. However, there are no bills expected. But Members should be aware of the possible further action on the Clean Water Act amendments in the event that there is an official veto by the President.

On Wednesday the House will meet at 2 p.m., and the remainder of the week at 11 a.m. on Thursday and Friday. Any further schedule over and beyond this announcement will be announced by the majority leader at that time.

Mr. MACK. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I am happy to yield to the distinguished gentleman from Florida.

Mr. MACK. Madam Speaker, the purpose of my inquiry is to raise the question or make the statement I guess that February 5 is the deadline for the House to act on the question of the pay raise. If we do not act by that time, it automatically goes into effect.

I understand that the chairman of the Post Office and Civil Service Committee did, in fact, indicate that there would be some hearings I believe on Tuesday, February 3. I find it a little bit curious though that there has not been some kind of arrangement, some kind of setting aside of time to, in fact, deal with that issue should it, in fact, come out of the committee. I wonder if the gentleman could respond?

Mr. TRAFICANT. Chairman FORD has already announced that he has set in place a mechanism to deal with that in hearings. Perhaps the gentlewoman could yield to the distinguished chairman to further elaborate on that.

Mr. FORD of Michigan. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. I thank the gentlewoman for yielding.

Let me first correct what the gentleman from Florida said. I have just announced that we will have hearings on Monday and Tuesday, and we will go for whatever number of hours it takes to accommodate anyone who wants to be heard. We will also give preferential treatment to Members of the House, like the gentleman from Florida, who wish to be heard.

We have numerous requests from the administration and from the judges in particular, and we will accommodate them.

I want to tell you that we have already taken extraordinary action. If we were to wait until the normal formation of the subcommittees and their organization on my committee, there is no way that there could even be a hearing before the deadline runs out. For that reason, I took the extraordinary action of appointing a special task force and usurping the authority of the other subcommittees to go ahead immediately. My committee unanimously agreed to let me do this so that we could avoid the unfair criticism that we were not actually considering the question and not actually acting on it.

I cannot predict the outcome of the action by that subcommittee, and pending that I cannot speculate on what will follow.

Mrs. BENTLEY. I want to commend the chairman for taking this lead and this action to move ahead on this.

Mr. MACK. Madam Speaker, will the gentlewoman yield?

Mrs. BENTLEY. I yield to the gentleman from Florida.

Mr. MACK. I thank the gentlewoman for yielding.

Again, my question really was not directed as to whether there were going to be hearings. I acknowledge the fact, and again I thank the gentleman.

Mr. FORD of Michigan. If the gentlewoman will yield further, I will go further and would be willing to—of course, I can never commit a committee to do anything because it is a committee—but I would be willing to hazard a very strong guess that no one will be able to say that the Congress did not act on the President's recommendation. There will be some action on the President's recommendation and it will be by a record vote.

Mrs. BENTLEY. It will be a record vote on the floor?

Mr. FORD of Michigan. I did not say on the floor. I said a record vote.

Mr. MACK. Again, I just want to raise the point though that in the

schedule for the next week I see there was some notification that we ought to be aware in case the President were to veto the Clean Water Act that we were going to deal with that issue. It seems to me we could have at least recognized that if, in fact, the Post Office and Civil Service Committee did report out a bill that the House could deal with, I would have hoped that it would have been acknowledged on the schedule. That was the only point I was raising.

Mr. FORD of Michigan. I have been assured by the leadership on both sides that if there is a resolution that has to be acted upon on the floor that they will give me an opportunity to bring it up, like a privileged resolution, and it will precede other business. So if we have something to bring to the floor it will get here.

Mr. MACK. I thank the gentleman.

Mrs. BENTLEY. I would like to ask the majority gentleman from Ohio [Mr. TRAFICANT] he mentioned that there would be an 11 a.m. session on Friday. Is a session really anticipated for Friday?

Mr. TRAFICANT. It is scheduled at this particular point. More than likely, it would be a pro forma session on Friday of next week. However, this is subject to further announcement from the majority leader, and there could be some changes.

So I would advise that we would more or less take that in abeyance and wait for his leadership and his report next week.

Mrs. BENTLEY. I thank the gentleman and have no further questions.

Mr. TRAFICANT. I would just like to also commend the words of Chairman FORD from the Post Office and Civil Service Committee and thank him for his leadership in addressing the issue of concern to both the majority and the minority.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. (Mr. PICKETT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

ADJOURNMENT TO MONDAY, FEBRUARY 2, 1987

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1130

A NEW MARKET FOR FARM PRODUCTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, on Tuesday President Reagan stood before a joint session of Congress assembled and addressed the Nation on the State of the Union. He emphasized the need for competitiveness and calling for "giving our farmers a shot at participating fairly and fully in a changing world market."

The President could not have been more correct. To a great extent, agriculture is the fuel of the economic engine. It bodes ill for the rest of the economy if agriculture is depressed, and today agriculture is in critical condition. We need to continue to seek out and find new markets, and I'm sure the President agrees.

We need to recognize the importance of all markets, and there is a major market for our farm products that we have deliberately ignored—the Republic of Cuba.

The farmers want the market and the American people want to reduce the soaring trade deficits. The market is out there if we want it, but we have to go get it.

The Cuban market lies beckoning, full of hungry people, 90 miles off the Florida coast. Cuba can be a good deal for the American farmer, if we just allow him access to the market.

To illustrate the potential bounty that awaits our farmers upon opening up the Cuban market, we only need to cite figures on their imports: From 1981 to 1984, Cuba imported an annual average of 225.2 million dollars' worth of wheat, rice, soybeans, and feed grains; 199.6 million dollars' worth of dairy products; 5 8 million dollars' worth of cotton; and even 11.2 million dollars' worth of tobacco. That comes to a total annual average for those goods of roughly $489 million imported by Cuba.

In Cuba, a $50 million annual market for rice alone awaits our farmers.

For years, the closing of the Cuban market did not make an economic difference to us. The American farmer stood, as he had for decades, as a sort of colossus with a reaper astride a hungry world. We did not need Cuba's business.

But times have changed. Today the American farmer is locked in a mortal struggle for markets.

Under these circumstances, it seems foolish to voluntarily disqualify ourselves from a market next door that has a sales potential of about half a billion dollars a year.

That is why I intend to introduce next week a resolution urging the President to lift America's trade embargo against Cuba as it applies to farm products, and I invite Members to join me in this effort.

The farmers of Arkansas clearly support a resumption of agricultural trade to Cuba. A group of Farm Bureau members from Craighead County, AR, realized that Cuba represents a potential market of 300,000 metric tons last year—just about equal to the amount of surplus rice in storage in Arkansas this past autumn.

They persuaded the Craighead County Farm Bureau Federation to adopt a resolution November 3 calling for resumption of farm trade with Cuba.

The Craighead County resolution went before the Arkansas Farm Bureau Federation's annual convention in December, and the statewide organization followed Craighead County's lead and called for lifting of the embargo on farm trade with Cuba.

Similar actions have been taken by the Riceland Foods Board on November 20, 1986; by the national convention of the American Agriculture Movement on January 17; and by the Arkansas State Senate on January 27.

Opening the Cuba market may not save all farmers, but it would save some of them, and that is a goal well worth pursuing.

Cuba is one important example of many foreign markets for farmers that national policies ought to be seeking. There is a bipartisan movement underway in the 100th Congress to do everything in our power to encourage expansionist export policies, so that the farm products of Arkansas and America can once again flow throughout the world.

SOCIAL SECURITY CLAIMANTS' PROTECTION ACT INTRODUCED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, today, along with our colleagues Mr. ROYBAL, Mr. FRANK, Mr. WAXMAN, Mr. QUILLEN, Mr. WISE, Mr. DERRICK, Mr. FAZIO, Mr. TALLON, Mr. MARTINEZ, and Mr. MFUME, I am introducing legislation which will restore fairness for all Social Security disability applicants. The bill I am submitting today will terminate the use of Government adversaries in the four Social Security offices nationwide where adversaries are currently in place. This legislation is identical to a measure which we introduced during the 99th Congress and which was unanimously approved by the House of Representatives.

In 1982, the Social Security Administration established the Social Security representation project and placed Government adversaries in Social Security offices situated in Baltimore, MD; Columbia, SC; Pasadena, CA; Brentwood, MO; and Kingsport TN. The Kingsport, TN Social Security office handles Social Security claims arising from the western half of Virginia's Ninth Congressional District.

In 1982, the administration's notice stated that the project would last for only 1 year. However, with the exception of the Brentwood, MO project, which has been terminated, the project has continued to present obstacles to Social Security claimants for more that 4 years.

Notwithstanding the fact that Congress never authorized the project, and that the House unanimously approved legislation last year which contained a provision to terminate the project, it expanded by 25 percent in 1986. Just last year, a U.S. district court judge declared the project unconstitutional, and only

due to an appeal by the administration does it continue to operate.

The role of the adversary is to oppose disability and supplemental security income applicants who are represented by attorneys in hearings before administrative law judges. In addition to developing case records and appearing in opposition to claimants, these Government adversaries have the authority to call for the review of an ALJ decision with which they are dissatisfied, whether or not the claimant is represented by an attorney.

Among the purposes of the representation project as stated by the administration are: to improve the quality of hearing decisions, to increase the productivity of administrative law judges to reduce delays between the holding of hearings and the issuing of decisions and to reduce hearing costs. It is now apparent that the project has achieved none of these goals. In fact it has been counterproductive.

The use of adversaries has served to lengthen both the time required to conduct hearings and the period between the hearing and the issuance of decisions. The project has not reduced hearing costs—the best available estimates indicate that the project costs at least $450,000 per office. However, because numerous questions by the Congress and by a Federal judge concerning the cost of the project have either gone unanswered or have produced conflicting reports, the true cost of these adversaries is unknown.

Rather than assisting in case preparation, the SSARP has, at best, done nothing to ease the burden of case development, and at worst has caused some ALJ's to rely on Government adveraries to the detriment of the claimant.

The Social Security Administration's representation project has been improperly implemented from its inception. Not only does it violate the intent of the Social Security Act, it also violates the Secretary's published regulations in that it was advertised as nonadversarial but has been adversarial from the outset.

Mr. Speaker, the Social Security Administration's representation project is a failure. It has not achieved its goals, and it is fundamentally unfair to Social Security claimants. The legislation which I am introducing will end the use of Government adversaries in Social Security hearings. I urge my colleagues to join in this effort to terminate this unconstitutional and adversarial project.

BIOLOGICAL WEAPONS ACT OF 1987.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. RODINO] is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, today I, along with the distinguished gentleman from New York [Mr. FISH], am introducing legislation designed to give teeth to one of the most important international agreements ever entered into by the United States. The formal name of that agreement is the Convention of the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction. It is also referred to as the Biological Weapons Convention, and as both names imply, its purpose has been to ensure that the horrors of biological warfare will never be visited upon mankind.

By way of background, the United States, in 1969, unilaterally renounced the use of biological weapons and pledged to destroy its existing stockpile. Coterminously, the United States and other nations were drafting the Biological Weapons Convention. In 1972, the administration endorsed the convention, and by the time the convention was ratified by the United States in 1975, the United States had destroyed all biological weapons in its possession. This policy of renunciation remains the official policy of the United States. In 1984, Secretary of Defense Caspar Weinberger stated, "The United States does not and will not possess biological or toxin weapons. We will not develop such weapons nor assist others to do so."

The purpose of the Biological Weapons Convention is to prohibit the development, production, stockpiling, acquisition or retention of first, biological agents or toxins of types and in quantities that have no justification for peaceful purposes; and second, weapons, equipment, and means of delivery designed to use such agents or toxins for hostile purposes.

The convention, which has been adopted by 102 nations, including the Soviet Union, specifically requires each party to take all measures necessary to prevent and prohibit within its territory, under its jurisdiction, or under its control anywhere, the activities proscribed. The Carter administration submitted legislation to this end, which I introduced in 1980. Regrettably, this administration has not seen fit to submit similar legislation. Because we are convinced that this matter should not and cannot admit of further delay, we have crafted a bill, modeled closely on the 1980 bill, to bring the United States into conformity with its international obligation.

Our legislation would subject to stiff fines and potential life imprisonment anyone—whether a private individual, a corporation, or a Government official—who knowingly develops, produces, stockpiles, transfers, acquires, retains or possesses any agent, toxin, or delivery system for the purpose of causing mass destruction, or who assists a foreign state or international organization to manufacture or otherwise acquire any agent, toxin, or a delivery system for such purpose. This is the very heart of the legislation. Remarkably, there presently is no Federal statute that directly prohibits and punishes those who would use biological weapons to wreak devastation on the United States. In addition, the bill provides definitions of the various technical terms, authorizes the Attorney General to seize and destroy biological agents, toxins, and weapons and to obtain injunctions against those planning to produce or use such contraband. Finally, and very importantly, our bill makes clear that the use of biological entities for peaceful purposes is not prohibited.

Mr. Speaker, biological weapons are fully the equal of nuclear weapons in terms of the horrors they can cause. The rapid advances recently made in gene-splicing technology gives science the ability to create super organisms that combine the most deadly features of a variety of organisms. And because deadly biological agents can be carried in a container as small as a test tube, and therefore can easily be hidden, biological weapons can be smuggled into the United States more easily than any other type of weapon of mass destruction.

It is clear to me that we must do everything in our power to prevent the use of biological weapons. Even if the United States had never ratified the Biological Weapons Convention our duty to outlaw these repugnant instruments of destruction would be clear. That we also have an international obligation under the terms of the convention presents an equally powerful reason for moving forward in this area without further delay.

ORDER OF BUSINESS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. BROWN] be recognized ahead of me on the special order sequence for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CRISIS IN THE U.S. SPACE SCIENCE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BROWN] is recognized for 45 minutes.

Mr. BROWN of California. I thank the Chair.

Mr. TRAFICANT. Mr. Speaker, will the gentleman yield to me for a brief colloquy on a matter of importance to my district that I believe the country needs to know about?

Mr. BROWN of California. I am pleased to do that.

A DANGEROUS PRECEDENT IN HEALTH CARE

Mr. TRAFICANT. Mr. Speaker, I specifically ask the gentleman from California [Mr. BROWN] to engage in this colloquy for several reasons; one being that he has been here for many years; and second of all that I have great confidence in his decisions. I look at the tote board occasionally to check out his vote.

Earlier this day, I had made a brief statement relative to a day coming forward, May 15, 1987, that carries a tremendous burden for many of the LTV retirees relative to the extension of and the continued payment of their health and hospitalization benefits.

The reason I have asked for this, in all of your years in Congress and from the best of your ability, have you ever seen or ever heard of any corporation interpreting the law the way LTV did in taking on such an unprecedented action?

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for his question, and I am very glad that he raises that issue. I want to assure him that this is the first time in my experience that I have ever seen a corporation seek to evade its contractural responsibility in the way that this corporation has done.

I think it is a shame that this has occurred. I think that the Congress is going to have to examine the situation with regard to corporations such as LTV, and I might say that there are similar situations with regard to other companies, both in the steel industry and in other industries; and the Congress would be remiss in its responsibilities if it did not take cognizance of the situation and take appropriate corrective action.

Mr. TRAFICANT. Mr. Speaker, I want to thank the gentleman for affording me that opportunity, and I hope that the gentleman and the other senior Members that are known for their leadership in this body, who can in fact help to move forward legislation that would remedy this wrong, would become actively engaged and to help those parts of the country, now, that are really being injured.

I thank the gentleman for his time and his help in the past.

Mr. BROWN of California. Mr. Speaker, it has been a pleasure to discuss the matter.

Mr. Speaker, yesterday the Nation mourned the first anniversary of the tragic death of seven brave Americans who lost their lives when the space shuttle *Challenger* exploded over Cape Canaveral. Over the course of the past year, much attention has been given to the dramatic implications of the shutdown of our shuttle operations. Attention has been focused on the impact of the shuttle accident on military space activities, on commercial space efforts, and on the future of the Nation's space program in general. Of all the areas where the shuttle accident has taken a heavy toll, however, the area of space science has probably been hit the hardest. Already in a sorry state prior to the shuttle disaster, the Nation's Space Science Program is now in a state of crisis.

In this special order, the second in a series I am conducting on the Nation's space program, I will be focusing on the status of our Space Science Program. This is an area that deserves considerable attention at the present time, given the bleak situation that now prevails. Indeed, if steps are not taken soon to correct the situation facing space science, within the next decade the United States will see itself surpassed in space science by the Soviet Union, by the European Space Agency, and possibly by the space programs of other nations which are reaching for the heavens with impressive vigor.

Some U.S. space scientists already feel that the United States has lost its preeminence in this arena. Reports issued last year by the National Academy of Sciences' Space Science Board and by NASA's Space and Earth Sciences Advisory Committee both reached the conclusion that the Nation's competitive position in space science is now in question. The report from the NASA Advisory Committee was especially alarming, given that most of the document—which describes a program in almost complete disarray—was completed prior to the shuttle accident. Since the accident, the situation has gotten much, much worse.

Although NASA was conceived as an agency for research and development efforts in the space sciences, the past decade has confronted the Nation's top space scientists with a growing sense of frustration, disillusion, and outright anger. Space science efforts of all kinds have been terminated, postponed, delayed and scaled back. The hopes and expectations of established space researchers have been dashed on so many occasions—as the result of program cancellations and stretchouts—that some have simply thrown in the towel and left the field. And now, with the added frustrations caused by the shuttle accident, it will be increasingly difficult to attract new talent to the field. For, without the prospect of new space science launches, which provide the data necessary for young researchers to establish a space science career, talented graduate students that otherwise would look to NASA for a future will look elsewhere instead.

If this occurs—and it will occur unless action is taken to get the Nation's Space Science Program back on track—then the United States will fall even further behind in a field that has brought this Nation some of its greatest triumphs.

What this Nation has accomplished over the past 25 years in the field of space science and exploration is simply astounding. We have gone from the days when primitive satellites first circled the globe, to an era when satellites are absolutely indispensible for communications, weather forecasting, mapping the globe, and keeping the peace between the world's superpowers. We have gone from the first efforts to send a spacecraft to another planet, to the present day when we can successfully send a scientific probe billions of miles into space to fly past some of the most distant planets in our solar system and out into the uncharted reaches of the universe.

What space science provides this Nation is not simply prestige in one of the most dramatic and important areas of science and technology, although it provides plenty of that. NASA's space science efforts provide indispensible advances in our endless search for information about our planet's past, its future, and its place in time. Currently, however, the Nation's prestige and leadership in space science are jeopardized. Moreover, unless action is taken soon to correct this situation, NASA's spectacular accomplishments of the past 25 years will simply fade on the pages of history books.

What is needed is a new national commitment to leadership in space science. Such leadership will require specific policy statements made from the Nation's highest office: The office of the President. Leadership in space science will also require real funding increases for NASA's space science and exploration programs. In both of these areas—policy guidelines and budget support—the Reagan administration has been deficient. Space science has languished during this administration's 6-year reign, although it is not too late to change that situation. Indeed, in looking at the President's budget request for NASA for fiscal year 1988, a few hopeful signs can be identified. On the whole, however, the administration's 1988 budget request includes little that would alter the state of decline of our Nation's space science effort.

Mr. Speaker, for the interest of my colleagues, I would like to provide a survey of the administration's budget request for 1988, with an eye specifically focused on the space science areas. My attention will be focused on other portions of the NASA budget during future special orders.

In aggregate terms, the administration's budget request for NASA for fiscal year 1988 seems generous, calling for a 13-percent increase in funding over the fiscal year 1987 budget level. Much of this increase would help the agency recover from the shuttle accident. It would pay for additional personnel to ensure better safety procedures, and would continue the redesign efforts necessary to get the shuttle back into operation. These funding increases are necessary and important. In the section of NASA's budget responsible for space science and exploration, however, the administration's funding request represents an actual decline from last year's level.

The Office of Space Science and Applications [OSSA] is responsible for experiments in astronomy and astrophysics, planetary exploration, solar and space physics, and Earth science and applications. The budget for OSSA has remained roughly constant throughout the history of the space agency. However, while this budget has remained steady, the cost of doing space science has increased immensely. As scientific questions get answered, new questions emerge. As a result, the fields of scientific inquiry have expanded markedly. These factors have conspired to make competition extremely tight for funds within OSSA's unchanging budget. Fewer high cost missions can be funded, which has had a strangling effect on the Nation's space science community.

In the early days of space science and applications, budget support was steady and reliable. There was every reason to expect that once a project

was approved, funding would be available to see it through to completion. In the 1970's, however, the White House and Congress began cutting and delaying programs, in order to save money over the short term. However, this approach to short-term savings resulted in serious long-term cost overruns. And as each space science mission got more expensive due to stretchouts and delays, even fewer space missions could be carved out of OSSA's budget. This resulted in further cancellations, delays, and scaling back of planned space science missions.

Programs that suffered from this policy include the Galileo Saturn Mission, Ulysses Solar Polar Mission, the Magellan Venus mapper, the Gamma Ray Observatory, and data reception from the Pioneer and Voyager Planetary Missions. This cycle of cancellations and stretchouts, leading to more cancellations and stretchouts has snowballed to a point where today a large percentage of the OSSA budget is taken up by paying for delays and stretchouts, resulting in a major loss in funding potential in OSSA.

As the grim reality of the conditions in OSSA have become widely known, the spirits of the Nation's top space scientists have plummeted. The current space science projects are manned by aging scientists who are frustrated by the Nation's inability to place dependable support behind OSSA and its projects. And there is little money or incentive for bright young doctoral students to devote their careers to a field with no guarantees and comparatively little compensation.

To keep young researchers involved in space science, funding must be improved at the university level. NASA has extensive data from past missions that has not been analyzed because funding has not been available. Improving university research and analysis programs with modest but significant funding increases would help attract and maintain new young scientists to NASA space science activities, while at the same time get the most out of past programs. While NASA will spend about $450 million in this area during fiscal year 1987, this amount is not enough compared to what is needed to recruit and maintain bright people to pursue a career in space science. NASA recommends increasing this amount by at least $20 million in fiscal year 1988. Revitalizing the research and analysis effort, however, would require more on the order of a $100-million increase.

Another relatively low-cost way of maintaining a steady flow of activity for space scientists is launching suborbital rockets with single science missions. A Ph.D. candidate in atmospheric science, for example, can complete a thesis during the course of preparing and launching one of these small rockets. When the space shuttle became available for space scientists, NASA began cutting back dramatically on suborbital programs. Currently, the suborbital effort is the only way for space scientists to loft experiments. Even with the shuttle, researchers had been plagued by uncertainties regarding shuttle launch opportunities. The suborbital program today is only $75 million in fiscal year 1987. This important program should be increased by 50 percent or more.

Continuing in the tradition of delays and program stretchouts, NASA's fiscal year 1988 request includes major reductions in two critical programs: the advancement communications technology satellite [ACTS] effort has been zeroed out completely, and the Mars Observer Program is being delayed by 2 years.

ACTS is a research project to test a number of key technologies that could vastly improve the communications satellites in use today. Communications satellites are rapidly reaching their saturation point of orbital slots and frequency bands. ACTS would use scanning beams controlled by the baseband processor which would automatically illuminate only those portions of the country which receive or transmit messages. These beams are rapidly formed and exist only for the time required. The results in an optimum use of the frequency spectrum and maximizes the potential data throughput. In other words, ACTS would have the capacity of more than five typical private sector communications satellites.

Even though the ACTS Program has received half its overall funding, the administration would zero out the program for the second year in a row. The administration's position is that the private sector should do its own research. While it is true that the private sector is capable, and in most cases willing, to do its own research, it simply does not have the resources necessary to compete with Government-sponsored research programs in Europe and Japan. Other countries have aggressive programs in advanced communications technology, and plan to deploy advanced technology satellites in the early 1990's. Japan, in fact, has had an operational advanced technology satellite in orbit since 1983.

The administration's failure to support the ACTS Program raises serious questions about the future of our Nation's satellite communications industry. For instance, will American telecommunications firms purchase their future satellites from Tokyo? Although the telecommunication field is not a major U.S. industry, it is not a miniscule effort either, and losing the market in this area to other countries seems absurd—especially since the United States did so much to create and develop the field of telecommunications.

At this stage of the ACTS Program, the administration is playing an irresponsible numbers game with the budget. By cutting ACTS, the administration is putting Congress in the difficult position of either compromising other NASA programs in order to keep ACTS alive, or increasing the overall NASA budget and risk public criticism for overspending. An investment of $85 million in ACTS is necessary during fiscal year 1988. If this money has to be reprogrammed from other space science efforts, it will simply cause more damage to the overall program.

Of additional concern in the administration's proposed budget for fiscal year 1988 is the cutback in the Mars Observer Program, which would deal a clear setback to the U.S. planetary exploration effort and international cooperation in space. The focus of the Mars mission is on the long-term characterization of the Martian surface and atmosphere. The Mars Observer Program was to be the first of a series of low-cost planetary missions which were outlined in 1983 by NASA's Solar System Exploration Committee. But, because NASA proposes to delay launching the mission from 1990 to 1992, the cost of the program will grow substantially, undermining the cost-effectiveness criteria of the mission. In addition, the upper stage and spacecraft are under fixed-cost contracts—a strong incentive for NASA to remain on schedule. To keep the Mars mission on track for 1990 would require $50 million.

But an increased cost for the program is not the only concern. Delay in launching the Mars observer will introduce a proportionate delay in the next U.S. space exploration mission. This will further despirit the Nation's space science community, which, faced with setback after setback, already is losing some of its top researchers. Delaying the Mars observer will also relinquish to the Soviet Union the United States lead in the exploration of Mars. The United States sent the first unmanned probe to Mars in 1964, the first orbiter to Mars in 1971, and the first landing craft to Mars in 1976. Now, however, the Soviet Union is about to take control of exploring the "red planet."

Two Soviet missions to Mars and its moons are scheduled for 1988 and 1992. Placing the United States spacecraft launch between the Soviet missions would allow for continuous monitoring of Mars for 6 years or more. The science of both nations would be greatly enhanced with this coordination. Indeed, such cooperation could help lay the groundwork for a series of increasingly ambitious United States-Soviet cooperative efforts in space

leading to a joint manned mission to Mars. Keeping the Mars observer on track for a 1990 launch, and starting plans for more ambitious missions to Mars should be our goal.

If NASA can't find room on the shuttle for a 1990 launch of the Mars observer—due to a reduced flight rate and crowding on the shuttle because of backlogged military spacecraft—then NASA should look to utilize an expendable launch vehicle [ELV]. Congress and NASA have been pushing the need for a mixed launch fleet to assure access to space. Numerous space scientists have been urging that ELV's be procured for space science and exploration missions. Launching the Mars observer on an ELV would make perfect sense as the Nation's return's toward a mixed launch fleet policy.

NASA has completed a comprehensive study of civilian mixed fleet requirements and options for purchasing ELV's for the purpose of launching science payloads to make up for the launch hiatus and reduced launch schedule. A number of space science missions can easily be modified to fly on ELV's. Options for giving NASA a truly mixed fleet capability would require between $70 million and $300 million per year over the next 5 years. We need this additional launch capability, and must not delay a decision to move forward with assigning science missions to ELV's and begin the ELV procurement process. NASA has requested the purchase of only one Delta rocket in fiscal year 1988, to launch its cosmic background explorer. Additional ELV's should be ordered.

The only new project recommended to begin development in the fiscal year 1988 NASA budget is the global geospace mission [GGM]. This will be the U.S. contribution to the International Solar-Terrestial Physics Program, a global effort to study the interaction of the Sun-Earth system. Japan and Europe are also participating in this multinational effort. This effort will contribute to improving international space science, and deserves strong support.

One of the few science missions scheduled for launch by the space shuttle in fiscal year 1988 is the Hubble space telescope [HST], which will provide the ability to see seven times further into the universe than any telescope before it. Indeed, the advent of the Hubble telescope has been compared to the invention of the simple telescope about 370 years ago. What is not commonly understood about the Hubble telescope, however, is that it is simply one of four "great observatories" scheduled to orbit the Earth. The combined capability of the four telescopes will allow astrophysicists to view the universe through every band of the light spectrum: gamma rays, x rays, ultraviolet, visible light, infrared, and radio. Following the deployment of the Hubble telescope will be the gamma ray observatory [GRO], to be launched in 1990. The advanced x-ray astrophysics facility [AXAF] and the space infrared telescope facility [SIRTF] are the remaining two observatories, and have not yet been funded. The images from these four telescopes will provide an incredible new view, and hence, new understanding, of the universe.

It is encouraging that the Hubble telescope is scheduled to fly in 1988, with the gamma ray observatory to follow soon after. But the fate of the other two space observatories remain uncertain. After being in the wings for several years, NASA recommended that development work on the advanced x-ray astrophysics facility begin in fiscal year 1988. But the administration decided the program could be delayed, ignoring the fact that the true value of the observatories will be their ability to work simultaneously. Delays in launching elements of the entire system will greatly compromise the quality of the science.

Another space science program which is consistently bumped to the back burner is the comet rendezvous and asteroid flyby [CRAF] probe. This program should have been in the fiscal year 1987 NASA budget to start development work, but the administration rejected a new start on the program in fiscal year 1987, and has done so again in the fiscal year 1988 budget.

CRAF is also a recommended project of the Solar System Exploration Committee. Similar to the Mars observer, the CRAF technology would be used in a series of medium-cost solar system explorers. If the probe was ready for a 1992 launch, it could rendezvous with the comet Temple 2 on December 11, 1996. Near the orbit of Jupiter, the spacecraft would match the velocity of the comet and remain with it as it travels around the Sun. This project would provide a constant stream of data over a matter of weeks—compared to the mission of comet Halley which only had a brief encounter with the comet.

If the administration is serious about revitalizing space science, it could demonstrate this seriousness by supporting the comet rendezvous and asteroid flyby probe—which is a high priority for space scientists.

While numerous OSSA activities would be put on hold in fiscal year 1988, other portions of NASA's research and development effort would fare somewhat better. The Space Station Program is earmarked to receive $767 million next year. Although less than the $1 billion which NASA originally requested, it still represents a healthy increase for the program. As the space station effort prepares to begin construction this year, problems with international cooperation are becoming more complex. Indecisiveness at this point in the station's development could lead some legislators to see the space station as a place to cut Federal spending. I would hate to see this happen, and thus I am deeply concerned about delays in the space station effort.

The most recent hold-up in the space station effort is the Pentagon's sudden interest in using the station as a tool of the military. DOD interest has stalled NASA's negotiations with the space station's main partners: Europe, Japan, and Canada. After years of stated opposition to the station, the Defense Department has decided that it wishes to leave its options open for military use of the orbiting lab. DOD's involvement could raise a fundamental question about whether the orbiting lab is for civilian or military purposes. If the latter is the case, our international partners may want out of the project. This may be fine with the Pentagon, but the action could drive a deeper wedge between the United States and other spacefaring nations.

While NASA is in the middle of negotiations with DOD and its foreign partners over security issues of the space station, scientists have voiced concern about the station's scientific utility during the early manned operations. The NASA space station task force has been very critical of the station's initial operating capability. Fewer anticipated shuttle launches, reduced crew size, and increased dependence on the shuttle are making scientists worry that the science on the space station will be greatly diminished.

The low launch rate of the shuttle once it resumes flight will allow for fewer preparatory missions for space science before the station is ready. For example, less frequent shuttle flight will allow a handful of the spacelab missions needed to prepare science programs for the space station. As a result, many of the missions going on the station may be first generation experiments.

NASA has reduced the initial operating crew of the space station down to four from the planned number of six to eight. This cut in personnel will seriously diminish scientific productivity on the station. In addition to fewer crew members, a very high percentage of the shuttle's mid-1990's missions will be dedicated to space station assembly, which could frustrate even further our Nation's ability to conduct space science in orbit. For this reason, NASA should seriously consider a heavy lift vehicle to be used for station deployment. A number of viable and cost-effective options have been proposed for heavy lift capability. This approach would be good for space

science, as well as for the integrity of the overall space program.

The space station has been called the next logical step in space. Implied in this statement is that the station is only part of a much larger space infrastructure which one day will extend to the Moon and the outer planets. While the space station is in the throes of reexamination, NASA is taking steps in the fiscal year 1988 budget to improve the technology base needed to build future parts of this space infrastructure. NASA is proposing the civil space technology initiative [CSTI] to do basic research on propulsion, space vehicles, science sensors, large space structures, power, and automation and robotics.

With these technology building blocks, we will be able to assemble an infrastructure as outlined in the report of the National Commission on Space. In its report, the Commission on Space takes a visionary look at the next 50 years in space. Beyond the space station, the report tells of permanent bases in a variety of Earth orbits and on the Moon to enhance space science and commerce. A vehicle that could ferry between the space stations is the orbital transfer vehicle [OTV] now being studied within the civil space technology initiative. The OTV would traverse between low-Earth orbit and geostationary orbit using the upper atmosphere to help change its orbit.

The most advanced work in leading edge space technology, however, has a line item of its own in the NASA fiscal year 1988 budget request—the national aerospace plane [NASP]. The NASP is a project which will culminate in the construction of a research vehicle with the ability to take off from a conventional runway and achieve necessary velocities to place itself into orbit.

The civil space technology initiative and the aerospace plane are encouraging efforts, but absent from the fiscal year 1988 budget was reference to any specific long-term goals in space. The administration has failed to address the fact that NASA has operated without agencywide direction since the days of the Apollo Program. The National Commission on Space, along with all the major space policy advisory bodies, has concluded that the space program lacks leadership and long-range goals. This lack of direction in the space program, due to the absence of a policy statement providing guidance, is what is killing the Nation's Space Science Program. For, without an overarching plan—laying out long-range objectives, priorities, and timelines—it is impossible to keep space science and exploration programs from being sacrificed year after year as the result of diffused and directionless decisionmaking.

Fortunately, there are indications that the administration will come forth with a new vision for space this year. We will welcome the President's leadership when it comes, but we could have used it months ago.

A coherent policy is essential to responsible budget oversight. In the absence of clear goals, the fiscal year 1988 NASA budget suffers from many of the same pitfalls that have plagued the agency for more than a decade.

Rebuilding the shuttle program out of the *Challenger* ashes must take priority in the fiscal year 1988 NASA budget. Unfortunately, the cost of the shuttle recovery effort is cutting into the research and development function of NASA, especially the Office of Space Science and Applications. The cancellation of the ACTS Program undermines the American drive toward international competitiveness. The delay in the Mars Observer will drive up costs for the program, cause delays in subsequent exploration missions, and jeopardize U.S. leadership in the exploration of Mars. For space science and applications to flourish, it will be necessary to ensure that projects, once approved, will not be subject to cutbacks, delays or cancellation.

Of additional importance, priority must be given to creating a stimulating and opportunity-rich environment that helps attract, retain, and inspire young space scientists. In this regard, the next 5 years will be critical, since opportunities for science activities aboard the space shuttle will be limited. Procuring ELV's for space exploration missions and for suborbital space projects could provide a significant boost to the field of space science. Additionally, more money should be invested in the analysis of data gathered from past missions. This could provide the fodder to help hang on to the talented young researchers that will be needed if this Nation hopes to regain its stature as the world leader in space science.

When the space shuttle *Challenger* exploded in flames 1 year ago, the Nation was left with a sense of emptiness. The tragedy devastated the optimism and sense of derring-do that had previously been a trademark of the U.S. space program. We must now work to regain the optimism, sense of direction, and dedication to leadership. The seven astronauts who lost their lives in the *Challenger* accident could hardly have hoped for more. Indeed, what better tribute could possibly be paid to those seven brave Americans than a reinvigorated, bold space program that invokes awe and amazement not only in the United States, but around the world? The time to set out such a program is now, and I urge my fellow colleagues to embrace such an effort. The reward for doing so will be experienced by generations to come.

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Mr. Speaker, I wish to express my very deep thanks to the distinguished gentleman from Texas who has so patiently allowed me to procede him. I hope that he has been inspired by my remarks as I am so frequently inspired by his remarks.

Again, I express my appreciation to the gentleman.

PERMISSION TO POSTPONE CONSIDERATION OF VETO MESSAGE ON WATER QUALITY ACT OF 1987 UNTIL TUESDAY, FEBRUARY 3, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that consideration of any veto message by the President on H.R. 1, the Water Quality Act of 1987, be postponed until Tuesday, February 3, 1987.

The SPEAKER pro tempore (Mr. PICKETT). Is there objection to the request of the gentleman from Washington?

Mr. SCHUETTE. Mr. Speaker, reserving the right to object, and I will not object, I have been told that the gentleman from Illinois [Mr. MICHEL] has been informed of this, and we have no objection.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE DEADLY HIGHBALL

The SPEAKER pro tempore (Mr. PICKETT). Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I wish to make it clear that I certainly do not intend to use the 1 hour granted me in this special order.

Mr. Speaker, today I have introduced or rather reintroduced, this makes it the 20th year that I have, over a period of 20 years, have introduced and reintroduced in this, the 10th Congress to do so, what I call the National Hazardous Material Control and Prevention Act. It is one that I hope will, in the 100th Congress, the historical 100th, will receive some very definite attention and action. The Nation sorely and desperately needs it.

Mr. Speaker, the bill I have reintroduced today will face, head-on, a growing and a monstrous, menacing problem that citizens, children, women, old and young, are facing in the form of poison death either through noxious and poisonous gases or substances and materials and even such things as radiated, irradiated, toxic, highly poisonous, the most poisonous elements known to mankind. In fact, one of

them, plutonium, was not even a matter that we can attribute to the Lord Almighty because only man has put together this most deadly of all poisons with a life of over 60,000 years. Only through manmade processes or man-taken actions has this been developed. It cannot be found in nature; God did not put it there, but we certainly have.

Every day of our lives in this country, whether in the rural communities or particularly in the denser parts of our urban communities, daily hurtling through either the central expressways by truck or by rail, these most deadly and hazardous of all materials and poisons. They range from substances such as sulphuric acid to the deadly gas that those of us in our childhood learned to fear because of its use in World War I, the chlorine gas and far more deadly substances that have been the byproducts of the nuclear age.

What I think is lamentable, to be deplored, condemned, is that nobody seems to think that even the most minimal of information ought to be supplied to the officials of these communities or the train crews or the truck drivers that are hauling these dangerous substances.

The fact remains that the citizens throughout our land are helpless victims and do not have even minimal control over what form of death they are daily being exposed to. In my area alone, just last year, 1986, we have had three very serious derailments of trains. Now, we did not have trucks overturning this last year that were considered to be dangerous; we did have some accidents. But we have had some in the past, not too long ago, Not more than 3 years ago, we had one truck that spilled deadly poison that could cause death on contact, fortunately, in an area that was outside of the city limits but which, nevertheless, created an emergency.

The thing most deplorable is that at the time of the happening of that accident, whether train or truck, there are no means of coping with that immediate danger. In my city of San Antonio, where now my district consists of the inner core or the heart of the city; not all of the city, in my first 8 years, the district was the entire county.

□ 1220

It was the second largest district in the country, but today it is that hardcore heart of the city of San Antonio. I have gone and made visual inspections and oversight visits to the points of crossing of these freights carrying these deadly poisons right through the middle of the city in the neighborhoods that we consider poor and, of course, nobody much paying attention until these accidents happen in the areas that are more affluent, like the last train accident last June 1986 in which an entire neighborhood, I would say middle or upper middle class neighborhood, was evacuated and the railroad in that instance doled out quite a number of hundreds of thousands of dollars in order to put some of these neighbors up in hotels and otherwise try to appease the resentment and the fears; but nothing really was done.

I think it is reflective of our growing lack of feeling and concern for human life as reflected in some of our national activities in other countries and territories, here domestically, where we see such cases as this derailment in which the material being transported caught fire and burned for 6 days. The response readiness of the community simply as improved as it has been in the last 3 years was hardly even minimally able to cope. Nobody knew exactly what the materials were. The train crews themselves were not even aware of the nature and content of the cargo they were transporting. Even their lives were on the line, too.

The fact remains that it was reported that two human bodies were found after 6 days and the fire having been put out. Nobody bothered to say they wondered who it could be. They just very casually dismissed it as probably two aliens, illegal aliens at that. This was the newspaper comment. it was presumed to be two illegal aliens riding the rods. Well, who knows, and let me say, who cares?

We have reached the point that I think is very sad, very dismal, and one that is very eloquent in the way of commentary on the level of acceptance of the cheapness of human life, the degrading of the dignity of a human being.

Those of us who have had the demoralizing experience of trying to represent a particular district such as mine where in the State of Texas I have the second lowest per capita family income, household income, and therefore naturally in response to confronting the obvious situation, I would be sponsoring those bits of legislation that I have in my entire political career, only to see the administration and the President announce that everything connected with those programs has been wrong and that somehow or other they must either be killed outright or reduced to inconsequential activities, whether it is student loans to help so many of those children of wonderful families who have the motivation, who have the ability, who have the intellectual capacity, but have to drop out, as 2,136 did last year alone in my district because of inability to meet the financial costs even of a college education, because the State legislature of Texas last year tripled the cost of tuition in our State-supported educational institutions. When I was in the State senate, all I had to do was have a little baby filibuster of 8 hours and kill the proposal to double the tuition fee at that time from $50 to $100, and succeeded in doing it, only to see that the first year I came to the Congress the legislature went on ahead and approved that increase; but to triple that is just simply such a disappointment that I do not have the words with which to express it.

So when it comes to these railroads, these trains that in our youth were still the main transportation means of transporting goods and human beings, passengers as well as freight, I remember the songs of the Depression, of the hoboes of that day, as we called them then, the ones who rode the rods; the hundreds of thousands of children 14, 15, 16 years of age who were roaming the country, families having to move away because of the dust menace and the Dust Bowl conditions of Oklahoma and the plight of the Okies, which we felt in Texas because those dust clouds came down that central avenue and hit Texas, too; but fortunately Texas being such a diverse State, the impact that was felt so deadly in Oklahoma was not felt to that extent in the State of Texas; however, I remember the songs of Woody Guthrie and I remember meeting Woody Guthrie and later Pete Seeger and remember the songs of those who became famous among them, among that fraternity of Americans, dispossessed, transients, but still writing the celebrated songs that will last forever. "Your land is my land," that was Woody Guthrie, at a time when everything would make him feel that the land did not belong to him, that he was being dispossessed from his native State of Oklahoma; but he sang songs of hope because he traveled with Americans and he met Americans, like those of us who have been demoralized by this administration and its leader, but who have had the chance to visit 65 communities throughout all the sections of our country and 33 States and they will tell you that is our hope; so that the songs of Woody Guthrie about the glory train, the train, the glory train that they were riding in the boxcars and the danger and the discomfort of riding in the highball. That was the priority freight that the owners of the railroads and the businessmen said had to go through, no matter what.

This is what we are having today, except they are not glory trains. They are deadly highballs, because given the conditions of the railroad system which have been allowed to deteriorate, and let me say by way of parenthesis that nobody has been a greater champion of the railroad system than I have, since my first year in the Congress when I introduced an interstate and international compact to provide the States of Texas, New Mexico, Ari-

zona, and California, together with the Republic of Mexico, an international railroad compact in order to foster, stimulate and develop the construction of railroad tracks.

In the United States we have not had 10 miles of new tracks built since 1910; but in Mexico, where you have some of the most beautiful train rides, the train from the border of Texas, Ojinaga, across the border in the state of Chihuahua, up to Chihuahua City, over the plains where you can still see those Mormons who left the United States, the community that saw and gave birth to George Romney, our great American leader, over the Sierras in Chihuahua, over the copper canyon, the most beautiful site in the world, and then down to the Pacific and the tropics, in Topolobampo.

□ 1230

I would recommend to any Americans that if they want to really have a train ride greater than any in the Alps of Europe, for less than $50 you can get a round-trip from the border of Texas, across in Chihuahua in Ojinaga, across from Presidio, and then over, Chihuahua City, up the Sierra, down to the tropics. You will have the most exhilarating train ride you ever will have.

What do they have? They have French-made cars of great modern design. The Mexican railway used to have exclusively United States-made cars, but we have been beat to the line by the Europeans, who maintained a very adequate and viable track system.

In the United States not only have we allowed it to deteriorate, but we have done nothing to compensate for the increased and enhanced traffic on our highway roadbeds through truck traffic, and we still, despite our billions of dollars of expenditures on our Interstate Highway System, live in the stone age as far as that concern. We throw the heaviest kind of trucks, three-trailer trucks, right alongside of Hondas and compacts and motorcycles and bicycles. That I think in the future our children will say was really living in the stone age.

In the meantime the Congress has failed to respond to a most vital national need. There is not a community I know—I know mine does not—that has any information in the hands of the people who would be equipped and who are charged with the duty of trying to control the damage of trying to respond to a crisis and an emergency in order to save lives—to try to save as much property as possible, but mostly lives—that has one single bit of information as to the nature, the route, the quantity or volume, of the hazardous and most poisonous materials known to man that are daily hurtling through those communities.

I predicted 18 years ago that in my native city of San Antonio we were facing disaster. Just a year-and-a-half before that a childhood friend was imprisoned in her car with her small daughter on the side of a Houston expressway and suffocated to death because of chlorine gas, because a tank truck had turned over on that expressway, landed below in the road, and had exploded, or just burst open, disseminated this gas, and killed this family.

Then I began to make inquiries, but though I had first raised the question when I was on city council 33 years ago—more than 33 years ago—even today there is nobody on the local level that can obtain the information. On the State level I have been pressing the State legislatures for the last 15 years to try to set up State safeguards, State commissions. But the State commissions that have been set up depend almost 90 percent on Federal funding, and astoundingly, last year, because of Gramm-Rudman, the inspectors that had been funded by Federal funds were cut, and so the State of Texas has an inadequate number, not even one inspector for say the truck as distinguished from the railroad.

So what we are facing here is a real serious and crying need. In fact, I consider it an emergency. Yet it has been impossible to get the attention and the concentrated effort that is needed to forge legislation. So I have introduced and tried to perfect a bill, as I have introduced and reintroduced it for the last 20 or so years, that would set up or create a Federal hazardous material emergency response trust fund. It would be set up on the basis of a 2½-cent-per-ton fee on those that ship or see fit to transport these dangerous, poisonous, and hazardous materials.

That would provide no less than $100 million a year for this trust fund, which then could be used only on the basis of a distribution formula that would provide funds for the communities to set the resources that would enable them to have the information and also prepare for an emergency response, which no community that I know of has today in America.

On the national level it would reinforce some of the existing statutes that have been meaningless, because again on the national level, the Federal Railroad Administration is more of a lapdog of the industry than it is a watchdog in these matters, and therefore there is no enforcement of the container safety standards, for example.

We had the sulfuric acid spill in September a year before last in which we had a tremendous amount of sulfuric acid spilled, except that it was in the southwestern section of the county in a poor area where you were not going to get too many threats of lawsuits or anything. It had the same basic causes as the recent Federal Railroad Administration report on the last one of last June, mainly the faulty makeup of the train. There was the same cause in all three basic derailments that we have had in the San Antonio area in the last 1 year, 1½ years.

I think that would be the minimum that the Congress could afford to do. It would certainly not in any way endanger the budget or add to the deficit. It is no more, no less, than what is done in other areas of transportation such as in the case of the air transportation trust fund or the airport trust fund. I think that it is absolutely essential that our citizens know that something is being done to try to save their lives from unnecessary deaths.

I know that these things are easier conceived of and thought of than actually done. I also know that there is no such thing as any one individual perfecting the perfect bill. But I feel that at least the Congress ought to consider, ought to ponder, ought to debate, some legislation—whether it is my bill or something like my bill—or some effort on the national level to provide the kind of protection that is basic to a safe and decent way of life in our country.

There is no reason that we should allow this. If we can find ways to have communication satellities, such as my brilliant colleague from California, my predecessor speaker today, the gentleman from California [Mr. BROWN], has so brilliantly explained, why can we not have minimal communication among us here internally in the United States with respect to the routes, the volume, and the nature of the substances that are so dangerous once they are exposed to the atmosphere, to human existence.

Mr. Speaker, I yield back the balance of my time.

TIME FOR MR. AND MRS. MARCOS TO LEAVE?

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, President Reagan would do all American citizens a big favor if he ordered Ferdinand and Imelda Marcos out of the United States, lock, stock, and barrel. Ever since they arrived in Honolulu, the Marcos' have caused nothing but trouble. They have been plotting coups, ripping off the United States taxpayer by not paying PX charges, and generally trying to influence U.S. foreign policy toward the Philippines.

By trying to destabilize the Aquino government, Marcos is hurting U.S. security interests. We have an investment in democracy in the Philippines as personified by Cory Aquino. We

also have enormous security interests in the Philippine bases. We have expressed support for the ratification of the new Philippine Constitution that will be voted on Monday by the Filipino people.

Mr. Speaker, let us give Mr. Marcos a one-way ticket to join other oppressors of the world. I am sure he would be welcome in Pinochet's Chile; in Stroessner's Paraguay; or in Castro's Cuba. Let him stir up trouble elsewhere; he is not worth the aggravation.

Mr. Speaker, I include, for the information of the Members, the following newspaper article:

SOME NERVE IN THE PHILIPPINES

How Corazon Aquino must enrage her foes: she refuses to fight like a man. On the left, zealots thirst for martyrs and shootings, the stuff of revolution. So what does the President of the Philippines do? She opens her palace to fist-shaking demonstrators and orders her Cabinet ministers to greet them, for heaven's sake, in an arms-linked human chain of bureaucrats, businessmen, students and Roman Catholic nuns.

One can hear revolutionaries fuming at this stratagem, so obviously calculated to win votes in next Monday's plebiscite on the new constitution framed by Mrs. Aquino's year-old Government. One can hear the right-wing reactionaries as well, bemoaning their adversaries' failure to produce chaos.

Last Thursday the police fired into a crowd of 10,000 demonstrators, killing 18 and wounding scores. That was the usual way of dealing with protesters during the Ferdinand Marcos era. Indeed, the shootings occurred at the scene of bloody anti-Government riots in 1983. But Mrs. Aquino refused to play by the old rules. She admitted error and ordered an inquiry.

To those on the right, holding the military accountable for such offenses is akin to treason. In the Marcos era, soldiers were above the law, even when Benigno Aquino returned to Manila's airport in 1983 to his death. Doubtless nostalgia for those good old days ignited yesterday's attempted coup, in which anti-Aquino troops screaming "Marcos Forever!" seized a television station and tried to capture an airfield. The mutiny was quickly contained by the supposedly feeble Aquino regime.

There may be plenty to criticize about Mrs. Aquino. Perhaps she is mistaken in believing she can negotiate peace with Communist guerrillas; yet she is right to try, carefully. Perhaps she is wrong not to have honored pledges of land reform; maybe this will come after next week's vote.

But her achievements cry out for applause. The Philippine Republic is now the liveliest democracy in Asia, and more remarkably, the armed forces are committed to upholding that freedom. For this she shares credit with Gen. Fidel Ramos, the Chief of Staff, and a superlative Defense Minister, the retired Gen. Rafael Ileto.

A decisive victory next Monday for the new constitution would give momentum to the democratic cause and confirm Mrs. Aquino's title as President until her term expires in 1992. Hence the frantic attempt by far left and right alike to discredit her by blaming her regime for the disorder each is trying to provoke. Their schemes might succeed if only Mrs. Aquino played by the rules. Her refusal to do so marks her as a real revolutionary, a genuine original and a democrat.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries, who also informed the House that on the following date the President approved and signed joint resolutions of the House of the following titles:

On January 28, 1987:

H.J. Res. 88. Joint resolution extending the time within which the President may transmit the Economic Report to the Congress; and

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor-management dispute.

□ 1240

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 100-2)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Joint Economic Committee and ordered to be printed.

(For message, see proceedings of the Senate of today, Thursday, January 29, 1987.)

RACIAL TENSIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 15 minutes.

Mr. CONYERS. Mr. Speaker, our colleague from Texas, Mr. GONZALEZ, has in a previous special order raised a number of very important points in connection with the legislation that he introduced today. I want to tell the gentleman who is on the floor that I hope to be the first cosponsor of his legislation, and that I enjoyed the discussion, in which he placed the legislation, in which he reviewed a number of contemporary subjects which I think are important for the American people and those of our colleagues who are looking and watching.

The 14 terms that the gentleman from Texas, HENRY GONZALEZ, has spent in this House, the experience that he has gathered on the Banking, Finance and Urban Affairs Committee, his close association and work with many different constituencies in the caucus, not the least of which is the Congressional Black Caucus itself, lends me to commend him for the great work that he is doing and point out a comparison between some of my work that may have some relationship with some of his.

As the chairman of the Criminal Justice Subcommittee of the Committee on the Judiciary, I have been very concerned about racially and religiously motivated violence about some of the problems of race relations and how we improve them that Dr. Martin King, Jr., addressed so eloquently during his short lifetime, which was recently remembered and celebrated with his holiday. We have a connection, it seems to me, between some of these economic questions and some of the racial incidents that are marring the society, that are jarring us in headlines and in television, and I just would like to approach some points of the subject that the gentleman raised from the point of view of the disturbing incidents of violence that seem to be racially motivated.

Now it goes beyond blacks. It now includes Arab-Americans. Alex Odeh was murdered in Los Angeles. He was a noted leader in human relations and the executive director of the Arab-American Discrimination League in Los Angeles.

□ 1250

His death has been under investigation by the FBI now for more than a year. We have had hearings on it.

Recently in Boston I was met by a number of people who were telling me about the increase in violence directed toward Asian-Americans; and that also is going on in New York and San Francisco.

In the Western States, Jewish-Americans are being subjected to victimization. In Denver, CO, a disc jockey was murdered very brutally.

Our colleague from Kansas, Mr. GLICKMAN, introduced legislation to specifically make criminal the desecration of religious institutions because so many Jewish synagogues have been hit.

We passed a "hate crime statistics" in the House overwhelmingly to require the Department of Justice to keep track specifically of these kinds of crimes. The distinguished Senator from New York [Mr. MOYNIHAN] is going to introduce that legislation in the Senate so that we may quickly pass it into the law and get the Department of Justice working on it.

It seems to me there is a connection between some of the economic dislocation, the unemployment, the joblessness, the closing down of plants and the throwing out of workers, the family farmer in his plight, who is being literally driven off the land. All of these problems are exceedingly related, it seems to me, to many of the remarks that the gentleman from Texas [Mr. GONZALEZ] made mention of.

Mr. Speaker, I yield to him at this point.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman, because he is touching cards in my memory and heart that I think are very much in keeping with accounting for my thinking and my behavior.

I was born in San Antonio, TX, in 1916, and the house that I lived in until the day I left to get married—my father had come from Mexico, actually for his life. He had been scheduled to be executed. He was put up before the wall and saved by a woman revolutionary, Juana Lopes, whose husband and son my father had saved from the Federales just 3 years before.

As I grew up, I grew in a world in which we had strict segregation. The particular group I came from was a minority at that time, but it was a numerous minority. I noticed that when I went to the creek to play, there was a very friendly little fellow. He happend to be black, but I did not particularly pay attention until he told me that he could not come across to the other side of the creek to go to the drugstore with me, and I could not figure it out.

One of the earliest memories I have is my mother taking me, at about the age of 5, 6—could not have been 6; less than 6—on the streetcars that then operated in San Antonio to the corner there, about a block and a half away from Upson Street where I had been born, to the corner of Cadwalder and North Flores.

We boarded the streetcar, and it was full except two seats in the back where they had a little wooden poster sign that said, "Reserved for Colored." So my mother said, "Well, come on, let's go sit down over there." She could not speak English. The conductor—we went and sat on the first seat behind the sign that said "For Colored Only." The conductor came, furious—I will never forget, to me he seemed like a giant. I do not know how big he would seem today—and he said, "Lady, you are not supposed to sit here. This is for the blacks." He did not use the word blacks. But the word they had on the thing was "for colored."

My mother said to me "Que dice?" Well, I did not know English, either; so then I began to get frightened, because the man began to physically try to grab my mother and force her to get out, and stand. And my mother said, "I'm not going to stand. I'm going to sit here" in Spanish.

So finally he went back and drove the streetcar in to the center of Houston and North Flore Streets; and I never got over that. It was a frightening experience; I saw that this man was getting very excited and angry and I thought he was going to hit my mother; and then later my mother would comment on that. She would say, "How ridiculous." It did not make sense to her.

Then when I was on the city council, 1953, San Antonio was one of the cities that has inherited segregation. It had never bothered to pass segregatory ordinances, because the Americans of black descent have never been more than 7½ percent. They are really a minority within numerous minorities that today in San Antonio is really about a majority by 1 percent, it is about 51 percent, the Mexican-American element in San Antonio today is about 51 percent. At that time it could not have been more than 29, 30 percent.

So that all of a sudden we have, in 1954, the Brown versus School Board decision; and the council gets all excited, they call first a secret meeting and say "Hey, what are we going to do about this?" And the city manager says:

> Well, I'm a former FBI, and I have received information that if we open the public swimming pools in 2 weeks, we are going to have violence, because I heard that some Negroes are going to try to force themselves into the Woodlawn Swimming Pool.

All of a sudden they were instructing the city attorney to devise segregatory ordinances; and I could not figure it out. I said, "But this doesn't make sense."

So when they called the formal meeting, of all things, ironically, on June 19, which is commonly known as "June-teenth" because that is emancipation day in Texas, the city council passed, 8 to 1, a series of segregatory ordinances that were ridiculous on their face.

One said that the golf links, the public golf links, to be used by what—they used the word "Negroes"—on Thursdays from 2 p.m. to 7 p.m. The municipal auditorium, only the balcony on Tuesdays, if they wanted to use it. The swimming pools were absolutely prohibited.

I vociferated my objection; I had threats, I had a raw, burning cross, very poorly constructed; and then of all people, a sergeant on the police force comes out condemning me and saying that he is the organizer of the White Citizens Council in the San Antonio Police Department.

Mr. CONYERS. What year was this?

Mr. GONZALEZ. This was 1954.

Well, what happened? I have survived; they have not. I had the great honor of 2 years after that, on April 19, 1956, submitting the complete desegregatory ordinance, and was able to convince four of the dissenting councilmen to at least come out publicly and join us, and we made it unanimous; and San Antonio is the first city south of the Mason-Dixon line, that completely desegregated, in 1956.

So this is the reason for whatever I say; I am very conscious because I try to represent every single element in my district, and I have a very wide-ranging sociological-economic and ethnic and racial cross-section, and I just try to represent it fairly. I do not claim to be any kind of a hero or anything, but I remember the struggle; I remember before Martin Luther King was a name, at least in that part of Texas, I remember the meanness—but it was all born out of fear.

When we have an economic downturn, these ugly sentiments and, born out of fears—a citizen fears another, for whatever reason.

I had a letter today from an American Jewish organization, saying, would we speak out on the very scurrilous material that is being printed and distributed, disseminated on the protocols of the Elders of Zion, which is a great calumny. But yet, you will find, my dear colleague, and one who I consider a leader and honor him—I remember when we were both kind of young and fresh here, that the gentleman from Detroit confronted by going among the people, the terrible feelings and resentments that were pent up.

So I want to say that I am the one that is grateful to the gentleman. I deeply appreciate his kind words, and particularly at a time when we do not get too many kind words.

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ] for those observations. His experiences are incredible, and I think they are an important part of the history of the Congress.

Rev. Jesse Jackson tried to tie these two subjects of the economic downturn, the joblessness on the one hand and the increase of racial tensions on the other and to explain the relationship between them. I think he did so very magnificently in the New York Times on January 28, and I submit this article, which I commend to all my colleagues, be printed in its entirety in the RECORD at this point:

[From the New York Times, Jan. 28, 1987]

ATONEMENT FOR RACIST EPISODES ISN'T ENOUGH

(By Jesse Jackson)

WASHINGTON.—Howard Beach, N.Y. Forsyth County, Ga. The Citadel in South Carolina. The University of Massachusetts at Amherst. These are new place names on the map of racial violence. As symbols, they remind us that the agenda of the Rev. Dr. Martin Luther King Jr. is still unfinished, that race-conscious behavior continues to endanger our society.

But there is another danger: that these incidents will be seen as isolated episodes and not as broad reminders that much work remains to be done to complete the King agenda—that is, as substitutes for that agenda.

The white working people who live in Queens County and in Forsyth County did not design the economic policy that is costing Americans jobs, closing off education and limiting health care. They cannot invest in the stocks and bonds whose prices soar—while the Federal deficit grows and

the trade deficit threatens those middle-class jobs that remain.

The truth is that black, white and Hispanic workers are economic neighbors, sharing assembly lines, lunchrooms and public transportation. We wait on line together for unemployment insurance and for bleacher seats at the stadium where our young men perform as modern gladiators while the business elite enjoy their tax deductible view. Our young people work together at whatever jobs they can find; enlist together in the armed forces and serve together in the same battalions.

There is, in fact, more integration in Queens County than in the board rooms of our major newspapers, or any television network or any Wall Street firm. Those good, comfortable people who react with righteous indignation to the headlines about Howard Beach work in more segregated offices, send their children to more segregated schools, go home to more segregated communities than the residents of Howard Beach.

Dr. King's dream is closer to reality in Queens than on Wall Street.

Meanwhile, for the last six years, President Reagan and his Administration have combined regressive economics with race conscious behavior. Mr. Reagan has never met with the Congressional Black Caucus or with the national civil rights leadership. He has suggested that the question is still open as to whether Dr. King was a Communist—17 years after that great man's death. Representative Charles Rangel, an expert on drug policy, was excluded from a meeting on that subject in the White House because there was "no chair." The White House is more segregated than Howard Beach.

From his earlier language that drew the Ku Klux Klan to his 1980 campaign opener in Philadelphia, Miss., where in 1963 two Jews and a black had been killed in the civil rights struggle; to the Presidential trip to Bitburg, West Germany, where so many Jews died; to the veto of sanctions against South Africa; to the nomination of a Chief Justice whose house deed prevented Jews from buying, Mr. Reagan has sent a consistent series of signals across the land.

The farmers in Forsyth County feel like an endangered species. What can they expect from an Administration that has presided over the decimation of family farming? When people lose their hope, it is hard for them to be open minded. When they are worried about their jobs, their homes, their children's future—when they fear they are losing everything of value, then they will place to much value on the color of their skins—because that is all that they have left.

That is why we cannot allow short-term efforts to atone for these ugly incidents to become a substitute for a national economic strategy and moral leadership in the White House. Of course, the killers of Howard Beach must be punished. People of good will must speak out against racial violence everywhere, against anti-Semitic behavior and anti-Hispanic policies. But to focus on these issues in isolation would be a tragic mistake.

We must move beyond the battleground of race-conscious behavior onto the common ground of economic progress. Instead of confronting one another at the pizza parlor, we must march together to the factory gates. Howard Beach and Harlem are two sides of the same coin—and that coin has been devalued by Reaganomics.

We must speak out together against plant closings that happen without prior notice; against economic royalism while thousands of workers lose their jobs; against factories fleeing to third world countries, where workers' health and safety is ignored and union organizing is forbidden.

We must speak out for racial justice. And we must work for an economic policy that takes the lives of working people seriously; an economic strategy that encourages joint ventures between local governments and local plants, building mutual commitments among manufacturers, consumers and communities; for new strategies that will give workers and local government the technical assistance and financial backing to keep plants open and profitable.

We must insist on an end to sex and race discrimination in the workplace, for an end to huge bonuses for management when workers are being penalized, for a national health program and a national housing policy, for education that prepares our children for the future and for a national Administration that once again gives our children reason to hope.

□ 1300

There is one part in the article which I would like to quote:

The farmers in Forsyth County feel like an endangered species. What can they expect from an Administration that has presided over the decimation of family farming? When people lose their hope, it is hard for them to be open minded. When they are worried about their jobs, their homes, their children's future—when they fear they are losing everything of value, then they will place too much value on the color of their skins—because that is all that they have left.

That is why we cannot allow short-term efforts to atone for these ugly incidents to become a substitute for a national economic strategy and moral leadership in the White House. Of course, the killers of Howard Beach must be punished. People of good will must speak out against racial violence everywhere, against anti-Semitic behavior and anti-Hispanic policies. But to focus on these issues in isolation would be a tragic mistake.

We must move beyond the battleground of race-conscious behavior onto the common ground of economic progress. Instead of confronting one another at the pizza parlor, we must march together to the factory gates. Howard Beach and Harlem are two sides of the same coin—and that coin has been devalued by Reaganomics.

We must speak out together against plant closings that happen without prior notice; against economic royalism while thousands of workers lose their jobs; against factories fleeing to third world countries, where workers' health and safety is ignored and union organizing is forbidden.

We must speak out for racial justice. And we must work for an economic policy that takes the lives of working people seriously; an economic strategy that encourages joint ventures between local governments and local plants, building mutual commitments among manufacturers, consumers and communities; for new strategies that will give workers and local government the technical assistance and financial backing to keep plants open and profitable.

We must insist on an end to sex and race discrimination in the workplace, for an end to huge bonuses for management when workers are being penalized, for a national health program and a national housing policy, for education that prepares out children for the future and for a national Administration that once again gives our children reason to hope.

So I think that our discussion today, the gentleman's legislation, the article by Rev. Jesse Jackson, are all matters that I think this 100th Congress will be exploring as this session proceeds.

Mr. Speaker, I yield back the balance of my time.

SUBMISSION OF RULES OF THE COMMITTEE ON APPROPRIATIONS OF THE HOUSE FOR THE 100TH CONGRESS

Mr. WHITTEN. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Committee on Appropriations for the 100th Congress for printing in the RECORD. These rules were adopted by the committee on January 22, 1987.

COMMITTEE ON APPROPRIATIONS

COMMITTEE RULES

(Adopted for the 100th Congress on January 22, 1987)

Resolved, That the rules and practices of the Committee on Appropriations, House of Representatives, in the Ninety-ninth Congress, except as otherwise provided hereinafter, shall be, and are hereby adopted as the rules and practices of the Committee on Appropriations in the One-hundredth Congress.

The foregoing resolution adopts the following rules:

SEC. 1: POWER TO SIT AND ACT

For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House of Representatives, the Committee or any of its subcommittees is authorized:

(a) To sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned, and to hold such hearings; and

(b) To require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, reports, correspondence, memorandums, papers, and documents as it deems necessary. The Chairman, or any Member designated by the Chairman, may administer oaths to any witness.

(c) A subpoena may be authorized and issued by the Committee or its subcommittees under subsection 1(b) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the Members of the Committee voting, a majority being present. The power to authorize and issue subpoenas under subsection 1(b) may be delegated to the Chairman pursuant to such rules and under such limitations as the Committee may prescribe. Authorized subpoenas shall be signed by the Chairman or by any Member designated by the Committee.

(d) Compliance with any subpoena issued by the Committee or its subcommittees may be enforced only as authorized or directed by the House.

SEC. 2: SUBCOMMITTEES

(a) The Majority Caucus of the Committee shall establish the number of subcom-

mittees and shall determine the jurisdiction of each subcommittee.

(b) Each subcommittee is authorized to meet, hold hearings, receive evidence and report to the Committee all matters referred to it.

(c) All legislation and other matters referred to the Committee shall be referred to the subcommittee of appropriate jurisdiction within two weeks unless, by majority vote of the Majority Members of the full Committee, consideration is to be by the full Committee.

(d) The Majority Caucus of the Committee shall determine an appropriate ratio of Majority to Minority Members for each subcommittee. The Chairman is authorized to negotiate that ratio with the Minority. Provided, however, that party representation in each subcommittee, including ex-officio members, shall be no less favorable to the Majority than the ratio for the full Committee.

(e) The Chairman is authorized to sit as a Member of any subcommittee and to participate in its work.

SEC. 3: COMMITTEE STAFF

(a) The Chairman is authorized to appoint the staff of the Committee, and make adjustments in the job titles and compensation thereof subject to the maximum rates and conditions established in Clause 6(c) of Rule XI of the Rules of the House of Representatives. In addition he is authorized, in his discretion, to arrange for their specialized training. The Chairman is also authorized to employ additional personnel as necessary.

(b) The chairman of each subcommittee may select and designate a staff member who shall serve at the pleasure of the subcommittee chairman. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(c) The ranking minority member of each subcommittee may select and designate a staff member who shall serve at the pleasure of the ranking minority member. Such staff member shall be compensated at a rate not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to these provisions.

(d) The Chairman, and the Ranking Minority Member with the approval of the Chairman, may each select and designate a staff member at an annual gross salary of not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives and may each select and designate one additional staff member.

(e) Each member not mentioned in subsections (a), (b), (c), or (d) of this section may select and designate a staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no member shall appoint more than one person pursuant to subsections (a), (b), (c), (d), or (e); Provided further, That members designating a staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(f) In addition to any staff members appointed pursuant to any other subsection of this section, each Member may select and designate one additional staff member who shall serve at the pleasure of that Member. Such staff member shall be compensated at a rate, determined by the Member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; Provided, That no Member shall appoint more than one person pursuant to this subsection; Provided further, That Members designating an additional staff member under this subsection must specifically certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

SEC. 4: COMMITTEE MEETINGS

(a) Regular Meeting Day—The regular meeting day of the Committee shall be the first Wednesday of each month while the House is in session, unless the Committee has met within the past 30 days or the Chairman considers a specific meeting unnecessary in the light of the requirement of the Committee business schedule.

(b) Additional and Special Meetings:

(1) The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(2) If at least three Committee Members desire that a special meeting of the Committee be called by the Chairman, those Members may file in the Committee Offices a written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Upon the filing of the request, the Committee Clerk shall notify the Chairman.

(3) If within three calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within seven calendar days after the filing of the request, a majority of the Committee Members may file in the Committee Offices their written notice that a special meeting will be held, specifying the date and hour of, and the measure or matter to be considered. The Committee shall meet on that date and hour.

(4) Immediately upon the filing of the notice, the Committee Clerk shall notify all Committee Members that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered. Only the measure or matter specified in that notice may be consdered at the special meeting.

(c) Ranking Majority Member to Preside in the Absence of Chairman—If the Chairman is not present at any meeting of the Committee, the Ranking Majority Member on the Committee who is present shall preside.

(d) Business Meetings:

(1) Each meeting for the transaction of business, including the markup of legislation, of the Committee and its subcommittees shall be open to the public except when the Committee or its subcommittees, in open session and with a majority present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed.

(2) No person other than Committee Members and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed.

(3) The provisions of this subsection do not apply to open hearings of the Committee or its subcommittees which are provided for in Section 5(b)(1) of these Rules or to any meeting of the Committee relating solely to internal budget or personnel matters.

(e) Committee Records:

(1) The Committee shall keep a complete record of all Committee action including a record of the votes on any question on which a roll call is demanded. The result of each roll call vote shall be available for inspection by the public during regular business hours in the Committee Offices. The information made available for public inspection shall include a description of the amendment, motion, or other proposition and the name of each Member voting for and each Member voting against, and the names of those Members present but not voting.

(2) All hearings, records, data, charts, and files of the Committee shall be kept separate and distinct from the congressional office records of the Chairman of the Committee. Such records shall be the property of the House and all Members of the House shall have access thereto.

SEC. 5: COMMITTEE AND SUBCOMMITTEE HEARINGS

(a) Overall Budget Hearings—Overall budget hearings by the Committee, including the hearing required by Sec. 242(c) of the Legislative Reorganization Act of 1970 and Clause 4(a)(1) of Rule X of the Rules of the House of Representatives shall be conducted in open session except when the Committee in open session and with a majority present, determines by roll call vote that the testimony to be taken at that hearing on that may be related to a matter of national security; except that the Committee may by the same procedure close one subsequent day of hearing. A transcript of all such hearings shall be printed and a copy furnished to each Member, Delegate and the Resident Commissioner from Puerto Rico.

(b) Other Hearings:

(1) All other hearings conducted by the Committee or its subcommittees shall be open to the public except when the Committee or subcommittee in open session and with a majority present determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present at a hearing conducted by the Committee or any of its subcommittees, there being in attendance the number required under Section 5(c) of these rules to be present for the purpose of taking testimony, (1) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate Clause 2(k)(5) of Rule XI of the rules of the House of Representatives or (2) may vote to close the hearing, as provided in Clause 2(k)(5) of such rule. No Member of the House of Representatives may be excluded from nonparticipatory attendance at any hearing of the Committee or its subcommittees unless the House of Representatives

shall by majority vote authorize the Committee or any of its subcommittees, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subsection for closing hearings to the public; Provided, however, That the Committee or its subcommittees may by the same procedure vote to close five subsequent days of hearings.

(2) Subcommittee chairmen shall set meeting dates after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of Committee and subcommittee meetings or hearings.

(3) Each witness who is to appear before the Committee or any of its subcommittees as the case may be, insofar as is practicable, shall file in advance of such appearance a written statement of the proposed testimony and shall limit the oral presentation at such appearance to a brief summary, except that this provision shall not apply to any witness appearing before the Committee in the overall budget hearings.

(c) Quorum for Taking Testimony—The number of members of the Committee which shall constitute a quorum for taking testimony and receiving evidence in any hearing of the Committee shall be two.

(d) Calling and Interrogation of Witnesses:

(1) The Minority Members of the Committee or its subcommittees shall be entitled, upon request to the Chairman or subcommittee chairman, by a majority of them before completion of any hearing, to call witnesses selected by the Minority to testify with respect to the matter under consideration during at least one day of hearings thereon.

(2) The Committee and its subcommittees shall observe the five-minute rule during the interrogation of witnesses until such time as each Member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

(e) Broadcasting and Photographing of Committee Meetings and Hearings:

(1) The Chairman is authorized to determine the extent and nature of broadcasting and photographic coverage for the overall budget hearing and full Committee meetings and hearings, subject to the guidelines for such coverage set forth in Sec. 116(b) of the Legislative Reorganization Act of 1970 and Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(2) Unless approved by the Chairman and concurred in by a majority of the subcommittee, no subcommittee hearings or meetings shall be recorded by electronic device or broadcast by radio or television.

(3) Unless approved by the subcommittee chairman and concurred in by a majority of the subcommittee, no subcommittee hearing or meeting or subcommittee room shall be photographed.

(4) Broadcasting and photographic coverage of subcommittee hearings and meetings authorized under the provisions of (2) and (3) above shall be subject to the guidelines for such coverage set forth in Clause 3(f) of Rule XI of the Rules of the House of Representatives.

(f) Subcommittee Meetings—No Subcommittee shall sit while the House is reading an appropriation measure for amendment under the five-minute rule or while the Committee is in session.

(g) Public Notice of Committee Hearings—The Chairman is authorized and directed to make public announcements of the date, place and subject matter of Committee and subcommittee hearings at least one week before the commencement of such hearings. If the Committee or any of its subcommittees as the case may be, determines that there is good cause to begin a hearing sooner, the Chairman is authorized and directed to make the announcement at the earliest possible date.

SEC. 6: PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a) Prompt Reporting Requirement:

(1) It shall be the duty of the Chairman, except as provided in subsection (3) herein, to report or cause to be reported promptly to the House any bill or resolution approved by the Committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, a report on a bill or resolution which the Committee has approved shall be filed within seven calendar days (exclusive of days in which the House is not in session) after the day on which there has been filed with the Committee Clerk a written request, signed by a majority of Committee Members, for the reporting of such bill or resolution. Upon the filing of any such request, the Committee Clerk shall notify the Chairman immediately of the filing of the request. This subsection does not apply to the reporting of a regular appropriation bill prior to compliance with subsection (3) herein or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(3) Before reporting the first regular appropriation bill for each fiscal year, the Committee shall, to the extent practicable and in accordance with Sec. 307 of the Congressional Budget Act of 1974, complete subcommittee markup and full Committee action on all regular appropriation bills for that year and submit to the House a report comparing the Committee's recommendations with the appropriate levels of budget outlays and new budget authority as set forth in the most recently agreed to concurrent resolution on the budget for that year.

(b) Presence of Committee Majority—No measure or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(c) Roll Call Votes—With respect to each roll call vote on a motion to report any bill or resolution, the total number of votes cast for, and the total number of votes cast against, the reporting of such a bill or resolution shall be included in the Committee report.

(d) Compliance with Congressional Budget Act—A Committee report on a bill or resolution which has been approved by the Committee shall include the statement required by Sec. 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the bill or resolution provides new budget authority.

(e) Inflationary Impact Statement—Each Committee report on a bill or resolution reported by the Committee shall contain a detailed analytical statement as to whether the enactment of such bill or resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(f) Changes in Existing Law—Each Committee report on a general approriation bill shall contain a concise statement describing fully the effect of any provision of the bill which directly or indirectly changes the application of existing law.

(g) Rescissions and Transfers—Each bill or resolution reported by the Committee shall include separate headings for rescissions and transfers of unexpended balances with all proposed rescissions and transfers listed therein. The report of the Committee accompanying such a bill or resolution shall include a separate section with respect to such rescissions or transfers.

(h) Supplemental or Minority Views:

(1) If, at the time the Committee approves any measure or matter, any Committee Member gives notice of intention to file supplemental, minority or additional views, the Member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views in writing and signed by the Member, with the Clerk of the Committee. All such views so filed shall be included in and shall be a part of the report filed by the Committee with respect to that measure or matter.

(2) The Committee report on that measure or matter shall be printed in a single volume which—

(i) shall include all supplemental, minority or additional views which have been submitted by the time of the filing of the report, and

(ii) shall have on its cover a recital that any such supplemental, minority or additional views are included as part of the report.

(3) Subsection (h)(1) of this section, above, does not preclude—

(i) the immediate filing or printing of a Committee report unless timely request for the opportunity to file supplemental, minority or additional views has been made as provided by such subsection; or

(ii) the filing by the Committee of a supplemental report on a measure or matter which may be required for correction of any technical error in a previous report made by the Committee on that measure or matter.

(4) If, at the time a subcommittee approves any measure or matter for recommendation to the full Committee, any Member of that subcommittee who gives notice of intention to offer supplemental, minority or additional views shall be entitled, insofar as is practicable and in accordance with the printing requirements as determined by the subcommittee, to include such views in the Committee Print with respect to that measure or matter.

(i) Availability of Reports—A copy of each bill, resolution or report shall be made available to each Member of the Committee at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in advance of the date on which the Committee is to consider each bill, resolution, or report; Provided, That this subsection may be waived by agreement between the Chairman and the Ranking Minority Member of the Full Committee.

SEC. 7: VOTING

(a) No vote by any Member of the Committee or any of its subcommittees with respect to any measure or matter may be cast by proxy.

(b) The vote on any question before the Committee shall be taken by the yeas and nays on the demand of one-fifth of the Members present.

SEC. 8: STUDIES AND EXAMINATIONS

The following procedure shall be applicable with respect to the conduct of studies and examinations of the organization and operation of Executive Agencies under authority contained in Sec. 202(b) of the Legis-

lative Reorganization Act of 1946 and in Clause 2(b)(3) of Rule X, of the Rules of the House of Representatives.

(a) The Chairman is authorized to appoint such staff and, in his discretion, arrange for the procurement of temporary services of consultants, as from time to time may be required.

(b) Studies and examinations will be initiated upon the written request of a subcommittee which shall be reasonably specific and definite in character, and shall be initiated only by a majority vote of the subcommittee, with the chairman of the subcommittee and the ranking minority member thereof participating as part of such majority vote. When so initiated such request shall be filed with the Clerk of the Committee for submission to the Chairman and the Ranking Minority Member and their approval shall be required to make the same effective. Notwithstanding any action taken on such request by the chairman and ranking minority member of the subcommittee, a request may be approved by a majority of the Committee.

(c) Any request approved as provided under subsection (b) shall be immediately turned over to the staff appointed for action.

(d) Any information obtained by such staff shall be reported to the chairman of the subcommittee requesting such study and examination and to the Chairman and Ranking Minority Member, shall be made available to the members of the subcommittee concerned, and shall not be released for publication until the subcommittee so determines.

(e) Any hearings or investigations which may be desired, aside from the regular hearings on appropriation items, when approved by the Committee, shall be conducted by the subcommittee having jurisdiction over the matter.

SEC. 9: OFFICIAL TRAVEL

(a) The chairman of a subcommittee shall approve requests for travel by subcommittee members and staff for official business within the jurisdiction of that subcommittee. The ranking minority member of a subcommittee shall concur in such travel requests by minority members of that subcommittee and the Ranking Minority Member shall concur in such travel requests for Minority Members of the Committee. Requests in writing covering the purpose, itinerary, and dates of proposed travel shall be submitted for final approval to the Chairman. Specific approval shall be required for each and every trip.

(b) The Chairman is authorized during the recess of the Congress to approve travel authorizations for Committee Members and staff, including travel outside the United States.

(c) As soon as practicable the Chairman shall direct the head of each government agency concerned not to honor requests of subcommittees, individual Members, or staff for travel, the direct or indirect expenses of which are to be defrayed from an executive appropriation, except upon request from the Chairman.

(d) In accordance with Clause 2(n) of Rule XI of the Rules of the House of Representatives and section 502(b) of the Mutual Security Act of 1954, as amended, local currencies owned by the United States shall be available to Committee Members and staff engaged in carrying out their official duties outside the United States, its territories or possessions. No Committee Member or staff member shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in applicable Federal law.

(e) Travel Reports:

(1) Members or staff shall make a report to the Chairman on their travel covering the purpose, results, itinerary, expenses, and other pertinent comments.

(2) With respect to travel outside the United States or its territories or possessions, the report shall include: (1) an itemized list showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished and any funds expended for any other official purpose; and (2) a summary in these categories of the total foreign currencies and/or appropriated funds expended. All such individual reports on foreign travel shall be filed no later than sixty days following completion of the travel with the Chairman for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(3) Each Member or employee performing such travel shall be solely responsible for supporting the amounts reported by the Member or employee.

(4) No report or statement as to any trip shall be publicized making any recommendations in behalf of the Committee without the authorization of a majority of the Committee.

(f) Members and staff of the Committee performing authorized travel on official business pertaining to the jurisdiction of the Committee shall be governed by applicable laws or regulations of the House and of the Committee on House Administration pertaining to such travel, as promulgated from time to time by the Chairman.

SEC. 10: ELIGIBILITY OF COMMITTEE MEMBER SERVING AS BUDGET COMMITTEE CHAIRMAN FOR APPROPRIATIONS SUBCOMMITTEE CHAIRMANSHIP

If the Chairman of the Budget Committee of the House of Representatives is chairman of a subcommittee on the Appropriations Committee when he becomes Budget Committee Chairman or would be eligible to become chairman of an Appropriations Subcommittee under the rules of the Majority Caucus of the House of Representatives during his tenure as Budget Committee Chairman, the Appropriations Committee may nominate such Member to serve as chairman of such subcommittee subject to the approval of the Majority Caucus. But if so elected and confirmed, the Member shall take a leave of absence while Chairman of the Budget Committee, and the responsibilities of the subcommittee chairmanship shall devolve onto a temporary chairman as determined by the Appropriations Committee and the Majority Caucus of the House.

SUBMISSION OF RULES OF THE COMMITTEE ON VETERANS' AFFAIRS OF THE HOUSE FOR THE 100TH CONGRESS

Mr. MONTGOMERY. Mr. Speaker, pursuant to the rules of the House, I am pleased to submit for printing in the CONGRESSIONAL RECORD a copy of the rules of procedure of the Committee on Veterans' Affairs which were adopted at the organizational meeting today. The rules were agreed to by a unanimous voice vote.

RULES OF COMMITTEE ON VETERANS' AFFAIRS FOR THE 100TH CONGRESS

ADOPTED JANUARY 29, 1987

Rule I—General Provisions

The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

Rule II—Meetings

(a) The regular meeting day for the full committee shall be at 10 a.m. on the second Tuesday of each month, and at such other times and in such places as the chairman may designate; however, a regular Tuesday meeting of the committee may be dispensed with by the chairman.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to the call of the chairman.

(c)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereto shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however.* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however.* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

Rule III—Records and Roll Calls

There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a roll call is demanded. The result of each such roll call vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting. A record vote may be demanded by one-fifth of the members present or, in the apparent absence of a

quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the total number of votes cast for and the total number of votes cast against the reporting of such bill or such resolution shall be included in the committee report.

Rule IV—Quorums

A majority of the members of the committee shall constitute a quorum of the committee for business and a majority of the members of any subcommittee shall constitute a quorum thereof for business: *Provided*, That any two members shall constiute a quorum for the purpose of taking testimony and receiving evidence.

Rule V—Hearing Procedures

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event, the chairman or the subcommittee chairman, whichever the case may be, shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his or her appearance, a written statement of his or her proposed testimony and shall limit his or her oral presentation to a summary of the statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman of a majority of those minority members before the completion of such hearing, to call such witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule VI—Oversight

(a) In order to assist the House in:

(1) Its analysis, appraisal, evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, the various subcommittees, consistent with their jurisdiction as set forth in Rule VIII, shall have oversight responsibilities as provided in paragraph (b).

(b) Each subcommittee shall review and study, on a continuing basis, the applications, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that subcommittee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated.

In addition, each such subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that subcommittee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that subcommittee.

(c) Each subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdictions.

Rule VII—Broadcasting of Committee Hearings

Broadcasting, either by radio or TV of all open committee hearings and meetings shall be permitted when, in the judgment of the chairman, in consultation with the ranking minority member, such action is warranted. Photographs shall be permitted during hearings of the full committee and subcommittees as the chairman decides.

All coverage shall be subject to the following provisions:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any methods of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) Not more than five press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the medial for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Rule VIII—Number and Jurisdiction of Subcommittees

(a) There shall be five standing subcommittees as follows: Oversight and Investigations; Hospitals and Health Care; Education, Training and Employment; Compensation, Pension and Insurance; and Housing and Memorial Affairs. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees, respectively.

Oversight and Investigations: Investigative authority over matters that are referred to the subcommittee by the chairman of the full committee for investigation and appropriate recommendations.

Hospitals and Health Care: Veterans' hospitals, medical care, and treatment of veterans.

Education, Training and Employment: Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Compensation, Pension and Insurance: Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Housing and Memorial Affairs: Veterans' housing programs, and cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior, and burial benefits.

(b) The chairman and the ranking minority member shall serve as ex-officio members of all subcommittees and shall have the right to vote on all matters before the subcommittee.

Rule IX—Powers and Duties of Subcommittees

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings wherever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee, or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) In any event, the report of any subcommittee on a measure which has been approved by the subcommittee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the subcommittee, for the reporting of that measure. Upon the filing of any request, the clerk of the committee shall transmit immediately to the chairman of the subcommittee notice of the filing of that request.

SUBMISSION OF RULES OF THE COMMITTEE ON HOUSE ADMINISTRATION OF THE HOUSE FOR THE 100TH CONGRESS

Mr. GAYDOS. Mr. Speaker, pursuant to and in accordance with House rule XI, clause 2(a) I submit for publication in the RECORD a copy of the rules of the Committee on House Administration as approved by the committee on January 28, 1987:

RULES FOR THE COMMITTEE ON HOUSE ADMINISTRATION [100TH CONGRESS]

RULE NO. 1

General provisions

(a) The Rules of the House are the rules of the committee and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of House Rules and (subject to the adoption of expense resolutions as required by Rule XI, clause 5 of House Rules) to incur expenses (including travel expenses) in connection therewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under Rule X and XI of House Rules during the Congress ending at noon on Janaury 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year

RULE NO. 2

Regular and special meetings

(a) The regular meeting date of the Committee on House Administration shall be the first Wednesday of every month when the House is in session in accordance with Clause 2(b) of Rule XI of the Rules of the House. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with Clause 2(c) of Rule XI of the House of Representatives. The determination of the business to be considered at each meeting shall be made by the chairman subject to Clause 2(c) of Rule XI of the House of Representatives. A regularly scheduled meeting need not be held if there is no business to be considered.

(b) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meeting.

(c) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

RULE NO. 3

Open meetings

As required by clause 2(g), Rule XI, each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, However,* that no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public. This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

RULE NO. 4

Records and rollcalls

(a) The result of each rollcall vote in any meeting of the committee shall be made available for inspection by the public at reasonable times at the committee offices, including a description of the amendment, motion, order or other proposition; the name of each member voting for and against, and whether by proxy or in person, and the members present but not voting.

(b) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(c) In order to facilitate committee compliance with Paragraph (e)(1) of Clause 2, Rule XI, each subcommittee shall keep a complete record of all subcommittee actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be promptly made available to the full committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or proposition and the name of each member voting for and each member voting against such amendment, motion, order or other proposition, and whether by proxy or in person, and the names of those members present but not voting.

(d) All subcommittee hearings, records, data, charts, and files, shall be kept distinct from the congressional office records of the member serving as chairman of the subcommittee. Such records shall be coordinated with the records of the full committee, shall be the property of the House, and all members of the House shall have access thereto.

RULE NO. 5

Proxies

A vote by any member in the committee or in any subcommittee may be cast by proxy, but such proxy must be in writing and in the hands of the chief clerk of the committee or the clerk of the subcommittee, as the case may be, during each rollcall in which such member's proxy is to be voted. Each proxy shall designate the member who is to execute the proxy authorization and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. The member does not have to appear in person to present the proxy.

RULE NO. 6

Power to sit and act; subpoena power

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books,

records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpoena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

RULE NO. 7

Quorums

No measure or recommendation shall be reported to the House unless a majority of the committee is actually present. For the purposes of taking any action other than reporting any measure, issuance of a subpoena, closing meetings, promulgating Committee orders, or changing the Rules of the Committee, the quorum shall be one-third of the members of the Committee. For purposes of taking testimony and receiving evidence, two Members shall constitute a quorum.

RULE NO. 8

Amendments

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chair will allow an appropriate period of time for the provision thereof.

RULE NO. 9

Hearing procedures

(a) The chairman, in case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of any hearing to be conducted on any measure or matter at least 1 week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Unless excused by the chairman, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 48 hours in advance of his appearance, a written statement of his proposed testimony and shall limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearings thereon.

(d) All other members of the committee may have the privilege of sitting with any subcommittee during its hearing or deliberations and may participate in such hearings or deliberations, but no member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(e) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of a witness in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) The following additional rules shall apply to hearings:

(1) The chairman at a hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, it shall—

(A) afford such person an opportunity voluntarily to appear as a witness;

(B) receive such evidence or testimony in executive session; and

(C) receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. 10

Procedures for reporting bills and resolutions

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each roll call vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures:

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days, commencing on the day on which the measure or matter(s) was approved, excluding Saturdays, Sundays, and legal holidays, in which to file such views, in writing and signed by

that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the members of the House prior to the consideration of such measure or matter in the House.

RULE NO. 11

Subcommittee oversight

The standing subcommittees of the committee shall conduct oversight of matters within their jurisdiction in accordance with Rule X, clauses 2 and 3 of the Rules of the House of Representatives.

RULE NO. 12

Review of continuing programs; Budget Act provisions

(a) The committee shall, in its consideration of all bills and joint resolutions of a public charter within its jurisdiction, insure that appropriation for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(c) of Rule XIII of House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdictions for which appropriations are not made annually in order to ascertain, whether such program could be modified so that appropriations thereof would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amounts of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocation made to it the joint explanatory statement accompany the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE NO. 13

Broadcasting of committee hearings

The rule for the broadcasting of committee hearings shall be the same as Rule XI, clause 3 of the Rules of the House of Representatives.

RULE NO. 14

Committee and subcommittee staff

Except as provided in Rule XI, clause 5(d) of the Rules of the House of Representatives, the staff of the Committee on House Administration shall be appointed as follows:

A. The subcommittee staff shall be appointed, and may be removed, and their remuneration determined by the subcommittee chairman within the budget approved for the subcommittee by the full committee;

B. The staff assigned to the minority shall be appointed and their remuneration determined in such manner as the minority party members of the committee shall determine within the budget approved for such purposes by the committee;

C. The employees of the committee not assigned to a standing subcommittee or to the minority under the above provisions shall be appointed, and may be removed, and their remuneration determined by the chairman within the budget approved for such purposes by the committee.

RULE NO. 15

Travel of members and staff

(a) Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel will occur;

(3) The locations to be visited and the length of time to be spent in each;

(4) The names of members and staff seeking authorization.

(b)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States shall be initiated by the chairman and shall be limited to members and permanent employees of the committee.

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (or members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(c) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel.

RULE NO. 16

Number and jurisdiction of subcommittees

(a) There shall be six Standing Subcommittees. The ratio (majority/minority) and jurisdiction of the subcommittees shall be:

Subcommittee on Accounts.(7/4)—Internal budget matters; expenditures from the contingent fund; changes in amounts of allowances; and consultant contracts for committees.

Subcommittee on Procurement and Printing. (3/2)—Matters pertaining to procurement contracts for goods. Matters pertaining to printing, depository libraries, material printed in Congressional Record, and executive papers.

Subcommittee on Office Systems. (3/2)—Matter pertaining to furniture, electrical and mechanical office equipment and other accountrements for use in the office of members, officers or committees and matters pertaining to the development of management systems for such offices.

Subcommittee on Personnel and Police. (3/2)—Matters pertaining to House employees and Police, parking, restaurant, barber and beauty shop, and other House facilities and services.

Subcommittee on Elections. (7/4)—Matters pertaining to the election of President, Vice President, and Members of Congress; corrupt practices; credentials and qualifications and Federal elections generally, including the Federal Election Campaign Act of 1971 and the Federal Election Commission.

Subcommittee on Libraries and Memorials. (3/2)—Matters pertaining to the Library

of Congress; statuary and pictures; acceptance or purchase of works of art for the Capitol; purchase of books and manuscripts; erection of monuments to the memory of individuals; matters relating to the Smithsonian Institution and the incorporation of similar institutions.

(b) The Chairman of the Committee may appoint such ad hoc subcommittees as he deems appropriate.

(c) The Chairman of the committee and the ranking minority member shall serve as ex officio members without vote of all subcommittee of the committee unless either member is appointed as a voting member of any subcommittee.

RULE NO. 17

Powers and duties of subcommittees

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairmen shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee or subcommittee meetings or hearings wherever possible. It shall be the practice of the committee that meetings of subcommittees not be scheduled to occur simultaneously with meetings of the full committee. In order to ensure orderly and fair assignment of hearing and meeting rooms, hearings and meetings should be arranged in advance with the chairman through the staff director of the committee.

RULE NO. 18

Referral of legislation to subcommittees

All legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks, unless by majority vote of the members of the full committee, consideration is to be otherwise effected. The chairman may refer the matter simultaneously to two or more subcommittees, consistent with House Rule X, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations), or divide the matter into two or more parts and refer each such part to a different subcommittee, or refer the matter pursuant to House Rule X to an ad hoc subcommittee appointed by the chairman for the specific purpose of considering that matter and reporting to the full committee thereon, or make such other provisions as may be considered appropriate. The chairman may designate a subcommittee chairman or other member to take responsibility as "floor manager" of a bill during its consideration in the House.

RULE NO. 19

Other procedures and regulations

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

RULE NO. 20

Designation of clerk of the committee

For the purposes of these rules and the Rules of the House of Representatives, the staff director of the committee shall act as the clerk of the committee.

SUBMISSION OF RULES OF THE COMMITTEE ON THE BUDGET OF THE HOUSE FOR THE 100TH CONGRESS

Mr. GRAY of Pennsylvania. Mr. Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith for publication in the RECORD the rules of the Committee on the Budget which were adopted by the committee in open session January 28, 1987.

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET, ADOPTED JANUARY 28, 1987, 100TH CONGRESS, 1ST SESSION

MEETINGS

Rule 1—Regular meetings [1]

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

Rule 2—Additional and special meetings

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

Rule 3—Open business meetings

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1). No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

Rule 4—Quorums

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

Rule 5—Recognition

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

Rule 6—Consideration of business

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

Rule 7—Procedure for consideration of budget resolutions

In developing a concurrent resolution on the budget, the Committee shall first proceed, unless otherwise determined by the Committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the Committee open to amendment; subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters which have already been amended in their entirety.

Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

Rule 8—Rollcall votes

A rollcall of the members may be had upon the request of at least one-fifth of those present.

Rule 9—Proxies

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Rule 10—Parliamentarian's status report and section 302 status report

(a) In order to carry out its duty under section 311(a) and (b) of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the Committee shall periodically advise the Speaker as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the Committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b) In order to carry out its duty under section 302 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending within the jurisdiction of committees as compared to the appropriate allocations made pursuant to section 302(b) of the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the Committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the Committee and transmitted to the Speaker in the form of a Section 302 Status Report.

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The Committee authorizes the Chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

HEARINGS

Rule 11—Announcement of hearings

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least once a week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

Rule 12—Open hearings

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

For the purposes of House Rule XI, clause 2(g)(2) the Task Forces of the Committee are considered to be subcommittees.

Rule 13—Quorums[1]

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

Rule 14—Time for questioning witnesses

Committee members shall have not to exceed 5 minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

Rule 15—Subpoenas and oaths

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

Rule 16—Witnesses' statements

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

Rule 17—Committee prints

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

Rule 18—Broadcasting of meetings and hearings

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, radio, television, and still camera equipment may be excluded from the Committee room by a majority vote of the Committee, a quorum being present.

STAFF

Rule 19—Committee staff

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff, shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in Clause 6(c) of Rule XI of the Rules of the House of Representatives; *provided,* That no member shall appoint more than one person pursuant to these provisions; *provided further,* that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint no fewer than five staff, recommended by the minority members, who shall provide staff assistance to the minority members.

Rule 20—Staff supervision

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

Rule 21—Preparation and maintenance of committee records

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

Rule 22—Access to committee records

The Chairman shall promulgate regulations to provide for public inspection of rollcall votes and to provide access by members to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

APPLICABILITY OF HOUSE RULES

Rule 23—Applicability of House rules

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

Rule 24—Appointment of conferees

Majority party members recommended to the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.

[1] Written rule required by House Rules.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. GILMAN, for 60 minutes, on February 4.

(The following Members at the request of Mr. TRAFICANT) to revise and

extend their remarks and include extraneous material:)

Mr. WHITTEN, for 5 minutes, today.

Mr. BOUCHER, for 5 minutes, today.

Mr. GRAY of Pennsylvania, for 5 minutes, today.

The following Member (at the request of Mr. CONYERS) to revise and extend his remarks and include extraneous material:)

Mr. CONYERS, for 15 minutes, today.

The following Member (at the request of Mr. GONZALEZ) to revise and extend his remarks and include extraneous material:)

Mr. MONTGOMERY, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. DUNCAN.

Mr. WORTLEY in two instances.

Mr. BROOMFIELD.

Mr. LOWERY of California.

Mr. PORTER.

Mrs. BENTLEY.

Mr. ARMEY.

(The following Members (at the request of Mr. TRAFICANT) and to include extraneous matter:)

Mr. WYDEN.

Mr. FASCELL.

Mr. LOWRY of Washington.

Mr. MAZZOLI.

Mr. FORD of Michigan.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following day present to the President, for his approval, a joint resolution of the House of the following title:

On January 28, 1987:

H.J. Res. 93. Joint resolution to provide for a temporary prohibition of strikes or lockouts with respect to the Long Island Rail Road labor management dispute.

ADJOURNMENT

Mr. GONZALES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 2 minutes p.m.) under its previous order, the House adjourned until Monday, February 2, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

447. A letter from the Secretary of Education, transmitting a draft of proposed legislation to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Education and Labor.

448. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Burton Levin, of Maryland, Ambassador Extraordinary and Plenipotentiary-designate to the Union of Burma, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

449. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Arthur G. Linkletter, of California, for the rank of Ambassador during his tenure of service as Commissioner General of the United States Section of Brisbane Expo '88; also Joseph Carlton Petrone, of Iowa, as the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

450. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Trusten Frank Crigler, of Virginia, Ambassador Extraordinary and Plenipotentiary-designate to the Somali Democratic Republic, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

451. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Alfred Hugh Kingon, of New York, as the Representative of the United States of America to the European Communities, with rank and status of Ambassador Extraordinary and Plenipotentiary, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

452. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

453. A letter from the Chairman, Board for International Broadcasting, transmitting the Board's annual report on its activities, as well as its review and evaluation of the operation of Radio Europe/Radio Liberty for the period October 1, 1985, through September 30, 1986, pursuant to 22 U.S.C. 2873(a)(9); to the Committee on Foreign Affairs.

454. A letter from the Executive Director, Navajo and Hopi Indian Relocation Commission, transmitting a report on the Commission's review of its compliance with the requirements of the internal accounting and administrative systems in effect during fiscal year 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

455. A letter from the Sergeant-at-Arms, U.S. House of Representatives, transmitting his report of funds drawn, the application and disbursement of same, and the balance remaining as of December 31, 1986, pursuant to 2 U.S.C. 84; to the Committee on House Administration.

456. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

457. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

458. A letter from the Director, Federal Judicial Center, transmitting a copy of the 1986 Annual Report of the Center, pursuant to 28 U.S.C. 623(b); to the Committee on the Judiciary.

459. A letter from the Administrator, Panama Canal Commission, transmitting a report, including unaudited financial statements, covering the operations of the canal during fiscal year 1986 and notification that the formal Commission annual report for fiscal year 1986 will be forwarded upon completion of the audit by the Commission General Auditor, pursuant to 22 U.S.C. 3722; to the Committee on Merchant Marines and Fisheries.

460. A letter from the Director, Office of Personnel Management, transmitting notification of a proposal developed to protect Federal employees from the catastrophic costs associated with long-term care, primarily in nursing homes, for chronic, debilitating illnesses; to the Committee on Post Office and Civil Services.

461. A letter from the Comptroller General, General Accounting Office, transmitting a report of the financial audit of the Office of the Sergeant at Arms, U.S. House of Representatives, as of June 30, 1986, and December 31, 1985 (GAO)/AFMD-87-12, December 1986), pursuant to 2 U.S.C. 81a; jointly, to the Committee on Government Operations and House Administration.

462. A letter from the Assistant Attorney General, Office of Legislative and Intergovernmental Affairs, U.S. Department of Justice, transmitting a copy of the proposed Department of Justice Appropriation Authorization Act for Fiscal Year 1988; jointly, the the Committees on the Judiciary and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARMEY (for himself, Mr. DELAY, Mr. COMBEST, Mr. BOULTER, Mr. KOLTER, Mrs. BENTLEY, Mr. NIELSON of Utah, Mr. LAGOMARSINO, Mr. DANNEMEYER, Mr. KOLBE, Mr. WORTLEY, Mrs. VUCANOVICH, Mr. SWINDALL, Mr. CRANE, Mr. SENSENBRENNER, and Mr. DIOGUARDI):

H.R. 817. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to education savings accounts and to provide that amounts paid from such an account for educational expenses shall never be subject to income tax; to the Committee on Ways and Means.

By Mrs. BENTLEY (for herself, Mr. HAMMERSCHMIDT, Mr. FISH, Mr. PARRIS, Mr. DENNY SMITH, and Mr. BOEHLERT):

H.R. 818. A bill to amend title 5, United States Code, to establish an optional early retirement program for Federal Govern-

ment employees, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BOUCHER (for himself, Mr. WAXMAN, Mr. ROYBAL, Mr. FRANK, Mr. QUILLEN, Mr. DERRICK, Mr. FAZIO, Mr. TALLON, Mr. MARTINEZ, Mr. WISE, and Mr. MFUME):

H.R. 819. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to benefits thereunder, the adversarial involvement of any representative of the Department of Health and Human Services, the Social Security Administration, any other agency of such Department, or any State agency involved; to the Committee on Ways and Means.

By Mr. COMBEST:

H.R. 820. A bill to allow States to increase the maximum speed limit to 65 miles per hour on rural interstate and four-lane highways where the Governor of that State determines that highway safety on that route will not significantly decline; to the Committee on Public Works and Transportation.

By Mr. MICHEL (by request):

H.R. 821. A bill to rescind budget authority for the Agricultural Research Service for buildings and facilities (rescission numbered R87-1) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 822. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Rural Clean Water Program (rescission numbered R87-2) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 823. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Agricultural Conservation Program (rescission numbered R87-3) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 824. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Water Bank Program (rescission numbered R87-4) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5. 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 825. A bill to rescind budget authority for the Agricultural Stabilization and Conservation Service for the Emergency Conservation Program (rescission numbered R87-5) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 826. A bill to rescind budget authority for the Farmers Home Administration for rural water and waste disposal grants (rescission numbered R87-6) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 827. A bill to rescind budget authority for the Farmers Home Administration for rural community fire protection grants (rescission numbered R87-7) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 828. A bill to rescind budget authority for the Farmers Home Administration for rural housing for domestic farm labor (rescission numbered R87-8) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 829. A bill to rescind budget authority for the Farmers Home Administration for mutual and self-help housing (rescission numbered R87-9) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 830. A bill to rescind budget authority for the Farmers Home Administration for very low income housing repair grants (rescission numbered R87-10) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 831. A bill to rescind budget authority for the Farmers Home Administration for compensation for construction defects (rescission numbered R87-11) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 832. A bill to rescind budget authority for the Farmers Home Administration for rural housing preservation grants (rescission numbered R87-12) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 833. A bill to rescind budget authority for the Soil Conservation Service for watershed and flood prevention operations (rescission numbered R87-13) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 834. A bill to rescind budget authority for the Soil Conservation Service for the Great Plains conservation program (rescission numbered R87-14) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 835. A bill to rescind budget authority for the Soil Conservation Service for resource conservation and development (rescission numbered R87-15) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 836. A bill to rescind budget authority for the Forest Service for land acquisition (rescission numbered R87-16) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 837. A bill to rescind budget authority for the Economic Development Administration for economic development assistance programs (rescission numbered R87-17) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 838. A bill to rescind budget authority for the International Trade Administration for operations and administration (rescission numbered R87-18) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 839. A bill to rescind budget authority for the National Oceanic and Atmospheric Administration for operations, research, and facilities (rescission numbered R87-19) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 840. A bill to rescind budget authority for the National Telecommunications and Information Administration for public telecommunications facilities, planning, and construction (rescission numbered R87-20) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 841. A bill to rescind budget authority for the Department of Defense for procurement of weapons and tracked combat vehicles, Army (rescission numbered R87-21), proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 842. A bill to rescind budget authority for the Department of Defense for other procurement, Navy (rescission numbered R87-22) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 843. A bill to rescind budget authority for the Department of Defense for military construction, Air Force (rescission numbered R87-23), proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 844. A bill to rescind budget authority for the Corps of Engineers for construction, general (rescission numbered R87-24), proposed to be rescinded in a special message transmitted to the Congress by the President of January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 845. A bill to rescind budget authority for the Office of Elementary and Sec-

ondary Education for compensatory education for the disadvantaged (rescission numbered R87-25) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 846. A bill to rescind budget authority for the Office of Elementary and Secondary Education for impact aid (rescission numbered R87-26) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 847. A bill to rescind budget authority for the Office of Elementary and Secondary Education for special programs (rescission numbered R87-27) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 848. A bill to rescind budget authority for the Office of Bilingual Education and Minority Languages Affairs for bilingual education (rescission numbered R87-28) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 849. A bill to rescind budget authority for the Office of Special Education and Rehabilitative Services for education for the handicapped (rescission numbered R87-29) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 850. A bill to rescind budget authority for the Office of Special Education and Rehabilitative Services for rehabilitation services and handicapped research (rescission numbered R87-30) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 851. A bill to rescind budget authority for the Office of Vocational and Adult Education for vocational and adult education (rescission numbered R87-31) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 852. A bill to rescind budget authority for the Office of Postsecondary Education for student financial assistance (rescission numbered R87-32) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 853. A bill to rescind budget authority for the Office of Postsecondary Education for higher education (rescission numbered R87-33) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 854. A bill to rescind budget authority for the Office of Educational Research and Improvement for Libraries (rescission numbered R87-34) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 855. A bill to rescind budget authority for the Department of Energy for energy supply, research and development activities (rescission numbered R87-35) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 856. A bill to rescind budget authority for the Department of Energy for fossil energy research and development (rescission numbered R87-36) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 857. A bill to rescind budget authority for the Department of Energy for energy conservation (rescission numbered R87-37) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 858. A bill to rescind budget authority for the Food and Drug Administration for buildings and facilities (rescission numbered R87-38) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 859. A bill to rescind budget authority for the Health Resources and Services Administration for health resources and services (rescission numbered R87-39) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 860. A bill to rescind budget authority for the Health Resources and Services Administration for Indian health facilities (rescission numbered R87-40) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 861. A bill to rescind budget authority for the National Institutes of Health for the National Library of Medicine (rescission numbered R87-41) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 862. A bill to rescind budget authority for the Office of the Assistant Secretary of Health for public health service management (rescission numbered R87-42) proposed to be rescinded in a special messsage transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 863. A bill to rescind budget authority for the Department of Health and Human Services for department management-policy research (rescission numbered R87-43) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 864. A bill to rescind budget authority for the President to Housing and Urban Development for annual contributions for assisted housing (rescission numbered R87-44) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 865. A bill to rescind budget authority for the Department of Housing and Urban Development for housing counseling assistance (rescission numbered R87-45) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 866. A bill to rescind budget authority for the Department of Housing and Urban Development for community development grants (rescission numbered R87-46) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 867. A bill to rescind budget authority for the Department of Housing and Urban Development for urban development action grants (rescission numbered R87-47) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 868. A bill to rescind budget authority for the Department of Housing and Urban Development for salaries and expenses (rescission numbered R87-48) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 869. A bill to rescind budget authority for the Bureau of Land Management for management of lands and resources (rescission numbered R87-49) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 870. A bill to rescind budget authority for the Bureau of Land Management for construction and access (rescission numbered R87-50) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 871. A bill to rescind budget authority for the Bureau of Land Management for land acquisition (rescission numbered R87-51) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 872. A bill to rescind budget authority for the Bureau of Mines for mines and minerals (rescission numbered R87-52) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 873. A bill to rescind budget authority for the Fish and Wildlife Service for resource management (rescission numbered R87-53) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 874. A bill to rescind budget authority for the Fish and Wildlife Service for construction (rescission numbered R87-54) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 875. A bill to rescind budget authority for the Fish and Wildlife Service for land acquisition (rescission numbered R87-55) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 876. A bill to rescind budget authority for the National Park Service for operation of the National Park System (rescission numbered R87-56) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 877. A bill to rescind budget authority for the National Park Service for construction (rescission numbered R87-57) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 878. A bill to rescind budget authority for the National Park Service for land acquisition (rescission numbered R87-58) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 879. A bill to rescind budget authority for the National Park Service for historic preservation fund (rescission numbered R87-59) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 880. A bill to rescind budget authority for the Bureau of Indian Affairs for construction (rescission numbered R87-60) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 881. A bill to rescind budget authority for territorial and international affairs for administration of territories (rescission numbered R87-61) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 882. A bill to rescind budget authority for the Immigration and Naturalization Service for salaries and expenses (rescission numbered R87-62) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 883. A bill to rescind budget authority for the Employment Training Administration for training and employment services (rescission numbered R87-63) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 884. A bill to rescind budget authority for the Federal Law Enforcement Training Center for salaries and expenses (rescission numbered R87-64) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 885. A bill to rescind budget authority for the Bureau of Alcohol, Tobacco and Firearms for salaries and expenses (rescission numbered R87-65) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 886. A bill to rescind budget authority for the U.S. Customs Service for salaries and expenses (rescission numbered R87-66) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 887. A bill to rescind budget authority for the Environmental Protection Agency for abatement, control, and compliance (rescission numbered R87-67) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 888. A bill to rescind budget authority for the Environmental Protection Agency for buildings and facilities (rescission numbered R87-68) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 889. A bill to rescind budget authority for the National Aeronautics and Space Administration for research and development (rescission numbered R87-69) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 890. A bill to rescind budget authority for the Veterans' Administration for medical care (rescission numbered R87-70) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 891. A bill to rescind budget authority for the Appalachian Regional Commission for the Appalachian Regional Development Commission (rescission numbered R87-71) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 892. A bill to rescind budget authority for the National Endowment for the Humanities for National Capital arts and cultural affairs (rescission numbered R87-72) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

H.R. 893. A bill to rescind budget authority for the Selective Service System for salaries and expenses (rescission numbered R87-73) proposed to be rescinded in a special message transmitted to the Congress by the President on January 5, 1987, in accordance with section 1012 of the Impoundment Control Act of 1974; to the Committee on Appropriations.

By Mr. DUNCAN:

H.R. 894. A bill relating to the tariff classification of certain work gloves; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 895. A bill to amend the Hazardous Materials Transportation Act to provide for the registration of hazardous materials carriers, to provide assistance in the routing of hazardous materials and in the training of personnel to deal with such materials, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. KOLBE:

H.R. 896. A bill to amend title 5, United States Code, to extend the pay retention provisions of such title to certain prevailing rate employees whose basic pay would otherwise be subject to reduction pursuant to a wage survey; to the Committee on Post Office and Civil Service.

By Mr. LAFALCE:

H.R. 897. A bill to require the Board of Governors of the Federal Reserve System to impose limitations on the number of days a depository institution may restrict the availability of funds which are deposited by check; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LEVINE of California (for himself, Mr. SMITH of New Jersey, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. ACKERMAN, Mr. ASPIN, Mr. ATKINS, Mr. BENNETT, Mrs. BOXER, Mr. BRYANT, Mr. BUSTAMANTE, Mr. FAZIO, Mr. FEIGHAN, Mr. FRANK, Mr. GARCIA, Mr. GILMAN, Mr. GREEN, Mrs. KENNELLY, Mr. KOSTMAYER, Mr. LEVIN of Michigan, Mr. MRAZEK, Mr. MURPHY, Mr. RANGEL, Mr. SCHEUER, Mr. TALLON, Mr. TORRES, Mr. TORRICELLI, Mr. WEBER, and Mr. WOLPE):

H.R. 898. A bill to require specific congressional authorization for certain sales, exports, leases, and loans of defense articles, and for other purposes; jointly, to the Committee on Foreign Affairs and Rules.

By Mr. OWENS of Utah:

H.R. 899. A bill to expand the Canyonlands National Park; to the Committee on Interior and Insular Affairs.

By Mr. RAHALL (for himself, Mr. STAGGERS, Mr. WISE, Mr. MOLLOHAN, and Mr. UDALL):

H.R. 900. A bill to protect and enhance the natural, scenic, cultural, and recreational values of certain segments of the New, Gauley, Meadow, and Bluestone Rivers in West Virginia for the benefit of present and future generations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RODINO (for himself and Mr. FISH):

H.R. 901. A bill to implement the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction, by prohibiting certain conduct relating to biological weapons, and for other purposes; to the Committee on the Judiciary.

By Mr. RODINO (for himself and Mr. FISH) (by request):

H.R. 902. A bill, Department of Justice Appropriation Authorization Act, Fiscal Year 1988; to the Committee on the Judiciary.

By Mr. ST GERMAIN:

H.R. 903. A bill to amend the Internal Revenue Code of 1954 to permit pension and annuity plans to make distributions to participants for purposes of acquiring a principal residence; to the Committee on Ways and Means.

By Mr. SCHUETTE:

H.R. 904. A bill to provide emergency assistance to certain agricultural producers, and for other purposes; to the Committee on Agriculture.

By Mr. TRAFICANT:

H.R. 905. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes on the purchase of a domestically produced automobile; to the Committee on Ways and Means.

By Mr. WYDEN (for himself and Mr. PANETTA):

H.R. 906. A bill to require the President to make available for obligation certain funds appropriated for the Temporary Emergency Food Assistance Program; to the Committee on Appropriations.

By Mr. WYDEN (for himself, Mr. WILLIAMS, and Mr. GOODLING):

H.R. 907. A bill to amend the Older Americans Act to authorize grants to States for demonstration projects that provide to older individuals services in return for certain volunteer services provided to other individuals; to the Committee on Education and Labor.

By Mr. DYMALLY:

H.J. Res. 119. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. OBEY:

H.J. Res. 120. Joint resolution proposing an amendment to the Constitution of the United States to prohibit Members of Congress from determining their own compensation; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H.J. Res. 121. Joint resolution to authorize and request the President to issue a proclamation designating June 1 through June 7, 1987, as "National Fishing Week"; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD (for himself, Mr. BERMAN, Mr. DORNAN of California, Mr. WAXMAN, Mr. DANNEMEYER, and Mr. DREIER of California):

H.J. Res. 122. Joint resolution to designate the week beginning July 13, 1987, as "Snow White Week"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of New Hampshire (for himself, Mr. GREGG, Mr. RAY, Mr. RIDGE, Mr. MAVROULES, Mr. ROWLAND of Georgia, Mr. ARMEY, Mr. DORNAN of California, Mr. BOULTER, Mr. DAVIS of Illinois, Mr. CARPER, Mr. WORTLEY, Mr. STALLINGS, Mr. HASTERT, Mr. DIOGUARDI, Mr. KEMP, Mr. TAUKE, Mr. CRAIG, Mr. SUNDQUIST, Mr. DARDEN, Mr. HUNTER, Mr. IRELAND, Mr. SWINDALL, Mr. SCHAEFER, Mr. PETRI, Mr. BILIRAKIS, Mr. ROWLAND of Connecticut, Mr. STENHOLM, Mrs. JOHNSON of Connecticut, Mr. STAGGERS, Mr. GOODLING, Mr. HOLLOWAY, and Mr. KOLBE):

H.J. Res. 123. Joint resolution disapproving pay increases proposed by the President for Members of Congress; jointly, to the Committees on Post Office and Civil Service and House Administration.

By Mr. FASCELL (for himself, Mr. FOLEY, Mr. COELHO, Mr. GEPHARDT, Mr. MICHEL, Mr. LOTT, Mr. KEMP, Mr. BROOMFIELD, Mr. ACKERMAN, Mr. AKAKA, Mr. ANDREWS, Mr. ARCHER, Mr. ATKINS, Mr. BATEMAN, Mr. BENNETT, Mrs. BENTLEY, Mr. BEREUTER, Mr. BILIRAKIS, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BORSKI, Mr. BURTON of Indiana, Mr. BUSTAMANTE, Mr. CARDIN, Mr. CHANDLER, Mr. CLARKE, Mr. CONTE, Mr. CONYERS, Mr. COUGHLIN, Mr. COURTER, Mr. DAUB, Mr. DEWINE, Mr. DICKS, Mr. DURBIN, Mr. ECKART, Mr. EDWARDS of California, Mr. EVANS, Mr. FAWELL, Mr. FAZIO, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GALLO, Mr. GILMAN, Mr. GRAY of Pennsylvania, Mr. GREEN, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HORTON, Mr. HOYER, Mr. HUGHES, Mr. JEFFORDS, Mr. JONTZ, Mrs. KENNELLY, Ms. KAPTUR, Mr. KOLBE, Mr. LAGOMARSINO, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVINE of California, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LOWERY of California, Mr. MCCURDY, Mr. MCHUGH, Mr. MCMILLEN of Maryland, Mr. MACK, Mr. MAVROULES, Mr. MOLINARI, Mr. MORRISON of Connecticut, Mr. NEAL, Mr. NELSON of Florida, Mr. OWENS of New York, Mr. PORTER, Mr. RICHARDSON, Mr. RITTER, Mr. ROE, Mr. ROEMER, Ms. SLAUGHTER of New York, Mr. STOKES, Mr. SMITH of Florida, Mr. STRATTON, Mr. STUDDS, Mr. TORRES, Mr. TOWNS, Mr. UDALL, Mr. VISCLOSKY, Mr. WALKER, Mr. WEBER, Mr. WELDON, Mr. WORTLEY, Mr. WYDEN, and Mr. YATRON):

H. Con. Res. 34. Concurrent resolution concerning the continued violations by the Soviet Union of its international human rights obligations, especially its violations of the right to emigrate; to the Committee on Foreign Affairs.

By Mr. FORD of Michigan (for himself and Mr. TAYLOR):

H. Res. 59. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Post Office and Civil Service in the 1st session of the 100th Congress; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DOWDY of Mississippi introduced a bill (H.R. 908) for the relief of Arturo Elacio Tolentino and Grace Tolentino; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. HAWKINS, Mr. FUSTER, Mr. KOLTER, Mr. WAXMAN, and Mr. WOLPE.

H.R. 85: Mr. SOLOMON.

H.R. 121: Mr. TAUKE, Mr. STANGELAND, Mr. HENRY, Mr. HALL of Texas, Mr. MONTGOMERY, Mr. JONES of North Carolina, Mr. BAKER, Mr. NICHOLS, Mr. DYSON, Mr. WORTLEY, and Mrs. VUCANOVICH.

H.R. 134: Mr. VISCLOSKY and Mr. TOWNS.

H.R. 311: Mr. CHAPMAN, Mr. MONTGOMERY, Mr. BATES, Mr. BOUCHER, Mr. OLIN, Mr. JONES of North Carolina, Mr. SCHEUER, Mr. ANDREWS, Mr. WATKINS, Mr. TALLON, Mr. KLECZKA, Mr. ECKART, and Mr. SIKORSKI.

H.R. 312: Mr. EVANS, Mr. DONALD E. LUKENS, and Mr. NEAL.

H.R. 313: Mr. ROSE, Mr. BOUCHER, Mr. TRAFICANT, Mr. ENGLISH, Mr. BARNARD, and Mr. NEAL.

H.R. 457: Mr. SAXTON, Mr. DWYER of New Jersey, Mr. SCHUMER, Mr. BORSKI, Mr. NEAL, Mrs. LLOYD, Mr. FORD of Michigan, Mr. TOWNS, Mr. RANGEL, Mr. ROE, Mr. BONIOR of Michigan, Mr. BIAGGI, Mr. FEIGHAN, and Mr. JONTZ.

H.R. 535: Mr. SHUMWAY, Mr. SWINDALL, Mr. YOUNG of Florida, Mr. GINGRICH, Mr. BROWN of Colorado, Mrs. MARTIN of Illinois, and Mr. MARLENEE.

H.R. 536: Mr. JEFFORDS, Mr. FEIGHAN, Mr. PACKARD, Mr. BARNARD, and Mr. NEAL.

H.R. 558: Mr. BONKER, Mr. HOYER, Mr. STARK, Mr. DELLUMS, Mr. DEFAZIO, Mr. GEPHARDT, Mr. WILLIAMS, Mr. GORDON, Mr. THOMAS A. LUKEN, Mr. BORSKI, Mr. ROYBAL, Mr. MRAZEK, Mr. TOWNS, Mr. STUDDS, Mrs. MORELLA, Mr. EDWARDS of California, Mr. LEHMAN of Florida, Mr. BERMAN, Mr. ROE, Mr. ESPY, Mr. MFUME, Mr. MOAKLEY, Mr. DURBIN, Mrs. ROUKEMA, Mr. LEVINE of California, Mr. DWYER of New Jersey, and Mr. KOLTER.

H.R. 574: Mr. SWIFT and Mr. BEILENSON.

H.R. 655: Mr. FAZIO.

H.J. Res. 81: Mr. JONTZ.

H. Con. Res. 7: Mr. HASTERT, Mr. INHOFE, Mr. KONNYU, Mrs. VUCANOVICH, and Mr. BROWN of Colorado.

H. Con. Res. 26: Mr. AUCOIN, Mr. OBERSTAR, Mr. EDWARDS of California, Mrs. COLLINS, Mr. MORRISON of Connecticut, Mr. CHANDLER, Mr. STOKES, and Mr. LEVINE of California.

H. Res. 19: Mr. HENRY, Mr. WORTLEY, Mr. SAXTON, Mr. MCCANDLESS, Mr. ROBERT F. SMITH, Mr. MACK, Mr. WOLF, Mr. FAWELL, Mr. LAGOMARSINO, Mr. WALKER, Mr. NIELSON of Utah, Mr. SENSENBRENNER, Mr. WELDON, Mr. HAMMERSCHMIDT, Mrs. VUCANOVICH, Mr. BARTON of Texas, Mrs. JOHNSON of Connecticut, Mr. BROWN of Colorado, Mr. ARMEY, Mr. KOLBE, Mr. TAUKE, Mr. FRENZEL,

Mr. DONALD E. LUKENS, Mr. DORNAN of California, Mr. MCMILLAN of North Carolina, Mr. HORTON, Mr. SWINDALL, Mr. MCGRATH, Mr. DIOGUARDI, Mr. DREIER of California, Mr. SMITH of New Jersey, Mr. DELAY, Mr. BADHAM, Mr. EMERSON, Mr. OXLEY, Mr. DEWINE, Mr. SCHAEFER, Mr. MILLER of Ohio, Mr. BOEHLERT, Mr. PURSELL, Mr. INHOFE, and Mr. SMITH of New Hampshire.

SENATE—*Thursday, January 29, 1987*

The Senate met at 12 noon and was called to order by the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia.

PRAYER

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

Let us pray.

Gracious God, Lord of Heaven and Earth, may we heed the wisdom in the message of his majesty, King George VI, to his people Christmas 1939: "I said to the man who stood at the Gate of the Year, 'Give me a light that I may tread safely into the unknown.' And he replied, 'Go out into the darkness and put your hand into the hand of God. That shall be to you better than light and safer than a known way!' "

Having learned what we can from the irreparable past, help each of us to put his hand in the hand of God, and move into the uncertainty of the irresistible future with confidence. We ask this in the name of Him, Who is the way, the truth, and the life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 29, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WYCHE FOWLER, JR., a Senator from the State of Georgia, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

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

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Hearing no objection, it is so ordered.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved.

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

SCHEDULE

Mr. BYRD. Mr. President, today following the orders for the recognition of the two leaders, there will be 5-minute orders for the following Senators: Messrs. PROXMIRE, SASSER, MITCHELL, BUMPERS, LEAHY, CHAFEE, HEINZ, MURKOWSKI, SPECTER, MCCAIN, REID, and BAUCUS.

Upon the completion of these several orders, there will be a period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes each. Morning business should extend no longer than 1:30 p.m. today.

At the hour of 1:30, the Senate will then proceed to take up the joint resolution which was offered by Senator THURMOND. That is Senate Joint Resolution 34. It is a joint resolution disapproving the pay recommendations by the President. Amendments to that joint resolution will be in order. There will be a rollcall vote on the joint resolution as amended, if needed.

Upon the disposition of the disapproval resolution, the Senate then will take up the joint resolution that was sent to the Senate by the House, House Joint Resolution 102, emergency funding for the homeless. Amendments would be in order to that joint resolution. I would anticipate final action on both of these joint resolutions today.

I would expect then, if those joint resolutions are disposed of today, to lay down the highway bill. If these circumstances that I have described follow in due train, as I hope they will, then the Senate will not be in tomorrow, or at least there will be no rollcall votes if it were to come in. But on Monday, the Senate then would proceed to take up the highway bill. Opening statements could be made today once it is laid down before the Senate goes out. There would be no votes on that measure today but just opening statements.

In the alternative, if action is not completed today on both the disapproval resolution of the pay recommendations and the legislation to provide funds for the homeless, the Senate will be in tomorrow and will stay in tomorrow until action is completed on those two matters, after which the highway bill would then be laid down.

Summing it up then, there will be rollcall votes today—rollcall votes on final passage of the disapproval resolution and probably on the funding resolution for the homeless. I would anticipate at least one or more amendments thereto.

Let me close by saying it is my hope that the votes on today will be concluded by 6 or 7 o'clock. However, all Senators should remain flexible with respect to their plans because I cannot assure that all the votes will be over by then.

Mr. President, do I have any time remaining under the standing order?

The ACTING PRESIDENT pro tempore. The majority leader has 5 minutes remaining.

COMMITTEE MEETINGS

Mr. BYRD. Mr. President, I hope that committees will take advantage of the opportunity on tomorrow, if the Senate is not in session, to conduct hearings. I am quite proud of the way our committees are functioning. They are holding hearings. They are conducting their oversight responsibilities under the Constitution. They are having markup sessions. The Appropriations Committee is to meet, or probably has already met—I have been down to the White House this morning with the joint leadership in discussions with the President—yes, I have just been informed that it has met and has filed House Joint Resolution 102, the funding for the homeless resolution.

So the committees are meeting. I hope they will continue to meet with vigor, taking time by the forelock and taking advantage of this opportunity on days like tomorrow when they will not be interrupted by quorum calls or by rollcalls so that our calendar will have work. There is always work to do. The sooner we complete our work in committees, the sooner we are able to get to the work on the floor, and the sooner we finish the work on the floor, the people will be better served.

THE CLEAN WATER BILL VOTE

Mr. BYRD. Mr. President, at the White House this morning, the President indicated that it is his intention

to veto the clean water bill. This would mean that the House will probably receive the veto message in time to vote to override the President's veto by Tuesday next. In that event, if the House overrides the President's veto, then the measure will come to the Senate. It would be my hope that we could have a vote to override and, hopefully, override the President's veto of the clean water bill on next Wednesday, certainly no later than Thursday. Senators therefore will want to make their plans accordingly. I hope that all Senators will be in attendance on that important vote.

I think the President is making a mistake. He certainly has the power and authority under the Constitution to veto the bill. If he sees it as his duty in good conscience to veto that bill, he certainly has the right to do that. I think it is a mistake. That bill was not put together hastily. It is a bipartisan bill in both Houses and is very, very strongly supported by Republicans and Democrats. It was reported out of the Republican-controlled Senate committee last year and passed by a Republican-controlled Senate overwhelmingly. So it is supported by Members in both Houses from both parties. It is needed. I am sorry the President will veto it.

But I hope that every Senator will be here and will register his vote on the override.

PROPOSED SCHEDULE FOR NEXT WEEK

Mr. BYRD. Mr. President, looking into next week, therefore, I see the highway legislation. I would expect some amendments to be offered to that legislation. There will be a vote on overriding the Presidential veto, assuming—as I have good reason, I think, to assume—that the House will override. Beyond that, the Senate will work on legislation or nominations that may have been cleared for action by that time. So we will have a busy week next week. Committees should plan their hearings accordingly.

The following week, the Senate will be out for the Lincoln Day holiday.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is recognized.

THE MEETING AT THE WHITE HOUSE

Mr. DOLE. Mr. President, I thank the distinguished majority leader for reserving my time. I did not have an opportunity to hear all his remarks, but we did have a very spirited meeting—I guess that is the correct word—at the White House this morning. I think that is healthy. The President, I thought, was in good form, as was the distinguished majority leader and the distinguished Speaker and others who made comments.

Certainly, no one was quarreling. I think everybody was making or stressing their point of view, whether it was on budget or trade or unemployment or welfare. I felt it sort of cleared the air and indicated where people were coming from. It probably helps focus on where we have to go.

Certainly, we know that there are wide gaps on positions that people might take. The water bill was mentioned. The majority leader is correct: it passed this body unanimously last year. The President has indicated he is going to veto it. He indicated, too, he might be overridden. That may be an accurate statement, it probably is. In any event, I had no tendency to doze off at this morning's meeting. It was very good from that standpoint.

I think, without characterizing anyone else's comments, it certainly demonstrated the President's full recovery. He was on top of the issue. He had facts and figures and I thought it was exceptional.

TRAVEL RESTRICTION TO LEBANON

Mr. DOLE. I want to take just a moment to mention the decision made by the Department of State yesterday to impose new restrictions on travel to Lebanon by American citizens. I know the majority leader has spoken out on it as has the Republican leader. In brief, the new regulations require that any citizen wishing to travel to, or—if already there—stay in Lebanon, must obtain a special validation permit. The only blacket exception is for the immediate families of those now held hostage—as appropriate exception, permitting them the chance to pursue the release of their family members. The operative effect of this new regulation ought to be a long-overdue, drastic reduction of the American private presence in Lebanon.

I commend the State Department for this new measure. As I indicated in a statement issued last weekend, it is high time that all Americans leave Lebanon, where they have increasingly become sitting ducks for the many radical and irresponsible splinter political groups active there.

I do not question their commitment and I do not question, maybe, their need. But I think those Americans who are in Lebanon or in other countries where terrorists are apt to be at work must recognize that they are endangering not just their own lives or their families, but they also could be the catalyst for some international confrontation or some international conflict.

So, in my view, the private interests, even the commitment some may have to Beirut University or whatever, must be subordinated to the national interest. In this case, I think the Department of State is correct.

DIPLOMATIC MISSION SHOULD BE CLOSED

The Department has not yet seen fit to close our diplomatic mission there. I hope that step will be taken soon! The security situation in Lebanon has deteriorated so badly, and our influence on events there is so minimal, it is hard to see how the Embassy can play any useful role. Closing the Embassy is not abandoning anyone, or giving in to terrorists. It is merely accepting the tragic reality that Beirut is fast becoming a no-man's land. And bringing our diplomats home will, in fact, enhance our capability to strike back against terrorists by shutting down one inviting target for their retaliation.

We have partly cleared the decks by moving to eliminate the private American presence. It is time, as well, to take the next logical step and withdraw our diplomatic presence and make it a little more difficult for those who engage in terrorism to practice their trade.

BICENTENNIAL MINUTE

Mr. DOLE. Mr. President, during this 100th Congress, I have talked from time to time of what I call bicentennial minutes. Today I would like to mention an event that occurred on January 29, 1850.

BICENTENNIAL MINUTE

JANUARY 29, 1850: HENRY CLAY AND THE COMPROMISE OF 1850

Mr. DOLE. Mr. President, on January 29, 1850, 137 years ago, in the old crimson and gilt Senate Chamber, 73-year-old Henry Clay, "weak in body but strong in spirit," arose to deliver one of the greatest speeches of his career. His colleagues, even his enemies, were held in the spell of his personal magnetism. On this occasion, Clay enlisted the spirit of George Washington to his cause. Lest the power of words alone fail to move his audience, he struck an impressive, if macabre, note by exhibiting a fragment of Washington's coffin. Adding to the drama on that day, was the fact that all knew the aging Clay—"Harry of the West," the "Kentucky Hotspur," "the Great Pacificator," "the Old Prince"—was dying, and that this would very likely be his last crusade.

What cause drew Clay out of retirement in Kentucky? He had already delivered a stirring valedictory in the Senate Chamber in 1842. And, besides having been a Senator on three separate occasions beginning in 1806, he had been a Representative, Speaker of

the House, Secretary of State, and perennial Whig Presidential candidate. Clay, the "Great Compromiser," one of the masterminds of the "Missouri Compromise" of 1820-21, came out of retirement in a desperate attempt to save the Nation from the disaster of disunion. Beginning with his speech on this day 137 years ago, Clay introduced the complex series of resolutions that became known as the "Compromise of 1850." Clay hoped that the measures he espoused, which were largely adopted, would settle the sectional struggle threatening disunion. He died in Washington in June 1852, believing they had.

RECOGNITION OF SENATOR PROXMIRE

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

THE REAGAN ADMINISTRATION: AN ARMS CONTROL DISASTER

Mr. PROXMIRE. Mr. President, the time has come for this Congress to recognize the grim reality that the President of the United States has virtually destroyed superpower arms control in this dangerous nuclear world. This is one of the truths about this remarkable President that no one in the press or in the Congress has spoken. Oh, sure, the Soviet Union, as always, has been difficult. But they have been no more difficult in the past 6 years when arms control has crumbled than they were in the preceding 20 years when slow and limited arms control progress was achieved by both Republican and Democratic administrations. The President has gone through the motions on arms control. He has consistently called arms control his objective. As in many other areas, he has said this well and consistently. Result: No one has challenged the President's dismal record. So, how about the Reagan arms control record?

It is true that the President has not made any attempt to abolish the Arms Control and Disarmament Agency. He has done something far worse. Whom did President Reagan put in charge of this Agency that has had the prime mission of advancing arms control? Answer: Kenneth Adelman! Why Adelman? Here was the American official with the prime responsibility for advancing arms control. What was his experience, his record in arms control? If Adelman had ever had any previous association with arms control in any capacity, it was never disclosed. And what has been the record of the Arms Control and Disarmament Agency under Adelman's leadership? You tell me. If the Arms Control Agency in this administration has taken any action of any kind whatsoever, it has been the secret of the year. Experts on the staff of the Senate Foreign Relations Committee have told me that the Arms Control Agency hasn't even been in on discussions with the committee on the arms control test ban issues that have been taking place most recently. The State Department, the Defense Department, and the Energy Department have all been involved. But not the Arms Control Agency.

Mr. President, the appointment of Kenneth Adelman as head of the Arms Control and Disarmament Agency was not only the appointment of a totally unqualified person with no arms control experience or record, it was worse. As he has proven in spades, Adelman is an unrelenting critic of virtually every arms control agreement this country has negotiated. This Nation's Director of the Arms Control and Disarmament Agency is to arms control what Washington's Mayor Marion Barry is to snow removal.

In all fairness, it is true that some 2 years ago, President Reagan appointed a team of arms control negotiators to conduct arms control negotiations with the Soviet Union. These negotiators have from time to time discussed proposals for eliminating intermediate nuclear weapons from Europe and the reduction of the number of nuclear weapons held by both superpowers. They are now engaged in the seventh—that's right, the seventh—round of negotiations. What has been the result? Zero.

In fact, it is worse. Much worse. When this administration took office on January 20, 1981, the superpowers had in place the modest but definite beginning of an arms control framework. The Antiballistic Missile Treaty provided a permanent and firm basis against a defensive-offensive nuclear arms race between the two superpowers. In 1972, the Senate had confirmed that treaty by an overwhelming 89 to 2 vote. But what is the top military priority of the administration today? It is the strategic defense initiative, or star wars. And what would this Reagan administration top military priority do? It would take dead aim at the ABM Arms Control Treaty. President Reagan's SDI would destroy that ABM treaty root and branch. SDI would then without question set off an all-out offensive-defensive nuclear arms race.

How about the other major arms control treaty to constrain the nuclear arms race? In this case, the offensive arms race. How about SALT II? Mr. President, the Strategic Arms Limitation Treaty signed by this country but never ratified was kept alive by Presidents Carter and Reagan by Executive order until it expired on December 31, 1986. Did the Reagan administration make any attempt to renegotiate and extend this crucial arms control treaty beyond its expiration date? No. In fact, the President announced that he intended to violate its provisions. So SALT II—our other major arms control treaty—is dead.

What other major arms control agreement does all this leave between the two superpowers? Answer: The 1963 treaty limiting test explosions of nuclear weapons by either superpower to the underground—eliminating explosions in the Earth's atmosphere, underwater, or in outer space. This was an excellent environmental protection treaty. For arms control, however, its only significance was the promise it contained in its preamble that the superpowers would negotiate a total ban on nuclear weapons testing. What has happened to that promise? The Reagan administration has refused to even discuss any negotiations for a ban on nuclear weapons testing with the Soviet Union. They have refused, in spite of the fact that the Soviet Union has refrained from nuclear weapons testing since August 5, 1985—that is, for nearly a year and a half. The administration has refused to engage in any negotiations on this issue, although the Soviet Union has announced it will continue the moratorium on testing until the United States carries out its next underground nuclear weapons test.

So where does this leave arms control in this dangerous nuclear world? It leaves arms control in tatters. In 1981, when this administration took office, the superpowers had in place limited and modest arms control agreements. In spite of the great difficulty of negotiating with the Soviet Union, we had built those agreements slowly and painfully over a 20-year period. What arms control do we have today, after 6 years of the Reagan administration? Answer: literally nothing. We do not have a single significant arms control agreement restraining the superpower nuclear arms race. This administration has been a total arms control disaster.

BUREAU OF ENGRAVING AND PRINTING CELEBRATES ITS 125TH ANNIVERSARY

Mr. PROXMIRE. Mr. Speaker, the Bureau of Engraving and Printing, Department of the Treasury, celebrates its 125th anniversary this year. Today, January 29, 1987, marks the beginning of that celebration.

The Bureau's charter, in essence, dates back to July 11, 1862, when Secretary of the Treasury Salmon P. Chase introduced a proposal in Congress authorizing the engraving and printing of notes at the Treasury in Washington.

Thus, Bureau operations began as a force of six people who separated and affixed seals to $1 and $2 U.S. notes in

a small room of the Treasury building in 1862. These functions were later embodied in what was known as the First Division of the National Currency Bureau. The actual printing of currency notes by Treasury employees commenced in the fall of 1863. By October 1, 1877, all U.S. currency was printed by the Bureau of Engraving and Printing.

The Bureau's first home was located in the Old Auditor's Building on 14th Street and Independence Avenue SW. The Bureau moved to its present location on 14th and C Streets SW, in April of 1914; in 1938 an annex building was added to house the continually growing industry within the Bureau.

Today, the Bureau is the only producer of U.S. paper currency, and is also responsible for the production of nearly 600 other financial and security items including approximately 36 billion postage stamps annually.

"One-hundred-twenty-five years of service through people and technology" best describes the Bureau's achievements; the devotion and skill with which its craftspeople perfect their art, and their dedication to quality make the Bureau a world leader in the securities technology of today and the future.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAFEE. 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.

MANDATING ADHERENCE TO SALT II ARMS LIMITS

Mr. CHAFEE. Mr. President, it is a pleasure once again to join my distinguished colleagues from Pennsylvania, Arkansas, and Vermont in this, our ongoing endeavor to promote good arms control policy. Today, we are introducing legislation mandating U.S. adherence to the SALT II numerical sublimits.

I must admit, however, that I wish we did not have to be here today. It has always been my preference to stay on the sidelines with regard to arms control policy, to allow the President to set the agenda in this area. It is my conviction that, except in extraordinary circumstances, the President should lead the way in pursuing and adhering to effective arms control and reduction agreements between the United States and the Soviet Union.

I am here today because, unfortunately, one of those extraordinary circumstances has arisen. The administration has moved forward with its decision to discard a cornerstone of arms control, the SALT numerical sublimits. In one respect, this action comes as no surprise—we were given ample warning last spring when the President made clear that it was his intention to end informal U.S. adherence to the unratified SALT II Treaty and it was his intention to cancel the order for the dismantling of strategic systems which kept the United States within the numerical sublimits. The reaction to this policy was so negative—in other words, the President gave warning that he was not going to dismantle our systems to maintain the adherence to that policy—but the reaction was so negative right from the beginning that it was our hope that the President would listen to those from both parties in both Houses of Congress who urged him many times not to make what we considered to be a grievous mistake.

But despite the congressional outcry, expressed most succinctly in the fiscal year 1987 Department of Defense Authorization Act, the President, late last year allowed the U.S. Air Force to deploy the 131st strategic bomber armed with air-launched cruise missiles. In doing so, as I say, he went against the best advice of Members of Congress, treaty negotiators, and many, many experts who have taken a close look at the question and decided, to quote the language in the Defense authorization bill, that "it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits."

The reasons we and others strongly support U.S. adherence to the sublimits are very simple. Without this cap on the nuclear arsenals of the two nations, the United States and the Soviet Union, we are suddenly staring in the face an intensified and unbridled weapons race, in which the Soviets, unfortunately, have a clear and deeply disturbing advantage. It may not have begun yet, and it may not begin for 6 months, but unless the President reverses his decision, this arms race most definitely will begin.

The Soviets possess so-called warm and hot production lines in numbers that far exceed our own. A "hot" production line means one that can be turned on, start grinding out the missiles in very short fashion, and they have the capability to begin a tremendous arms buildup in a relatively short time. With SALT a dead letter—which it will be unless we pass this kind of legislation that we are introducing today—the Soviets are free to step up deployment of their 10-warhead SS-24 missiles, without dismantling other MIRV'd missiles to stay under the SALT limit. The Soviets can add warheads to the huge SS-18 missile, which now carries 10 warheads, the maximum number allowed under SALT, but the Soviets can easily add to the SS-18. In addition, they can now build new silos to deploy extra ICBM's, an action which they have been prohibited from taking under SALT.

If the costs of the President's decision are a new arms race, and a probable strategic disadvantage for the United States what are the benefits of leaving behind SALT? What is on the plus side of abrogating this treaty or the observance of it? I cannot find a single advantage for the United States. I cannot find even one. The administration argues that Soviet violations of the treaty forced the United States to end adherence to it. In my view, abandonment of the treaty is a highly disproportionate response to United States concern over possible Soviet violations of SALT provisions. The violation issues are present and there is no question we should vigorously work to resolve these violations by the Soviets. But none of the possible violations involves the numerical sublimits in other words, the number of these weapons, on MIRV'd ICBM's and SLBM's, and bombers equipped with air-launched cruise missiles.

There is no doubt that the Soviets have adhered to these sublimits, which are the heart and soul of the treaty and they are the heart and soul of the "mutual restraint" provisions that have grown out of the treaty. As long as these limits remain in place, why abandon this extremely valuable instrument of arms control?

The administration points to the possible Soviet violations which I touched on before. The most troubling of these possible violations is deployment of the SS-25, which appears to be a new missile, although the Soviets argue it is a permissible modification of the older SS-13. The other violation issues involve encryption of telemetry and dismantling of the Soviets' Bison bombers, neither of which is a clear-cut issue under the treaty language, although as far as I am concerned I am prepared to consider them violations. These are matters which can and should be taken up in the proper forum, namely, the Strategic Consultative Commission, and these are the kinds of issues that previous administrations have resolved in that body. Why has not the administration attempted this route? I believe it is because vigorous enough efforts have not been used through the SCC to truly consult with the Soviets and, if a violation exists, bring them back into compliance. That is the route to go, not the abrogation of the sublimit ceilings.

In light of this unfortunate decision to abandon the only real brake on a superpower arms race, I am joining today with my three colleagues, the

Senator from Arkansas, Senator BUMPERS, Senator HEINZ from Pennsylvania, and Senator LEAHY from Vermont in deciding, reluctantly, to take legislative action. The bill we are introducing today simply prohibits funds from being obligated or expended in this calendar year to overhaul, operate, or deploy any strategic nuclear weapons launcher or platform that will put us over the sublimits.

It is limited in scope. We do this reluctantly. We do not want to get into the prerogatives of the President. We have urged him with all our power not to exceed those sublimits but it has taken place. So reluctantly we proceed with this legislation.

It is limited in scope because we want to emphasize we have no desire for blanket congressional control over arms control policy. We are certain that we are within our rights with this action, but as a rule, as I said, we would prefer not to intervene in this way. The prohibition that we are imposing may be waived if the President certifies to Congress that the Soviets have exceeded those same sublimits. Thus this bill is not a straitjacket on U.S. policy.

What will passage of this legislation gain us? It will stave off an escalation in the arms race until a new and better agreement can be reached. It will prevent the Soviets from beginning a huge buildup and far outstripping the United States in strategic nuclear weapons. And it will restore our standing among our allies, who are profoundly disturbed that, suddenly, the Soviets may have gained the upper hand in the court of world opinion on arms control issues. I am particularly concerned about this latter issue, about indications that the United States is increasingly preceived as the superpower which is less interested in real, effective arms control. This is the high ground that we should seize and keep. Passage of this legislation will demonstrate to our friends in the world that we know a good, worthwhile arms control framework when we see one, and will not rashly put the security of the West at risk by throwing away the SALT II sublimits.

It is not our intention, as some have quite mistakenly concluded, to gain a bargain-basement ratification vote for SALT II. As far as I am concerned, the SALT II Treaty is, as its critics are wont to point out, unratified, expired, and outdated. That is passed. Even under the terms of the SALT II Treaty, its time limits have passed by. But it is all we have.

The key fact remains that mutual restraint under its central sublimits is our best means to hold back the arms race until a new and better agreement is negotiated. As long as the Soviets stay within the numerical limits, we should do the same. By sticking with those sublimits, we keep arms control alive. By abandoning them, we needlessly open a Pandora's box, and set the stage for a new arms race that will make the world a much more dangerous place within which to live.

I hope that my colleagues will recognize the folly of the administration's decision on the SALT arms limits and join us in working for the passage of this legislation.

Mr. PROXMIRE. Mr. President, will the Senator from Rhode Island yield me 10 seconds?

Mr. CHAFEE. I yield.

Mr. PROXMIRE. I congratulate my good friend from Rhode Island. He is a former marine and a former Secretary of the Navy. He is a man who understands the importance of a strong defense. He has made an excellent speech.

Here is a Senator who wants to join and support the four Senators and the bipartisan proposal by the Senator from Arkansas, I understand, and the Senator from Rhode Island and others. It is an excellent proposal. I certainly want to do all I can to help.

Mr. CHAFEE. I want to thank the distinguished Senator from Wisconsin who has been so active in this issue and indeed speaks every day in the Senate on the arms control effectiveness and the need for good policies, the dangers about violations of the ABM Treaty and of the SALT II sublimit.

We certainly thank him very much. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arkansas [Mr. BUMPERS] is recognized for a time not to exceed 5 minutes.

SALT II SUBLIMIT MUTUAL RESTRAINT ACT OF 1987

Mr. BUMPERS. Mr. President, I am pleased to join my distinguished colleagues, Senator CHAFEE, who just spoke, Senator HEINZ, and Senator LEAHY, in what is a continuing bipartisan effort on the part of the four of us to lead the U.S. Senate and Congress toward a sane, sensible strategic policy which in our view must encompass staying within the sublimits of the SALT II Treaty.

Some have suggested that, if this bill is brought up as an amendment at any time, there are other Members who will then ask that the SALT II Treaty be ratified which, as the Members know, would require 67 votes.

I would hope that would not happen, but I can tell you that my present thought would be that I would vote against the SALT II Treaty unless it were substantially up dated to refect changes over the last 8 years.

We are not trying to ratify the treaty. We are trying to get the United States to stay within one set of provisions of the SALT Treaty that we think makes a lot of sense and hopefully that the Soviet Union will continue to do the same.

As you know, the administration has allowed the United States violate this sublimit of SALT II when it failed to offset the deployment of a cruise missile-equipped B-52 by dismantling an older weapons system, thereby putting us above the 1,320 limit on MIRV'd weapons.

This was the first time that either superpower had violated any of the key sublimits of SALT II. The Soviets have been right up against the SALT II limit of 820 MIRV'd, ICBM's for years, with 818 but they have not gone above that limit. And not only did the Reagan administration cause us to violate SALT II once, but it has done it two more times: on December 22, another B-52 with cruise missiles was deployed without any offsetting reductions; and just this last Tuesday, January 27, still another B-52 with cruise missiles was deployed. And in the name of the American people, the Reagan administration will be violating the treaty many times more while it still is in power: 22 more times just through the end of 1987, according to the Air Force.

Three times in the past 3 years Congress has passed nonbinding language urging the President to keep the United States within the SALT limits. Until last year, he did this, and we applauded that in a bipartisan way in this body. But now that he has steered the ship of state onto a dangerous and uncharted course, Congress must act. In the face of this willful Presidential attempt to junk the last remaining limits on offensive nuclear arms, with no new agreement even on the horizon to take their place, my colleagues and I believe it is time for Congress to exercise its historic and constitutionally sanctioned role to check this unwise decision by the President and put the United States back within the sublimits of SALT II. As the Senator from Rhode Island has correctly pointed out, we do this reluctantly, but we do it because the security interests of the United States and the NATO alliance demand it.

Enactment of the legislation we have introduced today would ensure that the United States would stay within the SALT II sublimits at least through the rest of 1987 as long as the Soviet Union does likewise. In addition, it would require the President and his administration at long last to tell America what SALT I and SALT II have forced the United States and the Soviet Union to dismantle. The administration has kept this information from the American people because its revelation would be damaging to their campaign to scrap these sublimits. The reality is that the sublimit has forced the Soviets, SALT I and SALT

II have forced the Soviet Union, to dismantle far more than the United States: over 550 missiles and bombers for the Soviets versus 48 for the United States, less than one-tenth the Soviet total.

Our legislation is also forward looking. In section 3, we recognize that even more effective interim restraints than SALT II would be for us to encourage the President to pursue possible new approaches with the Soviet Union, new interim restraints, such as a new agreement on warheads, where warheads are defined as they were at Reykjavik. A lot of interim restraints are possible. We would not be prohibited under this legislation from spurring modernization, but a cap on warheads would require each side to dismantle one older warhead for each new one deployed. Simply put, this legislation is necessary if we are going to maintain America's commitment to arms control and if we want to keep some limits on the Soviet nuclear threat.

The Soviets have said they will stay within the SALT numerical limits for the time being, but they are not going to do this indefinitely. If we stay in violation of the SALT limits, we have to expect the Soviets at some point to begin to exceed those limits as well.

For example, SALT II limits both sides to 820 MIRV'd ICBM's, the most destabilizing of all weapons, according to the administration. The Soviets, with 818 MIRV'd ICBM's, have stayed within this limit, bumping right up against the 820 limit. Under SALT II, the Soviets, who will begin deploying their new MIRV'd SS-24 ICBM this year, must begin almost immediately to dismantle an existing MIRV'd ICBM for each new one they deploy. Without SALT, they can keep and deploy all they want. They could have several hundred more MIRV'd ICBM's in the next few years than they have now if we scrap SALT II.

But having junked SALT, the administration is, in effect, saying that our national security will not be affected one scintilla if the Soviets deploy hundreds of new MIRV'd ICBM's. This is downright silly, and a step that will be of great peril to the United States and our allies.

The reality is that a wide variety of sources agree that without SALT the Soviets will have several thousand more warheads than they would with SALT.

Mr. President, I ask unanimous consent that a table showing that be printed in the RECORD at this point.

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

INCREASED SOVIET WARHEAD LEVELS WITHOUT SALT

Source	1990–91	1994–95
CIA		+3,000–9,000
Administration report to Congress	+2,000–3,000	
Soviet military power 1986		+5,000
Housed Armed Services Committee	+4,000	+7,000–14,000
Senior ACDA official	+1,000–2,000	+1,000–5,000
Arms control Assn.	+5,000–7,000	+7,000–12,000

Note.—Today the Soviets have about 10,000 warheads. If SALT is continued, the above sources estimate that the Soviets would have 12,000 to 13,000 warheads by 1990–91 and 12,000 to 16,000 by 1994–95.

Mr. BUMPERS. Mr. President, in addition to the 820 limit on MIRV'd ICBM's the Soviets will probably be in a position to exceed the 1,200 limit on all MIRV'd missiles later this year. Now, if one chooses to believe that this is a naive concept, I want you to listen to this. There is a broad spectrum of professional national security experts who agree with our position. Six of the seven living former Secretaries of Defense, Republican and Democrat alike, agree with what we are doing. Six of the last Secretaries of Defense, Democrat and Republican alike: Harold Brown, James Schlesinger, Eliot Richardson, Melvin Laird, Clark Clifford, and Bob McNamara. And the chairman of the President's strategic forces advisory panel, Brent Scowcroft, whom we all have great affection and admiration for, is in this camp, as well as a host of other military leaders.

And, in addition, Mr. President, every single NATO ally we have disagrees with the President on this and they have told him so. It seems to me if the linchpin of Soviet foreign policy is to drive a wedge between us and our NATO allies, we may as well be on their payroll if we keep exceeding the SALT limits. We have deep and legitimate concerns about Soviet's compliance with SALT II. But, as Gen. John Chain, currently commander in chief of the Strategic Air Command, told Congress 16 months ago, the Soviets are abiding by the great majority of SALT's provisions. And there is no disputing their compliance with the numerical sublimits of SALT II.

Congress has endorsed twice in the past 2 years the right of the President to a proportionate response to any violation by the Soviet Union. But trashing the sublimits of the SALT II Treaty is a dangerously disproportionate response that damages our national security.

So, Mr. President, in closing, it is my hope that enactment of this legislation will not be necessary, that the President will find a way to return the United States to compliance with these limits. But, if it is necessary, I plead with my colleagues to act with us and to join us. We have a duty to defend the best interests of our national security.

Who here believes that this planet will be safer by 1995 when the Soviet Union has added an additional 5,000 warheads and we have added an additional 5,000 warheads? I promise you, there is not one soul in this body that believes that.

So, Mr. President, in our most reflective moments, we have to recognize that there are 4 billion souls on this planet. And just two men—you think of this—or either of the two, have the ability to destroy all that there is on and above this planet; either kill everything or make it uninhabitable. Either one of those two over out of 4 billion have that ability. So surely we must do all we can to reduce the possibility of such an unspeakable and unthinkable thing happening.

Mr. President, I send to the desk the bill which we today introduce.

The ACTING PRESIDENT pro tempore. The bill will be appropriately referred.

Mr. BUMPERS. Mr. President, I ask unanimous consent to have printed in the RECORD a SALT fact sheet, together with statements on U.S. SALT policy, and the bill.

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

SALT FACT SHEET

Past U.S. adherence to SALT has maintained important restraints on Soviet Nuclear Forces.

To stay within SALT numerical limits, the Soviets have been forced to dismantle hundreds of missiles, including 14 Yankee-class missile submarines, with 224 SS-N-6 missiles. These Yankee subs were newer than 80% of our missile subs.

By contrast, the U.S. has dismantled only three operational submarines, with 48 missiles, to comply with SALT.

OPERATIONAL WEAPONS DISMANTLED TO COMPLY WITH SALT, 1973–86

U.S.S.R.	Number	United States	Number
SS–11	72		
SS–7	190		
SS–8	19	Poseidon C–3	48
SS–N–5	21		
SS–N–6	224		
Bison bombers	30		
Totals	556	Total	48

For over 13 years SALT has prevented the Soviets from building new ICBM silos, forcing them to take out older ICBMs as they deployed newer ones.

If we stay with SALT, Soviet dismantling to stay within SALT limits must continue. Without SALT, such dismantling will stop before long, and the Soviet nuclear threat to the United States and NATO will be much greater.

The MIRV ceilings of SALT II have appreciably constrained Soviet force deployments, forcing the Soviets to stay within treaty ceilings on multiple warhead (MIRV) ICBMs, MIRV'd missiles and MIRV'd missile/ALCM bomber limits.

UNITED STATES/SOVIET MIRV'D FORCE LEVELS AS OF JANUARY 28, 1987

	United States	U.S.S.R.	SALT II limit
MIRVed ICBM's	550	818	820
MIRVed ICBM's and SLBM's	1,190	1,170	1,200
MIRVed ICBM's/SLBM's and ALCM-equipped bombers	1,323	1,230	1,320

Source: Congressional Research Service, Joint Chiefs of Staff.

THE U.S.S.R. WILL HAVE TO DISMANTLE MORE THAN THE UNITED STATES UNDER SALT

As shown below, under SALT the Soviets will have to dismantle much more than the United States. The Poseidon subs we would dismantle for SALT reasons will reach their 30 year life limits and have to be dismantled anyway in 1993 and 1994.

ESTIMATED SALT DISMANTLING REQUIRED THROUGH 1987

United States	Number	U.S.S.R.	Number
Poseidon	32	SS-19	5
		SS-17	20
		SS-11	72
		SS-N-18	32
Total	32	Total	129

Source: "Strategic Nuclear Forces: Potential United States/Soviet Trends With or Without SALT, 1985—2000", J. Medalia, A. Tinajero, and P. Zinsmeister", Congressional Research Service, July 15, 1986.

THE SOVIETS COULD FAR EXCEED SALT LEVELS IN THE NEXT DECADE IF THEY ARE FREED FROM SALT RESTRAINTS

"The President . . . was asked to explain [why] he had called the signed but unratified SALT II Treaty of 1979 'fatally flawed,' but has been informally observing its terms as President. *'I learned that the Soviet Union had a capacity to increase weaponry much faster than the treaty permitted, and we didn't.' [emphasis added]"*

President Reagan, quoted in the New York Times Magazine, October 6, 1985, p. 23.

The Defense Department says that without SALT, the Soviets could have 5,000 more warheads, or 33 percent more, by the mid-1990's than they would with SALT. The CIA puts the range at 3,000–9,000 more warheads without SALT than with it. This and other estimates for Soviet warhead levels are presented in the next table.

INCREASED SOVIET WARHEAD LEVELS WITHOUT SALT

Source	1990–91	1994–95
CIA		+3,000–9,000
Administration report to Congress	+2,000–3,000	
Soviet Military Power 1986		+5,000
House Armed Services Committee	+4,000	+7,000–14,000
ACDA Official	+1,000–2,000	+1,000–5,000
Arms Control Association	+5,000–7,000	+7,000–12,000

Note.—Today the Soviets have about 10,000 warheads. If SALT is continued, the above sources estimate that the Soviets would have 12,000–13,000 warheads by 1990–91 and 12,000–16,000 by 1994–95.

While there is disagreement over how much the threat will increase without SALT, no one disputes that the threat will be larger without SALT than with it.

If the U.S. continues to violate the SALT II limit of 1320 MIRVed systems, the Soviets are in a position to break the two other sublimits in 1987:

The 820 limit on MIRVed ICBMs. The Soviets will start deploying their SS-24, with 10 warheads each, this year. Under SALT II, the Soviets, with 818 MIRVed ICBMs, must dismantle an older MIRVed missile for each SS-24 they deploy to stay within the 820 ceiling. Without SALT, the Soviets could quickly exceed the 820 limit.

The 1200 limit on MIRVed missiles. The Soviets now have 1170 MIRVed ICBMs and SLBMs combined. The Soviets are expected to deploy two missile-firing subs this year, a Typhoon (with 20 MIRVed missiles) and a Delta IV (with 16 MIRVed missiles). With these 36 new missiles, the Soviets would have a total of 1206 MIRVed missiles, not counting the SS-24 ICBMs they deploy. SALT would force them to dismantle missiles to stay at 1200, but without SALT the Soviets would be free to go higher still.

The ban on new silo construction contained in SALT would disappear if SALT is ended, allowing the Soviets to build hundreds of new silos with hundreds of new MIRVed ICBMs if they wish. If the Soviets build silos as fast as in the late 1960's (about 300 per year), they could have the launch capability for thousands more warheads by 1996.

IMPORTANT STATEMENTS ON U.S. SALT POLICY

I. DEFENSE AND ARMS CONTROL EXPERTS

"U.S. policy should be to continue not to undercut the [SALT II] Treaty, especially its numerical limits."—Harold Brown, former Secretary of Defense to President Carter; Melvin Laird, former Secretary of Defense to President Nixon; James Schlesinger, former Secretary of Defense to President Ford; Brent Scowcroft, former National Security Adviser to President Ford; Cyrus Vance, former Secretary of State to President Carter and Deputy Secretary of Defense to President Johnson, Letter to Secretary Shultz August 1, 1986.

"Yes, I think we should [comply with SALT II]. There are restraints in the treaty on the Soviets which, however modest, are better than having no restraints at all."—General Brent Scowcroft, Chairman, President's Commission on Strategic Forces (1983–84), National Security Adviser to President Gerald Ford, Defense Week, January 21, 1985, p. 15.

"General Scowcroft said President Reagan's decision to comply for now with the 1979 arms limitation treaty [SALT II] 'made a great deal of sense.' He said the United States had nothing to gain from a policy of 'reciprocal violation [of the treaty] because we have virtually no leverage * * * [the treaty] is in a sense a refuge for us.' "—General Brent Scowcroft, quoted in the New York Times, June 19, 1985.

"I have made that assessment privately today that we should continue to abide by the SALT II limitations."—General Bennie Davis, then-Commander-in-Chief, Strategic Air Command, before the Strategic and Theater Nuclear Forces Subcommittee of the Senate Armed Services Committee, March 6, 1985.

"The Soviet Union, due to its production base, has an enormous capability to field systems. If they were to break out of the treaty limits of SALT II, the disparity between the number of warheads held by the Soviet Union and the United States would be significant * * * Any action by the Soviet Union which would change the nuclear balance so dramatically would adversely affect the strategic balance."—General Bennie Davis, ibid., March 6, 1985.

"I would not like to see the Soviets go beyond the SALT limits."—Lt. Gen. James Abrahamson, Director, Strategic Defense Initiative Organization 1986.

"There's not even a marginal military reason for exceeding the SALT limits * * * these guys have got a lot to learn."—General David C. Jones, then-Chairman of the Joint Chiefs of Staff (1981), as quoted in Deadly Gambits, by Strobe Talbott, p. 226.

"The [Joint] Chiefs [of Staff] want a continuance of the adherence regime rather than deal with breakout on the Soviet side."—General Richard Ellis, then-Commander-in-Chief, Strategic Air Command (1981), as quoted in Deadly Gambits, p. 224.

"At least six good things about SALT II come to mind."—Admiral Bobby Inman, then-Deputy Director, Central Intelligence Agency (1982), quoted in Deadly Gambits, p. 274.

"I am in complete accord [with legislation supporting the SALT no-undercut policy] * * * if approved by a large majority, as it should be, it will be a constructive and needed measure."—General Lew Allen, USAF (ret.), former Air Force Chief of Staff and currently Director of the Jet Propulsion Laboratory, May 31, 1984.

II. CONGRESS

"Continued Adherence to SALT II Numerical Sublimits.—It is the sense of the Congress that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits."—Department of Defense Authorization Act, 1987, October 14, 1986, p. 147.

"The President should carefully consider the impact of any change in the current policy of the United States regarding strategic offensive arms agreements on the long term security interests of the United States and its allies; and should consult with Congress before making any change in that policy."—Language from the Department of Defense Authorization Act, 1986 July 29, 1985.

"It would be detrimental to the security interests of the United States and its allies and to international peace and stability for the last remaining limitations on strategic offensive nuclear weapons to break down or lapse before replacement by a new strategic arms control agreement between the United States and the Soviet Union."—FY1985 DOD Authorization Act, 98 Stat. 2586.

"If this country were to abandon the existing arms control restraints built into the SALT II Treaty . . . we could unleash a totally unrestricted arms race between the two superpowers. Such an arms race would have the likely effect of undermining any prospect for success at the strategic arms reduction talks in Geneva . . . If the United States chooses to ignore the 1200 limit and to scrap the SALT II Treaty, this country would gain very little . . . The Soviet Union, on the other hand, could reap an immediate benefit from abrogation of the SALT II Treaty."—Senator David Durenberger, Chairman, Senate Select Committee on Intelligence, June 5, 1985.

"[Extending SALT II would be] quite logical [and] conducive to continuation [of the Geneva arms talks] * * * A sharp turn away from that [no-undercut] policy could well be detrimental to the atmosphere in which these talks are being conducted."—Senator John Warner, Chairman of the Strategic and Theater Nuclear Forces Subcommittee of the Senate Armed Services Committee, November 14, 1985.

III. ALLIES

"[West Germany] believes that both superpowers should adhere to the agreed-

upon upper limits on strategic weapons systems."—Spokesman for the West German government, in response to U.S. exceeding SALT II Limits, November 28, 1986.

"It would have been very wise and very useful [for the U.S. to continue to comply with SALT II]".—Francois Mitterand, President of France, November 28, 1986.

"Any non-compliance with the provisions of SALT II undertaken by whichever side is regretted."—Spokesman for the Belgian Foreign Ministry, November 28, 1986.

"The provisions [of SALT II] must be observed by both sides * * * difficulties will arise if both sides do not observe them."—Margaret Thatcher, Prime Minister of Britain, November 18, 1986.

"Since we are speaking of disarmament, let us not begin to overarm. Since we are speaking of negotiation, let us not begin to destroy existing treaties * * * France hopes existing treaties will be observed."—Francois Mitterand, President of France, July 10, 1986.

"[The] unanimous advice [of NATO ministers to Secretary Shultz] was to continue observance of the Second Strategic Arms Limitation Treaty."—Lord Carrington, NATO Secretary General, quoted in the Christian Science Monitor, June 12, 1985.

"We warmly welcome President Reagan's announcement that the United States will continue to observe the SALT II constraints, even though the Soviet record on compliance provides real cause for concern. This decision underlines the commitment of the United States to the arms control process."—Official Statement by Spokesman for the United Kingdom, June 11, 1985.

"We supported the United States sentiment of commitment to the SALT II treaty, although it was never ratified. Because it is very difficult to make new agreements in arms control, it is all the more important to most carefully preserve existing treaties and adhere to them."—Hans-Dietrich Genscher, Foreign Minister of West Germany, November 1985.

"The Federal Government welcomes the decision of the American President to continue respecting SALT II provisions. This decision underlines the interest of the West to continue actively the arms control dialogue with the Soviet Union * * * For progress in the ongoing arms control negotiations, especially U.S.-Soviet negotiations in Geneva, it is important that what has been accomplished in arms control is maintained. The Federal Government [West Germany] considers the continued observation of SALT I and SALT II limits, as well as the observation of the ABM Treaty, important contributions to strategic stability."—Peter Boenisch, State Secretary (Public Spokesman), Federal Republic of Germany, June 11, 1985.

"[The Canadian] Government's activity will be * * * encouraging compliance with existing treaties * * * To deviate from a policy of full compliance is to threaten the credibility and hence the viability of arms control. Canada firmly supports the regime created by the ABM Treaty and the existing SALT agreements on limiting strategic forces."—Joe Clark, Canadian Secretary of State for External Affairs, January 23, 1986.

"Premier Craxi conveyed immediately his strong approval for such a decision [to continue with SALT]. For the Italian government, that decision represents actually the most effective confirmation and commitment to make substantial progress in the negotiations on nuclear arms reductions."—Palazzo Chigi, official news service for Italian government, June 23, 1985.

"It is a very positive aspect that the American Administration has decided to continue complying with the limits set by the SALT II Treaty. * * * in the field of arms control it is very important not to jeopardize what has already been gained * * * the lack of compliance with existing obligation—and therefore the lack of a set of rules—would involve a risk of an acceleration of the arms race. And that is unacceptable to all. The [Danish] Government hopes that * * * the United States and the Soviet Union on its part will comply with the SALT II Treaty, until new arms control agreements are finalized in Geneva."—Uffe Ellemann-Jensen, Danish Minister for Foreign Affairs, June 11, 1985.

"Australia recently communicated its strong view to the U.S. and USSR that the existing SALT II limits should continue to be observed, pending the negotiation of a new agreement, said the Prime Minister."—Australia News, June 13, 1985.

"[SALT II's] key provisions serve as an important framework of constraint and impart a valuable degree of predictability."—Robert J. Hawke, Prime Minister of Australia, June 7, 1985.

IV. OTHERS

"If President Reagan had decided not to continue complying with SALT II, the Soviet Union would not consider itself to be bound by these provisions and limitations either; it could attach 30 warheads to each of its 300 giant SS-18 intercontinental ballistic missiles rather than the 10 allowed under the treaty. This would mean an increase of 6,000 warheads in the Soviet arsenal. The United States has no missiles of this size which would allow us to match such an action by the Soviets."—President Richard M. Nixon, Foreign Affairs, Fall 1985, pp. 4-5.

"It's perfectly logical to me to say that if the Russians are ahead and we are behind, we don't want them to go even higher. It's to our advantage that they be deterred from pushing the level of their strategic weapons even higher. The SALT II treaty would do this."—Edward Rowny, Chairman of U.S. delegation to the Strategic Arms Reduction Talks (START), in U.S. News and World Report, June 6, 1982.

"I * * * heartily endorse * * * the mutual, informal observance of the SALT I Interim Accord and the SALT II Treaty."—W. Averell Harriman, May 31, 1984.

S. 415

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 "SALT II Sublimit Mutual Restraint Act of 1987".

SEC. 2. LIMITATION ON STRATEGIC WEAPONS.

Notwithstanding any other provision of law, within 60 days of enactment of this Act no funds may be obligated or expended through December 31, 1987 to overhaul, maintain, operate or deploy any strategic nuclear weapons launcher or platform which would cause the U.S. to exceed those totals permitted under the central numerical sublimits of 820, 1200, and 1320 on categories of strategic launchers and platforms contained and defined in the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Strategic Offensive Arms, subject to the limitations in Section 5. Within 30 days of enactment of this Act, the President shall notify Congress of his plans for carrying out the provisions of this Section.

SEC. 3. REPORTING REQUIREMENT.

The President shall submit to Congress a report by October 15, 1987, in both classified and unclassified versions, describing the operational strategic nuclear weapons launchers and platforms that the United States and the Soviet Union have dismantled which have had the effect of keeping them from exceeding the limits of SALT II and the offensive limits of SALT I.

SEC. 4. INTERIM RESTRAINT POLICY.

Congress reaffirms its statement in Public Law 99-661 that "it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits." Recognizing that even more effective interim restraints by the United States and the Soviet Union would also be in the security interests of the United States, the Congress encourages the President to pursue possible new approaches with the Soviet Union to strengthen the interim restraint framework so that some restraints on offensive nuclear forces will continue until a new comprehensive nuclear arms agreement is concluded.

SEC. 5. WAIVER.

Section 2 of this Act shall be waived if the President notifies the Congress in writing that the Soviet Union has deployed strategic launchers and platforms in excess of the sublimits defined in Section 2. Such notice shall be accompanied by a report, in both classified and unclassified versions, providing information upon which the President bases his notification.

Mr. BUMPERS. Mr. President, I yield the floor.

RECOGNITION OF SENATOR LEAHY

Mr. LEAHY addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Vermont [Mr. LEAHY] is recognized for not to exceed 5 minutes.

Mr. LEAHY. I thank the distinguished Presiding Officer.

I also compliment my colleagues—Senators BUMPERS, CHAFEE, and HEINZ—for their statements on the bill before us.

SALT II

Mr. LEAHY. Mr. President, last November, in the midst of the uproar over the revelation that our Government has been trading arms for American hostages with the terrorist nation of Iran, President Reagan made a decision which in my estimation received far too little attention. He allowed the Department of Defense to exceed for the first time a key numerical subceiling of the SALT II Treaty. I think this could well be the most important decision of Mr. Reagan's Presidency, but it is also his worst mistake.

It came a full 6 years after President Reagan entered the White House vowing to scrap the "fatally flawed" SALT II Treaty which has been signed in Vienna in June of 1979.

By abandoning his campaign rhetoric and abiding by the unratified SALT II Treaty, the President preserved the single most important restraint on the construction of offensive nuclear weapons. President Reagan surely realized that abiding by these numerical subceilings slowed the arms race, reassured our allies, and provided a base from which our negotiators in Geneva could build an agreement for deep cuts in the nuclear arsenals of both sides.

These arguments remain as true today as they have been during the past 6 years. Nothing in the strategic equation has changed to justify the President's decision to exceed these subceilings. On the contrary, the reasons for the United States and the Soviet Union to continue to abide by these crucial provisions of SALT II are more obvious today than ever before.

Today, Senators BUMPERS, CHAFEE, HEINZ, and I are taking a step we hoped could have been avoided. We are introducing legislation to restore the United States to compliance with the sublimits of the SALT II Treaty through the end of this year, so long as the Soviets remain within these sublimits—something both sides have been doing scrupulously, until the President's recent decision.

The bill that we are offering today leaves maximum discretion to the President, serves the national interest, and meets the basic interests of the Senate in preventing a wide open arms race. The Senate is often called the conscience of the Nation. I would stress to my colleagues that the conscience of this Nation cries out for restraint on a nuclear arms race. What we are saying today is let us not throw away the one restraint that exist between the two superpowers.

Mr. President, the Bumpers-Leahy-Chafee-Heinz coalition is a model of bipartisan cooperation. Since 1984, we have worked closely and harmoniously to build a broad consensus in the Senate in support of maintaining these fragile limitations on the arms race. Some in the press call us the "gang of four."

That is a label we are willing to bear although it has no numerical relationship to the number of Americans who share our cause—and that is a majority of the Congress and the American people, Mr. President.

We have considered legally binding language on treaty compliance for months. But our hope was that President Reagan would continue his policy of abiding by the subceilings, and this action would be unnecessary.

This bill prohibits the expenditure of funds to overhaul, maintain, operate or deploy strategic launchers or platforms that would cause the United States to exceed the main SALT subceilings of 820, 1,200 or 1,320. The President retains discretion to determine specific actions the United States can take to resume compliance with all the SALT subceilings. It gives President Reagan the authority to waive the provisions of our bill should he notify Congress, with adequate documentation, that the Soviets have breached any of these sublimits. There would be no waiting period, nor any requirement for further congressional action once the President makes the necessary notification.

Mr. President, Republicans and Democrats join in this effort. For 3 years, Senators BUMPERS, CHAFEE, HEINZ and I have worked to put the Senate on record in support of continued observance of key elements of the SALT II Treaty. In 1984 and again in 1985, the Republican controlled Senate voted 82 to 17 and 90 to 5 in favor of our amendments. We are guided by national—not partisan—interests.

Support in the Senate for preserving the SALT numerical limits continues to be overwhelming. In a brief few days over a recess, 57 Senators signed a letter to the President in December urging him to restore compliance with the SALT subceilings. I ask unanimous consent that a copy of that letter be included in the RECORD at the conclusion of my statement.

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

(See exhibit No. 1.)

Mr. LEAHY. Some would say the Congress has no business meddling in the sensitive area of arms control. I completely reject that, Mr. President. I said earlier that the Senate is the conscience of the Nation. Does anybody question that the vast majority of Americans—Republicans, Democrats, and independents—want some kind of limits on the nuclear arms race? They know there are no winners in a nuclear war. They know that if we continue the arms race we will reach a point when a nuclear war may come about not by design but by accident.

The unavoidable truth is that the President has received very bad advice during the 2 years since his 1985 meeting with General Secretary Gorbachev in Geneva—advice that has not strengthened our national security, has endangered the gains we were making toward a new arms control agreement, and has damaged relations with our allies.

The President's decision to scrap the last remaining constraints on the nuclear arms race this past November presents us and the world with the risk of a sharp increase in the nuclear competition between the superpowers and declining prospects for any real agreement at the arms talks in Geneva.

Mr. President, those are the stakes. The world cannot afford 2 years with progress in American-Soviet negotiations to reduce nuclear weapons—25,000 strategic warheads are enough.

There is still time for President Reagan to secure his place in history as the first American President to negotiate an agreement with the Soviets for deep cuts in our nuclear arsenals. The legislation we offer today can help move us toward that goal.

All the arms control agreements we have had in the past have allowed certain increases in nuclear weapons. They slowed the buildup, but allowed the number of nuclear weapons to increase. We have reached the point in our history when sanity requires us not to build more nuclear weapons but to cut back on the ones we have. Let us at least keep within the limits of SALT II so that when the leaders of the two superpowers next meet they can begin to talk about cutting back.

I have said many times that my children will live most of their lives in the next century. What we do in the United States and what the Soviets do in the Soviet Union will determine whether we have a next century. Should not the genius of America be directed toward those things that made us a great nation—our competitive spirit, our concern for human rights and liberties—and not directed toward ways to increase the chance of nuclear war? We have an opportunity now to say, "Halt. It is enough. And by our action to urge the President of the United States and the leader of the Soviet Union to finally meet and do the one thing that only the two of them can do—agree finally to stop the arms race and cut back on the enormous number of nuclear weapons in the world today.

Mr. President, I yield the floor.

EXHIBIT 1

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, December 15, 1986.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our serious concern over your decision to put the United States in violation of the SALT II limit of 1320 multiple warhead systems when the 131st B-52 equipped with cruise missiles left its conversion facility in Texas last last month. This action is an open invitation to the Soviets to exceed several numerical sublimits of SALT I and SALT II, actions which they have not as yet taken and are exceedingly well positioned to do in the very near future. U.S. violation of a central sublimit of SALT II may well result in a greater Soviet nuclear threat than would otherwise be the case, and it will have a chilling effect on the prospects for following up on the progress you made at Reykjavik.

As the Soviets soon begin to deploy their new MIRVed SS-24 ICBM, SALT II will force them almost immediately to begin dismantling existing silo-based MIRVed ICBMs, which you have rightly and repeatedly called the most destabilizing strategic weapons of all. Given the Soviets' past dis-

mantling record and their ongoing strategic modernization program, U.S. violation of a key SALT sublimit is an open invitation to the Soviets to exceed those same limits, which to date they have respected. This situation will likely increase the Soviet nuclear threat to the U.S. in an especially destabilizing way, add a major new strain to the NATO Alliance, and aggravate the atmosphere necessary to reach the kind of new arms control agreement that we all want.

As you know, the House passed by a significant margin binding language proposed by Congressman Dicks dealing with the SALT sublimits. In the conference on the FY 1987 Defense Authorization bill, this language was dropped, despite strong House sentiments, in order not to tie your hands at Reykjavik. In its place, Congress stated that it is in the national security interests of the United States to continue voluntary compliance with the central numerical sublimits of the SALT II Treaty as long as the Soviet Union complies with such sublimits. This remains our view. In addition, in view of the progress you made at Reykjavik, it is especially damaging to U.S. security interests and the prospects for a new arms agreement for the U.S. to be the first to breach a central sublimits of SALT II.

Accordingly, we urge you to take the steps necessary to put the United States back into compliance with the SALT II numerical sublimits as long as the Soviets continue to remain within those sublimits. We also encourage you to raise with the Soviets possible approaches to strenghten the interim restraint framework to ensure that some restraints on offensive forces remain in place until a new arms agreement is reached. At the same time, we should continue to pursue our concerns about Soviet compliance with some aspects of existing agreements.

We look forward to working with you to forge a strong and durable bipartisan consensus on this and other security issues in the months to come.

Sincerely,

John H. Chafee, Patrick Leahy, William S. Cohen, Mark O. Hatfield, Edward M. Kennedy, Dale Bumpers, John Heinz, Sam Nunn, Claiborne Pell, J. Bennett Johnston, Joseph R. Biden, Albert Gore, Jr., George J. Mitchell, Wendell H. Ford, James R. Sasser, William Proxmire, David Durenberger, John F. Kerry, Daniel P. Moynihan, Lawton Chiles, Carl M. Levin, David Pryor, Bob Packwood, Howard M. Metzenbaum, Paul S. Sarbanes, Donald W. Riegle, Jr., Jeff Bingaman, Max Baucus, John Melcher, Quentin N. Burdick, Tom Harkin, J. James Exon, Christopher J. Dodd, Spark M. Matsunaga, Robert T. Stafford, Frank R. Lautenberg, Daniel K. Inouye, Daniel J. Evans, Arlen Specter, Alan J. Dixon, Lowell P. Weicker, Alan Cranston, Paul Simon, Lloyd Bentsen, Barbara A. Mikulski, Brock Adams, Harry Reid, David L. Boren, Wyche Fowler, Jr., John D. Rockefeller, Kent Conrad, John B. Breaux, Timothy E. Wirth, Thomas A. Daschle, Bill Bradley, John Glenn, Terry Sanford.

RECOGNITION OF SENATOR MURKOWSKI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized for not to exceed 5 minutes.

KANSAI: EXHAUSTION OF REMEDIES

Mr. MURKOWSKI. Mr. President, recently, I addressed the Senate on the issue of American firms access to the Kansai International Airport and other major Japanese public works projects, identified as consisting of approximately 10, totaling about $62 billion in construction over the next decade.

I illustrated the problem with two charts showing almost $2 billion worth of Japanese construction firm business in the United States and no comparable United States firm business in Japan.

I concluded that there will be no progress unless we take concrete action that sets deadlines.

Mr. President, I want to make it very clear that I am not embarking on a mission to bash our good friends in Japan. They are the most important of the bilateral relationships we have. But there is a matter of equity here and it is obvious that the example I have given, the exact figure being $1.8 billion worth of construction done in the United States by Japan's contractors, architects, and engineers, be considered, with none being done in Japan by American firms.

Finally, I announced that I have instructed my staff to begin drafting a petition under section 301 of the 1974 Trade Act.

Mr. President, now some of my colleagues will argue that a section 301 petition is a major step—and it is—in finding the fact of unfair trade practices.

As part of the section 301 drafting process, I instructed my staff to review American Government and private sector contacts with the Japanese on this issue. I wanted to be absolutely certain that we had done all that was humanly possible before we began the process of trade retaliation.

I will add, Mr. President, that I visited the site in September. It is an extraordinary construction project and will be one of the major construction accomplishments in the world. It is some 3 miles out in Osaka Bay. An area some 3 miles long and a mile wide will be constructed in 90 feet of water.

I intend to ask that this written report be made a part of the RECORD in its entirety. Before I do, I would like to note that this report covers only what is on the public record and does not do justice to the daily effort of our fine officers overseas, particularly at the U.S. consulate, Osaka.

Mr. President, I have been working on the Kansai issue since last spring and I thought I knew its history, but I find I did not.

First, this is not a new issue. American industry and negotiators first began to make contact and inquiries over 15 years ago.

This is significant because every other American official and I have consistently been told that it is "too late" for foreign firms to participate in phase 1 of the Kansai project. Phase 1 is undefined but could be as much as 60 percent of the $8 billion project.

Second, Mr. President, the list of those on the United States side who have sent letters to the Japanese is staggering.

President Reagan has sent a letter to the Prime Minister. The distinguished majority leader has sent a letter to the Prime Minister. The distinguished minority leader has sent a letter. Senators TRIBLE, DANFORTH, CHAFEE and ROTH have joined in a letter to Trade Representative Yeutter. Senator DANFORTH has sent several letters. Perhaps a dozen other of our colleagues and I have sent letters. It is hard to keep track to the letters that have been sent by the administration appealing for participation in this project.

Then there are the visits. I have been to Japan. Secretary Baldrige has been to Japan numerous times. Commerce Under Secretary Smart and Deputy United States Trade Representative Smith have been to Japan and are there again this week, joining Assistant Secretary Goldfield who is in Japan for his fifth Kansai visit in the past 9 months.

Finally, there are the hearings, the floor statements, the speeches, and the news conferences. Last June, I held a hearing entirely devoted to Kansai in the Foreign Relations Subcommittee on East Asia and Pacific Affairs. In addition, I testified before the Senate Finance Committee on May 8. There have been over 20 major speeches, floor statements and news conferences by senior American officials in the past 11 months alone.

I might add that the list which I will enter into the RECORD of contacts covers some eight pages, single spaced.

Mr. President, we are coming upon an important anniversary. It was on February 18 of last year that Ambassador Mansfield went to Osaka, met with Kansai International Airport officials and gave a major address on market access. We have been in a full court press ever since.

Who has been on the receiving end of this flood of communciations? Everyone in Japan from the Prime Minister on down. To name a few, the Foreign Minister, the Miti Minister, the construction minister, two transport ministers, three Prefectural Governors.

In the private sector, senior American officials have addressed every known Japanese national and Kansai

area economic organization, at least once.

An examination of the written report, will note that the United States is not alone in pressing for market access in Japan. The British, the Canadians, and the Koreans have all written their letters and made their trips to Osaka and Tokyo.

And what has this mountain of effort produced? Precisely nothing. The Japanese bureaucracy digs in its heels and wears us down. They are now working on their second Canadian Trade Minister and their third United States Trade Representative.

The following written report aptly illustrates that we have made the effort, we have walked that extra mile.

In short, Mr. President, we have exhausted our administrative remedies and the time has come to act.

The Kansai project itself has become symbolic and can be interpreted that Japan's markets are closed to United States construction firms.

I ask unanimous consent that a chronological account of U.S. efforts to gain market access to the Kansai International Airport project be included in the RECORD at this point.

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

EXHAUSTION OF REMEDIES

Explanatory Note: What follows is a chronological account of official contacts by United States officials and others with Japanese Government officials. It also includes attempts to reach them through the communications media. The subject has been the need for an open, transparent and nondiscriminatory bidding system to be applied to the Kansai International Airport project and other major projects in Japan.

1971—U.S. negotiators first raise the issue of American firm participation in Japanese major public works projects.

April 1978—Tippetts-Abbett-McCarthy-Stratton, consulting firm asked by Japanese trading firm C. Itoh for expertise on Kansai International Airport project.

1979—U.S. industry raises Kansai issue with USTR Robert Strauss.

1980—U.S. industry raises Kansai issue with Ambassador Mike Mansfield.

1981—U.S. industry begins to make contact with Japanese Government officials looking for an opportunity to bid on Kansai project.

1982—U.S. industry raises Kansai issue with USTR William Brock.

1984—U.S. Consul General Osaka meets with local business groups to discuss Kansai.

Lake 1984—Osaka consular officers call on newly formed Kansai International Airport Company (KIAC) officials.

Early January 1985—Osaka Consul General Killion calls on KIAC President Takeuchi.

January 25, 1985—Osaka consulate notifies Washington of Kansai opportunities for U.S. firms.

June 21, 1985—Deputy USTR Michael B. Smith meets with Transport Vice Minister Matsui.

October 1985—British Secretary of State for Trade Nicholas Ridley visits KIAC offices.

January 24, 1986—Ambassador Smith sends follow-up letter to Vice Minister Matsui.

February 18, 1986—Ambassador Mansfield meets with KIAC President Takeuchi, Governor of Osaka Prefecture Kishi, Governor of Kyoto Prefecture, Mayor of Osaka City, Mayor of Kyoto City, The Kansai Productivity Center, Kansai and national Keindanren.

February 19, 1986—Ambassador Mansfield makes keynote address at Kansai Economic Management Seminar in Kyoto.

March 1, 1986—Ambassador Smith and Under Secretary of Commerce Bruce Smart raise Kansai issue at U.S.-Japan subcabinet trade meetings.

April 10, 1986—Foreign Commercial Officer Keith Bovetti holds press luncheon at Toyko Foreign Correspondents Club.

April 12, 1986—European Communities (EC) Director Raymond Phan Van Phi raises issue with Japanese officials.

April 1986—U.S. Delegates to the GATT recommend that KIAC be added to list of industries covered by GATT Government Procurement Code.

April 1986—Foreign Commercial Service Director General Alex Good and Assistant Commerce Secretary Goldfield meet with U.S. business representatives in Tokyo.

May 8, 1986—Senator Frank H. Murkowski testifies before the Senate Finance Committee calling for an open bidding system for Kansai.

May 13, 1986—Assistant Secretary of Commerce Joseph Dennan meets senior officials of KIAC, Osaka Prefecture, Ministry of International Trade and Industry and the Ministry of Transportation.

May 28, 1986—USTR Clayton Yeutter writes Minister of Transportation Hiroshi Mitsuzuka.

May 29, 1986—Canadian Minister of International Trade James Kelleher meets KIAC President Takeuchi.

June 5, 1986—Senator Murkowski receives testimony from Commerce, USTR and industry representatives in Senate Foreign Relations East Asia Subcommittee.

June 5, 1986—Commerce Secretary Baldrige writes to Deputy Prime Minister Masumi Easki.

June 10, 1986—Senator Murkowski writes Secretary of State George Shultz asking that Kansai be raised with appropriate Japanese officials.

June 13, 1986—Floor statement by Senator Murkowski.

June 24, 1986—Acting under Section 305 of the Trade Act of 1974, Senators Murkowski, Danforth, Kassebaum, Mattingly, McClure, Nickles, Roth, Symms, Trible, and Chafee ask USTR Yeutter whether Kansai is actionable under Section 301 of the Trade Act of 1974.

June 26, 1986—USTR Yeutter tells news conference that Kansai policies run counter to free trading principles agreed upon between U.S. and Japan.

June 26, 1986—EC Delegation Chief Brinkhorst in Tokyo calls for foreign participation in Kansai.

July 1, 1986—EC Commissioner Willy de Clercq calls for Kansai to be open to foreign competition.

July 2, 1986—International Engineering and Industries Council Secretary William W. Beddow writes Ambassador Yeutter supporting senatorial Section 305 request for information.

July 7, 1986—Ambassador Yeutter informs Senator Murkowski that Japanese are "in a totally indefensible position on this issue."

July 7, 1986—European Communities officially ask for open bidding at Kansai.

July 16, 1986—Senators Byrd, Dole, Long, Danforth, Bentsen, Heinz, Baucus, Roth, Mitchell, Durenberger, Boren, Moynihan, Matsunaga, Chafee, Pryor, Wallop, Grassley, Bradley, Packwood, Armstrong, and Symms send letters to Prime Minister Nakasone asking for open competition on Kansai.

July 21, 1986—U.S. Embassy Tokyo officials meet with Ministry of Transport officials concerning Kansai.

July 25, 1986—As per June 10 request of Senator Murkowski, U.S. Embassy officers Tokyo deliver demarch to Japanese Ministry of Foreign Affairs.

July 28, 1986—Commerce Secretary Baldridge meets Prime Minister Nakasone, Foreign Minister Kuranari, MITI Minister Tamura and Transport Minister Hashimoto.

July 29, 1986—Kansai speech by Commerce Secretary Baldridge before the Japan External Trade Organization, Japan Economic Foundation and the Japan Foreign Trade Council in Tokyo.

August 1, 1986—Ambassador Mansfield hosts luncheon for new Liberal Democratic Party leadership.

August 7, 1986—South Korean Ministry of Construction makes official request for open bidding.

August 8, 1986—Commerce Secretary Baldridge sends letter to Transport Minister Hashimoto calling for transparent bidding procedures.

August 10, 1986—South Korean representatives raise Kansai issue at Japan-ROK Foreign Ministerial Periodic Consultations.

August 11, 1986—USTR Yeutter writes to Japanese Ambassador Matsunaga that "only a full and immediate implementation of this policy (foreign market access to Kansai) can forestall formal trade action by my Government."

August 11, 12, 1986—U.S. representatives raise Kansai at U.S.-Japan subcabinet trade committee meetings in Hawaii.

August 13, 1986—Commerce Deputy Assistant Secretary James Phillips meets Michihiko Ikeda, Deputy Director General of Ministry of Foreign Affairs Economic Affairs Bureau.

August 14, 1986—Under Secretary of Commerce Smart holds Kansai news conference in Tokyo.

August 15, 1986—President Reagan writes to Prime Minister Nakasone.

August 15, 1986—USTR Yeutter writes to Senator Murkowski confirming Kansai policies are actionable under Section 301.

August 18, 1986—Commerce Under Secretary Smart meets KIAC President Takeuchi, holds news conference in Osaka.

August 21, 1986—Commerce Under Secretary Smart holds Kansai news conference in Tokyo.

August 23, 1986—Under Secretary Smart meets Deputy Foreign Minister for Economic Affairs Teshima.

September 2, 1986—Osaka Consul General John Mallot meets Aichi Prefecture Governor Reiji Suzuki.

September 4, 1986—South Korean Construction Minister Lee Kyu Hyo meets Japanese Construction Minister Kosei Amano.

September 5, 1986—Senator Murkowski writes Secretary Baldridge requesting a status report on other Japanese major projects.

September 10, 1986—South Korean Foreign Minister Choi Kwang Soo meets in Tokyo with Japanese Foreign Minister Tadashi Kuranari and asks for international bidding.

September 11, 1986—Floor statement by Senator Murkowski.

September 19, 1986—Dear Colleague on Kansai by Senator Murkowski.

September 23, 1986—Floor statement by Senator Murkowski.

October 7, 1986—Presidential Trade Delegation (PTD) led by Commerce Assistant Secretary Goldfield meets Foreign Minister Kuranari and Transport Minister Hashimoto.

October 8, 1986—Presidential Trade Delegation meets KIAC President Takeuchi, Osaka Vice Governor Nakagawa, Western Japan Federation of Economic Organizations and Osaka Chamber of Commerce and Industry.

October 9, 1986—Presidential Trade Delegation meets Aichi Prefecture Governor Suzuki. Holds news conference in Osaka.

October 9, 1986—Ambassador Mansfield meets with Economic Planning Agency Director General Kondo.

October 10, 1986—Commerce Assistant Secretary Goldfield gives Kansai speech at Foreign Correspondents Club in Tokyo.

October 11, 1986—Commerce Assistant Secretary Goldfield gives Kansai press interview.

October 15, 1986—Commerce Assistant Secretary Goldfield writes to Transport Vice Minister Kakizawa and Construction Vice Minister Toyokura.

October 20, 1986—Senator Murkowski writes to U.S. Trade Policy Review Group (Under Secretary-level interagency trade committee) urging Administration to self-initiate Section 301 case.

October 29, 1986—U.S. side raises Kansai issue at U.S.-Japan subcabinet Trade Committee meetings in Washington.

October 31, 1986—Presidential Trade Delegation report calls on U.S. to "be prepared to impose immediate restrictions on Japanese participation in the U.S. market if recognizable progress is not achieved in the very near future."

November 7, 1986—In Washington USTR Yeutter tells Kansai Committee for Economic Development that Japan must accept international bidding for Kansai.

November 13, 1986—Representative John Duncan (R-Tenn) raises Kansai issue in meeting with Prime Minister.

November 25, 1986—Canadian Minister of International Trade Pat Carney meets with MITI Minister Tamura, Construction Minister Amano and Keidanren.

December 7, 1986—CODEL Murkowski visits Kansai International Airport site in Osaka Bay.

December 8, 1986—Senator Murkowski meets KIAC President Takeuchi, Osaka Governor Sakae Kishi and Prime Minister Nakasone.

December 8, 1986—Commerce Secretary Goldfield meets KIAC President Takeuchi.

December 9, 1986—Senator Murkowski meets with Foreign Minister Kuranari, Representatives of U.S. firms interested in Kansai and Transport Minister Hashimoto.

December 9, 1986—Assistant Commerce Secretary Goldfield meets Ministry of Foreign Affairs Director General Watanabe, Ministry of Transport Vice Minister Kakizawa and Ministry of Construction Vice Minister Toyokura.

December 10, 1986—Senator Murkowski meets with Construction Minister Amano.

December 10, 1986—Senator Murkowski gives speech on Kansai before the Japan National Press Club.

December 10, 1986—Senate Foreign Relations Committee Professional Staff Member William C. Triplett, II meets with Honshu-Shikoku Bridge Executive Director Yamashia.

December 10, 1986—Commerce Assistant Secretary Goldfield meets with Tokyo Bay Bridge President Oka, Counselor to the Prime Minister Kunihiro and Director Miyashige of the Japan Highway Public Corporation.

December 10, 1986—Commerce Assistant Secretary Goldfield gives Kansai speech at American Embassy Tokyo.

December 12, 1986—Senator Jack Danforth sends letter to Foreign Minister Kuranari, Transport Minister Hashimoto and Construction Minister Amano asking for open bidding on Kansai.

December 16, 1986—Senate Foreign Relations Committee staff member Triplett meets President Oka of Tokyo Bay Bridge Company.

December 18, 1986—Osaka Consul General Mallot meets KIAC President Takeuchi.

December 19, 1986—EC Head of Delegation Brinkhorst sends letter to KIAC President Takeuchi asking for information on bidding.

December 30, 1986—Senator Murkowski sends letters to Senators Danforth, Hollings and Biden as well as Attorney General Meese and Under Secretary of Commerce Smart.

December 31, 1986—Senator Murkowski sends letter to U.S. International Engineering and Construction Industries Council.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER (Mr. DASCHLE). Under the previous order, the Senator form Pennsylvania [Mr. SPECTER] is recognized for not to exceed 5 minutes.

VIOLENT CRIME LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing four bills aimed at the problems of violent crime in this country. These legislative proposals are initiatives which I have introduced in the past and am reintroducing today because I believe it is necessary to maintain a full court press on the problem of crime in the streets and attach a high priority for these measures of importance.

FUNDING TO FIGHT VIOLENT CRIME

Mr. President, I am today introducing a bill for the authorization of substantial funding to fight violent crime in the United States. This bill and the accompanying tables are based upon hearings in the Judiciary Committee, my experience as district attorney of Philadelphia, and the work of the National Commission on Criminal Justice Standards and Goals, of which I was a member.

The essence of this proposal is to spend 1 percent of the Federal budget on domestic defense, which would amount to approximately $10 billion a year over the next 10 years for a total outlay of $100 billion, with a goal of reducing violent crime in this country by some 50 percent, if we directed our attention to the approximately 200,000 career criminals who are presently in this country.

The cost of crime each year on economic ground alone exceeds $100 billion, and when pain, suffering, and psychological duress are considered, the cost of crime in this country exceeds $500 billion each year. On the basis of my experience over the past 28 years, including my work as a prosecuting attorney, in the defense field, and on the Senate Judiciary Committee, I am convinced that if we attack crime systematically, we can reduce violent crime very materially in this country.

Not a day goes by, Mr. President, in virtually every city, town, and hamlet in the United States, without a report of violent crime by someone who is on probation, on parole, or on bail awaiting trial. We know from documented sources and statistics that 70 percent of the violent crimes in this country are committed by 10 percent of the criminals, and they are career criminals.

The American public has lost confidence in law enforcement in this country, and the American public has lost confidence in the ability of government to provide law and order and justice. Our response should be to reconsider our response to crime in the streets and to fashion a system which does, in fact, work.

I am convinced that the American people are prepared to pay for a criminal justice system which works. The State of California, which authored proposition 13 and the tax revolt, passed two referendums authorizing bonds for prison construction. This evidences the fact that even among those who are most concerned about government expenses, there is a willingness to allocate funds to deal with the serious problem of crime control.

In the District of Columbia, Mr. President, substantial initiatives have been undertaken to attempt to make the District a model city, with funds being allocated for realistic rehabilitation where rehabilitation is possible. Although studies show that the most hardened criminals are not subject to rehabilitation, rehabilitation remains viable for juveniles, first offenders, and even some second offenders.

To the extent that it is possible to achieve such rehabilitation, resources ought to be allocated accordingly. To the extent that rehabilitation is not realistic—where we deal with career criminals—then, Mr. President, I think the only alternative is, in effect, to throw away the key, and give career criminals mandatory sentences in order to separate them from the rest of society.

The legislation I am introducing today, Mr. President, is the successor of two bills I previously introduced—S. 889 in the 98th Congress and S. 486 in

the 99th Congress. I fully realize that this year, 1987, in the face of the budgetary concerns and the efforts at deficit reduction, it will be difficult to fashion new Federal expenditures, however necessary and cost-effective they may be.

My own view is that we are engaged in a long-term process educating the American public about ways that government can successfully deal violent crime. While this legislation doubtless faces a gloomy prospect at this precise moment, there will come a day—and I am optimistic that it will be a day in the not too distant future—when we recognize that action of this type must be taken if we are to deal effectively with the problems of juvenile rehabilitation and speedy trial, if we are to get people off bail who are committing new offenses, if we are to educate judges to impose tough sentences on tough criminals, and if we are to have sufficient jail space in our country to incarcerate the career criminals who commit so many violent crimes.

This legislation, Mr. President, would provide for 200,000 additional jail cells. Estimates from experts at a series of Judiciary Committee hearings have disclosed that there are approximately 200,000 to 400,000 career criminals in the United States. Hardened criminals, however, are being released from jails without serving their sentences, because there is insufficient space in the jails; judges are not sentencing convicts who ought to go to prison, because there is insufficient space; parole boards are releasing prisoners prematurely, because there is insufficient space; parolees who violate their parole are not being incarcerated, because there is insufficient space; and probation violators are not being reincarcerated, because there is insufficient space.

Violent crime, Mr. President, I submit, exacts more public pain and has a greater long-term impact on the United States than any other single issue with which the Congress deals. This is evidenced by the fact that public opinion polls regularly indicate that crime is the No. 1 concern of the American public.

The proposal I make today would respond to that clearly evidenced concern by devoting substantial Federal funding to the attack on violent crime. It would direct 1 percent of the Federal budget for "domestic defense" with a goal of cutting violent crime in this country by 50 percent.

We appropriate additional billions for necessary foreign defense. But statistics show that in 1985, murders in the United States claimed 18,976 victims—1 every 28 minutes—compared to a few hundred for all our foreign enemies. Here at home, still no serious reforms were implemented in our criminal justice system. Nor was there a national outcry; instead, we meekly accepted the staggering death toll.

The time has come for a concerted attack on violent crime in the United States. My judgment is that the people of this country are prepared to pay for an attack on violent crime if it is well conceived and well executed.

The proposal which is advanced here today would attack the problem of violent crime on all levels: To emphasize the necessity for tough sentencing by trial judges; to provide correctional facilities where there can be realistic rehabilitation efforts for adult offenders on their first and second offenses so that we do not turn out functional illiterates without skills, who, not surprisingly, return to a life of crime; and, where we have career criminals, in effect, to throw away the key where there are multiple convictions by the same individual.

The program would also be directed at breaking the crime cycle of the juvenile offender, where a juvenile is a delinquent at 6 or 7, a truant at 8, into vandalism at 10, robbery at 15, and armed robbery and murder at 17.

The objective of this program—and I think its importance—is to cut violent crime by 50 percent, primarily by directing greater attention to career criminals. According to best estimates, there are approximately 200,000 career criminals in this country at the present time. If we could separate them from society, I think we could actually reduce violent crime by 50 percent.

The United States now suffers four times more violent crime, per capita, than in 1945, and 20 to 100 times more than other industrial democracies. Random violence afflicts 1 in 10 American households every year, serious crime, 1 in every 5. The total loss to our society reaches more than $100 billion a year.

Domestic criminals have succeeded where foreign armies failed: They have terrorized not only millions of victims, but all Americans, denying our constitutional rights and our inalienable birthright to the pursuit of happiness. According to repeated polls of public opinion, Americans worry more about crime than anything except economic distress. Not even the Soviet threat is viewed as more serious.

Most violent felonies are premeditated crimes for profit, committed without passion or provocation against strangers by repeat offenders whose chosen livelihood is to prey on the vulnerable. Although an arrest is made in only one felony in five, most of these career criminals eventually are arrested repeatedly, even if for only a tiny fraction of the scores or hundreds of their crimes.

Once taken into our criminal justice system, however, career criminals often evade justice as effectively as they did arrest in other instances. Dismissals, delays, plea bargains, judge-shopping, unrealistic bail, lenient sentencing, early parole, crowded prisons, insufficient job training, enforced idleness, and many other problems combine to nullify law, blunt deterrence, and undermine public safety. Usually, career criminals are back on the street soon, if not immediately. Even career robbers sent to prison serve, on the average, less than 5 years. Many serve only a few months.

In short, as the President has said, the problem is a breakdown in the system. The solution is simply to reorient it: treat serious defendants seriously. Since career criminals, though comprising less than 10 percent of all persons arrested, commit more than 60 percent of all offenses, they warrant our greatest efforts. From investigation to release, violent career criminals should be singled out for highly concentrated attention and rapid, realistic disposition by all concerned. That is not improper selective prosecution, just common sense, if uncommon practice.

Violent crime for profit truly can be cut in half as proposed in 1973 by the National Commission on Criminal Justice Standards and Goals. What is required is a crash effort to focus far greater resources far more narrowly on correcting the specific deficiencies that prevent the system from incapacitating the truly dangerous criminals. Ten years ago, the reduction would have taken only 5 years; now it may take 10.

The program involves spending 1 percent of the Federal budget on strengthening domestic defense against violent crime by increasing Federal manpower and improving State criminal justice systems, which would still handle over 90 percent of the violent crime caseload. The Federal budget allocation for criminal justice comprises a small fraction of the projected Pentagon budget for the same year.

Cutting serious crime in half would cut the annual cost of crime in half, saving $50 billion. Adding a few billion per year would not only save $50 billion per year, but would also make the other 99 percent of the Federal budget buy billions more value. In short, the program, while it requires modest investment up front, would more than pay for itself within a few years. Moreover, it can be phased in gradually as revenues automatically rise as the economy recovers.

The congressional crime caucus, of which I am cochairman, heard startling testimony on the breakdown of the criminal justice system. Criminals are waging war in our urban centers and appear to be winning the battle against our criminal justice system.

During that hearing, we saw a foreshadowing of the unacceptable consequences of a loss of public confidence in the ability of our criminal justice system to provide law, order, and justice. We must never allow citizens to take the law into their own hands. But in so pronouncing, we must also accept our responsibility to assure that the criminal justice system works, so that no citizen needs to resort to self-help. This legislation is a major step toward revitalizing the criminal justice system and restoring the public's shaken confidence in it.

The issue is not whether our country can find and afford the funds but whether we now know enough about preventing violent career crime to pinpoint the new expenditures like laser beams rather than, as in the past, disperse them like a light bulb and whether doing so would, in fact, produce so large a reduction. The answer, in a word, is "Yes." The attached chart shows in a page how this goal can be accomplished.

Really, the country cannot afford not to undertake this program.

The full psychological impact of violent crime cannot be quantified, because it is suffered not by actual victims but by potential victims—all of us:

What dollar amount can be attributed to the fright Americans experience when they hear an unexpected noise at 3 a.m. and wonder if a burglar is in the house?

What dollar amount can be attributed to the fear women experience as they walk home at night and a sudden movement toward them suggests a rape or assault or worse?

What losses are sustained when business opportunities are ignored because of the risk of crime?

What dollar amount can be attributed to cancellations and reschedulings to avoid events which conclude after dark?

Compounding the agony, much crime is preventable—if only the murderer had not been paroled, the robber had not been placed on probation, the burglar had not been acquitted because the policeman erroneously filled out a search warrant, or the rapist had not been on bail for 6 months, without being tried.

Governments at all levels—Federal, State, and local—now spend approximately $30 billion on crime control, including police, prosecutors, defenders, courts, prisons, and parole programs. My proposal contemplates an increased expenditure of 1 percent of the Federal budget—$10 billion in the first year—with the realistic prospect of reducing violent crime by 50 percent.

Mr. President, a document entitled "National Program To Cut Violent Crime," upon which the proposed program is substantially based, is reprinted in the CONGRESSIONAL RECORD of March 23, 1983, at pages S3817-S3822. I ask unanimous consent that this bill, accompanying tables, and summary summarizing annual increases by function be printed in the RECORD.

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

S. 411

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 "National Violent Crime Program Authorization Act, Fiscal Year 1988".

SEC. 2. On the basis of evidence, information, and documents and testimony collected by the committees and subcommittees of the Congress and the reports and recommendations of various national commissions, including the National Commission on Criminal Justice Standards and Goals (1973) and the Attorney General's Violent Crime Task Force (1981), the Congress hereby makes and adopts the following findings:

(1) Violent crime and drug trafficking have become a severe national problem affecting the personal safety and general welfare of citizens of the United States and an intolerable burden upon Insterstate Commerce.

(2) The economic costs of crime are estimated to exceed $100,000,000,000 per year and the total cost of crime including pain, suffering, and psychological duress are estimated to exceed $500,000,000,000 per year.

(3) The Federal Government presently allocates approximately $6,500,000,000 of its annual budget to crime control and criminal justice. This allocation represents just over one-half of 1 per centum of the Federal budget.

(4) It is estimated that spending by State and local law enforcement and criminal justice agencies of the various States is approximately $24,000,000,000 a year. Due to limited revenues, rising costs, and other factors, the States and localities are severely limited in their capability to provide greater resources for law enforcement and criminal justice.

(5) Every year, serious crime afflicts one in every five American households. One in every ten households is affected by criminal violence.

(6) The violent crime rate in America has reached unprecedented and intolerable levels. The violent crime rate has risen 400 per centum since 1945; the United States suffers from a crime rate which is many times that of any other industrial democracy.

(7) The resources available at all levels of government are seriously inadequate to secure public safety. Consequently, only a small fraction of crimes result in an arrest, a small fraction of arrests result in trial and conviction, in contrast to plea bargin, and only a small fraction of convictions for violent offenses result in sentences to prison.

(8) Career criminals constitute less than 10 per centum of all persons arrested but commit more than 60 per centum of the offenses. Despite the priority accorded to them, career criminals are often not handled effectively due to inadequate resources.

(9) Likewise, crime prevention programs have not been given sufficient resources, resulting in much serious crime that could have been prevented. Particular attention is needed for juvenile offenders to break the escalating crime cycle, for drug addicted offenders and for providing literacy and training in marketable job skills to prisoners nearing the end of their sentences.

(10) Drug trafficking, which is estimated to have grown to a $80,000,000,000 a year business that contributes to and causes a high proportion of the violent activity, has not been curtailed despite recent increases in the level of effort, particularly by Federal enforcement agencies.

(11) The prison systems in more than forty States are so overcrowded as to be subject to court orders to release inmates prematurely and to deter judges from imposing sentences in individual cases that fit the crime and the criminal. The prison population has risen sharply in recent years. However, in many States few if any prisons have been built in recent decades.

(12) Major efforts are needed to improve the treatment of victims and witnesses in criminal cases and to compensate them for physical and economic injury and loss.

(13) In order to insure speedy justice, numerous court reforms are needed, including improved case screening and diversion programs, use of computers and other techniques to control judicial calendars.

(14) To improve the arrest rate, conviction rate, and sentences for career criminals, special units are needed in police departments, prosecutors' offices, and other agencies.

In light of the foregoing, a comprehensive national program must be commenced. Such a program should devote 1 per centum of the Federal budget or approximately $10,000,000,000 for a period of up to ten years with the goal of cutting violent crime for profit in half.

SEC. 3. In order to begin such a program in fiscal year 1988 and to begin it in a gradual, orderly manner, there is authorized to be appropriated for the fiscal year ending September 30, 1988, to carry out the National Violent Crime Program:

(a) For the detection, investigation, apprehension, prosecution, and incarceration of individuals involved in violent crime activity and drug trafficking, not otherwise provided for, $1,200,000,000, of which $300,000,000 for construction of new facilities and construction, remodeling, and equipping buildings and facilities at existing detention and correctional institutions shall remain available until expended, and notwithstanding any other provision of law, there is authorized payment in advance for expenses arising out of contractual and reimbursable agreements with State and local enforcement agencies engaged in cooperative violent crime and drug trafficking enforcement activities, as follows:

	Millions
Fugitive programs	125
New Federal prosecutions for violent crimes, such as bank and commercial robbery	175
Drug enforcement	300
Training, lab, identification, and other support services and technical assistance to States by Federal agencies	150
Research and development, for example, design means to end plea-bargaining and cut trial delays in half	150
Construction of correctional facilities for Federal inmates and operating costs	125

	Millions
Temporary detention facilities for State inmate "overflow" and permanent prisons for confinement of all State habitual offenders sentenced to life	175

(b) For Justice assistance and to carry out the functions of the Justice Office of Assistance, $3,650,000,000, all of which shall remain available until expended: *Provided*, That such funds may only be used to carry out the National Violent Crime Program, pursuant to regulations issued by the Head of Justice Office Assistance and policies and priorities established by the Attorney General in consultation with the Congress and appropriate congressional committees, as follows:

	Millions
Improve investigations with special detective squads	300
Improve case screening and diversion	75
Improve violent crime prosecutions by forming career criminal units	75
Improve convict diagnosis, classification, and correctional programming	175
Prison and other construction	625
Job training/prison industry/functional literacy training	175
Juvenile delinquent intervention	425
Runaways and missing children	175
Victim/witness	300
Crime prevention—Schools	300
Crime prevention—Neighborhoods	300
Crime prevention—Commercial	300
Drug treatment	300
Calendar control applying research and development results to specific locations	125

SUMMARY OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Result	Increase
National attack on violent crime	Reduce violent crime by 50 percent in 10 yr	10,000
Federal:		
Fugitive programs	Triple arrest rate	260
Federal robbery prosecutions	Triple arrests	370
Drug enforcement	Triple the number of major arrests, seizures, and forefeitures	620
Training and support services to States	Expand training and speed up support	310
Research and development	For example, weapons detectors and computerization	310
Construction of Federal prisons	Accommodate increased Federal population	260
Temporary detention facilities for State inmate "overflow" and permanent prisons for State habitual offenders sentenced to life.	End State overcrowding	370
Total Federal		2,500
State:		
Special detective squads	Double arrest rate to 40 percent	620
Case screening and diversion	Cut minor and nonviolent trials in half	150
Career criminal units	End plea bargains	150
Diagnosis, classification, and correctional programing	Cut adult crime cycle. Isolate hardened offenders	350
Prison construction	End overcrowding that causes short sentences	1,290
Job and literacy training	Make convicts employable	350
Juvenile delinquent intervention	Cut off escalating crime cycle	880
Housing for runaways	Keep them out of prisons	350
Victim/witness assistance	Compensation	620
Crime prevention:		
Schools	Cut violence and drugs in half	620
Neighborhoods	Cut burglaries in half	620
Commercial	Cut robberies in half	620
Drug treatment	End addiction	620
Calendar control	End delays	260
Total State		7,500

DETAILS OF ANNUAL INCREASES BY FUNCTION

[In millions of dollars]

Use	Agency	Result	Increases
National attack on violent crime	SAVE [Safety Against Violent Events]	Reduce violent crime by 50 percent in 10 yrs	10,000
Federal:			
Fugitive programs	USMS: 80; FBI: 60; DEA: 40; others, 20 quadruple resources	Increase arrests from 40 to 90 percent of 80,000 warrants per year for Federal and State violent and drug offenders.	260
New Federal prosecutions for violent crimes, such as bank and commercial robbery.	FBI 250 (4,000 slots) and U.S. attorneys 50 (500 prosecutors)	Increase Federal arrests from 3 to 13,000 per year, for robberies, especially armed career robbers.	370
Drug enforcement	200 to double DEA (1,900) investigators 100 for accountants, (1,000 CPA Corps) 100 for FBI, 50 for Customs, 50 for additional 500 Assistant U.S. attorneys (25-percent increase).	Triple the number of major arrests, seizures, and forfeitures. Focus action on financing as much as on commodities to take profit away. Immobilize major organizations.	620
Training, lab, identification, and other support services and technical assistance to States by Federal agencies.	FBI, Treasury, DEA, NIC, DOJ, NIJ, double resources	Expand training and speed up support to respond to all State requests in timely fashion..	310
Research and development. Design means to end plea-bargaining and cut trial delays in half.	BJS, NIJ, FBI and others, double resources	Urgent violent crime projects, including weaponds detectors and computerization of fingerprints, modi operandi, weapons, prior records, stolen property, coconspirators, and case management and court calendars.	310
Construction of correctional facilities for Federal inmates and operating costs..	BOP starts 4 new prisons and 4 new camps each year	Build new prisons for increased Federal population to prevent crowding and decreased security..	260
Temporary detention facilities for State inmate "overflow" and permanent habitual offenders sentenced to life..	BOP starts 8 camps and 2 prisons per year.	Build new prison camps and maximum security penitentiaries to end all State overcrowding.	370
Total Federal			2,500
State:			
Improve investigations with special detective squads	Local police departments—100 cities per year	Double violent crime arrest rate to 40 percent	620
Improve case screening and diversion	Local prosecution, courts, and probation agencies in 100 metropolitan jurisdictions per year.	Cut minor and nonviolent trials in half and increase violent crime trials so plea bargains can be reduced, then eliminated.	150
Improve violent crime prosecutions by forming career criminal units	Police, prosecution, court administration 100 cities per year	End plea bargains	150
Improve convict diagnosis, classification, and correctional programing	State prison systems; all States	Cut adult crime cycle, isolate hardened offenders	350
Prison and other construction	State prison systems; all States with overcrowding—about 40	End short sentences and other problems resulting from overcrowding	1290
Job training/prison industry/functional literacy training	All State prison systems	End pressure of economic need as a cause of recidivism for unhardened convicts.	350
Juvenile delinquent	State and local authorities	Cut off escalating crime cycle	880
Runaways and missing children	State authorities	Create homes so these youth are not mingled with juvenile offenders or placed in prisonlike facilities.	350
Victim/witness	....do	Aid and compensation, where none other is available, for medical costs and lost wages.	620
Crime prevention			
Schools	School police and counselors	Cut violence and drug sales by or to students in half	620
Neighborhoods	Volunteer observers	Cut burglaries in half	620
Commercial	security devices	Cut robberies in half	620
Drug treatment	Local courts	End addiction whenever possible	620

DETAILS OF ANNUAL INCREASES BY FUNCTION—Continued

[In millions of dollars]

Use	Agency	Result	Increases
Calendar control applying research and development results to specific localities.	....do....	End delays and judge shopping....	260
Total State....			7,500

PROVISION OF DEATH PENALTY FOR CERTAIN FEDERAL PRISONERS

Mr. SPECTER. The second bill would provide for the death penalty for anybody serving a life sentence in a Federal institution who murders a prison guard, a prison official, or other inmate. That is a continuing problem in our prison system, including our Federal system. There is no deterrent for someone already serving a life sentence if the most that can happen with another murder is an additional life sentence.

Mr. President, I am today introducing a bill designed to protect all persons associated with our Federal prison system from violent death at the hands of prisoners serving life sentences for other crimes.

This bill is based on two previous bills I introduced—S. 1565 in the 98th Congress and S. 1191 in the 99th Congress.

It would permit the death penalty for the murder of any person-such as a prison official, a prison guard, a visitor, a lawyer, a reporter, or a fellow inmate—by a convict already serving a life sentence. Violent and hardened prisoners already serving life sentences far too often feel they have nothing to lose by killing someone in prison, and this legislation is sorely needed to deter such violence.

The level of violence in our prisons today is truly appalling. According to the Federal Bureau of Prisons, 146 inmates have been killed by other prisoners in the Federal prison system during a 10-year period.

Eight Federal prison guards have been murdered in the same time period. Equally disturbing are the nearly 2,300 violent assaults on Federal correctional employees and nearly 3,400 assaults by inmates on other inmates during this time.

Unfortunately, the Federal prison system is only the tip of the iceberg. Nationwide, 421 inmates were brutally murdered by other State prisoners from 1980 to 1983, according to the National Institute of Corrections. During the same period, 11 correctional officers were killed in State prisons. Mr. President, this frightening level of barbarism and brutality must be stopped.

This legislation will apply to those prisoners already beyond redemption or rehabilitation—those already sentenced to life imprisonment for their prior heinous crimes.

This bill will provide such deterrence, by allowing the jury or court to impose a sentence of death, after consideration of numerous relevant factors, including whether the murder occurred during an escape attempt, a kidnaping, a prison riot, the taking of hostages, a sexual assault, or as a result of drug dealing, or by use of a firearm.

Without a more severe punishment for such murders than merely an additional sentence of life imprisonment, assaults and killings by lifers undoubtedly will increase along with our growing prison population. Our Nation's correctional officers and, indeed, our prisoners have the right to be protected from the violence of the most dangerous inmates. No prisoner ever should feel immune from further punishment for his violent acts. We, as lawmakers, must act now to remedy this unjust and tragic situation. I therefore urge my colleagues to pass this important legislation.

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. 412

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 51 of title 18 of the United States Code is amended by adding the following new section after section 1117:

§ . **Murder by Federal prisoners**

"(a) Whoever, while confined in a Federal correctional institution under sentence for a term of life imprisonment, murders another shall be punished by death or by life imprisonment without the possibility of parole.

"(b) For purposes of this section—

"(1) 'Federal correctional institution' means any Federal prison, Federal correctional facility, Federal community program center, or Federal halfway house;

"(2) 'term of life imprisonment' means a sentence for the term of natural life, a sentence commuted to natural life, an indeterminate term of a minimum of at least fifteen years and a maximum of life, or an unexecuted sentence of death;

"(3) 'murder' means committing first-degree murder or second-degree murder as defined by section 1111 of this title.

"(c) A person shall be subjected to the penalty of death under this section only if a hearing is held in accordance with this section.

"(d) NOTICE BY THE GOVERNMENT.—Whenever the Government intends to seek the death penalty under this section, the attorney for the Government, a reasonable time before trial or acceptance by the court of a plea of guilty, shall sign and file with the court, and serve upon the defendant, a notice (1) that the Government in the event of conviction will seek the sentence of death, and (2) setting forth the aggravating factor or factors which the Government will seek to prove as the basis for the death penalty. The court may permit the attorney for the Government to amend this notice for good cause shown.

"(e) HEARING BEFORE COURT OR JURY.—When the attorney for the Government has filed a notice as required under subsection (d) and the defendant is found guilty of or pleads guilty to an offense under this section, the judge who presided at the trial or before whom the guilty plea was entered, or any other judge if the judge who presided at the trial or before whom the guilty plea was entered in unavailable, shall conduct a separate sentencing hearing to determine the punishment to be imposed. The hearing shall be conducted—

"(1) before the jury which determined the defendant's guilt;

"(2) before a jury impaneled for the purpose of the hearing if—

"(A) the defendant was convicted upon a plea of guilty;

"(B) the defendant was convicted after a trial before the court sitting without a jury;

"(C) the jury which determined the defendant's guilt has been discharged for good cause; or

"(D) after initial imposition of a sentence under this section, redetermination of the sentence under this section is necessary; or

"(3) before the court alone, upon the motion of the defendant and with the approval of the Government.

A jury impaneled pursuant to paragraph (22) of this subsection shall consist of twelve members, unless, at any time before the conclusion of the hearing, the parties stipulate with the approval of the court that it shall consist of any number less than twelve.

"(f) PROOF OF AGGRAVATING AND MITIGATING FACTORS.—Notwithstanding rule 32(c) of the Federal Rules of Criminal Procedure, when a defendant is found guilty of or pleads guilty to an offense under this section, no presentence report shall be prepared. In the sentencing hearing, information may be presented as to any matter relevant to the sentence and shall include matters relating to any of the aggravating or mitigating factors set forth in subsections (i) or (j) or any other mitigating factor. Where information is presented relating to any of the aggravating factors set forth in subsection (j), information may be presented relating to any other aggravating factor.

"Information presented may include the trial transcript and exhibits if the hearing is held before a jury or judge not present during the trial. Any other information relevant to such mitigating or aggravating factors may be presented by either the Government or the defendant, regardless of its admissibility under the rules governing admission of evidence at criminal trials, except that information may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury. The Gov-

ernment and the defendant shall be permitted to rebut any information received at the hearing and shall be given fair opportunity to present argument as to the adequacy of the information to establish the existence of any of the aggravating or mitigating factors, and as to the appropriateness in that case of imposing a sentence of death. The Government shall open the argument. The defendant shall be permitted to reply. The Government shall then be permitted to reply in rebuttal. The burden of establishing the existence of any aggravating factor is on the Government, and is not satisfied unless established beyond a reasonable doubt. The burden of establishing the existence of any mitigating factor is on the defendant, and is not satisfied unless established by a preponderance of the information.

"(g) RETURN OF FINDINGS.—The jury, or if there is no jury, the court, shall consider all the information received during the hearing. It shall return special findings identifying any mitigating factors, and any aggravating factors set forth in subsection (j) found to exist.

"(h) IMPOSITION OF SENTENCE.—Upon a finding that a sentence of death is justified, the court shall sentence the defendant to death. Otherwise the court shall impose a sentence, other than death, authorized by law.

"(i) MITIGATING FACTORS.—In determining whether a sentence of death is to be imposed on a defendant, the following mitigating factors shall be considered but are not exclusive:

"(1) the defendant was less than eighteen years of age at the time of the crime;

"(2) the defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law was significantly impaired, but not so impaired as to constitute a defense to the charge;

"(3) the defendant was under unusual and substantial duress, although not such duress as constitutes a defense to the charge;

"(4) the defendant is punishable as a principal (as defined in section 2(a) of this title) in the offense, which was committed by another, but his participation was relatively minor, although not so minor as to constitute a defense to the charge; and

"(5) the defendant could not reasonably have foreseen that his conduct in the course of the commission of murder, or other offense resulting in death for which he was convicted, would cause, or would create a grave risk of causing, death to any person.

"(j) AGGRAVATING FACTORS.—The following aggravating factors shall be considered but are not exclusive:

"(1) the defendant committed the offense during the course of seizing, confining, inveigling, decoying, kidnaping, abducting, carrying away, holding hostage, or holding for ransom or otherwise any person;

"(2) the death or injury resulting in death occurred during the commission or attempted commission of, or during the immediate flight from the commission or attempted commission of, an offense under section 751 (escape by prisoner in custody of institution or officer);

"(3) the defendant committed the offense during the course of perpetrating or attempting to perpetrate a sexual assault on any person;

"(4) the defendant committed the offense during the course of, on account of, or as a result of any transaction concerning or distribution of any controlled substance as defined by schedules I, II, III, IV, and V of section 812 of title 21;

"(5) the defendant committed the offense while armed with, or having readily available, a firearm, as defined in section 921(a)(3) of this title;

"(6) the defendant committed the offense during the course of inciting, organizing, promoting, encouraging, participating in, carrying out, or aiding or abetting any person in inciting, participating in, or carrying on a riot as defined in section 2102 of this title;

"(7) the defendant has been convicted of another Federal offense, or a State offense resulting in the death of a person, for which a sentence of life imprisonment or a sentence of death was authorized by statute;

"(8) the defendant has previously been convicted of two or more State or Federal offenses punishable by a term of imprisonment of more than one year, committed on different occasions, involving the infliction of, or attempted infliction of, serious bodily injury upon another person;

"(9) in the commission of the offense the defendant knowingly created a grave risk of death to one or more persons in addition to the victim of the offense;

"(10) the defendant committed the offense in an especially heinous, cruel, or depraved manner;

"(11) the defendant procured the commission of the offense by payment, or promise of payment, of anything of pecuniary value;

"(12) the defendant committed the offense as consideration for the receipt, or in the expectation of the receipt, of anything of pecuniary value; and

"(13) the defendant committed the offense after substantial planning and premeditation to cause the death of a person.

"(k) INSTRUCTION TO JURY ON RIGHT OF THE DEFENDANT TO JUSTICE WITHOUT DISCRIMINATION.—In any hearing held before a jury under this section, the court shall instruct the jury that in its consideration of whether the sentence of death is justified it shall not consider the race, color, national origin, creed, or sex of the defendant. The jury shall return to the court a certificate signed by each juror that consideration of race, color, national origin, creed, or sex of the defendant was not involved in reaching his or her individual decision.

"(l) APPEAL FROM SENTENCE OF DEATH.—In any case in which the sentence of death is imposed under this section, the sentence of death shall be subject to review by the court of appeals upon appeal by the defendant. Notice of appeal must be filed within the time prescribed for appeal of judgment in section 2107 of title 28 of the United States Code. An appeal under this section may be consolidated with an appeal of the judgment of conviction. Such review shall have priority over all other cases.

"On review of the sentence, the court of appeals shall consider the record, the evidence submitted during the trial, the information submitted during the sentencing hearing, the procedures employed in the sentencing hearing, and the special findings returned under this section.

"The court shall affirm the sentence if it determines that: (1) the sentence of death was not imposed under the influence of passion, prejudice, or any other arbitrary factor; and (2) the information supports the special finding of the existence of any aggravating factor, or the failure to find any mitigating factors as set forth or allowed in this section. In all other cases the court shall remand the case for reconsideration under this section. The court of appeals shall state in writing the reasons for its disposition of the review of the sentence.

"(m) IMPLEMENTATION OF A SENTENCE OF DEATH.—A person who has been sentenced to death pursuant to the provisions of this section shall be committed to the custody of the Attorney General until exhaustion of the procedures for appeal of the judgment of conviction and for review of the sentence. When the sentence is to be implemented, the Attorney General shall release the person sentenced to death to the custody of a United States marshal, who shall supervise implementation of the sentence in the manner prescribed by the law of the State in which the sentence is imposed. If the law of such State does not provide for implementation of a sentence of death, the court shall designate another State, the law of which does so provide, and the sentence shall be implemented in the latter State in the manner prescribed by such law. A sentence of death shall not be carried out upon a women while she is pregnant.

"(n) USE OF STATE FACILITIES.—A United States marshal charged with supervising the implementation of a sentence of death may use appropriate State or local facilities for the purpose, may use the services of an appropriate State or local official or of a person such an official employs for the purpose, and shall pay the costs thereof in an amount approved by the Attorney General.".

INCENTIVE FOR CRIMINAL REHABILITATION IN STATE PRISONS

Mr. SPECTER. The third bill, Mr. President, would provide incentives to provide rehabilitation for those who are in the criminal justice system who can be rehabilitated. If you take a first offender and some second offenders, it is possible to have some realistic rehabilitation. It is no surprise when an inmate without a trade or skill, a functional illiterate, is released from jail and goes back to a life of crime. In the District of Columbia, there have been initiatives in the course of the past 4 years, which I worked on in my capacity as chairman of the District of Columbia Subcommittee, which are embryonic, just in their initial phases, but are already proving successful. I believe they can serve as a model on a national basis.

Mr. President, I am today introducing a bill to encourage criminal rehabilitation in State prisons by providing prisoners with training in a marketable job skill and basic literacy.

We must impose tough sentences on tough criminals, particularly career criminals. At the same time, however, we must make a realistic effort at rehabilitation where possible.

As district attorney of Philadelphia, I visited all of the prisons of Pennsylvania, and I have had occasion for more recent visits to Pennsylvania prisons as a Senator. These experiences have shown me that many convicts are routinely released as funcational illiterates without a skill or trade. It is not surprising that many of these convicts return to the streets and commit more crimes.

This bill requires that States make a good-faith effort to ensure that prisoners released after a term of imprisonment of 2 years or more have had training in reading, writing, and a basic job skill. In this way, such prisoners will be able to earn their way lawfully on the outside without resorting to a life of crime.

The Chief Justice of the U.S. Supreme Court repeatedly had emphasized the need for making educational and vocational training available to prisoners. In his yearend report for 1984, Chief Justice Burger states:

Prisoners must be given the opportunity to learn marketable skills, both to repay the government some of the costs of confinement and to train them for life after release.

Mr. President, this bill is derived from two previous bills I introduced—S. 59 in the 98th Congress and S. 1190 in the 99th Congress.

I believe that the present bill would greatly serve the national interest, by providing our inmates a way out of recidivism. Without the education and training in a marketable vocation that this bill would encourage, these prison inmates stand little chance of leaving crime behind and leading productive, law-abiding lives.

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

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

S. 413

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the prison authority of a State shall have an obligation to provide prisoners with training in a marketable job skill and basic literacy, and the parole authority shall not release a prisoner sentenced under the law of the State to a term of two years or more prior to the expiration of his sentence unless the State has made reasonable efforts to meet such obligation. The State shall be deemed to have met its obligations under this section if the prisoner already has such training, the prisoner refuses to accept such training, or the Attorney General concurs in the State's judgment that provision of such training would be unreasonably costly in a particular instance: *Provided, however,* That the Attorney General shall not exempt a State generally from its obligations under this section on the basis that compliance would be unreasonably costly.

(b) On or before one hundred and eighty days before the effective date of this Act, the Attorney General of the United States shall, after consultation with the State Prison Vocational Skills Advisory Council, promulgate such regulations as are necessary to carry out the purposes of this Act including a determination of what constitutes a "marketable job skill and basic literacy".

SEC. 2. (a) Notwithstanding any other provision of Federal law, any State desiring to receive any grant, contract, award, or other assistance paid for from Federal funds for use in its prison programs, shall certify to the Attorney General that it is in compliance with the provisions of this Act.

(b) Except as provided in subsection (c), any State which fails to comply with this Act shall be ineligible to receive any Federal funds for its prison programs until such time as the State can certify to the Attorney General that it is in compliance with the provisions of this Act.

(c)(1) If the Attorney General determines that a State has made a good faith effort to comply with the provisions of this Act, the Attorney General may grant such State probationary status for one year during which time the State shall be eligible for any Federal funds for prison programs, notwithstanding subsection (a).

(2) No State shall be eligible for probationary status under paragraph (1) for more than two years.

SEC. 3. (a) There is established the State Prison Vocational Skills Advisory Council (hereinafter in this Act referred to as the "Council") which shall advise the Attorney General of the United States regarding regulations necessary to carry out the provisions of this Act. The Council shall be composed of—

(1) the Associate Attorney General, who shall serve as its chairman;

(2) the Director of the Federal Bureau of Prisons;

(3) the Under Secretary of Labor; and

(4) six representatives from State and local prison systems, each from a different State, to be selected by the Attorney General.

(b) It shall be the duty of the Council to advise the Attorney General in formulating regulations as provided in section 1(b).

SEC. 4. Nothing in this Act shall be—

(1) construed to reflect the intent of Congress to invalidate or modify any State law except insofar as it may be directly inconsistent with this Act, or

(2) construed as creating any right in any State prisoner.

SEC. 5. This Act shall become effective one year after the date of the enactment of this Act.

CAREER CRIMINAL INCARCERATION ASSISTANCE ACT OF 1987

Mr. SPECTER. Mr. President, this fourth bill is directed to providing for Federal incarceration of defendants who are sentenced under habitual criminal statutes by the various States. States have statutes providing that felons who have been convicted three times—in some States four times—would be sentenced to life imprisonment. But because of a prison shortage, these statutes are not used. If the Federal Government would take the initiative and provide the prison facilities, that would encourage these States to use the habitual offender statutes, which would be an enormous step forward for law enforcement in this country.

Mr. President, I am today introducing the Career Criminal Incarceration Assistance Act of 1987. This bill is based upon two bills I previously introduced—S. 58 in the 98th Congress and S. 1189 in the 99th Congress. In 1983, I authored the Armed Career Criminal Act, which made the commission of a felony involving use of a firearm a Federal offense if the defendant had three prior convictions for robbery or burglary. This bill was signed into law by President Reagan as part of the Comprehensive Crime Control Act on October 12, 1984. In the 99th Congress, I offered an amendment to the omnibus drug bill to broaden the scope of the predicate offenses to include serious drug offenses and violent crimes.

The bill I introduce today is an equally important part of our effort to deal with the plague of career criminals—those 10 percent of criminals who are responsible for 70 percent of all serious crime.

The bill grants the Attorney General authority to incarcerate in Federal facilities persons convicted and sentenced to life imprisonment in State courts under State habitual offender statutes.

Permitting these persons to be transferred to Federal prisons will encourage more prosecutions under State career criminal statutes. These statutes normally allow judges to sentence habitual offenders for significant periods in order to keep them from engaging in further criminal activity. Often, local district attorneys have task forces specially created to target career criminals. Unfortunately, however, long-term incarceration of these criminals is nearly impossible due to already crowded conditions in State prisons. Indeed, State prisoners are sometimes set free early to make room for the continuing stream of newly convicted persons.

By holding persons sentenced to life imprisonment under State career criminal statutes, the Federal Government would reduce the burden of such sentences on States, and encourage them to actively seek long sentences for career criminals under such statutes.

Recent statistics show that State prison populations continue to increase at an alarming rate. In 1984, 24,281 prisoners were added to the prison rolls in the States and the District of Columbia. During the same period, 2,337 prisoners entered the Federal prison system. The number of inmates sentenced to State prisons for more than 1 year grew by 6.2 percent, whereas the comparable population in Federal prisons grew by only 4.8 percent. Even these statistics do not tell the full story. At the end of 1984, State prison systems were operating at approximately 110 percent of capacity. There was a backlog in local jails of more than 11,000 prisoners; overcrowding accounted for the early release of more than 17,000 inmates in 14 states. Overcrowding also resulted in the operation of the entire prison systems of six States and the District of Columbia under a court order or consent decree. At least 1 major prison was being operated under court order or consent decree in 25 other States. The prison populations in States without court intervention increased at 9.2

percent compared to a 2.9-percent increase in State systems entirely under court order.

The States need help from the Federal Government to reduce overcrowded prison conditions. Society needs States to actively utilize existing career criminal statutes. This bill serves both of these goals, by allowing special targeting efforts to be directed at career criminals by States without adding to their crowded conditions.

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. 414

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Congress finds that—

(1) career criminals commit a larger percentage of the violent and major felonies afflicting society, causing immeasurable physical injury to innocent persons and damage, destruction, or loss to their property estimated at billions of dollars annually, thereby terrorizing lawabiding citizens, disrupting the community, and undermining respect to law:

(2) the continuing criminal activity of career criminals adversely affects interstate commerce;

(3) despite prior convictions for serious offenses, many repeat offenders are placed on probation or sentenced to unduly short terms of imprisonment by State judges to the detriment of public safety;

(4) many repeat offenders cannot reasonably be rehabilitated and, unless incarcerated for life, will commit further felonies;

(5) many States have "habitual criminal" statutes providing for life sentences for repeat offenders, upon subsequent felony convictions;

(6) many State prison systems are severely overcrowded, understaffed, and unable to confine convicts sentenced to life imprisonment under such statutes in a safe, secure, and humane manner;

(7) State Judges may be deterred by the lack of sufficient prison space, staff, and funding from imposing life sentences for repeat offenders as provided by State law, and the legislatures in those States without habitual criminal statutes may be dissuaded by such considerations from enacting such statutes;

(8) the interests of justice and public safety would be served if State authority felt free to impose life sentences for repeat major offenders unrestrained by such considerations;

(9) the Federal Bureau of Prisons sometimes has empty cells available and can make additional space available by consolidating inmates, consistent with suitable standards, and ultimately can open additional institutions and cells, without great cost or delay, in certain Federal facilities, including abandoned military facilities and Public Health Service Hospitals; and

(10) the Federal Bureau of Prisons has an outstanding record in safety, effectively, and humanely confining inmates sentenced to life imprisonment.

(b) The Congress declares that the purpose of this Act is to remove undue restraints on States imposing life sentences on repeat major offenders by authorizing the Federal Government to assume custody of prisoners sentenced under State habitual criminal statutes to imprisonment for life, without cost to the State.

SEC. 2. (a) Upon request by a State pursuant to section 3, the Federal Bureau of Prisons of the Department of Justice shall promptly arrange and accept custody of convicts who are sentenced to life imprisonment under the habitual criminal statutes of a State, to the extent that space is or can be made readily available in the Federal prison system. The Federal Bureau of Prisons shall confine such convicts until certification to the Attorney General by appropriate authorities of the State that the sentence of a transferred prisoner has been terminated by parole, pardon, or otherwise as provided by State law, or, absent such certification, for the natural life of the prisoner.

(b) This Act shall apply only to the incarceration of persons sentenced to imprisonment for life under the State habitual criminal statutes after the date of enactment.

SEC. 3. (a) All applications for Federal incarceration under this Act shall be subject to approval by the Attorney General of the United States and shall include a certification by the State that the prisoner to be transferred has been sentenced to life imprisonment under a State habitual offender statute.

(b) The Attorney General shall have the authority to review the nature and circumstances of the offenses committed by any prisoner who is proposed for transfer and the existing capacities of the State prison system for which transfer is sought. The Attorney General may reject any application for Federal incarceration based upon each consideration and upon the availability of space in the Federal prison system. The decisions of the Attorney General under this subsection shall not be subject to review by Federal or State courts.

BUDGET AMENDMENT TO RESTORE FUNDING FOR AMTRAK

Mr. SPECTER. Mr. President, I wish to express my strong opposition to the administration's proposal to eliminate subsidies to Amtrak. I have joined Senator LAUTENBERG in support of a resolution calling for restoration of adequate funding for Amtrak.

In 1985, my amendment restored funding for Amtrak and I am committed now, just as I was then, to maintaining a national passenger railroad system. If Amtrak is eliminated, the Nation will be without rail passenger service.

Preservation of Amtrak's passenger service is a matter of great national importance. It provides vital services for the entire Nation, particularly for the populous eastern seaboard. With its elimination, traffic will be snarled all over the east coast, with highways jammed and airports clogged. It would become impossible for traffic to get through the Baltimore Harbor Tunnel. In fact, the U.S. Senate might have difficulty getting a quorum.

The elimination of Amtrak will also have serious economic implications nationwide. Amtrak presently employs approximately 25,000 people across the country, and in 1986 contributed, as annual operating budget, approximately $1.5 billion to the national economy. During 1986, Amtrak remained one of the largest transportation companies in the country.

In my State of Pennsylvania in 1986, Amtrak employed some 3,200 employees, as well as thousands of others in Pennsylvania's rail supply industry. Amtrak contributed another $170 million to Pennsylvania's economy through the purchase of goods and services in 1986.

Amtrak's passenger service plays a vital role in our inter-city transportation network and Amtrak's sustained progress in improving its service and reducing its dependence on Federal funds shows that continued Federal support will pay great dividends in the long run. In 1986, Amtrak covered 62 percent of its costs through revenues, compared with 48 percent just 5 years ago.

Amtrak's capital plant, assembled almost entirely with Federal funds, is now worth over $3 billion. Salvage value on these assets—railline, stations, maintenance facilities, and the like—will be minimal if all inter-city rail passenger service is eliminated.

In addition to the investment of the Federal Government, many States have made capital expenditures that total more than $100 million in order to support and enhance passenger service within their borders. This investment will be lost if Amtrak is phased out.

Amtrak currently carries 20 million passengers each year. The total elimination of rail passenger service will leave many communities, particularly in the more sparsely settled areas of the country, without any common carrier passenger transportation. Even travelers that count on other modes of transportation under normal conditions find they must depend on Amtrak in the event of weather emergency or labor strikes.

Among the major cities between Washington, New York, and intermediate cities, Amtrak trains carry almost 16,500 people daily, or twice as many people as the airlines do to these same points. Elimination of Amtrak service in the Northeast corridor will add to air congestion and will ultimately require billions of dollars in additional Federal investment for airport and highway construction.

Amtrak's Northeast corridor is also used by Conrail freight trains and commuter rail trains. If Amtrak is eliminated, Conrail and the commuter agencies will have to absorb $156.8 million in additional costs to sustain their own operations on the Northeast corridor.

The elimination of funding for Amtrak would trigger a $2.1 billion Amtrak liability for labor protection agreements, which provide up to 6 years full salary for employees who

are furloughed. Neither the Government nor the public would derived any benefit in service or value from these payments.

State and local governments are unable or unlikely to pick up Amtrak rail passenger service. If they do, costs will still be borne by the taxpayer but with reduced service because Amtrak's current contracts allow for more favorable operating agreements than outside parties could hope to negotiate.

The private sector will not pick up lost Amtrak service. The cost of doing so in competition with publicly subsidized air and highway transportation would be prohibitive.

The effective elimination of Amtrak will result in serious adverse economic consequences to the Nation in terms of: loss of investment, loss of income to equipment and supply contractors with Amtrak, loss of rail passenger service, and loss of jobs along with the strain on the railroad retirement system.

When these costs and consequences are considered, it is clear that the far better choice is for the Federal Government to continue providing support to Amtrak.

If the Budget Committee's bill comes to the floor without adequate funding to keep Amtrak intact, I will offer an amendment to restore such funding.

Mr. President, I urge my colleagues to consider these arguments as we reduce the Federal deficit while recognizing the critical importance of our national rail passenger service.

I have held hearings on budget issues around Pennsylvania. I have already had strong citizen comment about the need for mass transit. Amtrak is one phase of that.

Mr. President, at this time I ask unanimous consent to print in the RECORD testimony from Mr. W. Graham Claytor, Jr., president and chairman of the board, National Railroad Passenger Corp., and testimony from Mr. Ross Capon, executive director, National Association of Railroad Passengers, presented before me at a budget hearing that I conducted on January 24, 1987, in Philadelphia, PA.

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

TESTIMONY OF W. GRAHAM CLAYTOR, JR., PRESIDENT AND CHAIRMAN OF THE BOARD, NATIONAL RAILROAD PASSENGER CORPORATION [AMTRAK]

Mr. Chairman, I appreciate the opportunity to provide you a summary of what I believe would be the impact on the Commonwealth of Pennsylvania if all federal funding for Amtrak were eliminated in fiscal year 1988. I will also briefly discuss the proposed sale of Amtrak's Northeast Corridor which is critically important to the Commonwealth of Pennslyvania and the City of Philadelphia.

First let me say that we at Amtrak are grateful for your support and efforts in the Senate the last two years to provide sufficient funds to continue rail passenger service in this country. Amtrak has made great progress in reducing its dependence on federal funding and at the same time has improved the quality and level of service it provides. The company's revenue-to-cost ratio is the best available indicator of the corporation's efforts to improve its level of self-sufficiency. It reflects Amtrak's efforts to make full use of all available resources to offset its passenger train operating expenses. In 1976, Amtrak covered 42 percent of its total costs through revenues, compared to 62 percent more recently in fiscal year 1986. Our fiscal year 1987 budget assumes we will cover 64 percent of our costs in that year, and I am confident that we will achieve that goal. Our fiscal year 1988 request will be predicated on further improvement in our revenue-to-expense ratio.

In addition to eliminating all federal funds for Amtrak in fiscal year 1988, the President's budget assumes the sale of Amtrak's Northeast Corridor which is listed as an offsetting receipt that would generate $1 billion in revenue to the federal government. The summary of the President's fiscal year 1988 Federal Budget, released on January 5, 1987, states the following:

"Amtrak—Following on the sale of Conrail, the administration proposed that the federal government get out of the passenger rail business by severing its financial ties to Amtrak. The budget proposes to terminate all Amtrak subsidies and dispose of some or all of Amtrak's assets, the majority of which are in the Boston-to-Washington corridor, to one or more private sector companies, rail passenger organizations, or other entities. . . . The disposal of Amtrak's assets will generate offsetting receipts estimated to be $1.0 billion in 1988."

The Administration's fiscal year 1988 budget request for Amtrak is based on two major assumptions. The first is that intercity rail passenger service is the only mode of transportation that receives federal assistance. The second is that the Washington-Boston corridor would be profitable in private hands. Both assumptions overlook some fundamental facts.

It is virtually impossible to quantify the subsidies for other modes of transportation since public support for them comes from so many sources. We can pinpoint, for example, that in 1984 more than $3 billion in property-tax receipts went into supporting our municipal road systems, but what portion of law-enforcement costs are attributable to the existence of automobiles? Another unknown is how much state and local real estate tax revenue is lost (and must be made up with higher rates) because roadways remove land from the tax rolls. Intercity buses are largely exempt from federal excise taxes on fuel and tires. Buses, cars and planes enjoy the benefits of many deeply layered indirect infrastructure subsidies, while Amtrak's subsidy is direct and subject to annual scrutiny.

It is important to point out that the Administration has proposed in the past the elimination of all funding for Amtrak, with the assurance that a purchaser would be found for the Northeast Corridor. Congressional hearings revealed that no purchasers could be found. A widely held misconception is that train travel covers its operating costs in the Washington-Boston corridor. That is true only of train-operating costs. However, even excluding interest and depreciation on capital, total costs of the corridor are not covered by passenger revenues. Amtrak, as owner and operator of the Northeast Corridor, must pay for all the support facilities to operate the route's high-speed passenger trains: track, bridge and tunnel maintenance, station facilities, train dispatching, snow removal, security and virtually all the other costs of operating a major mode of intercity transportation.

These or similar services are largely provided to our competitors with money derived from nonuser fees. Unless such infrastructure support is provided for the railroad by some outside source, it is highly unlikely that a well-managed private passenger railroad in the Northeast, no matter how innovative and entrepreneurial, would prove profitable. It's difficult to imagine anyone in the private sector interested enough in the Northeast Corridor to assume a $250 million per year operating loss.

As we have testified in the past, a zero budget in fiscal year 1988 would leave the corporation no alternative but immediate termination of service in all parts of the country at the conclusion of the current fiscal year. This termination of service would trigger labor protection costs to Amtrak of some $2.2 billion and would render the company immediately insolvent. Amtrak's $3 billion investment in relatively new locomotives, cars, stations, shop facilities and the like would have to be scrapped at a fraction of their value if it were possible to find a buyer. As a practical matter, it would never be feasible to start this service again, and our country would be the only developed one in the world with no intercity rail passenger service whatever.

The termination of Amtrak's corridor service would be devastating to the citizens of Philadelphia and eastern Pennsylvania. In 1986, Amtrak carried almost twice as many passengers between and among the stations of New York, Newark, Philadelphia, Wilmington, Baltimore and Washington than all major airlines combined. Amtrak is the most convenient mode of transportation between Philadelphia and New York and Philadelphia and Washington. Without Amtrak, enormous air and highway congestion would add to the already complex and difficult transportation problems in this part of the Northeast Corridor.

The results to SEPTA and New Jersey Transit, as well as to industries served by freight railroads which use the Northeast Corridor, would be devastating. Amtrak not only maintains but owns and operates the entire railroad line between New York and Washington and Philadelphia and Harrisburg. In addition to the 10.8 million Amtrak passengers that used the Northeast Corridor in fiscal year 1986, SEPTA carried 17.2 million passengers and New Jersey Transit carried 21.6 million commuters over Amtrak's right-of-way. Our preliminary analysis indicates that this would cost SEPTA an additional $24.9 million a year, New Jersey Transit an additional $45.4 million a year and Conrail an additional $75.5 million a year. Other costs would also have to be borne by Maryland Department of Transportation and the Delaware and Hudson Railroad.

Apart from the foregoing, a zero budget for Amtrak would result in a layoff of some 25,000 employees of Amtrak and its contract railroads throughout the country, including at least 3200 Amtrak employees in Pennsylvania, as well as thousands of others in the Commonwealth's rail supply industry. In addition, between Amtrak's payroll and the

purchase of goods and services there, Amtrak made a direct contribution of more than $170 million to Pennsylvania's economy last year—a contribution that would, of course, be lost.

During the last several years, Congress has not approved the proposed budget cuts that would have threatened Amtrak's existence. I hope that it rejects similar proposals this year and look for your continued support in our efforts to improve and expand rail passenger service in this country.

STATEMENT OF ROSS CAPON, EXECUTIVE DIRECTOR, NATIONAL ASSOCIATION OF RAILROAD PASSENGERS

We appreciate this opportunity to present the views of our non-profit, consumer-oriented Association. We also appreciate your strong support of Amtrak and of improved local public transportation. With me is Lawrence T. Joyce, who has served on our Board of Directors for many years and is also Treasurer of the Keystone Association of Railroad Passengers.

We strongly support continued improvement and expansion of public transportation, including both local mass transit and Amtrak services. Thus we oppose the President's proposals which would cut mass transit funding 56 percent (on top of the 24 percent cut transit sustained from 1981 to 1987) and eliminate Amtrak funding. The President's transit proposal would put upward pressure on transit fares while gasoline prices are lower than in years past; the President's Amtrak proposal would lead to a complete cessation of Amtrak service—while increasing the costs of commuter and freight carriers which now share facilities with Amtrak.

In Pennsylvania, this would increase costs for SEPTA commuter rail service and for Conrail freight operations. The freight impact could also affect Conrail's profitability and efforts to sell Conrail. One sign that this is of concern within the Administration was a Dec. 20 report that the Department of Transportation (DOT) "attempted to derail White House efforts to sell Amtrak's Northeast Corridor, attacking the Office of Management and Budget in a highly unusual letter that almost immediately became public . . . . [Deputy Transportation Secretary James H. Burnley IV] expressed concern that the Amtrak proposal might hurt the department's efforts to sell Conrail." [The Washington Post].

The Administration knows that its Amtrak proposal would mean an end to Amtrak service and that Congress has repeatedly rejected such proposals. In fact, the key Senate vote on saving Amtrak came on the 1985 "Specter Amendment."

Currently, the Administration talks about "selling the Northeast Corridor." I believe that this is an effort to mislead the public into thinking that we can end Amtrak subsidies but keep Amtrak service. We cannot.

In the Northeast Corridor, Amtrak is both carrier and infrastructure, owning not only the intercity trains but also most of the tracks, stations, and traffic control systems, and employing the people who work on them. Amtrak is the rail equivalent of airlines, the federal air traffic control system, and the various airport authorities—all put together. Between New York and Washington, Amtrak now handles about ⅓ of the air-plus-rail market, and Amtrak's market-share rises to about 70 percent when intermediate markets such as Philadelphia and Baltimore are included. To shut down this system while air systems are overloaded makes absolutely no sense.

Once again, the Administration itself provides some evidence that shutting down Amtrak would be a bad idea. Almost a year after President Reagan's fiscal year 1986 "Amtrak shutdown" budget was announced, Federal Railroad Administrator John H. Riley said: "[The Northeast Corridor Improvement Project] is a combination of foresight and good management. This is now the 5th fastest corridor in the world." This was at an October 1, 1985, Washington Union Station ceremony noting the transfer of the project to Amtrak. Since then, Amtrak's performance both within the Corridor and nationwide has steadily improved.

In fiscal year 1986, two key Amtrak performance records were the best ever:

Amtrak generated *5.01 billion passenger-miles nationwide, the highest level in its 15-year history,* 4 percent above fiscal year 1984 and 2 percent above the level of fiscal year 1979 (when there were gasoline supply problems and more Amtrak route miles). (A passenger-mile is one passenger transported one mile.)

Commercial revenues covered 62 percent of Amtrak's costs—up from 58 percent in fiscal year 1985.

Improvements were across-the-board: the long-distance trains accounted for 63 percent of passenger-miles and posted the largest 1985-to-86 increase: 5.1 percent; the Northeast Corridor, meanwhile, posted the biggest year-to-year revenue increase: 12.1 percent.

Amtrak operates two highly successful corridors in California (Los Angeles-San Diego and San Francisco-Bakersfield) and several Chicago-based corridors have great potential.

The long-distance trains (which, incidentally, provide the only intercity railroad passenger service to Pittsburgh) are needed for the substantial number of Americans who, for temporary or permanent medical reasons, are unable to fly; to serve many smaller cities where alternative bus and air transportation is disappearing or has already disappeared; and to provide a foundation upon which future corridor services can be built. (Amtrak is now considering the establishment of Pittsburgh-Cleveland service which would initially consist of a single long-distance train en route between Chicago and the East Coast but which could eventually be expanded to include more service timed for the convenience of travelers within that corridor only.) In addition, several of the long-distance routes provide a matchless way to enjoy the nation's scenic beauty.

The approximately $600 million annual Amtrak subsidy must be seen in the light of the more than $13 billion/year from *non-user* sources which is spent on our highways. Although most of this is not federal money, it is strongly encouraged by federal policies. Also, railroad passengers paid over $2 billion in federal passenger ticket taxes from 1942 to 1962 and the money simply went into the Treasury while the government spent nothing on railroads and invested heavily in the competing modes, laying the groundwork for today's "imbalance" problems.

To junk rail passenger service because its growth has been limited by the lack of even-handed public policies would be to ignore the fact that growing transportation demand is colliding with finite supplies of land, airspace, and petroleum—resources that modern rail service uses more efficiently than its competition.

Again, we thank you for your support of Amtrak and mass transit and ask you to keep up the good fight on their behalf.

RECOGNITION OF SENATOR REID

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada [Mr. REID] is recognized for not to exceed 5 minutes.

Mr. REID. I thank the Chair.

TAXPAYER'S BILL OF RIGHTS

Mr. President, I want to speak briefly again today on the need for enacting a strong taxpayer's bill of rights.

Last year the Congress enacted the most sweeping tax reform legislation in a generation. I supported this legislation because I think that it is important to lower tax rates and make the Tax Code fairer and more simple for the average taxpayer. One of the provisions of last year's Tax Code revision that hasn't gotten the attention given to the new lower rate structure and the elimination of tax loopholes is the provision which awards court costs to taxpayers who prevail in proceedings before the Tax Court.

Title XV of the Tax Reform Act calls for awarding of attorney's fees to the prevailing party in tax cases. For years, taxpayers have had to bear the cost of any action before the Tax Court even when they won. Maybe this change will make the IRS think twice before dragging a taxpayer into Tax Court on a flimsy case—if so, this is an important improvement in the law. I am very pleased that this provision was made part of the Tax Reform Act, because it was included in my taxpayer's bill of rights, which had 50 cosponsors in the House of Representatives last Congress.

The awarding of attorney fees to taxpayers who win their case was a good first step. However, more needs to be done to protect taxpayer's rights in order to complete the job of tax reform we started last year. There can be no more appropriate time than during the 200th anniversary of the adoption of our Constitution to finish the job of tax reform by enacting a taxpayer's bill of rights to insure that taxpayers are protected from abuses of Government power by the Internal Revenue Service, just as our constitutional bill of rights protects citizens from other types of abuses of Government power.

We can soon start down the road to complete the job of tax reform. Next week I will introduce my taxpayer's bill of rights which will:

Require the IRS to prepare a declaration of taxpayer's rights and obligations;

Enable a taxpayer to take legal action against an IRS employee who violates a taxpayer's rights;

Establish an Office of Ombudsman;

Give taxpayers certain rights during an interview including: The right to an attorney or CPA and the right to record interviews;

Require an annual GAO audit of IRS activities;

Prohibit evaluating IRS employees on the basis of how much they collect;

Prohibit the IRS from investigating tax records for purposes other than the enforcement of tax laws, except for investigating drug dealers, organized crime figures, and other limited instances;

Place new limitations on tax levies;

Limit the ability of the IRS to single out a particular group of taxpayers for audit;

Require the IRS to carry the burden of proof in court proceedings; and

Require the IRS to honor agreements made to taxpayers regarding installment payment of taxes.

Mr. President, in the near future I will be contacting my colleagues personally to provide them with more information about my taxpayer's bill of rights. I have already received some interested inquires about moving this legislation, and I hope that all of my colleagues will join in this logical completion of the tax reform effort we began last year,

I yield the floor.

ROUTINE MORNING BUSINESS

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

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

THE FEDERAL BUDGET REFORM ACT OF 1987

Mr. ROTH. Mr. President, in an age when our Nation was young and the philosophy of our Founding Fathers was unobscured by time, Thomas Jefferson, the principal intellectual force behind the founding of our Republic, issued a warning we would do well to heed. Speaking of the budget, he wrote:

* * * The finances of the Union (must be as) clear and intelligible as a merchant's books, so that every Member of Congress, and every man of any mind in the Union, should be able to comprehend them to investigate abuses, amd consequently to control them.

With this preface, I stand today, joined by many of my distinguished and concerned colleagues, to introduce a piece of legislation that is much needed and long overdue. It is called the Federal Budget Reform Act of 1987, and it is designed to reestablish the control and oversight of the budget process, to reaffirm our commitment to public accountability, and to reassess our spending and budget priorities.

In short, the Federal Budget Reform Act of 1987 will make the intangible tangible and from chaos will emerge order.

But the time to act is now. In his State of the Union Address last Tuesday, President Reagan said:

The budget process is a sorry spectacle. The missing of deadlines and the nightmare of monstrous continuing resolutions packing hundreds of billions of dollars of spending into one bill must be stopped.

Can anyone here disagree? How can we control a budget that controls us? And how can we look at the future of America, faced with the well-echoed challenge of global competition, the defense of democracy and the welfare of Americans everywhere when we cannot even get our own House in order?

In the 20 years I have served in Congress I have never seen such a tangled and confusing maze that we called the budget process of the 99th Congress. With authorizations, appropriations, resolutions, reconciliations, supplementals and Gramm-Rudman to boot, the process was a time consuming nightmare. Was it any wonder that we repeatedly missed our deadlines, that we failed to complete the process until 3 weeks after the fiscal year had begun?

Quite frankly, had it not been for the diligent efforts of Senator DOMENICI, our chairman, to keep the present budget process on track throughout the 99th Congress, chances are we would still be caught in a web of confusion.

Mr. President, the Federal Budget Reform Act of 1987 is designed to put those days behind us. It is designed to simplify the process, to make it more understandable for us, for our staffs, and for the millions of Americans who are literally concerned about out stewardship and the management of their money. Among other things, it will put the budget process on a biennial basis, giving us the needed time to adequately address other important legislation, not to mention vital oversight of Federal agencies. And as the budget is one of the most important pieces of legislation we consider, the biennial process will allow us to deal with it more effectively.

I am pleased to say that this idea, which I began to promote 6 years ago, is catching hold. It is an idea that has been born legitimately from the frustrations of my colleagues and the concerns of the American people. Alice Rivlin, former Director of the Congressional Budget Office and now director of the economic studies program at the Brookings Institution, has strongly advocated that Congress initiate a 2-year budget cycle. James Miller, Director of the Office of Management and Budget, has also referred to the idea many times, and even the President's budget for fiscal year 1988 has incorporated a 2-year plan for the Defense Department.

The Federal Budget Reform Act of 1987 would give life to these well-founded recommendations. It would amend the budget process by creating a 2-year authorizing, budget resolution, and appropriations process. Each even-numbered year congressional committees would complete authorization measures for the following 2-year period. The first session of the next Congress would be devoted to budget and appropriations, culminating with a 2-year binding resolution effective on the first day of October. And within the limits established by the budget resolution, Congress would approve its appropriation measures.

Mr. President, there is little question that this reform would greatly improve the budget process, not only by putting it under control, but by streamlining the requirements to promote greater accountability to the public. This reform would give Congress the needed time for oversight and other vital legislative activities and it would provide stability and coherence for recipients of Federal funds.

The strength of this bill is clear, not only by what it will do, but by the people who support it. I am honored to have Senator DOMENICI, the ranking Republican member of the Senate Budget Committee, as a primary cosponsor. Together, we are joined by Senators BOSCHWITZ, DANFORTH, KASSEBAUM, QUAYLE, and SYMMS—seven Senators who represent more than 70 years of experience in planning and voting on Federal budgets. And we are joined by a mounting voice of public opinion that agrees with us—it is time for a constructive change.

I ask unanimous consent that two articles by Alice M. Rivlin, "The Need for a Better Budget Process" and "Improving the Economic Policy Process: Seven Proposals," be included in the RECORD.

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

THE NEED FOR A BETTER BUDGET PROCESS

(By Alice M. Rivlin)

The time has come to simplify the federal budget process. Hardly anyone likes the complicated and arcane procedure the U.S. government uses to arrive at a budget. The process consumes enormous amounts of executive branch and congressional time and even then is rarely completed. Deadlines are missed, and government agencies frequently run on "continuing resolutions" rather than regular appropriations. Occasionally a president makes a show of closing down the government for a few hours because agreement has not been reached on further funding.

Frustrated with continuing budget deficits and their inability to reduce them, Congress and the president agreed in the fall of 1985

on the Balanced Budget and Emergency Deficit Control Act, better known as the Gramm-Rudman-Hollings law. The law, which set up a mechanism to balance the budget in five years, was enacted in desperation to break the deadlock between Congress and the president and reduce the deficit, but not even its staunchest defenders regard it as a desirable process for making a budget. Whether or not this desperate gamble will work to cut the deficit, the question remains: what can be done to improve the budget process?

A drastic simplification is in order. Most spending decisions should be made for two or more years at a time, and possibly the whole budget should be shifted to a biennial basis. Congressional committees should be restructured to combine the authorization and appropriation functions. The budget itself should be simplified and the number of line items greatly reduced, actions that would help shift congressional attention toward major policy issues and away from detailed micromanagement. As for the Gramm-Rudman-Hollings law, I share the hope that it will hasten agreement on deficit reduction but regard it as a bad budget process. Constraining the budget deficit to a particular number—whether by law or constitutional amendment—risks destabilizing the economy.

WHY MAKING A FEDERAL BUDGET IS SO HARD

Making the budget process simpler and more comprehensible, however, would not make the decisions easier. Budget-making is inherently difficult for any organization, whether it be a family, a business, a university, or a government. There are never enough resources to carry out all desired activities. Choices have to be made, and these choices often bring to the surface deeply divergent views about the organization's purpose, how that purpose should be carried out, and who should bear the burdens or reap the benefits. Nevertheless, most organizations do manage to make budgets and live with them. Why is the U.S. government experiencing such agonizing difficulty?

Four conditions can make it especially difficult for an organization to agree on a budget. First, it is harder to make a budget when there are lots of choices regarding both income and spending. Poor families have to eat and pay the rent; poor governments have to defend the borders and deliver the mail. Neither has many choices. Life is easier for families and governments with more earnings and sources of revenue, but budget choices get more complicated.

Second, budget-making is more complex when the organization has access to credit. Without credit families would be far less adequately housed and equipped, businesses would find it hard to function, states and localities would forgo building needed facilities. It it were unable to borrow, the federal government would be forced to raise taxes or cut spending during recessions, making swings in the economy much wider. But governments, like families and businesses, can over-borrow, and the question of how much to borrow and pay back makes budgeting more complicated and contentious.

Third, variations in prices, employment, incomes, and responsibilities make it difficult for any organization to estimate future costs and revenues and reach decisions about them. Finally, and most important, budget-making is hard when the organization has multiple decision-makers with different convictions about what the organizations ought to do and how it ought to do it. The situation requires a budget process—a procedure for arraying choices, debating what should be done, and making decisions.

The U.S. government is subject to all of these budget-complicating conditions in extreme form. It has the taxing capacity of a wealthy country and faces a high level of world and domestic responsibilities. It has apparently unlimited access to credit and has experienced the uncertainties about costs and revenues associated with wide swings in prices and economic activity and with unexpected world events. But most important is the decision-making complexity inherent in the constitutional separation of powers between Congress and the president. The president can propose changes in budgetary priorities, but the ultimate power to levy taxes and authorize spending of public funds is lodged in Congress, subject only to presidential veto. This divided rule works well when the president and Congress are in broad agreement or are willing to compromise their differences. It leads to deadlock and frustration when congressional and presidential views differ and one or both are unwilling to strike a bargain. Recent deficits have reflected the collision between the president's unwillingness to increase taxes or reduce defense growth and Congress's refusal to cut domestic spending by the amounts or in the ways proposed by the president.

One can imagine a contentious family with differing views on how to reduce its budget deficit arriving at a procedure like Gramm-Rudman-Hollings. First, some members might argue that the deficit is temporary and the family will "grow out of it"; others that the deficit does not matter. Gradually all realize that they are facing a permanent and potentially damaging gap between expected spending and expected revenues and that debt and interest payments are rising rapidly. Members of the family propose different plans for adjusting spending and revenues and are unwilling to compromise. Finally, someone suggests that all spending be cut by a fixed percentage until balance is restored. But some expenditures—the mortgage, car payments—cannot feasibly be reduced, so these are exempted. The percentage by which the remaining items must be cut to meet the target then rises. Everyone recognizes that this is an undesirable way to make budget decisions, but they are so desperate to reduce the deficit that they agree that the formula cuts will automatically come into effect on a specific date if they cannot settle on a more satisfactory way of reducing the deficit in the interim. This is how the U.S. "family" adopted Gramm-Rudman-Hollings.

EVOLUTION OF THE PROCESS

Surprisingly, despite all the talk about the budget and the budget process, no budget for the U.S. government is ever actually enacted as such. Government spending and revenue in any one year result from the application of a large number of separate laws enacted at different times that specify how the government can raise and spend money. The elaborate set of documents labeled The Budget of the United States Government, which the president issues with such fanfare each year, is really a set of proposals, detailed estimates of what will be spent and collected in the next year if the president's recommendations for spending and taxing laws are accepted by Congress and the economy behaves as the administration assumes (or hopes) it will.

Because of the separation of powers, the history of budget-making in the U.S. government is two separate histories: that of executive branch efforts to evolve a procedure for crafting the president's budget proposals and that of congressional efforts to make spending and taxing decisions in a more orderly way. Gramm-Rudman-Hollings is unique because it tries for the first time to deal with the efforts simultaneously and create a procedure for forcing the president and Congress to attain an agreed budget deficit target together. It is not yet clear whether this objective can be achieved in a way that does not violate the constitutional separation of powers.

THE PRESIDENT'S BUDGET

The U.S. government had no budget decision process at all until after World War I. Throughout the nineteenth and early twentieth centuries, the central government had few budget responsibilities, and government agencies took their requests for funds directly to Congress.

The Budget and Accounting Act of 1921 presented a major departure from these practices: it was the first in a series of institutional changes designed to make sure the president controlled requests for funds and proposed a budget that reflected the views and priorities of his administration. The act created a new staff, now called the Office of Management and Budget, charged with examining the requests of agencies and providing the president with the information on which to base budget proposals.

Subsequently, the Employment Act of 1946 charged the newly created Council of Economic Advisers with responsibility for forecasting economic developments, assisting the president in formulating fiscal policy, and making an annual economic report to Congress. In the 1960s and 1970s the executive branch attempted to improve the systematic evaluation of government programs, to look further into the future at needs for government action, to estimate the costs, benefits, and distributional effects of alternative spending or taxing programs, and to put the budget decision-making process on a firm schedule.

Thus by the early 1970s the executive branch of the government had institutionalized budget-making. The president was well equipped to translate his political predilections into budget proposals. But the result of all this executive activity was just a set of proposals. Congress was responsible for making the ultimate budget decisions.

THE CONGRESSIONAL PROCESS

Unlike the executive branch, by the 1970s Congress had evolved no comparably centralized institutions. Before 1974 no committee had legislative responsibility for budget policy as a whole. Many spending decisions were made in two stages. First, legislative committees worked on bills authorizing spending for particular programs. Even after such bills were passed by both houses and signed by the president, no money could be spent until separate appropriations bills made their way through another set of committees in both houses and were approved and signed into law. More than a dozen major appropriations bills were voted on at different times of the year. Relative priorities, such as defense as opposed to education or health, were never explicitly considered.

Spending for social insurance and other entitlement programs, which was growing rapidly in the 1960s and 1970s, remained outside the normal appropriations process. Amounts spent on these programs were determined automatically once the character-

istics of beneficiaries and the level of their benefits were defined by legislation.

Revenue bills came out of different committees and were voted on separately from spending measures. Because the spending and taxing sides were never brought together, Congress never voted on the question whether revenues and expenditures were in appropriate relationship to each other. Congressional budget policy was the accidental result of spending and revenue decisions influenced by different committees and made at different times.

Spurred by feelings of frustration and impotence in confronting President Nixon, whose priorities differed from their own, members of Congress finally took a long overdue step and passed the Congressional Budget Act of 1974. The act created budget committees in each house charged with formulating an overall budget policy that, when passed by Congress in the form of budget resolution, would serve as a controlling framework within which individual taxing and spending measures could be fitted. It also created the Congressional Budget Office to give Congress an objective, nonpartisan source of budget analysis and information.

The budget act provided for an elaborate three-stage process spread over a nine-month-period between January, when the president's budget proposal is made, and October 1, when the new fiscal year begins. In the first stage the budget committees would produce a first concurrent resolution on the budget that would specify the aggregate level of federal spending for the next year, break down that spending by major categories (but not by detailed line items), and indicate revenues to be available and the resulting deficit or surplus.

After this resolution was agreed upon, specific appropriations and tax bills would be passed in line with the aggregate numbers specified in the resolution. The figures in the first resolution, however, were regarded as targets and were not absolutely binding. In the final stages Congress would reconsider whether the targets were still appropriate and, if necessary, reconcile specific bills with the desired aggregates. A second concurrent resolution on the budget—this time a binding one—would then be passed.

The 1974 law gave Congress a much needed mechanism for making overall budget decisions. Unfortunately, it also made an already complex and lengthy decision process still more complicated and time-consuming. The new procedure retained all the existing authorizing, appropriating, and tax writing committees and added yet another layer: the budget committees. The resulting schedule of detailed and difficult decisions to be made in sequence each year was impossibly demanding, even if reasonable agreement existed on overall budget policy.

For example, it soon became apparent that two budget resolutions were too many. The compromises on budget priorities needed to pass a first budget resolution were difficult to achieve and often occurred later than the May 15 deadline. Once an agreement was reached, no one wanted to reopen the arguments. Hence the second resolution quickly became a formality, then was officially folded into the first.

The new decision process established by the Congressional Budget Act of 1974 accomplished its major purpose. It gave Congress a forum for deciding fiscal policy. The new procedures were expected to strengthen congressional power at the expense of the president's. However, in 1981 President Reagan, aided by his aggressive budget director David A. Stockman, used the centralized features of the congressional budget process effectively to obtain congressional approval of drastic changes in the federal budget. The major elements of the Reagan programs—tax cuts, increases in defense spending, and reductions in domestic spending—were embodied in a three-year budget resolution and passed by Congress as a package.

Reconciliation, the process originally associated with the second budget resolution, was used to bring entitlement programs and other ongoing spending legislation into conformity with the reduced domestic spending totals in the first (and only) budget resolution. These numerous, complex, and sometimes far-reaching changes in existing laws were also voted as a single package.

The events of 1981 showed that a president with strong views on budget priorities and a recent election mandate could use the congressional budget process to obtain rapid ratification of dramatic changes in the budget as a whole. The fragmented decision process that existed before the 1974 reforms would have made these instant, simultaneous changes in many parts of the budget much less feasible. President Reagan's use of the reconciliation process for wholesale alteration of detailed spending legislation, however, left many congressional committees, especially in the Democratic House of Representatives, bruised and determined to reassert their traditional powers.

The budget decisions made in 1981 resulted in enormous deficits in subsequent years. The tax cuts reduced federal revenues as a percent of gross national product while spending continued to increase. The future deficits were not anticipated in 1981, in part because the budget resolution assumed unspecified future cuts in domestic spending that never materialized. More important, however, the budget resolution was based on optimistic economic assumptions that soon proved totally unrealistic. The recession precipitated by high interest rates in 1981 caused a rapid surge in deficits. Financing an escalating debt at high interest rates led to unprecedented increases in federal spending for interest payments. As a result, increases in spending for defense and interest substantially exceeded cuts in domestic spending, leaving a growing deficit even as the economy recovered.

Beginning in 1982, rapidly escalating deficits subjected the entire federal budget process to extreme stress. Under this stress two weaknesses of the decision process stood out clearly: the basic problem, built into the Constitution, of resolving any difficult problem when the president and Congress disagree, and the layering of the process that made it unwieldy and time-consuming in normal times and close to nonfunctional under stress.

DIFFICULTIES OF DIVIDED POWER

The debate over each successive budget since 1981 has been dominated by clashes of views over the deficit. Between 1982 and 1984 President Reagan vacillated on the seriousness of the deficit, sometimes alleging that it would disappear as the economy grew and sometimes deploring it and calling for reduced domestic spending. Presidential budget proposals reflected a consistent budget strategy that continued the defense buildup, rejected both tax increases and cuts in social security, and proposed substantial reductions in many domestic activities. Congressional leaders generally made stronger statements about the necessity of getting the annual deficits down, but differed with the president and with each other on how to do it. Actual budget actions reflected painfully engineered compromises that generally pared back the president's defense increases, accepted some but by no means all of the proposed domestic cuts, and raised revenues somewhat, most notably in 1982 when aspects of the generous tax cuts of the previous year were rescinded. The result was to reduce anticipated further increases in the deficits but to leave them still at unprecedented levels even though the economy began recovering rapidly in 1983.

By 1985 both the administration and Congress had come to realize that the deficits would not disappear with economic growth and were a threat to the long-run health of the economy. But views on what to do about them had not converged. The battle over the fiscal 1986 budget was long and bitter. It resulted in congressional rejection of further defense increases in that year and of most of the deep domestic spending cuts proposed by the president. The president first accepted and then pulled away from a Senate-passed proposal to suspend the social security cost-of-living adjustment and similarly rejected all efforts to reduce the deficit by increasing revenues. Although final budget actions made inroads on future deficits, the conflict left all parties feeling frustrated, discouraged, and helpless.

In this atmosphere the Gramm-Rudman-Hollings proposal was offered in the fall of 1985 as an amendment to a necessary increase in the debt ceiling. Unexpectedly, it gained wide support. Although members of his administration expressed reservations about the approach, especially about the possible impact on defense spending, the president endorsed the proposal and it passed quickly.

The law sets annual targets that reduce the budget deficit to zero in fiscal 1991. If in any year agreement cannot be reached on the specific measures needed to achieve those targets, the law provides a mechanical formula that cuts defense and civilian spending in approximately equal amounts sufficient to meet the goal.

The impact of the new law was felt immediately. Application of the law's mechanical formula on a limited basis in fiscal 1986 cut $11.7 billion from spending in that year and reduced the spending base by substantially more than that for future years. Reaching the targets by applying the formula in 1987 and beyond, however, would seriously impair the effectiveness of both civilian and defense programs. It is hard to believe Congress and the president will allow this to occur. The hope is that the desire to avoid this outcome will bring about agreement on a more sensible way of reaching the targets.

The current situation is complicated, however, by the possibility that the Supreme Court may uphold a circuit court ruling that the automatic formula is unconstitutional because it involves having an officer of Congress (the comptroller general) certify what cuts are to be made by the president. The lower court held this to be a violation of the constitutional spearation of powers. If the Supreme Court upholds the lower court, Congress can still use a procedure in the law that involves voting to withhold the funds specified by the formula. It might be reluctant to do this, however, and if it did, the president could veto.

Even if Gramm-Rudman-Hollings forces agreement on a deficit reduction plan, it is

an undesirable budget process. First, the procedure, which requires cutting every unexempted line item in the budget by a fixed percentage, allows no reconsideration of priorities and could lead to absurd and unintended results. Second, the adoption of a fixed dollar target for the deficit can destabilize fiscal policy.

Finally, Gramm-Rudman-Hollings does nothing to reduce the layering and complexity of the current budget process. The law does strengthen enforcement of the budget resolution, which should improve congresional self-discipline, but it also adds to congressional workloads and accelerates deadlines that were already proving impossible to meet. For example, the law requires Congress to pass the budget resolution by April 15, although the current deadline of May 15 has not been met in some years. Deadlines are missed in large part because the process itself is overly complicated. Congress will not solve this problem merely by exhorting itself to try harder to finish on time.

WAYS TO SIMPLIFY THE PROCESS

Even before it was subjected to the stress of dealing with large deficits and divergent views among the House, Senate, and president, the budget process was showing signs of breaking down of its own weight. Participants complained about the length of time spent on each budget—at least six months for preparation of the president's proposal and at least nine months for congressional decisions. Deadlines were missed regularly, and continuing resolutions became more and more frequent because agreement often could not be reached on regular appropriations. Participants also complained about the multiplicity of congressional committees with overlapping jurisdictions. Testifying on the same issues before several committees on both sides of the Hill consumed the time of executive branch officials and members of Congress alike.

Moreover, the frequency with which the same issues came up for consideration meant that many decisions were never final. Crucial votes on major weapons systems, such as the MX missile, were occurring in each house three or more times in a single year in the context of authorization, appropriation, and budget action. Congress seemed more and more immersed in the details of federal programs and less and less concerned with the overall directions of federal policy. A growing number of members and observers of Congress have come to believe that drastic change is needed to improve the effectiveness of the congressional budget process. But the deficit crisis itself has delayed serious consideration of procedural change.

Three types of reform would make effective decisionmaking more feasible: making decisions less often by moving to a multiyear budget, reducing the number of committees by consolidating the authorizing and appropriating processes, and simplifying the budget itself by reducing the number of accounts and line items.

MULTIYEAR BUDGETING

An obvious way to reduce the time spent on the budget process would be to go through the process less often, perhaps every other year. Less frequent budgeting has many clear benefits. The managers of federal programs and the recipients of federal grants could plan programs more effectively if they could assume funding for a longer period. They could spend more time managing and less time preparing and defending budgets and adjusting to funding changes. And Congress, relieved of annual budget battles, could devote more attention to long-run issues and more careful oversight of federal programs.

Spending levels for some programs are, of course, affected by unpredictable cataclysmic events, such as the outbreak of war. But such events have to be dealt with on an emergency basis even with an annual budget process. It is hard to imagine that most federal programs benefit more from hasty annual review than from more thorough, better prepared evaluation at longer intervals.

It is true that budgeting depends on economic assumptions about the future and that longer-run forecasts are more uncertain. But only a few programs are greatly affected by the state of the economy, and many of these are entitlement programs that adjust automatically. If the economy suffered an unexpected recession in the middle of the multiyear budget period, Congress might well want to consider changing tax rates or accelerating some spending programs. But this could be done—as it is now—without reconsidering the whole budget.

Numerous bills proposing multiyear budgets have been introduced—most calling for biennial budgeting, which is used by many state governments—and some hearings have been held. Some biennial budget bills envision Congress spending the first year of each session on program oversight and other matters and handling the two-year budget in the second year of the session. Under this arrangement a newly elected president who wanted to alter his predecessor's budget either could use the first year of his term to build support and understanding for the changes or could move ahead more rapidly to amend the existing budget. Other bills would have each Congress make a two-year budget in its first session and use the second to consider other legislation.

Even if the whole budget were not moved to a multiyear basis, Congress could get many of the same advantages by shifting to multiyear authorization or appropriation or both in major areas of the budget. Defense seems an especially good area for such a change. Indeed, recently enacted legislation requires the Department of Defense to submit a two-year budget beginning with fiscal 1988 and 1989.

While legislators sometimes argue that they would have less control over federal activities if budgeting were done less often, they actually would be better able to make significant changes. Major shifts in direction, such as bringing down the deficit or modernizing the armed forces, cannot be accomplished in a single year. A longer budgeting period would give greater scope for such major shifts to be designed and carried out. Indeed, in the last several years Congress has of necessity moved to a multiyear budget resolution with accompanying reconciliation measures. The dramatic changes of 1981 involved a three-year budget resolution as well as a three-year tax bill. Subsequent efforts to bring down the deficit necessarily involved more than one year, so three-year budget resolutions have become standard. Nevertheless, appropriations and many authorizations are still done one year at a time. It is time to move the whole process to a two-year cycle.

CONSOLIDATING THE AUTHORIZING AND APPROPRIATING FUNCTIONS

In principle the legislative or authorizing committees write the basic legislation that governs how federal programs function, and the appropriations committees budget specific sums to carry them out. In practice the distinction between the two has often blurred in recent years, perhaps because of the intensity of interest in the budget and the small number of new programs being considered. In working out the defense budget, for example, the authorizing committees and appropriations subcommittees often appear to be doing exactly the same thing—subjecting the budget to line-by-line scrutiny with special attention to procuring weapons systems. Such duplication wastes the time and energy of Congress and executive branch alike.

On the other hand, spending for entitlements, now two-fifths of the budget, is outside the appropriations process. The bulk of entitlement spending is handled by the tax committees, sometimes creating logjams for these overworked committees.

Restructuring the committees would improve the budget process. Ideally each major area of federal activity—defense, income security, national resources, and so forth—should have a program committee responsible both for drafting basic legislation and for reviewing budgets in its area. Each would handle both entitlement programs and discretionary appropriations. Revenue committees would handle only revenue, not spending, programs. The budget committees would be charged with putting together an overall budget strategy that would include both revenue and spending. They would also consider relative priorities among programs and recommend appropriate fiscal policy.

A further step, one with considerable appeal, would be to hold all spending and tax bills for final vote at the same time. Indeed, they could be put into a single bill. Congress would then be voting on a budget for the whole government and sending it to the president in one package. This type of budget action is standard in many governments, but the U.S. government has never had a budget voted this way.

REDUCING MICROMANAGEMENT

Under present procedures a single omnibus appropriations bill would be an appallingly long document. This length is symptomatic of a basic problem of the budget process; the tendency of Congress to budget in too much detail. The current budget is divided into thousands of budget accounts and subaccounts. The executive branch is given very detailed line item budgets with little authority to shift money from one item to another as conditions change. This detail makes the budget process an arcane business and focuses congressional time and energy on minutiae rather than on overriding issues of policy.

Drastically cutting the number of line items in the budget would be desirable but would make a real difference only if accompanied by a genuine change in the way Congress perceives its own role. Congress would have to begin functioning more like a board of directors making major policy decisions for the country and less like a group of 535 managers specifying detailed operations for the executive branch.

None of the changes suggested here would require amending the Constitution. Each could be accomplished by legislation or changes in House and Senate rules and customary practice. All the recommendations, however, would meet with strong opposition in Congress (and to some extent in the executive branch) because each threatens the existing power structure. Multiyear budgeting would deprive Congress of the annual

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chance to impose its will in appropriations and other budget legislation. Consolidating the authorizing and appropriating processes would reduce the number of committee and subcommittee chairmanships.

Budgeting in less detail is perhaps the most threatening of all, because Congress has a long tradition of making itself felt and protecting constituent interests through tinkering with line items. Nevertheless, Congress is highly frustrated with the current system, which imposes an exhausting workload but yields little satisfaction of accomplishment. Once the deficit crisis is at least partially resolved, but before memories of this stressful period recede, the chance for substantial reform of the budget process seems high.

OTHER POSSIBLE REFORMS

President Reagan favors two major changes in budget procedures that he believes would work to hold down federal spending and deficits: a constitutional amendment to require a balanced budget and a line item presidential veto. Both proposals are troublesome.

Requiring balance in the budget regardless of the state of the economy could force the federal government to adopt an inappropriate fiscal policy. Drafts of constitutional amendments usually have escape clauses, but it is difficult to foresee the variety of special circumstances that could affect future fiscal policy. Such amendments usually empower a super majority (two-thirds or three-fifths of Congress) to override a requirement to balance the budget. Such a clause, however, might create an incentive for legislators with favorite spending projects to trade the inclusion of these projects for their agreement to join the super majority. Spending and deficts might actually end up larger than without the amendment. To the extent that an amendment to balance the budget holds down federal spending, however, it may lead the government to substitute additional regulation for spending and to achieve goals by requiring businesses or state and local governments to make certain kinds of expenditures. Such amendments also provide a strong incentive to create off-budget agencies or engage in "creative" accounting. All in all, the risk of trying to handle a complex issue like fiscal policy by amendment to the Constitution, whose greatest virtue is its brevity and flexibility, seems far greater than the benefits.

The proposed line item veto also presents problems. While the president may use his veto power only to reject a whole bill, many state governors have the power to veto individual line items without rejecting the whole bill. Numerous presidents have asked for a line item veto, a power that they hoped would forestall the congressional tendency to insert spending items with which the president disagrees into bills he needs and does not want to veto.

The line item veto would enhance the power of the president and diminish that of Congress, but it is easy to exaggerate its impact. The president needs congressional support for his programs and is unlikely to risk antagonizing many members, especially chairmen of important committees and subcommittees. Moreover, the latter could doubtless find ingenious alternative ways of protecting favorite line items, such as military bases or other federal installations, from presidential veto. A committee could hide a threatened line item in a larger total, for example, but add language stating that none of the funds are to be used to close the specified installation. Moreover, while a conservative president might use a line item veto to cut pork barrel spending projects, a big-spending president might use the threat of a line item veto to garner votes for spending he favored.

In any case it is not realistic to think that the line item veto would reduce the current deficits appreciably. President Reagan is unlikely to use a line item veto to reduce defense spending. Interest payments cannot be vetoed, and entitlement programs generally do not come to the president in a form in which such a veto would be possible. The president might use the line item veto to kill a few domestic spending items of largely local interest, but the spending impact of such actions would be small.

CONCLUSION

Simplifying the budget process along the lines discussed would make the process more understandable and less exhausting and would probably lead to more thoughtful decisions. It is important, however, not to claim too much for procedural change. A well-designed budget process can, at best, do three things. It can reduce but not eliminate uncertainty by making sure that participants have the best available projections and analyses of budget options in intelligible form. It can also put the sequence of decisions in a logical order so that participants have a chance to make the most important decisions, not just the subsidiary ones. This lack of order was the weakness in the congressional budget process corrected by the reforms of 1974. Finally, a well-designed budget process can save time for decisionmakers so that budget affairs do not overwhelm other activities of government. The current process fails miserably on this last criterion.

No set of procedures, however, can force participants to make choices that they do not want to make or do not regard as necessary. Reforms to the process cannot substitute for political will or for the exercise of leadership in working out compromises among warring parties. As long as the government sticks with a system under which power is divided between the president and Congress—and separation of powers should be maintained—the priorities of the president and Congress will occasionally conflict. Changes in the budget process are unlikely to cure this situation. Resolution of the conflict will still require statesmanship and the willingness of both sides to compromise.

Improving the Economic Policy Process: Seven Proposals[1]

Tension and conflict are inherent in political decisions, especially on economic policy. Nothing can make such decisions easy. Nevertheless, it is my contention that economic policymaking in Washington in the last decade has been more frustrating, muddled and confusing than necessary. Part of the problem is that the process by which national economic policy evolves in Washington has become so fragmented and complicated that it is almost impossible to explain how it is supposed to work, let alone how it does work.

A well founded distrust of despots led our forefathers not only to opt for representative democracy, but to divide power among the executive and legislative and judicial branches and between the House and the Senate. On matters of taxing and spending, they were especially protective of the power of the people's representatives, making it clear that while the president could propose taxing and spending, the ultimate authority lies with the Congress, subject only to presidential veto. This divided power creates a built-in hurdle to making and carrying out fiscal policy. The hurdle is low when the president is articulating a policy that has broad support in the country and in the Congress. It can lead to erratic shifts of policy when the president is indecisive and to deadlock when the president is leading in a direction in which the public and its elected representatives do not wish to go. Deadlocks are rare, but can be serious. The failure to reduce the huge structural budget deficit of the mid 1980s largely reflects the fact that the president's solution—drastic reduction of the federal role in the domestic economy—does not command broad popular support.

The separation of powers between the Congress and the president is basic to our system of government and probably worth the price of occasional deadlock. The difficulties of making economic policy, however, are strongly compounded by the propensity of our pluralistic society of diffuse power and decision-making authority both within the executive branch and within Congress. With respect to taxing and spending policy, for example, the simple notion that the president proposes and the Congress disposes is greatly complicated by the fragmentation of power within each branch. Moreover, periodic efforts to make the policy process more coherent within each branch, while often temporarily successful, have added new power-centers without consolidating the old ones.

FRAGMENTATION IN THE EXECUTIVE BRANCH

In the executive branch, the trend since early in the century has been to centralize power in the White House in order to make it easier for the president to formulate and articulate taxing and spending policy and to utilize the growing skills of the economics profession to that end. But this worthy goal has been accomplished in stages, with a new institution added at each stage. The creation of what is now called the Office of Management and Budget (OMB) in the 1920s made it possible for the president to review and evaluate spending requests and impose a set of priorities on his budget proposal to Congress reflecting his administration's view of the appropriate size and role of government. The creation of the Council of Economic Advisers (CEA) in the 1940s provided a focal point for bringing the advice of the economics profession into the service of presidential decision-making and a locus for creating an official forecast of economic activity.

The creation of OMB and CEA improved the president's ability to formulate and articulate macro-economic policy. It also left the president, in addition to his other impossible duties, with the job of resolving a build-in tension over responsibility for economic policy among the CEA, OMB and the Treasury, not to mention the White House staff and the agencies with line responsibility for implementing various aspects of economic policy.

Presidents have tried various coordination mechanisms including "troika" arrangements and an almost infinite variety of broader councils and committees with varying membership, responsibilities and leadership. The system works tolerably well or ex-

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[1] Adapted from the presidential address delivered at the American Economic Association, December 29, 1986, New Orleans, Louisiana.

ceedingly creakily, depending on the president's personal style and the personalities involved. But it encourages battling over turf as well as substance and is hardly designed to minimize the amount of presidential energy needed to evolve a coherent, explainable policy on taxing and spending. One might wonder whether it is not time to do what so many other countries do and give our president the equivalent of a responsible finance minister charged with the functions now diffused to our budget director, Council of Economic Advisers and Treasury Secretary.

DIFFUSION OF POWER IN THE CONGRESS

The fragmentation of power and responsibility is, of course, even more extreme in the Congress. The legislative branch also has a long history of attempts to make taxing and spending policy in a more coherent fashion by adding new coordinating institutions—appropriations committees, a joint economic committee, budget committees, a congressional budget office—without eliminating or consolidating any of the old ones.

The most recent attempt to improve congressional economic decision-making—one in which I was an active participant—followed the Budget Reform Act of 1974 which created the budget committees and the Congressional Budget Office. These budget reforms succeeded in their main objective of focussing the attention of the Congress on overall budget policy, not just individual taxing and spending fragments. They have forced the Congress to fit the pieces together, to debate and vote on an overall taxing and spending plan—a budget resolution—to which specific taxing and spending matters must conform. No one can say that the Congress in the last few years has ignored fiscal policy! The creation of the Congressional Budget Office, moreover, has given Congress independent access to forecasts, projections and analysis of economic options.

The downside of the budget reforms, however, was that the budget process was superimposed on the already complex responsibilities of authorizing, appropriating and tax committees. It has added to the layers and stages of congressional policy-making without removing any of them, has made the process of budget decision making nearly impossible even for members of Congress to understand, and increased the workload so much that decisions are routinely made late and in an atmosphere of crisis. Moreover, Congress now frequently has to deal with two sets of estimates, those of the OMB and those of the Congressional Budget Office, which may differ because they are based on different forecasts of economic activity, or for even less obvious technical reasons.

THE INDEPENDENCE OF MONETARY AND BUDGET POLICY

Meanwhile, back in the separate world of the Federal Reserve, monetary policy is being decided and carried out. It is a curious paradox that a nation, which feels it needs many more hands on the tiller of fiscal policy than most countries regard as workable, is content to leave monetary policy to a central bank with fewer visible ties to the rest of the government than the central banks of most countries.

There is plenty of informal communication, of course, especially between the Federal Reserve and the hydraheaded economic establishment of the executive branch. More formal cooperation between the monetary and fiscal authorities, as in the United Kingdom, might contribute only marginally to making monetary and fiscal policy decisions part of a more coherent strategy for the economy—and at the cost of depriving the executive branch of the luxury of blaming the Federal Reserve when things go wrong. The love-hate relation between the Congress and Federal Reserve, however, warrants more attention. Despite occasional outbursts of anxiety over escalating interest rates, Congress has shown little inclination to control monetary policy or even to inquire into the consistency of monetary and fiscal objectives. The Fed is required to report monetary growth targets to the banking committees as though monetary policy were a matter of banking system regulation, but has little genuine interaction with the budget committees whose job is to debate and propose fiscal policy.

SOME DRASTIC NON-SOLUTIONS

Widespread concern that the economic policy process is not working well has spawned proposals for drastic change that move in two quite different directions: one toward circumscribing the discretion of elected officials by putting economic policy on automatic pilot and the other toward making elected officials more directly responsible to the voters for their policies.

The automatic pilot approach flows from the perspective of public choice theory that the decisions of democratically elected officials interested in staying in office cannot be counted on to produce economic policy in the social interest, but are likely to be biased toward excessive government spending, growing deficits, special interest tax and spending programs and easier money. A way to overcome these biases is to agree in advance on strict rules of economic policy, such as a fixed monetary growth path or constitutionally required balance in the federal budget.

Even if one accepts the premises, however, firm rules are hard to define in a rapidly changing world—no one seems to know what "money" is anymore—and can easily lead to perverse results. Recent experience with trying to reduce the federal deficit along the fixed path specified by the Gramm-Rudman-Hollings amendment, for example, has given us a taste of some of the possible disadvantages of a balanced budget rule. There is danger that specific dollar targets for the deficit will require pro-cyclical fiscal policy, perhaps precipitating a recession that would then make budget balance even less attainable. Moreover, the effort to reach the targets can induce cosmetic or self-defeating measures, such as moving spending from one fiscal year to another for no valid reason, selling assets to reduce a current deficit while exacerbating future ones and accomplishing desired purposes by regulatory or other non-budgetary means.

The Gramm-Rudman-Hollings experience, however, has suggested the usefulness of a different approach to deficit reduction than a balanced budget rule; namely, a deficit neutral amendment rule. If legislators advocating a tax preference are required to propose a rate increase to pay for it, special interest tax legislation may falter. Similarly, the requirement that a proposal for additional spending be accompanied by a simultaneous proposal to raise taxes or reduce another spending program may be an effective brake on deficits.

The other direction of reform reflects the contrasting view that the separation of powers and the diffusion of responsibility in our government make it too difficult for the electorate to enforce its will by holding officials responsible for their policies. The potential for deadlock would be reduced if the United States moved toward a parliamentary system or found a way to hold political parties more strictly accountable for proposing or carrying out identifiable policies.

Casual examination of parliamentary democracies, such as the United Kingdom and Sweden, does not provide striking evidence of the superiority of parliamentary systems for making economic choices, even if one did not have two hundred years of tradition to contend with in changing our system. The more modest notion that our system would work more smoothly if political parties had better defined positions and disciplined their elected members more strictly may well be right, but seems to fly in the face of current history. Voters are showing less strong party affiliation and more inclination to choose for themselves among candidates, while members of Congress tend increasingly to be pragmatists willing to work out non-ideological compromises across party lines. These trends seem likely to be the irreversible consequences of greater education, sophistication, and exposure to public issues among voters and elected officials alike and to make a resurgency of party discipline and loyalty unrealistic.

MAKING THE ECONOMIC POLICY SYSTEM WORK BETTER

My own proposals involve less drastic changes in the structure of our government. They reflect a strong faith in the ability of informed citizens and their elected representatives to make policy decisions for the common good, even to make substantial sacrifices and take political risks to further what they perceive as the long-run national interest—once they understand what the choices are. I also believe that the separation of powers between the executive and legislative branches is worth the cost. It provides needed protection against overzealousness in either branch, albeit at some risk of occasional stalemate.

The main problem, it seems to me, is that our economic policy system has gradually become so complex, diffused and fragmented that it impedes rather than fosters informed choices on major issues. The fragmentation imposes two kinds of costs. First, it makes the decision process itself exceedingly inefficient. Decisions are made too often, in too great detail and reviewed by too many layers of decision-makers in the executive branch and in Congress. Too much time is absorbed in procedure and in wrangling over details, not enough on major decisions. It's time to simplify the process, to weed out some of the institutions, and to tip the balance between substance and process back toward substance.

Second, decisions are made separately that ought to be made together, or at least with attention to their impact on each other. The separation of monetary and fiscal policy is one example; the separation of tax and spending decisions is another. Congress has made a good deal of progress in recent years in putting spending decisions together with their revenue or deficit consequences, but more could be done. I have seven steps to suggest that might make the economic policy process work more effectively.

First, seek out decisions that should be made less frequently and arrange to do so. This would economize decisionmaking time and enhance the chances of thoughtful, well-informed decisions. It would free up time and energy for managing the government enterprise more effectively, with a longer planning horizon. It would also

reduce the inefficiency and sense of unfairness that goes with frequent changes of the rules. Making the federal budget every other year would be a major advance. Major revisions of the tax code should occur even less frequently. Big ticket acquisitions, such as major weapons systems, should be reviewed thoroughly at infrequent intervals and then put on a steady efficient track, not constantly revised.

With a two-year budget, there would occasionally be major events, such as a sudden escalation of international tension or a sharp unexpected shift in the economic outlook, that would justify reopening the budget in midstream, but the temptation to tinker frequently should be strongly resisted. The argument that economists cannot forecast accurately two years in advance, while quite true, does not undermine the case for a multi-year budget. It simply reinforces the point that discretionary fiscal policy is hazardous and ought to be viewed with great skepticism whether the budget is annual or biennial.

Second, seek out decisions that need not be made at all and stop making them. Some spending programs could be consolidated into block grants or devolved to the states, not necessarily in the interest of smaller government, but in the interest of greater responsiveness to local needs and a less cluttered federal decision schedule. In other cases, the responsibility is clearly federal—as in defense—but Congress should be doing its job more effectively if it concentrated on major policy issues rather than on details of program management.

Third, in the executive branch, consolidate authority for tax, budget and fiscal policy in a single cabinet department. The department could retain the name Treasury, but might better be called the Department of Economic Affairs. The Secretary of Economic Affairs should have a high level chief economist or economic council with a strong professional staff. The chief economist should work closely with the budget director who also should report to the Secretary. The purpose would be to bring together economic decisions now made in OMB, CEA and Treasury under one high level responsible person, to relieve the president of the duty of adjudicating among so many potentially warring power centers, and to increase the chances of building a highly professional permanent economic staff one step removed from the short-run political concerns of the White House.

Fourth, streamline the congressional committee structure to reduce the number of steps in the budget process. The authorizing and appropriating functions should be combined in a single set of "program committees," one for each major area of public spending. This would imply a single defense committee, for example, and a social insurance committee. The tax committees should handle the revenue side—not additional spending programs as at present. The budget committees would be charged with considering fiscal policy and putting the spending and revenue sides together into a budget to be passed by the whole Congress. The Joint Economic Committee should celebrate the important contributions it made to economic understanding in the days before the budget process and then close up shop.

Fifth, bring monetary and fiscal policy into the same conversation. This end could be furthered by closer formal links between the central bank and the Department of Economic Affairs to dramatize the need for consultation and interaction. The Federal Reserve chairman should make a report to the budget committees of Congress laying out recommended short and longer-run economic goals for the nation and discussing combinations of monetary and fiscal strategies to achieve them. The Fed's report should be an important input to congressional deliberations on fiscal policy.

Sixth, strive for a government-wide official economic forecast to be updated on a regular schedule. The main purpose of the common forecast would be to reduce the confusion generated by conflicting estimates, but the increased interaction between the Department of Economic Affairs, the Congressional Budget Office and the Federal Reserve necessary to create such a forecast would increase mutual understanding of what is happening to the economy and what the goals of policy should be. Occasionally, it might be necessary for one of the agencies to dissent and explain why it disagreed with the forecast, but these occasions are likely to be infrequent. There should also be more attention than at present to the consequences for policy of the forecast being wrong.

Finally, bring choices explicitly into the decision process, both in executive branch deliberations and, especially, in Congress. Those proposing spending increases or tax reductions should routinely be required to specify what is to be given up and to offer both the benefit and its cost as a package. In other words, proposals should be deficit neutral.

CONCLUSIONS

Economic policy involves making hard choices under great uncertainty. There is no process or structure of decision-making that can make these choices easy. At best the changes discussed above could conserve the energies of the participants in the process for the most important decisions and make clearer to the participants, the press, and the public what is really going on. That would help.

Mr. ROTH. Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the text of the bill and the analysis were ordered to be printed in the RECORD, as follows:

S. 416

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 "Federal Budget Reform Act of 1987".

SEC. 2. STATEMENT OF PURPOSE

It is the purpose of this Act—

(1) to establish a process through which the Federal budget will be adopted for a two-year period;

(2) to improve congressional control over the Federal budget process;

(3) to streamline the requirements of the budget process in order to promote better accountability to the public;

(4) to improve the legislative and budgetary processes by providing additional time for congressional oversight and other vital legislative activities;

(5) to provide stability and coherence for recipients of Federal funds; and

(6) to implement other improvements in the Federal budget process.

SEC. 3. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. The timetable with respect to the Congressional budget process for any Congress is as follows:

"First Session

"On or before:	Action to be completed:
15th day after the session begins.	President submits budget for the 2-fiscal-year budget period beginning on October 1 of the same calendar year (including current services budget).
February 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
March 15	Committees and joint committees submit reports to Budget Committees with respect to the 2-fiscal-year budget period.
April 15	Budget Committees report concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses.
May 15	Congress completes action on the concurrent resolution on the budget for the 2-fiscal-year budget period (including any reconciliation instructions for such period).
June 1	House Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
June 15	House completes action on all regular appropriation bills for the 2-fiscal-year budget period.
June 30	Senate Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
July 31	Senate completes action on all regular appropriation bills for the 2-fiscal-year budget period.
September 30	Congress completes action on all regular appropriation bills and reconciliation bill or resolution for the 2-fiscal-year budget period.
October 1	2-fiscal-year budget period begins.

"Second Session

"On or before:	Action to be completed:
January 15	President submits revised budget for the 2-fiscal-year budget period beginning on October 1 of the preceding calendar year.
March 31	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
The last day of the session	The Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period beginning on October 1 of the succeeding odd-numbered calendar year.".

SEC. 4. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) PURPOSES.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting in lieu thereof "biennially".

(b) DEFINITIONS.—

(1) Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 3 of such Act (2 U.S.C. 622) is further amended by adding at the end thereof the following new paragraph:

"(11) The term '2-fiscal-year budget period' means the period of 2 consecutive fiscal years beginning October 1 of any odd-numbered year.".

(c) DUTIES OF CBO.—

(1) Section 202(f)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 602(f)(1)) is amended—

(A) by striking "February 15 of each year" and inserting in lieu thereof "February 15 of each odd-numbered calendar year";

(B) by striking "the fiscal year commencing" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period commencing";

(C) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "such 2-fiscal-year budget period"; and

(D) by striking "such fiscal year" the second place it appears and inserting in lieu

thereof "each fiscal year in such 2-fiscal-year budget period".

(2) Section 202(f) of such Act (2 U.S.C. 602(f)) is further amended—

(A) in paragraph (2) by striking "paragraph (1)" and inserting in lieu thereof "paragraph (1) and (2)";

(B) in paragraph (3)—

(i) by striking "each year" and inserting in lieu thereof "each even-numbered calendar year",

(ii) by striking "the fiscal year ending September 30 of that calendar year" in clause (A) and inserting in lieu thereof "either fiscal year in the 2-fiscal-year budget period beginning October 1 of the preceding calendar year",

(iii) by striking "the fiscal year ending September 30 of that calendar year" in clause (B) and inserting in lieu thereof "either fiscal year of such 2-fiscal-year budget period", and

(iv) by striking "fiscal year beginning October 1 of that calendar year" and inserting in lieu thereof "succeeding 2-fiscal-year budget period";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following new paragraph:

"(2) On March 31 of each even-numbered year, the Director shall transmit to the Committees on the Budget of the House of Representatives and the Senate such revisions of the report required by paragraph (1) as may be necessary due to changing economic conditions and due to any revisions in the Budget transmitted by the President to the Congress on January 15 of that year pursuant to the last sentence of subsection (a) of section 1105 of title 31, United States Code.".

(d) BIENNIAL CONCURRENT RESOLUTION OF THE BUDGET.—

(1) Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) by striking "April 15 of each year" and inserting in lieu thereof "May 15 of each odd-numbered year";

(B) by striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period beginning on October 1 of such year";

(C) by striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting in lieu thereof "each fiscal year in such period"; and

(D) by striking "each of the two ensuing fiscal years" and inserting in lieu thereof "each fiscal year in the first and second succeeding 2-fiscal-year budget periods".

(2) Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in the matter preceding paragraph (1) by inserting "for a 2-fiscal-year budget period" after "concurrent resolution on the budget"; and

(B) in paragraph (3) by striking "for such fiscal year" and inserting in lieu thereof "for either fiscal year in such 2-fiscal-year budget period".

(3) Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by striking "February 25 of each year" and inserting in lieu thereof "March 15 of each odd-numbered year".

(4) Section 301(e) of such Act (2 U.S.C. 632(e)) is amended—

(A) in the first sentence by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period";

(B) by inserting between the second and third sentences the following new sentence: "On or before April 15 of each odd-numbered year the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the 2-fiscal-year budget period beginning on October 1 of that year."; and

(C) in paragraph (6)—

(i) by striking "five" and inserting in lieu thereof "six",

(ii) by striking "such fiscal year" and inserting in lieu thereof "the first fiscal year of such 2-fiscal-year budget periods,", and

(iii) by striking "such period" and inserting in lieu thereof "such six-fiscal-year period".

(5) Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period".

(6) Section 301(i)(1)(A) of such Act (2 U.S.C. 632(i)(1)(A)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period"; and

(B) by striking "for such fiscal year" the first place it appears and inserting in lieu thereof "for either fiscal year in such 2-fiscal-year budget period".

(7) The section heading of section 301 of such Act is amended by striking "ANNUAL" and inserting in lieu thereof "BIENNIAL".

(8) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "Annual" in the item relating to section 301 and inserting in lieu thereof "Biennial".

(e) COMMITTEE ALLOCATIONS.—

(1) Paragraphs (1) and (2) of section 302(a) of such Act (2 U.S.C. 633(a)) are amended—

(A) by inserting "for a 2-fiscal-year budget period" after "budget" the first place it appears in each such paragraph; and

(B) by inserting "for each fiscal year in such 2-fiscal-year budget period" after "estimated allocation" each place it appears.

(2) Section 302(c) of such Act (2 U.S.C. 633(c)) is amended—

(A) by striking "for a fiscal year" each place it appears and inserting in lieu thereof "for either fiscal year in a 2-fiscal-year budget period"; and

(B) by striking "for such fiscal year" each place it appears and inserting in lieu thereof "for such 2-fiscal-year budget period".

(3)(A) Section 302(f)(1) of such Act (2 U.S.C. 633(f)(1)) is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period", and

(ii) by striking "such fiscal year" each place it appears in the matter preceding subparagraph (A) and inserting in lieu thereof "a fiscal year in such 2-fiscal-year budget period".

(B) Section 302(f)(2) of such Act is amended—

(i) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period", and

(ii) by striking "for such fiscal year" and inserting in lieu thereof "for such 2-fiscal-year budget period".

(f) Section 303 Point of Order.—

(1) Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking "fiscal year" each place is appears and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) by striking "fiscal year" each place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(B) in the matter following paragraph (2) by striking "any calendar year" and inserting in lieu thereof "any odd-numbered calendar year".

(g) PERMISSIBLE REVISIONS OF CONCURRENT RESOLUTIONS ON THE BUDGET.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking "fiscal year" the first two places it appears and inserting in lieu thereof "2-fiscal-year budget period";

(2) by striking "for such fiscal year"; and

(3) by inserting before the period "for such 2-fiscal-year budget period".

(h) PROCEDURES FOR CONSIDERATION OF BUDGET RESOLUTIONS.—Section 305(b)(3) of such Act (2 U.S.C. 636(b)(3)) is amended—

(1) by striking "the concurrent" and inserting in lieu thereof "a concurrent"; and

(2) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(i) COMMITTEE ACTION ON APPROPRIATION AND OTHER SPENDING BILLS.—

(1) Section 307 of such Act (2 U.S.C. 638) is amended to read as follows:

"ACTION ON APPROPRIATION BILLS

"SEC. 307. (a) HOUSE COMMITTEE ACTION.—On or before June 1 of each odd-numbered calendar year, the Committee on Appropriations of the House of Representatives shall report to the House all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(b) ACTION BY HOUSE.—On or before June 15 of each odd-numbered calendar year, the House of Representatives shall pass all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(c) SENATE COMMITTEE ACTION.—On or before June 30 of each odd-numbered year, the Committee on Appropriations of the Senate shall report to the Senate all regular appropriation bills providing new budget authority for the 2-fiscal-year budget period that begins on October 1 of that year.

"(d) ACTION BY SENATE.—On or before July 31 of each off-numbered calendar year, the Senate shall pass all regular appropriation bills for the 2-fiscal-year budget period that begins on October 1 of that year.

"(e) COMPLETION OF ACTION BY CONGRESS.—On or before September 30 of each odd-numbered calendar year, the Congress shall complete action on all regular appropriation bills for the 2-fiscal-year budget period beginning on October 1 of that year.

"(f) POINT OF ORDER.—

"(1) Notwithstanding subsections (b) and (d), it shall not be in order in the House of Representatives or the Senate to consider any regular appropriation bill for a 2-fiscal-year budget period until the Committee on Appropriations of that House has reported to its House all of the regular appropriation bills for such 2-fiscal-year budget period.

"(2) Paragraph (1) may be waived or suspended in the House of Representatives or the Senate by a vote of three-fifths of the Members of that House, duly chosen and sworn.

"(3) If the ruling of the presiding officer of the House of Representatives or the Senate sustains a point of order raised pursuant to paragraph (1), a vote of three-fifths of the Members of that House, duly chosen and sworn, shall be required to sustain an appeal of such ruling. Debate on any such appeal shall be limited to two hours, to be equally divided between, and controlled by, the majority leader and the minority leader or their designees. An appeal of any

such point or order is not subject to a motion to table.".

(2) The item relating to section 307 in the table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended to read as follows:

"Sec. 307. Action on appropriation bills.".

(j) REPORTS AND SUMMARIES OF CONGRESSIONAL BUDGET ACTIONS.—

(1)(A) Section 308(a)(1) of the Congressional Budget Act of 1974 (2 U.S.C. 639(a)(1)) is amended—

(i) in the matter preceding subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period",

(ii) in subparagraph (A) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period", and

(iii) in subparagraph (C) by striking "such fiscal year" and inserting in lieu thereof "such 2-fiscal-year budget period".

(B) Section 308(a)(2) of such Act is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 308(b)(1) of such Act (2 U.S.C. 639(b)(1)) is amended—

(A) by striking "fiscal year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period";

(B) by inserting "for such 2-fiscal-year budget period" after "concurrent resolution on the budget"; and

(C) by striking "the fiscal year preceding such fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period preceding such 2-fiscal-year budget period".

(3) Section 308(c) of such Act (2 U.S.C. 639(c)) is amended—

(A) by striking "Five" in the subsection heading and inserting in lieu thereof "Six";

(B) by striking "each fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "each fiscal year in a 2-fiscal-year budget period";

(C) by striking "5 fiscal years" and inserting in lieu thereof "6 fiscal years"; and

(D) by striking "such period" each place it appears and inserting in lieu thereof "such 6-fiscal-year period".

(k) COMPLETION OF ACTION ON REGULAR APPROPRIATION BILLS.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by inserting "of any odd-numbered calendar year" after "July";

(2) by striking "annual" and inserting in lieu thereof "regular"; and

(3) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(l) RECONCILIATION PROCESS.—

(1) Section 310(a) of such Act (2 U.S.C. 641(a)) is amended—

(A) by striking "any fiscal year" in the matter preceding paragraph (1) and inserting in lieu thereof "any 2-fiscal-year budget period";

(B) in paragraph (1) by striking "such fiscal year" each place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(C) in paragraph (2) by inserting "for each fiscal year in such 2-fiscal-year budget period" after "revenues".

(2) Section 310(f) of such Act (2 U.S.C. 641(f)) is amended—

(A) in paragraph (1)—

(i) by inserting "for a 2-fiscal-year budget period" after "subsection (b)", and

(ii) by striking "June 15 of each year" and inserting in lieu thereof "September 30 of the calendar year in which the 2-fiscal-year budget period begins"; and

(B) in paragraph (2)—

(i) by inserting "of any odd-numbered calendar year" after "July",

(ii) by striking "fiscal year beginning on October 1 of the calendar year to which the adjournment resolution pertains" and inserting in lieu thereof "2-fiscal-year budget period beginning on October 1 of such calendar year", and

(iii) by striking "for such fiscal year" and inserting in lieu thereof "for such 2-fiscal-year budget period".

(m) SECTION 311 POINT OF ORDER.—

(1) Section 311(a) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking "for a fiscal year" and inserting in lieu thereof "for a 2-fiscal-year budget period";

(B) by striking "such fiscal year" the first, second, and third places it appears and inserting in lieu thereof "a fiscal year in such 2-fiscal-year budget period";

(C) by inserting "for such fiscal year" after "outlays";

(D) by striking "concurrent resolution on the budget for such fiscal year" and inserting in lieu thereof "concurrent resolution on the budget for the 2-fiscal-year budget period in which such fiscal year occurs";

(E) by inserting "for such fiscal year" after "revenues" the first place it appears; and

(F) by inserting "for such fiscal year" after "set forth" the second place it appears.

(2) Section 311(b) of such Act (2 U.S.C. 642(b)) is amended—

(A) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "a 2-fiscal-year budget period"; and

(B) by striking "such fiscal year" the second place it appears and inserting in lieu thereof "either fiscal year in such 2-fiscal-year budget period".

(n) BILLS PROVIDING NEW SPENDING AUTHORITY.—Section 401(b)(2) of such Act (2 U.S.C. 651(b)(2)) is amended by striking "for such fiscal year" the second place it appears and inserting in lieu thereof "for the 2-fiscal-year budget period in which such fiscal year occurs".

(o) ANALYSIS BY CBO.—Section 403(a) of the Congressional Budget Act of 1974 (2 U.S.C. 653(a)) is amended—

(1) by striking "4" in paragraph (1) and inserting in lieu thereof "five"; and

(2) by striking "four" in paragraph (2) and inserting in lieu thereof "five".

SEC. 5. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) DEFINITION.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) 'two-fiscal-year budget period" has the meaning given to such term in paragraph (11) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11))".

(b) BUDGET AND APPROPRIATIONS AUTHORITY OF THE PRESIDENT.—Section 1104(c) of title 31, United States Code, is amended—

(1) by inserting "(1)" after "(c)";

(2) by striking the second sentence thereof; and

(3) by adding at the end thereof the following new paragraph:

"(2) The budget submitted pursuant to section 1105 for the 2-fiscal-year budget period beginning on October 1, 1989, and the estimates of outlays and proposed budget authority required to be submitted under section 1109 for such 2-fiscal-year budget period, shall be set forth in the same accounts which are set forth in the Budget Accounts Listing contained in the budget submitted for fiscal year 1989 under section 1105. Any change in the accounts used in the budget submitted under section 1105 for the 2-fiscal-year budget period beginning on October 1, 1989, or any succeeding 2-fiscal-year budget period, or in the estimates of outlays and proposed budget authority required under section 1109 for any such 2-fiscal-year budget period, from the accounts set forth in the Budget Accounts Listing contained in the budget submitted under section 1105 for fiscal year 1989 or the preceding 2-fiscal-year budget period, as the case may be, shall be made only in consultation with the Committees on Appropriations, the Committees on the Budget, and the committees having legislative jurisdiction over the programs or activities which will be affected by such changes. The provisions of this paragraph do not prohibit the inclusion of new accounts in the Budget Accounts Listing contained in the budget submitted pursuant to section 1105 solely for purposes of presenting estimates for new programs.".

(c) BUDGET CONTENTS AND SUBMISSION TO THE CONGRESS.—

(1) So much of section 1105(a) of title 31, United States Code, as precedes paragraph (1) thereof is amended to read as follows:

"(a) On or before the fifteenth day after the day on which the first session of a Congress convenes, beginning with the one-hundred-and-first Congress, the President shall transmit to the Congress, the budget for the 2-fiscal-year budget period beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include the President's Budget Message, summary data and text, and supporting detail. The budget shall set forth in such form and detail as the President may determine—".

(2) Section 1105(a)(5) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(3) Section 1105(a)(6) of title 31, United States Code, is amended by striking "the fiscal year for which the budget is submitted and the 4 fiscal years after that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted and the 4 fiscal years immediately following the second fiscal year in such 2-fiscal-year budget period".

(4) Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(5) Section 1105(a)(12) of title 31, United States Code, is amended—

(A) by striking "the fiscal year" in subparagraph (A) and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period"; and

(B) by striking "after that year" in subparagraph (B) and inserting in lieu thereof "immediately following the second fiscal year in such 2-fiscal-year budget period".

(6) Section 1105(a)(13) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(7) Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period for which the budget is submitted".

(8) Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(9) Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "fiscal year following the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period following the 2-fiscal-year budget period";

(B) by striking "that following fiscal year" and inserting in lieu thereof "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting in lieu thereof "2-fiscal-year budget period before the 2-fiscal-year budget period".

(10) Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" and inserting in lieu thereof "in that fiscal year".

(11) Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting in lieu thereof "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting in lieu thereof "with respect to that fiscal year"; and

(C) by striking "in that year" each place it appears and inserting in lieu thereof "in that fiscal year".

(12) Section 1105(a) of title 31, United States Code, is further amended by adding at the end thereof the following new sentence:

"By January 15 of each even-numbered year, the President shall transmit to the Congress any revisions the President may desire to make in the Budget transmitted in the previous year.".

(d) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting in lieu thereof "each even-numbered year".

(e) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIEIS.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "fiscal year for" each place it appears and inserting in lieu thereof "2-fiscal year budget period for";

(2) by inserting "or current 2-fiscal year budget period, as the case may be," after "current fiscal year"; and

(3) by striking "that year" and inserting in lieu thereof "that period".

(f) STATEMENT WITH RESPECT TO CERTAIN CHANGES.—Section 1105(d) of title 31, United States Code, is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal year budget period".

(g) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting in lieu thereof "2-fiscal-year budget period to which such budget relates".

(h) COMPLIANCE WITH MAXIMUM DEFICIT AMOUNT.—Section 1105(f) of title 31, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "a fiscal year" and inserting in lieu thereof "a 2-fiscal-year budget period", and

(B) by striking "such fiscal year" the first place it appears and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(2) in paragraph (2) by striking "in the budget so transmitted for any fiscal year" and inserting in lieu thereof "for any fiscal year in a budget transmitted pursuant to subsection (a)".

(i) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1) by striking "fiscal year" and inserting in lieu there of "2-fiscal-year budget period", and

(B) in paragraph (1) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period";

(C) in paragraph (2) by striking "following the fiscal year" and inserting in lieu thereof "following the 2-fiscal-year budget period";

(D) by striking "future fiscal years" in paragraph (3) and inserting in lieu thereof "the 4 fiscal years following the 2-fiscal-year budget period for which the budget is submitted"; and

(E) by striking "fiscal year" the last place it appears in paragraph (3) and inserting in lieu thereof "2-fiscal-year budget period".

(2) Section 1106(b) of title 31, United States Code, is amended by striking "the fiscal year" and inserting in lieu thereof "each fiscal year in the 2-fiscal-year budget period".

(j) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting in lieu thereof "At the same time that the President submits the budget for a 2-fiscal-year budget period under section 1105 (beginning with the 2-fiscal-year budget period October 1, 1989)";

(B) by striking "the following fiscal year" and inserting in lieu thereof "each fiscal year in such 2-fiscal-year budget period"; and

(C) by striking "during that year" and inserting in lieu thereof "during each such year".

(2) Section 1109(b) of title 31, United States Code, is amended by inserting "odd-numbered calendar" after "each".

(k) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended—

(1) by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period (beginning on or after October 1, 1989)", and

(2) by striking "year before the year in which the fiscal year begins" and inserting "second calendar year preceding the calendar year in which the 2-fiscal-year budget period begins".

(l) BUDGET INFORMATION ON CONSULTING SERVICES.—Section 1114 of title 31, United States Code, is amended—

(1) by striking "The" each place it appears and inserting in lieu therof "For each 2-fiscal-year budget period, beginning with the 2-fiscal-year budget period beginning on October 1, 1989, the"; and

(2) by striking "each year" each place it appears.

SEC. 6. TITLE AND STYLE OF APPROPRIATION ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

"§ 105. Title and style of appropriation Acts

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for the 2-fiscal-year budget period ending September 30 (here insert the odd-numbered calendar year.).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a 2-fiscal-year budget period, and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term '2-fiscal-year budget period' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

SEC. 7. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting "odd-numbered" after "each".

(b) Clause 4(a)(2) of rule X of the Rules of the House of Representatives is amended by striking "such fiscal year" and inserting in lieu thereof "the 2-fiscal-year budget period in which such fiscal year occurs".

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking "first concurrent resolution on the budget for each fiscal year" and inserting in lieu thereof "concurrent resolution on the budget required under section 301(a) of the Congressional Budget Act of 1974 for each 2-fiscal-year budget period".

(d) Clause 4(f) of rule X of the Rules of the House of Representatives is amended by striking "annually" each place it appears and inserting in lieu thereof "biennially".

(e) Clause 4(g) of rule X of the Rules of the House of Representatives is amended—

(1) by striking "March 15 of each year" and inserting in lieu thereof "March 15 of each odd-numbered year";

(2) by striking "fiscal year" the first place it appears and inserting in lieu thereof "2-fiscal-year budget period"; and

(3) by striking "that fiscal year" and inserting in lieu thereof "each fiscal year in such ensuing 2-fiscal-year budget period".

(f) Clause 4(h) of rule X of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

(g) Subdivision (C) of clause 2(l)(1) of rule XI of the Rules of the House of Representatives is repealed.

(h) Clause 4(a) of rule XI of the Rules of the House of Representatives is amended by striking "fiscal year if reported after September 15 preceding the beginning of such fiscal year" and inserting in lieu thereof "2-fiscal-year budget period if reported after August 1 of the year in which such 2-fiscal-year budget period begins".

(i) Clause 2 of rule XLIX of the Rules of the House of Representatives is amended by striking "fiscal year" and inserting in lieu thereof "2-fiscal-year budget period".

SEC. 8. EFFECTIVE DATE; APPLICATION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amend-

ments made by this Act shall become effective January 1, 1988, and shall apply to 2-fiscal-year budget periods beginning on or after October 1, 1989.

(b) FISCAL YEARS 1988 AND 1989.—Notwithstanding subsection (a), the provisions of—

(1) the Congressional Budget Act of 1974, and

(2) title 31, United States Code,

(as such provisions were in effect on the day before the effective date of this Act) shall apply to the fiscal years beginning on October 1, 1987, and October 1, 1988.

(c) DEFINITION.—For purposes of this section, the term "2-fiscal-year budget period" shall have the meaning given to such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)), as added by section 3(b)(2) of this Act.

SECTION-BY-SECTION ANALYSIS OF THE FEDERAL BUDGET REFORM ACT OF 1987

Section 1 states the title of the legislation—the "Federal Budget Reform Act" of 1987.

Section 2 sets forth the purposes of the legislation. These are to establish a biennial budget process, to improve congressional control over the budget process, to streamline the budget process, to improve legislative and budgetary processes by providing additional time for oversight and other vital activities, to provide stability and coherence for recipients of Federal funds, and to implement other improvements in the Federal budget process.

Section 3 revises section 300 of the Congressional Budget Act to establish a timetable for the biennial budget cycle, as follows:

TIMETABLE

On or before—	Action to be completed—
1ST SESSION	
15th day after the session begins.	President submits budget for the 2-fiscal year budget period beginning on Oct. 1 of the same calendar year (including current services budget).
Feb. 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
Mar. 15	Committees and joint committees submit reports to Budget Committees with respect to the 2-fiscal-year budget period.
Apr. 15	Budget Committees report concurrent resolution on the budget for the 2-fiscal-year budget period to their Houses.
May 15	Congress completes action on the concurrent resolution on the budget for the 2-fiscal-year budget period (including any reconciliation instructions for such period).
June 1	House Appropriations Committee reports all regular appropriation bills for the 2-fiscal-year budget period.
June 15	House completes action on all regular appropriation bills for the 2-fiscal-year budget period.
June 30	Senate Appropriations Committee reports all regular appropriations bills for the 2-fiscal-year budget period.
July 31	Senate completes action on all regular appropriation bills for the 2-fiscal-year budget period.
Sept 30	Congress completes action on all regular appropriation bills for the 2-fiscal-year budget period, and on the reconciliation bill, if required.
Oct. 1	2-fiscal-year budget period begins.
2D SESSION	
Jan. 15	President submits revised budget for the 2-fiscal-year budget period beginning on Oct. 1 of the preceding calendar year.
Mar. 15	Congressional Budget Office submits report to Budget Committees with respect to the 2-fiscal-year budget period.
The last day of the session	The Congress completes action on bills and resolutions authorizing new budget authority for the 2-fiscal-year budget period beginning on Oct. 1 of the succeeding odd-numbered calendar year.

Section 4(a) makes a conforming change in section 2 of the Budget Act, regarding the purposes of the Budget Act.

Section 4(b) amends section 3 of the Budget Act to define the "two-fiscal-year budget period."

Section 4(c) makes conforming changes in section 202 of the Budget Act, regarding the duties and functions of the Congressional Budget Office.

Section 4(d) amends section 301 of the Budget Act to change the date for completion of the budget resolution to May 15 of each odd-numbered year, to change the date of the submission of committees' views and estimates to March 15 of each odd-numbered year, to change the date for reporting of the budget resolution to April 15, and to make conforming changes.

Section 4(e) amends section 302 of the Budget Act to make section 302(b) allocations binding for each year in the two-fiscal-year budget period.

Section 4(f) makes conforming amendments in section 303 of the Budget Act, regarding consideration of new budget authority, changes in revenues, changes in the public debt, new entitlement authority, and new credit authority to be effective in a fiscal year for which there is no budget resolution.

Section 4(g) makes conforming amendments in section 304 of the Budget Act, regarding revised budget resolutions.

Section 4(h) makes conforming amendments in section 305 of the Budget Act, regarding procedures for consideration of a budget resolution.

Section 4(i) amends section 307 of the Budget Act to mandate compliance with deadlines for reporting and consideration of regular appropriation bills. A new point of order is created against the consideration of a regular appropriation bill until all thirteen regular bills have been reported. This point of order can be waived or appealed by a vote of three-fifths of the membership of the relevant House.

Section 4(j) makes conforming amendments in section 308 of the Budget Act, regarding reports and summaries of congressional budget action.

Section 4(k) makes conforming amendments in section 309 of the Budget Act, regarding the ability of the House of Representatives to adjourn in July without having passed appropriations bills.

Section 4(l) amends section 310 of the Budget Act to change the date for completing the reconciliation process, and to make conforming changes.

Section 4(m) amends section 311 of the Budget Act to enforce aggregate budgetary levels for each fiscal year in a two-fiscal-year budget period, and to make conforming changes.

Section 4(n) makes conforming amendments to section 401 of the Budget Act, regarding consideration of new contract and borrowing authority which is not controlled by the appropriations process.

Section 4(o) amends section 403 of the Budget Act to require CBO to provide estimates of the cost of registration over 6 years.

Section 5(a) amends 31 U.S.C. 1101 to define the two-fiscal-year budget period.

Section 5(b) amends 31 U.S.C. 1104 to ensure the orderly determination of budget accounts.

Section 5(c) amends 31 U.S.C. 1105 to require the President to submit a two-year budget on or before the 15th day after Congress convenes each odd-numbered year. It also requires the President to update this submission by January 15th of each even-numbered year.

Sections 5(d)-(g) make conforming amendments in 31 U.S.C. 1105.

Section 5(h) amends 31 U.S.C. 1105 to require the President's two-year budget to comply with the Gramm-Rudman-Hollings deficit targets in each of those two years.

Section 5(i) amends 31 U.S.C. 1106 to require that updated budget submissions for the two-fiscal-year budget period meet the Gramm-Rudman-Hollings deficit targets for each year.

Section 5(j) amends 31 U.S.C. 1109 to require that the current services budget be submitted at the same time as the President's budget submitted under 31 U.S.C. 1105.

Section 5(k) makes conforming changes in 31 U.S.C. 1110, regarding year-ahead requests for authorizing legislation.

Section 5(l) makes conforming changes in 31 U.S.C. 1114, regarding budget information and consulting services.

Section 6 amends 1 U.S.C. 105 to conform the title and style of appropriation acts to the biennial cycle.

Section 7 makes conforming changes in the Rules of the House of Representatives.

Section 9 set out the effective dates of the Act. Generally, the provisions of the Act are effective on January 1, 1988, with respect to the two-fiscal-year budget period beginning on October 1, 1989. The current authorizing, budget, and appropriation processes will continue to operate for fiscal years 1988 and 1989.

ORDER OF PROCEDURE

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be given up to 5 minutes as if in morning business.

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

BUDGET REFORM

Mr. DOMENICI. Mr. President, I am pleased to join my distinguished colleague, Senator ROTH, the distinguished Senator from Delaware, in supporting this budget reform measure.

Mr. President, I am introducing the Federal Budget Reform Act of 1987 legislation today based on a simple concept outlined by Henry Bellmon, the distinguished Senator and statesman from Oklahoma prior to his departure from the Senate.

His concept was that, since the Constitution established 2-year congressional terms, appropriations for Federal programs should be biennial to conform to the term of each Congress—with the first year of a Congress used for fiscal matters (budgeting and appropriating) and the second year for authorizations and oversight.

The modern day appropriations process grew out of an earlier ERA of

reform, following the Budget and Accounting Act of 1921.

Annual appropriation bills in the mid-1920's funded $4 billion for just a few programs in the Federal Government—with a work force of less than 800,000. Today's annual appropriations exceed $555 billion for thousands of programs—and a work force exceeding 5.2 million.

It is indeed incredible that Congress continues to appropriate today as it did in the 1920's in light of this tremendous growth in responsibility—not to mention the growth in authorization and oversight responsibilities.

It is easy to be skeptical of reform. Reform proposals of the past have clearly been well intentioned but none changed things very much—perhaps because ambitious change is rare in an institution so strongly rooted in history, precedent, and the power of the individual.

However difficult, it is clear that some form of procedural restructuring is necessary. In today's budgeting procedure deadlines are regularly missed, important budget decisions delayed, appropriations and other direct spending legislation held back in committees. When appropriations bills come to the floor they are regularly used as vehicles for authorizations because these bills are viewed as the only vehicle around.

Budget actions themselves become magnets for new authorizations and new programs that can—but would not otherwise—receive Senate consideration.

Committees compete for jurisdiction and, in the end, much of the year's legislation is compressed into a few major bills hundreds of pages in length which are beyond the power of individual members' ability to comprehend or influence.

The result of all this is frustration—and insufficient knowledge about the enacted legislation.

Three charges dominate congressional criticism of our fiscal processes: First, they are too time consuming and lead to catch-all bills at the end of the session; second, they intrude too much of the substantive legislative jurisdiction on individual committees; and third, they have failed—and the budget process in particular—to curb the deficit. I believe there is much merit in the first two charges, the third I believe to be false.

The process of implementing budget decisions in the budget process has often subsumed the authorizing process. This has given rise not only to the regular practice of authorizing on appropriations but also to the excessive practice of amending must do legislation—such as the debt limit—with authorizations.

No reform can substitute for the responsibility of the individual committee or member to conduct the business of government in an orderly and timely manner. There are changes that can, however, lessen the burdens of the current procedures and that is what this legislation I am introducing today intends to do.

This legislation would establish a 2-year budget and appropriations cycle. I am not the first, nor am I alone, in advocating this. Senator Bellmon, former majority leader Howard Baker on the Republican side, and Senator WENDELL FORD on the Democratic side have also been vocal supporters of this change.

Under this legislation, all budget and appropriations would be considered in the first year, with authorizations and oversight to follow in the second. There would have to be a phase-in period, but once operational those spending bills which affect the budget totals would have to conform to the budget limits set out the year before.

This legislation would allow for flexibility within the 2-year cycle to permit truly emergency supplemental appropriations, as well as a simple procedure to change the budget framework to meet changes in circumstances, economic or other.

With all this talk of change, let me emphasize the importance of retaining the goals and the parliamentary restraints of the present Gramm-Rudman-Hollings law. Just over a year ago the Congressional Budget Office projected the budget deficits to rise to nearly $300 billion by the 1990's—these are now expected to fall to almost $100 billion. This means that under current policies—allowing all discretionary programs to increase with the rate of inflation and with no more spending cuts or tax increases—the budget deficit will decline almost $200 billion between fiscal year 1986 and the early 1990's. In the current budget year Federal spending, which had grown 3.6 percent in real terms for the period fiscal year 1980 to fiscal year 1986, is not expected to grow at all. Gramm-Rudman-Hollings—even in its current cumbersome from—helped bring this dramataic change about.

Mr. President, a 2-year budget cycle, combined with the Gramm-Rudman-Hollings parliamentary discipline, would cause a profound change in the way Congress does its business. But such change could be clearly counterproductive if it lessens the ability of Congress to keep the deficit on the current downward path.

Working with my staff and those who are expert, I wrote an article that was published on January 12 in the Washington Post called "Reformation Road." I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Post, Jan. 12, 1987]

REFORMATION ROAD

(By Pete V. Domenici)

As the 100th Congress begins, the clamor for procedural reform rarely has been more vocal or more broad-based than it is now. Indeed, the president himself has joined the chorus of reform. But line-item vetoes, constitutional amendments to balance the budget, enhanced rescissions and other ideas the president may propose probably have little likelihood of being enacted.

It is easy to be skeptical of reform. The Stevenson Committee in 1976–77 was full of reforms, as were the Pearson-Ribicoff Committee in 1983 and the Quayle Committee in 1984. All were well-intentioned. None changed anything very much, maybe because ambitious change is rarely possible in an institution so strongly rooted in history, precedent and the power of individual members.

However difficult, though, it is clear that some form of "procedural restructuring" is necessary. Deadlines are regularly missed. Important budget decisions are delayed. Appropriations and other direct spending legislation is held back in committees. When appropriations bills do come to the floor, they are used regularly as vehicles for authorizations; Senate rules are ignored or overridden because these bills are viewed as the only vehicle around. Budget actions themselves, insofar as they are included in a single reconciliation bill, become a magnet for new authorizations and new programs that can, or do not otherwise, receive Senate consideration. Committees compete for jurisdiction. In the end, much of the year's legislation is compressed into a few major bills, each of them hundreds of pages in length, well beyond the individual member's ability to comprehend or influence.

Congress will face its first opportunity to consider budget process reform May 15, when the current statutory debt limit runs out. At this time, a revision of the automatic sequester process will likely be introduced, but the forum will be open for broader-reaching reform of the Gramm-Rudman law and the budget process. This may well be the next Gramm-Rudman "crisis," not a crisis of budget policy but rather a crisis of process.

Three charges dominate congressional criticism of our fiscal processes. First, they are too time-consuming and lead to catchall bills at the end of the session; second, they intrude too much of the substantive legislative jurisdiction of individual committees; third, they, and the budget process in particular, have failed to curb the deficit. There is much merit in the first two; the third is false.

The perception and reality that fiscal matters have dominated Congress is understandable. The explosive growth in the federal budget deficit and our inability to control the deficit are at the very top of the national agenda. Policy decisions, therefore, are necessarily fiscal, and almost every national need becomes a question of cost rather than policy or purpose.

Nevertheless, the fact remains that last year the conference agreement on the budget was not finished until June 26. As a practical matter, committees did not receive their budget allocations until after the July 4th recess, and direct spending legislation could not move until the last two months of the session.

Moreover, while implementing budget decisions, the budget process has too often

submitted the authorizing process. This has given rise not only to the regular practice of authorizing on appropriations bills but also to the execessive practice of amending "must do" legislation, such as the debt limit, with authorizations.

There is no reform that will substitute for the responsibility of the individual committee or member to conduct the business of government in an orderly or timely manner. But there are changes that could lessen the burdens of the current procedures, and I urge my colleagues to consider these carefully.

First, and possibly the most important, is to move to a two-year budget and appropriations cycle. All budget and appropriations would be considered in the first year, with authorizations and oversight to follow in the second. There would have to be a phase-in but, once fully operative, spending bills that affect the budget totals would have to conform to the budget limits set out the year before.

Second, it is absolutely necessary to restrict further the ability for committees or members to attach authorizing legislation to appropriations bills.

Third, we need flexibility within the two-year cycle to allow truly emergency supplemental appropriations and a simple procedure to change the budget framework for changes in economic or other circumstances.

Fourth, we ought to consider expedited procedures for the annual public debt limit ritual.

Amid all this change, let me emphasize the importance of retaining the goals and the parliamentary restraints of the present Gramm-Rudman law. The budget deficits, which just over a year ago the Congressional Budget Office projected to rise to nearly $300 billion by the 1990s, are now expected to fall to almost $100 billion. This means that under current policies, allowing all discretionary programs to increase with the rate of inflation and with no more spending cuts or tax increases, the budget deficit will decline almost $200 billion between FY 1986 and the early 1990s. And federal spending, which had grown 3.6 percent in real terms for the period FY 1980 to FY 1986, is in the current budget year not expected to grow at all. This is a dramatic change, which Gramm-Rudman helped bring about.

Just doing the first of these reforms—a two-year budget cycle combined with the Gramm-Rudman discipline—would bring about a profound change in the way Congress does its business. But such change would be clearly counterproductive if it were to lessen the ability of Congress to keep the deficit on the current downward path. Indeed, the temptation to modify the goals and procedural restraints in the current Gramm-Rudman law will likely be the first and, over the long term, the most important fiscal challenge to the new Democratic Senate.

Mr. DOMENICI. Mr. President, my recollection is that in 1920 the U.S. Congress, when our budget was about $4 billion and had about 800,000 Federal workers, got on the track of appropriating every year and we created the appropriations process. The budget is now a trillion dollars. The appropriated portion I think exceeds $500 billion, that which goes through this process. Back yonder when we started there were just a few programs. There are literally hundreds now. Somehow or other we start things and we never change.

What we are saying today is that reform is necessary. And let us be realistic. We can talk about restructuring committees. We can talk about having less to do, doing more oversight, but the plain truth is there is very little chance any of those will pass.

Senator Bellmon, now the Governor of Oklahoma, in leaving this institution made a very interesting statement. I think he really was the statesman of that time and we did not know it. He said, "In a 2-year congressional period, why do we have a budget every year? Why not take a year of the two and do all the fiscal matters and leave the other year for the other work."

In essence, Mr. President and Members of the Senate, the Roth-Domenici proposal builds on that. We feel it really is an overly time consuming activity to appropriate every year. Why not appropriate for 2 years, and provide a mechanism for emergencies and the supplementals, and why not provide a budget resolution that covers 2 years, with some process to update it in terms of economics. That means Congress would have, out of each Congress, 1 year to do fiscal things and 1 year to do other things, including authorizations.

It is imperative that we strengthen the authorizing process, that we strengthen the appropriating process, so that it can get its work done, and tied into all of that is doing our budget work and being able to do all of it on time and with thought. It is simplicity that makes this approach have a real chance of getting through and succeeding—1 year to do your budget, fiscal and appropriating work, 1 year to do oversight and authorizations. That is its simplest form. There are other things that have to be done, but basically that is what we are asking the appropriate committees of Congress to do for us, for our people. Sooner or later we have to do it.

This bill will not cure everything. Let me say to those listening, it will not cure willpower shortcomings, it will not cure our inability to make tough decisions, it might not even cure confrontations between Congress and the President, and it may not cure our current deficit, but it clearly gives us a better chance of doing our job right and it is reasonable and simple. Senator ROTH has sent the bill to the desk along with the attachment which goes through the bill section by section. I am delighted to be a cosponsor. I hope we get it done. I yield the floor.

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

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

U.S. ESTABLISHES TIES WITH COMMUNIST OUTER MONGOLIA

Mr. HELMS. Mr. President, on Tuesday of this week, the United States for the first time established diplomatic relations with the Communist regime in Outer Mongolia. At the same time, the Deputy Secretary of State, John C. Whitehead, has begun a tour of several Soviet bloc countries behind the Iron Curtain, including Poland, Czechoslovakia, and Bulgaria. These two events are coupled together in a strange irony.

I recently had a note informing me of the establishment of relations with Mongolia from Dr. Gaston Sigur, the Assistant Secretary for East Asian and Pacific Affairs. Now Dr. Sigur is one of our most respected experts on Asia, and I have a high regard for him. But I wonder if he really thought about the letter he signed. He stated:

> As you may have known, the Mongolian People's Republic was admitted to the United Nations in 1961 and has been a fully functioning member of the international community for several decades. Since last December, the Department of State has been engaged in negotiations with representatives of the Mongolian People's Republic with a view to establishing diplomatic relations between our two countries which will enable us to expand educational and cultural contacts, develop trade, and provide better protection for American travelers in Mongolia.

The irony is that you can only consider Mongolia to be a fully functioning member of the international community if you think that a Communist country can be considered a fully functioning country. In my book, any Communist regime ought to be considered, by definition, a violation of the most fundamental human rights. By lending the prestige of our diplomatic relationship to such a regime, we are taking a step backward in the protection and development of human rights everywhere. What possible good can be gained by establishing normal relations with a nation that is dominated by external forces and that crushes the political, religious, and cultural aspirations of its people? The diplomatic triumph, but for the American people, this is a day of shame.

What this means, Mr. President, is that Mongolia will be regarded by the United States as a normal country when everything about the regime that controls it is abnormal. Is this to be the fate of Afghanistan in a few years? Do we no longer seek to liberate a nation once a Communist revolution has been stabilized by crushing the people? Is that what we mean by a

fully functioning member of the international community?

Secretary Whitehead's trip to Eastern Europe compounds the irony. It demonstrates how callous we have become to human suffering, how little we care for the principles of freedom. For the fact is that scholars have already established that the Communist takeover of Eastern Europe followed principles that were developed in the Communist takeover of Mongolia.

Specialists in the history of international communism have identified the strategy and tactics used by the Soviets to takeover Outer Mongolia as almost exactly the same techniques as later were applied to take over Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea. Indeed even the takeover of Czechoslovakia involved a variation of these tactics.

The Mongolian nation is very ancient and has been known throughout history for its extraordinary military prowess. In fact, so powerful was the Mongolian nation that it not only conquered the Russian empire and ruled in Russia for centuries, but also conquered the Chinese empire and ruled China for several centuries. As children, no doubt, we read of the exploits of Ghengis Khan.

The Mongol nation today, however, is a sadly divided one. Its people, who are adherents of the Northern Mahayana School of Budhism, are under the rule of communism. Outer Mongolia is under Soviet control. Inner Mongolia is under Red Chinese control. The Buryat Mongols and the Tuvinian Mongols have had their lands absorbed directly into the Soviet Union itself.

It is significant that the title of the leader of the Northern School of Budhism is from the predominant Mongolian dialect, Khalka. The title, "Dalai Lama," means "ocean of wisdom" in our language. The Dalai Lama's own native land, Tibet, was ruthlessly absorbed by the Red Chinese. The Tibetan nation has been brutally oppressed and its religious heritage cruelly and systematically destroyed.

The Dalai Lama has visited Outer Mongolia in recent years and encountered broad respect and reverence as a spiritual leader in a land where religion was abolished and persecuted by the Communist regime. Indeed, his visit sparked an increased commitment to that religion and an awakening and renewal of its spiritual values among the Mongol nation. The youth, in particular, who have been deprived of knowledge of their great spiritual past came out in thousands to the surprise of the Mongolian Communist regime in order to pay their respects to the Dalai Lama.

Senators are probably asking themselves why is the Senator from North Carolina talking about Mongolia today.

Mr. President, it is for a specific reason. As I pointed out, specialists in the history of international communism have recognized that the Soviet techniques used to impose communism on the Mongolian nation became the leading model for imposing communism on other countries in the post-World War II era.

Prof. Thomas T. Hammond, of the University of Virginia, who specializes in the history of international communism has carefully analyzed the Soviet takeover of Outer Mongolia and the techniques that were used. He found that the same techniques were used in a number of other countries and Soviet leaders have emphasized the Mongolian model for Third World countries as well. Lenin, himself, speaking to the Second Congress of the Communist International stated, and I quote:

> With the help of the proletariat of the more advanced countries, backward countries can skip over to a Soviet system and arrive at communism through special stages of development, avoiding the capitalist stage of development.

Professor Hammond has identified 11 main steps in Communist takeovers using the model established by the Soviet Union in Outer Mongolia. They are:

First. A revolutionary party is organized with the help of Soviet agents.

Second. Foreign—non-Soviet—troops occupy the country, creating dissatisfaction among the population and providing the Soviets with an excuse to invade the country and liberate it.

Third. A provisional government of the country is formed on Soviet territory, under Soviet direction, and adopts a moderate political program, designed to appeal to a majority of the country's population.

Fourth. A native army is organized, armed, and trained on Soviet soil.

Fifth. The country is invaded by Soviet troops, aided by the native army.

Sixth. The provisional government is reorganized into a broad coalition government, including prominent leaders who are not Communists.

Seventh. Comintern agents, pseudonatives who were born in Russia, and russified natives who have long resided in Russia are used by the Soviets to help control the new regime.

Eighth. Soviet advisors are placed in all important departments of the governments and the party to insure Soviet domination and to aid in the introduction of Soviet methods.

Ninth. The government is later replaced by a "People's Democracy."

Tenth. A series of purges is carried out under Soviet supervision until the remaining leaders are completely subservient to Soviet wishes.

Eleventh. The country's political, economic, and cultural institutions are remodeled in imitation of the Soviet pattern.

Senators will note that camouflage and gradualism are consistently used in taking these steps in order to make them appear democratic and to minimize opposition until Soviet officials and reliable native Communist are in firm control. Camouflage and gradualism, as Professor Hammond points out, are vital to the whole process, since the majority of the population do not want a Communist regime.

Mr. President, how many countries can we call to mind that have fallen to communism since World War II? The author of this article points out that Communist takeovers of Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea followed the Mongolian model. He also indicates that many other Communist takeovers have involved if not all of the 11 main steps, at least several of these steps.

It is certainly interesting and a matter of concern that during the same week that we are establishing relations with the Communist regime in Outer Mongolia that the Deputy Secretary of State, John C. Whitehead, began a trip to captive nations in Eastern Europe. His schedule includes 4 days in Poland with additional stops in Bulgaria and Czechoslovakia. So the Deputy Secretary of State is visiting several of the very nations in which the Mongolian takeover model, or substantial parts of it, were sucessfully employed by the Soviet Union.

Mr. President, I ask unanimous consent that the article entitled, "The Communist Takeover of Outer Mongolia: Model for Eastern Europe?" which appeared in a book edited by Professor Hammon entitled, "The Anatomy of Communist Takeovers," and published by Yale University Press be printed in the RECORD at the conclusion of my remarks.

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

THE COMMUNIST TAKEOVER OF OUTER MONGOLIA: MODEL FOR EASTERN EUROPE?

(By Thomas T. Hammond)

When the delegates to the First Congress of the Communist International (or Comintern) assembled in March, 1919, they confidently predicted, and undoubtedly believed, that revolutions would soon break out in the advanced countries of Europe, and that eventually the whole world would become Communist. Judged by these expectations, the Comintern proved to be one of the most abject failures in history. In the quarter-century of its existence it carried out *only one* successful revolution, and this was in a primitive, unimportant, and half-forgotten land—Outer Mongolia. The Mongolian revolution went almost unnoticed by Westerners at the time, and even today, with much more information about it available, it is largely ignored by most specialists on the history of world communism.

Nonetheless, for the members of the world Communist movement the Mongolian

revolution had a special significance. During the long, frustrating years of the 1920's and 1930's, when revolution failed to materialize elsewhere, Mongolia was the only "proof" of their most cherished hope: that the Bolshevik revolution would prove to be contagious. As one speaker at a Comintern meeting expressed it, "Mongolia is a small country with a population of only 700,000. But it is of exceptional interest and enormous importance." On another occasion a Comintern delegate described the Mongolian People's Revolutionary Party as one that had produced "brilliant results," which it was hoped parties in other countries would emulate.

It can be argued, however, that the greatest significance of the Mongolian revolution lies not in the fact that it was the Comintern's only successful revolution, but rather in its role as a model for the tactics used in carrying out revolutions at the end of World War II, after the Comintern had been abolished. Attempts by the Comintern to imitate the Bolshevik revolution in Europe between 1918 and 1923 were a fiasco, but the use of *quite different tactics* in Mongolia succeeded with little difficulty. Therefore it should not be altogether surprising that the methods used in the 1940's to establish "People's Democracies" in Poland, Rumania, North Korea, etc., showed much greater similarity to the Mongolian revolution than to the Russian revolution.

It is conceivable that Stalin himself learned some of his tricks from the Mongolian example, and the same may be true in the case of Georgi Dimitrov, Boleslav Bierut, Mátyás Rákosi, and other Communist strategists of the 1940's. Wolfgang Leonhard, who attended a Comintern school in the Soviet Union during World War II and later helped to install a Communist regime in East Germany, has stated that Comintern personnel were aware of the Mongolian revolution and were expected to be able to derive the proper lessons from it. One might add that if Roosevelt, Churchill, and their advisers had been familiar with Soviet tactics in Outer Mongolia, they would have had a much better idea of what to expect in Eastern Europe and North Korea at the end of World War II.

An examination of the Mongolian takeover is important for still another reason: Communists claim that it shows backward countries how it is possible to jump directly from feudalism to socialism, without passing through capitalism. Lenin himself declared in 1920:

"It would be incorrect to say that the capitalistic stage of development is inevitable for backward peoples. . . . With the help of the proletariat of the more advanced countries, backward countries can skip over to a Soviet system and arrive at communism through special stages of development, avoiding the capitalist stage of development."

This thesis was reiterated in the 1920's and 1930's by various Comintern officials, who cited Outer Mongolia as an example which other undeveloped colonial peoples should emulate. And many years later, in 1966, Tsedenbal, the present leader of Mongolia, boasted:

"The success of the policy of the MPR [Mongolian People's Republic] has exerted a revolutionizing influence on the oppressed peoples, helping to accelerate the world revolutionary process. . . .

"In recent years Mongolia has been visited by scores of government, party and other delegations from many Asian and African countries which only a short time ago rid themselves of colonial bondage and are now searching for the shortest, most effective and painless ways of social progress."

The significance of the Mongolian model for backward countries has also been affirmed by present-day Soviet leaders. For example, Mikhail Suslov, a long-time member of the Politburo, spoke as follows to the Fourteenth Congress of the Mongolian People's Revolutionary Party in 1966:

"Elaboration by your Party of the theoretical aspects of the non-capitalist path of development to socialism and the practical experience of building socialism in Mongolia are a valuable contribution to the ideological treasure-store of Marxism-Leninism and enrich the collective experience of the international Communist movement. Mongolia's experience in building socialism is of particularly great practical significance today when the face of Asia, Africa and Latin America is changing, when more and more peoples whose mode of life has been characterized by feudal and even pre-feudal relationships are acquiring national independence and taking the destiny of their countries into their own hands."

But while the present or future applicability of Outer Mongolia's experience for underdeveloped countries remains to be demonstrated, there is already much to suggest that the Communist takeover in Mongolia served as a model for the takeovers of the 1940's in Eastern Europe and North Korea. Indeed, the process by which Mongolia became a Soviet satellite is reminiscent of the pattern by which several of the "People's Democracies" were created from 1944 to 1948. At the same time it would be wrong to forget that Communist methods of seizing power have naturally varied from country to country in accordance with local conditions. Among the Communist revolutions of the 1940's six show the closest resemblance to the Mongolian pattern—those in Poland, East Germany, Bulgaria, Rumania, Hungary, and North Korea. The takeovers in Yugoslavia, Albania, and China were largely the outgrowth of guerrilla wars—something which did not occur in Mongolia. The case of Czechoslovakia is in many ways unique. Nevertheless, all these revolutions display some parallels with the Mongolian takeover, and in the six mentioned they are quite striking.

The purpose of this paper is to examine the steps by which Communist rule was established in Mongolia and to indicate, where appropriate, the degree to which this process was repeated in Eastern Europe and North Korea. Eleven main steps may be distinguished:

1. A revolutionary party is organized with the help of Soviet agents.

2. Foreign (non-Soviet) troops occupy the country, creating dissatisfaction among the population and providing the Soviets with an excuse to invade the country and "liberate" it.

3. A provisional government of the country is formed on soviet territory, under Soviet direction, and adopts a moderate political program, designed to appeal to a majority of the country's population.

4. A native army is organized, armed, and trained on Soviet soil.

5. The country is invaded by Soviet troops, aided by the native army.

6. The provisional government is reorganized into a broad coalition government, including prominent leaders who are not Communists.

7. Comintern agents, pseudo-natives who were born in Russia, and russified natives who have long resided in Russia are used by the Soviets to help control the new regime.

8. Soviet advisers are placed in all the important departments of the government and the party to insure Soviet domination and to aid in the introduction of Soviet methods.

9. The government is later replaced by a "People's Democracy."

10. A series of purges is carried out under Soviet supervision until the remaining leaders are completely subservient to Soviet wishes.

11. The country's political, economic, and cultural institutions are remodeled in imitation of the Soviet pattern.

It is important to note that camouflage and gradualism are consistently used in taking these steps in order to make them appear democratic and to minimize opposition until Soviet officials and reliable native Communists are in firm control. Camouflage and gradualism are vital to the success of the whole process, since the majority of the population do not want a Communist regime.

THE BACKGROUND TO THE SOVIET TAKEOVER

The goal of transforming Outer Mongolia in accordance with the Soviet model was necessarily a much slower process than in Eastern Europe and North Korea, because the population of this vast territory was so extremely backward and conservative. If Russia in 1917 was not the kind of advanced capitalist state in which Marx had expected proletarian revolutions to occur, this was true ten times over in Mongolia, where no more than a handful of proletarians existed. Most of the population were nomadic herdsmen, and industry was almost non-existent. Owing largely to the influence of Buddhist lamaism, the formerly aggressive sons of Genghis Khan had become a passive, submissive people, content to live in a state of stagnant poverty, and hostile to notions of change and progress.

For centuries Mongolia had been under the domination of the emperors of China, but in 1911 it asserted its autonomy, recognizing as chief of state the head of the church, the Jebtsun Damba Khutukhtu, or Bogdo Gegen, commonly referred to as a "living Buddha." Tsarist Russia recognized Outer Mongolian autonomy and in return received extensive commercial privileges. The Chinese were furious at this Russian meddling, but were powerless to prevent it. Through a series of treaties, combined with economic, cultural, and political penetration, the Tsarist regime was able to establish a de facto protectorate over Outer Mongolia while continuing to recognize Chinese sovereignty *de jure*—an imperialist technique later to be imitated by the Soviets.

Mongolian autonomy lasted only from 1911 to 1919, because after the Bolshevik revolution Russia became embroiled in civil war and was unable to defend its protectorate. In 1919 a Chinese army occupied the capital, Urga, and the Mongolian government was forced to "request" that its autonomy be abolished. Since the Chinese rulers were oppressive, many Mongols looked forward to the day when Russia would again help them to end Chinese domination and restore self-government.

This hope of Russian intervention happened to coincide neatly with the policy of the new Bolshevik government in Moscow, which had been expressed by Lenin as early as 1916, before the seizure of power:

"We Great Russian workers must demand from our government that it get out of Monogolia, Turkestan, and Persia. . . . But

does that mean that *we* proletarians *want* to be separated . . . from the Mongolian, or Turkestani or Indian workers or peasants? . . . Nothing of the kind . . . We shall exert every effort to become friendly and to amalgamate with the Mongolians . . . We shall strive to give these nations, which are more backward and more oppressed than we are, "unselfish cultural aid" . . . i.e., we . . . shall help them on towards democracy, towards socialism."

Thus, even before the Bolshevik revolution, Lenin had formulated the ideological justification later to be used for the new, Soviet style of imperialism—i.e., on the pretext of helping a backward people to advance "towards democracy and socialism" the Soviets would intervene and "amalgamate" Mongolia with Russia. When Lenin voiced this rationalization for Soviet imperialism, he did not think of its as being in any way similar to the imperialism of capitalist nations, and after the Bolshevik revolution he was at pains to dissociate the Soviet regime from the imperialist policies of its Tsarist predecessor. On August 3, 1919, the Bolshevik government issued a declaration to the Mongolian people which is worth quoting at some length, if only for the contrast it provides between Soviet promises and Soviet deeds:

"The Russian people have renounced all treaties with the Japanese and Chinese governments which deal with Mongolia. Mongolia is henceforth a free country. Russian advisers, Tsarist consuls, bankers, and the rich who have mastered the Mongolian people by means of force and gold, and robbed them of their last possessions, must be driven out of Mongolia.

"All institutions of authority and law in Mongolia must henceforth belong to the Mongolian people. Not a single foreigner has the right to interfere with Mongolian affairs. . . . Mongolia now becomes an independent country and has the right to contact independently all other peoples without any guardianship whatsoever on the part of Peking or Petrograd.

"The Soviet government asks the Mongolian people to enter into diplomatic relations with the Russian people immediately and to send representatives of the Mongolian people to meet the advancing Red Army [which was then pursuing the White armies across Siberia]."

Each of these promises was later to be violated by the Soviets, but they may have created a favorable impression on politically conscious Mongolians when they were made, and perhaps were one of the factors which caused the Mongolian leaders to turn to Soviet Russia for assistance.

The establishment of close relations between Russia and Mongolia, as proposed in the declaration, was impossible at the time, since the Bolsheviks were fighting the Whites and Mongolia was controlled by Chinese troops. The most the Soviets could arrange was to send an expedition under the leadership of Ivan Maisky (later to become well known as Soviet ambassador to London). Maisky went to Mongolia ostensibly to investigate the possibilities of trade, but a White Russian who was living in Urga at the time states that Maisky also organized gatherings of Mongolian and Russian revolutionaries. In any event, one result of his visit was the preparation of a most informative book about the country, which provided the Soviet authorities with the latest information on prevailing conditions.

Maisky followed in Lenin's footsteps by also supplying rationalizations for any future Soviet intervention. While granting that Outer Mongolia had the right to "cultural self-determination," he claimed that this did not require "sovereignty." If the country remained under Chinese rule, he asserted, it could expect only "cultural stagnation and economic ruination," whereas with Russia's help it could attain "cultural progress and economic prosperity." Nor did he neglect to mention the advantages that Russia might gain in return. Mongolia could provide livestock, fodder, and minerals, and at the same time serve as a buffer between Russia and China. Unconsciously parroting nineteenth-century imperialists, he even declared that Soviet Russia must fulfill "the natural historic mission" of spreading the benefits of European civilization to the backward countries of Asia, and to Mongolia in particular.

The scene was set for the process of takeover to begin. The steps by which this took place (listed above) will now be examined in detail.

STEP 1: THE FORMATION OF A REVOLUTIONARY PARTY

Whether or not Maisky had anything to do with their formation, by 1919 there were two small revolutionary groups in the Mongolian capital of Urga. One was under the leadership of the twenty-six-year-old Sukhe Bator, who had served in the army, and who after his death came to be known as "the Lenin of the Mongolian Revolution" (which was a gross exaggeration). Sukhe Bator did not learn to read until he was eighteen and never mastered the Russian language. That he ever understood Marxism or could properly be labeled a Communist is dubious. Yet he did lead the small Mongolian "army" that helped to carry out the seizure of power.

The leader of the other revolutionary group was Choibalsan, who was to become Premier of Outer Mongolia from 1939 to 1952, and who is often referred to as "the Stalin of Outer Mongolia" (another dubious comparison). Although younger than Sukhe Bator and less important in the early years of the revolutionary movement, Choibalsan possessed the advantage of having studied at a Russian school in Irkutsk, which meant he could read Bolshevik literature and could serve as a liaison with the Russians. He was perhaps the only native Mongolian in the period from 1919 to 1921 who might accurately be described as a Communist.

In January, 1920, the two small groups of revolutionaries, totaling only about twenty to thirty persons, united to form the "Mongolian People's Party." At a meeting in June they adopted a "Party Oath" which demonstrated clearly that they were not Communists, but held views reflecting a combination of Mongolian nationalism, loyalty to the church, hatred of Chinese rule, and some Bolshevik influence. The Oath said in part:

"The purposes of the People's Party of Outer Mongolia are to rid the country of the fierce enemies who threaten the nation and the religion . . . to recall the lost Mongolian law, to strengthen the State and the religion, inflexibly to defend the Mongolian nation, to revise and change the internal policy of the country, in every way to protect the interests of the *arat* [herder] masses . . . and put an end to the sufferings of the working people."

The conservatism of this "revolutionary" party is also revealed by the fact that several of its members were lamas or nobles. It was revolutionary mainly in its desire to achieve three objectives: to overthrow Chinese rule and achieve autonomy or independence for Mongolia; to modernize the country; and to reduce the powers of the Bogdo Gegen and the princes. Its orientation was thus nationalism and reformist, not Communist.

In the summer of 1920, the Comintern sent one of its agents, S. S. Borisov (an Altai Oirot), together with several other Soviet citizens, to serve as advisers to the Mongolian revolutionaries. Borisov urged the Mongols to send a delegation to the Soviet Union with a request for aid, and, for the reasons explained below, they decided to follow his advice.

It would be a gross mistake to think of the Mongols in 1920 as a people fired with revoluntionary zeal and eager to imitate the Bolshevik pattern. As Maisky pointed out in his book, the outstanding characteristic of the Mongols was passivity, and it is doubtful that more than a handful of them had considered the possibility of overthrowing the old feudal-theocratic order. Most of the "revolutionary" leaders were loyal to the church and to its head, the Khutukhtu, and while a few dozen politically conscious individuals wanted to modernize their country, the majority of the population were not just indifferent to change, but actually opposed to it. To the masses the only real cause for complaint lay in the oppressive policies of the Chinese occupying army. It would therefore be quite unwarranted to say that a revoluntionary situation existed in Mongolia in 1919–1921. In this case why, it may be asked, did the Mongol leaders turn to Soviet Russia for help? Facts of geography and demography largely provide the answer. As one of Outer Mongolia's prime ministers later put it, "Our country is surrounded by the territories of Russia and China, and lies in the center, between the two empires. . . . China has the evil intention of occupying our wide territories and destroying our nation and religion." A similar view was expressed by Rinchino, for several years the top Comintern agent in Mongolia:

"One fact, the number of Mongols, means a great deal. For example, if Russia has 150 millions, Japan has 60 millions, and China in all 400 millions, Mongolia cannot count more than one million inhabitants.

"There are too few Mongols. They can at any time be swallowed, but if they are not swallowed, that is only because . . . next to Mongolia stands Soviet Russia."

As a backward, thinly populated, and militarily weak country, Outer Mongolia was destined to be dominated by either China, Russia, or Japan. Since Russian domination under the Tsarist regime had been rather mild, even benevolent, and since the Russians, unlike the Chinese, had never threatened to engulf the Mongols with colonization, Russia seemed the least of the three possible evils. This is not to say that the Mongolian revolutionaries of 1919 to 1921 wanted their country subjected to Soviet hegemony. On the contrary, they accepted at face value the declaration of August, 1919 (quoted above), in which the Soviet government denounced the Tsarist treaties with Mongolia and asserted that "not a single foreigner has the right to interfere with Mongolian affairs." On the strength of this, they expected the Bolsheviks to help them oust the Chinese and establish Mongolian independence; they did not wish to replace Chinese domination with Soviet rule. Indeed, the Mongolian leaders who appealed to Russia for aid nurtured the nationalist dream of not only restoring Outer Mongolian autonomy, but also of uniting all

the other territories inhabited by Mongols—Inner Mongolia, Buryat Mongolia, Tannu Tuva, parts of Sinkiang, and other, less important areas.

With these aims in mind, Sukhe Bator, Choibalsan, and their colleagues decided to go to Soviet Russia to seek assistance. In the summer of 1920 they headed north to Siberia, carrying with them an official letter from the Bogdo Gegen that gave an aura of legitimacy to their mission, and were warmly received by the highest Soviet officials in the area.

In August Sukhe Bator addressed an appeal to the Soviets which read in part:

"We, members of the People's Party . . . turn to great Russia with a request for aid. We . . . aspire to restore the Autonomy of Mongolia and to proclaim the Khutukhtu Bogdo as a limited monarch. Then we wish to take necessary measures to limit the hereditary rights of the princes. Having attained the independence of our country, we, profiting by the experience of other countries, will struggle for the rights and interests of our people. . . . Therefore we ask you:

"1. To extend necessary aid to the People's Party of Mongolia, and to assist in restoring Mongolian Autonomy.

"2. To designate a Soviet representative at Kyakhta who will serve as a connecting link between the Soviet Government and the People's Party."

In November, 1920, a Mongolian delegation went to Moscow and attended a special session of the Politburo at which Lenin and Stalin were present. It is possible that, as a result of this meeting, the Politburo decided to invade Mongolia as soon as the necessary preparations could be made. If so, the decision may have been hastened by the news coming from Mongolia about the activities of a certain Baron von Ungern-Sternberg, news that was disturbing in one sense, but quite encouraging in another.

STEP 2: FOREIGN TROOPS OCCUPY THE COUNTRY, PROVIDING THE SOVIETS WITH AN EXCUSE TO LIBERATE IT

Ungern-Sternberg, or "The Mad Baron" as he is sometimes called, was a most bizarre character. A former officer in the Russian Imperial Army, he claimed to be the reincarnation of Genghis Khan, and dreamed of recreating the old Mongolian empire, which he would then use as a base for a crusade against the heathen Bolsheviks. In February, 1921, with a force of White Russians, Buryats, Japanese, and miscellaneous other nationalities, he attacked Urga, and the Chinese garrison fled. The independence of Outer Mongolia under the nominal leadership of the Bogdo Gegen was proclaimed, with Ungern assuming the title of Commander in Chief of the armed forces.

Ungern's conquest of Mongolia was a godsend for the Bolsheviks, since it provided them with a justification for doing what they apparently had been planning to do anyway—that is, to invade Outer Mongolia and establish a pro-Soviet government. On November 11, 1920, about a month after Ungern's troops first entered Mongolia, the Soviet Commissar of Foreign Affairs, Chicherin, sent a note to Peking which stated in part:

"The Chinese troops in the Urga region are unable to annihilate the White Guardist gangs which operate there; therefore they have turned to our military command and also the command of the Far Eastern Republic asking use to help them combat these gangs of marauders.

"The Soviet government . . . is ready to give aid to the Chinese troops. . . . An appropriate order has been given to our Siberian command. The Soviet government guarantees herewith that its troops dispatched to Mongolia are entering the territory in the capaicty of China's friends; and that as soon as the White Guardist gangs in Mongolia are annihilated, the Soviet troops . . . will leave Chinese territory immediately."

The Chinese did not appreciate in the least this supposedly generous offer of assistance. Correctly suspecting that the Soviets had objectives beyond the mere defeat of Ungern, the Chinese government replied bluntly that it had never requested help, that it would take all steps necessary to defeat the Whites, and that it did "not need foreign intervention." Fortunately for the Soviets, however, the Chinese did nothing in the succeeding months to drive Ungern out of Urga. Meanwhile, "The Mad Baron" announced his intention to invade Russia and liberate the country from bolshevism—an aim obviously beyond the capacity of his small army and proof in itself of the unbalanced state of his mind. But his proclaimed goal provided a convenient excuse for the Red Army to invade Mongolia. In this way Ungern played the same role *vis-a-vis* Mongolia as Hitler later played for Eastern Europe; in both cases these avowed enemies of bolshevism provided the Soviets with a justification for invading neighboring states, liberating them from their foreign occupiers, and imposing Communist regimes upon them.

Preparations for the Soviet invasion of Mongolia now moved forward. From March 1 to March 6, 1921, the First Congress of the Mongolian People's Party met in Kyakhta, a Soviet town just north of the frontier. Only about twenty-five delegates attended—hardly a large or a representative sample of the Outer Mongolian population—but with Soviet support they would provide sufficient leadership to carry out the revolution.

STEP 3: A PROVISIONAL GOVERNMENT IN EXILE IS FORMED ON SOVIET TERRITORY

On March 13, 1921, a few days after the Party Congress, the creation of a "Mongol People's Provisional Revolutionary Government" was announced, with Sukhe Bator as Minister of War and Commander in Chief. The new government issued a proclamation calling for the extirpation of feudalism and slavery, the establishment of an equitable tax system, and the formation of a constitutional, parliamentary monarchy under the Bogdo Gegen. Nothing was said about socialism, communism, or the dictatorship of the proletariat; it was a program that might have been inspired by a Western democracy rather than by Soviet Russia. This was the Soviet intention, since at this time Moscow was eager to hide its ultimate aims in order to win the support of the majority of the Mongolian people. The Provisional Government could be used as a rudimentary administration to replace not only Ungern and the Chinese, but also the old Autonomous Government of the Bogdo Gegen. Moreover, since it had been formed on Soviet soil with Soviet aid, and since it would be installed in power by Soviet arms, it presumably would be susceptible to Soviet control.

Twenty-odd years later, Stalin made recourse to this same convenient device when forming provisional governments for Eastern Europe. In the case of Poland the "Union of Polish Patriots" was formed in Russia in 1943, to be replaced the following year, in the Soviet-occupied city of Lublin, by a Communist-dominated "Polish Committee of National Liberation," which in December, 1944, proclaimed itself the Provisional Government of Poland. In Czechoslovakia a somewhat similar role was played by the Košice government, a coalition agreed upon at negotiations held in Moscow. In Hungary it was the Debrecen government, formed with Soviet encouragement after the city of Debrecen was liberated by the Red Army in 1944. In each instance the political programs enunciated by these governments were moderate—designed to appeal to the majority of the population—and carefully avoided all mention of communism, just as in Mongolia decades earlier.

STEP 4: FORMATION OF A NATIVE ARMY ON SOVIET SOIL

With a Mongolian revolutionary party and a provisional government ready for the forthcoming invasion, the next step was the creation of a Mongolian insurrectionary army. A move in this direction had already been taken in 1920, when Sukhe Bator and Choibalsan were given some training at the Red Army officer's school in Irkutsk. Later they organized a "People's Revolutionary Army" consisting of approximately 400 Mongols, who gather in southern Siberia just north of the Mongolian border. This tiny force obviously was not capable of defeating Ungern, which meant that most of the soldiers needed for the invasion would have to be supplied by the Red Army. It was important, however, to have a Mongol army fighting alongside Soviet troops, in order to give the Russians an aura of legitimacy and to camouflage the fact that the invasion was a case of Soviet aggression against Chinese territory. Therefore Sukhe Bator and his small army were given the honor of striking the first blow. This they did on March 18, 1921, when they crossed the frontier and captured the town of Kyakhta Maimaicheng.

Here the parallel with Soviet tactics in Eastern Europe is evident. It will be remembered that during World War II it was a common practice in the Soviet Union to organize detachments of troops among refugees from countries which the Red Army intended to "liberate." For example, a Polish army was formed in 1943 under the nominal leadership of a Polish general named Berling, although most of its officers were Soviet citizens. Similarly, a Czechoslovak army corps was formed in the Soviet Union under the command of General Ludvik Svoboda, who later co-operated in the Communist takeover of his country.

STEP 5: THE COUNTRY IS INVADED BY SOVIET TROOPS

When Sukhe Bator's army drove the Chinese out of a small strip of northern Mongolia, the leaders of the Party and the Provisional Government moved over from the Soviet side of the border and proclaimed: "Because throughout our Mongol land the power and authority of the Chinese are no more, the supreme power and authority of our Mongol government have passed entirely into the hands of the Mongols themselves." This claim, of course, had no legitimacy and little popular backing. The vast majority of the population had never heard of the People's Provisional Government, nor had the legitimate ruler, the Bogdo Gegen, given them a mandate for their actions; indeed, he was not even aware of what they were doing. Nevertheless, the Provisional Government issued an appeal to the Soviets for military aid in liberating the country from the forces of Baron Ungern, and, need-

less to say, the Red Army was happy to comply.

Meanwhile, Ungern behaved in a manner that could only please the Bolsheviks. On May 21, 1921, he issued a proclamation recognizing Grand Duke Michael as the "All-Russian Emperor" and declaring his intention "to exterminate commissars, communists and Jews." He marched his army north towards Kyakhta, but in early June the combined Soviet and Mongol troops defeated him easily. The Baron was eventually captured by the Soviets, tried, and executed. Meanwhile, Soviet diplomats helped by providing camouflage: they informed the Chinese that the Bolsheviks would *not* do the very thing that they *did* plan to do. On June 15, 1921, Foreign Commissar Chicherin dispatched a note which claimed that the Soviet invasion of Chinese territory was really an act of friendship:

"[Ungern's] attacks on the armies of Soviet Russia and of the Far Eastern Republic forced Russian troops to cross the Mongolian frontier.

"Opposition to Ungern is to the interest of China, because by taking this task in hand the Russian Republic at the same time gives support to China, assisting her to crush these bands and maintain her authority.

"The Russian Government categorically declares that only with this purpose did it take measures against the traitor Ungern; and likewise declares that when this purpose shall be fulfilled the troops will be withdrawn from Mongolia. By taking arms against Ungern the Russian Government confirms its friendly relations with its neighbor, China."

The destruction of Ungern's army as an effective military force eliminated any legitimate justification that the Bolsheviks might have had for intervening in Mongolia, but they had further plans and proceeded to carry them out. Detachments of the Red Army invaded Mongolia again and marched on the capital city of Urga, which they captured on July 6, 1921, thus winning control of the country—a control which has never been relinquished.

If one looks for later parallels with this particular phase of the Mongolian takeover, the best comparison would probably be Finland. When the Soviet Union attacked Finland on November 30, 1939, it proclaimed the establishment of a "Finnish Democratic Republic" headed by Otto Kuusinen, a veteran Finnish Communist who had worked many years for the Comintern in Moscow. This puppet "People's Government" issued an appeal to the Soviets on December 1, 1939, asking for military assistance in liquidating the Helsinki government. The Red Army had already begun its "assistance" the day before by crossing the Finnish frontier.

STEP 6: THE PROVISIONAL GOVERNMENT IS REORGANIZED INTO A BROAD COALITION GOVERNMENT

After the capture of Urga, the Provisional Government was replaced by a "People's Revolutionary Government," which, despite its name, was in form a theocratic monarchy, the Bogdo Gegen being retained as a figurehead chief of state.

How can one explain the fact that the Bolsheviks not only refrained from immediately establishing a Soviet regime in Mongolia, but even tolerated a theocratic government? There seem to be two explanations. First, the Bolsheviks realized that they were dealing with an extremely backward, feudal country, which had none of the Marxian prerequisites for a proletarian revolution. Second, the Mongolian leaders, including even the most radical ones, wanted reform and modernization, but not a bloody upheaval like the Bolshevik revolution. Whereas in advanced European countries the Bolsheviks attempted to foment proletarian revolutions, they realized that few if any Asian countries were ripe for revolts of this type—certainly not Mongolia. A Mongolian delegation asked Lenin in November, 1921, if they should transform their People's Party into a Communist Party, and he advised against it:

"The Mongolian revolutionaries [he said] have much work ahead of them in political, economic, and cultural development before the pastoral population can be called proletarian masses. Once this is achieved, these masses can help in the "transformation" of the People's Revolutionary Party into a communist one. A mere change of signboards is harmful and dangerous."

A Soviet commentator asserted in 1924 that "the Mongolian People's Party is not only not communistic, but is not even a socialistic party." Soviet and Comintern officials seem, however, to have had considerable difficulty in making up their minds just what to call it, and over the years they devised various formulations. One Soviet spokesman declared in 1926 that it was a "united national revolutionary movement," and in 1934, the Prime Minister of Monogolia referred to his country as follows: "Our republic is a bourgeois, democratic republic of the new type, antifeudalistic and anti-imperialistic, gradually advancing on the road of noncapitalistic development."

A bourgeois democratic republic of a new type" came to be the standard formulation used in Soviet, Comintern, and Mongolian publications. Only much later, after World War II, did it acquire the designation of a "People's Democracy."

Lenin and the other Soviet leaders apparently realized that it was impossible to introduce socialism into Mongolia except after many years of education, industrialization, and modernization. Another possible reason for the "go-slow" policy, including the retention of the Bogdo Gegen, is the Mongol revolutionaries may have demanded it, despite Soviet objections. This is the interpretation offered by D. P. Pershin, a former Tsarist official who lived in Urga for some years and was an eyewitness of the events of 1917 to 1921. In describing the plans made by the Bolsheviks and the Mongolian revolutionaries on the eve of the takeover he says:

"There was to be formed a new revolutionary government for Urga . . . with the proviso, however, that Bogdo Gegen was to remain at the head of this new government. This was done so as to avoid upsetting the Mongolian people, who would feel that no changes had taken place in matters of faith, and that the popular religion would not be infringed upon. . . .

"It was said that there was considerable opposition on the part of the Bolsheviks to the placing of a king at the head of the country—and a "living God" at that . . . Jamtsarano [a prominent Mongol revolutionary], so the story goes, categorically insisted that otherwise further negotiations could not proceed."

Elsewhere Pershin writes: "The People's Revolutionary Party . . . acted with great caution, and in important cases even differed with their Bolshevik instructors . . . . The Party followed the principle that a too crude breaking up of old mainstays might arouse among the Mongols . . . serious discontent."

The policy of camouflage and gradualism may have been due to realism on the part of the Bolsheviks. Or the reverse may be true: that impatient, doctrinaire Bolsheviks were forced to move slowly because of opposition from moderate Mongolian revolutionaries. The policy adopted was undoubtedly the correct one, since most Mongolians, and even many of their revolutionary leaders, looked upon the Bogdo Gegen as the legitimate chief of state, and this helped the new regime to establish itself quickly and easily.

Because of the almost total absence of native Marxist revolutionaries in Mongolia, the Bolsheviks at the beginning not only retained the Bogdo Gegen, but also accepted a rather conservative government. Of the seven members of the "People's Revolutionary Government," the Premier and Vice-Premier were both lamas, two were nobles of high rank, and two others had worked for the former Autonomous Government. The only member of this first Urga cabinet who can possibly be a labeled a radical—and even his case is debatable—was Sukhe Bator, who retained his posts as Minister of War and Commander in Chief. All these ministers, it should be noted, were natives, i.e., Khalka Mongols; none were Buryats or Soviet citizens. Thus in 1921 there seemed to be little reason for the Mongol people to fear that their country was destined to become a Soviet republic completely subject to Moscow. Therefore opposition to the government or to the temporary presence of Soviet troops was almost non-existent. Indeed, the new regime was apparently looked upon as a welcome replacement for the Chinese and Baron Ungern.

But if Outer Mongolia was nominally a monarchy, the leftward direction of its future development was ensured by the continued presence of the Red Army, and when the People's Revolutionary Government requested that these forces remain until the enemy had been entirely defeated, the Soviet government gladly complied. "Soviet troops," said Foreign Commissar Chicherin, "have entered the territory of autonomous Mongolia for one purpose only: to defeat the common enemy, remove the constant danger which threatens Soviet territory, and ensure the self-determination and free development of autonomous Mongolia." The troops would leave, he added, "just as soon as the danger to the free development of Mongolia is removed and the security of the Russian Republic and the Far Eastern Republic assured." In fact, the Soviet troops were there primarily to ensure that Mongolia would again become a Russian protectorate, and they were not removed until this goal had been accomplished.

Whether the "go-slow" policy of 1921, including the retention of the Bogdo, was a clever tactic thought up by the Bolsheviks, or whether it was forced upon them, the Soviets seem to have learned a valuable lesson, because the same tactic of camouflage and gradualism, of appearing to preserve old traditions, old institutions, and even old rulers, was used extensively in the Communist takeovers of the 1940's. The most obvious example is Rumania, where King Michael was allowed to continue as nominal ruler of the country until the Communists were in firm control. In Czechoslovakia, too, the presence of Edward Benes as President and Jan Masaryk as Foreign Minister in the first postwar governments helped to persuade the people that a Soviet-style regime would not be imposed upon them.

STEP 7: COMINTERN AGENTS, PSEUDO-NATIVES, AND RUSSIFIED NATIVES HELP LEAD THE REVOLUTION AND THE NEW REGIME

Comintern agents played a prominent role in the Mongolian revolutionary movement from the very earliest days. In April, 1920, I. A. Sorokovikov was sent to Urga as the special delegate of the Far Eastern Branch of he Comintern, but the following month was replaced by another Comintern agent, S. S. Borisov (an Altay Oirot), who was active in the events leading up to the revolution of 1921. Some of the Mongols also dealt directly with the head of the Comintern Far Eastern Secretariat, Boris Shumyatskiy.

The Comintern official who played the main part in bringing Mongolia under Communist control, however, was a Buryat Mongol from Russia named Rinchino, who for several years was the most powerful man in Outer Mongolia. As Rinchino himself said:

"I have worked from the beginning of the existence of our People's Party. I went with the representatives of our Party to Moscow. I worked in the Far Eastern Section of the Comintern (Mongolian and Tibetan Section) at Irkutsk. I led Mongolia to the Comintern, which supplied the Mongolian People's Party with instructors and indispensable funds."

Rinchino's "dictatorship" ended with his recall to Moscow in 1928 and replacement as top Comintern representative in Mongolia by Amagaev, another Buryat from Russia. Amagaev acted not only as a Comintern agent, but also as Minister of Finance and Chairman of the Economic Council of Mongolia. Direct management of Mongolian affairs by the Comintern seems to have eased only in 1931, when Amagaev in turn was ordered back to Moscow.

These two figures, Rinchino and Amagaev, were only the most prominent of the many Comintern agents in Outer Mongolia who might be described as "pseudo-natives" or "sovietized natives." To the first category belong primarily the Buryat Mongols, an ethnic group inhabiting the area to the north of Outer Mongolia, where, in 1923, the Bolsheviks established a Buryat Mongol Autonomous Soviet Republic. Most Mongols within the Russian borders were Buryats, whereas the majority of the inhabitants of Outer Mongolia were Khalka Mongols, whose language is similar but not identical. Many Buryats had been largely russified and spoke the Russian language, while some had even studied at Russian universities. Since few Russians spoke Mongolian and few Khalkas spoke Russian, it was natural that the Soviets should have used the Buryats as interpreters—and for another purpose as well: the Soviet authorities soon made them the leading element in the new Mongolian government. It was largely Buryats from Russia who served to channel Soviet ideas, methods, and institutions into Outer Mongolia.

This co-operation with Moscow in revolutionizing Outer Mongolia suited the Buryats very well, especially in the early years, since they thought not in terms of subjecting Outer Mongolia to Russian domination, but rather of liberating their brothers from Chinese rule and ultimately creating a strong, independent, progressive nation which would unite all the Mongol peoples (including the Buryats) into a Greater Mongolia. But although motivated by nationalism, the Buryats unwittingly helped to destroy any chances of achieving this nationalist dream. Instead they helped to make Outer Mongolia a satellite of Soviet Russia, while several areas inhabited by Mongols remained or became a part of the USSR.

The degree of Buryat influence in Mongolia may be indicated by the fact that in the 1920's they held the ministries of trade and economy, finance, and education, headed the Central Co-operative organization and the Economic Council, while the trade representative in Moscow and the head of the Mongol Transport Company were also Buryats. They provided the chairman of the Military Council, as well as officers and instructors, thus gaining considerable influence in the army as well. Other nationalities used in Mongolia by the Soviets included Kazakhs, Oirots, and Kalmyks, all of whom, as Asians, were bound, so Moscow doubtless calculated, to be more acceptable to the Mongolians than "white" men such as Russians.

As far as "russified natives" are concerned, the best example is Choibalsan himself, who attended a Russian school in Irkutsk and later received some training at a Red Army officers' academy in the same city. Whether these years in Russia made Choibalsan any less a Mongol cannot be ascertained, but it is clear from his subsequent behavior that he became an obedient servant of Moscow, and this explains in part why he was eventually chosen by Stalin to be ruler of Outer Mongolia.

The career of Choibalsan as a russified (or sovietized) native used by Moscow to further its policies in Mongolia calls to mind a conspicuous example in Eastern Europe after World War II—Marshal Konstantin Rokossovsky, who, although of Polish descent, served his entire career in the Soviet army until in 1949 he was appointed Commander in Chief of the Polish armed forces, Minister of Defense, and a member of the Polish Politburo. In this way, Stalin made sure that a pro-Soviet figure stood at the center of the power structure in Communist Poland.

Another instance of this Soviet use of pseudo- or russified natives is provided by North Korea. When the Red Army invaded Korea in 1945, it brought with it as part of the occupying forces about 300 Soviet Koreans, some of whom had been trained at a special school near Khabarovsk in 1942, while others had in all probability attended the Comintern school near Ufa in 1942 and 1943.

In similar fashion pseudo-natives or russified natives helped to establish Communist rule when the Red Army invaded Estonia, Latvia, Lithuania, Western Belorussia, the Western Ukraine, Bukovina, and Moldavia in 1939-1940 and again in 1944-1945. When the Red Army liberated Eastern Europe, it brought in its train groups of native Communists who had lived for years in the Soviet Union, had been thoroughly indoctrinated there, and who in many cases felt their primary allegiance to Moscow. Many of the Communist leaders in Eastern Europe, moreover, were not "natives" in the fullest sense of the word, or at least were not looked upon as such by the local population. To cite only a few examples: Emil Bodnaras (a Ukrainian) in Rumania, Mátyás Rákosi (a Jew) in Hungary, and Frantisek Kriegel (a Galician Jew) in Czechoslovakia.

At the beginning of this section (p. 125) it was stated that the Comintern played an important part in the Mongolian revolution; in seeking a parallel with Soviet policy after World War II, the reader may query the legitimacy of any such comparison on the ground that the Comintern was officially abolished in 1943, and could not, therefore, have been involved in the events of 1944-1949. In actual fact, however, the Comintern did have a role, just as it had earlier in Mongolia, because the Communist cadres who stage-managed Stalin's takeovers of the late 1940's had been selected and trained by the Comintern before its dissolution. Leaders like Georgi Dimitrov, Walter Ulbricht, Klement Gottwald, Mátyás Rákosi, Ana Pauker, Tito, and Ho-chi-Minh had all worked for the Comintern before World War II, and all of them, except Tito and Ho, spent the war years at Comintern headquarters in Russia. Lesser Communists were trained during the war at a special Comintern school near Ufa, attended by students not only from Eastern Europe, but also from Germany, Austria, France, Italy, Spain, and Korea (as mentioned above). Although the Comintern was dissolved in 1943, many of its functions continued to be performed by the selfsame persons working in the same building which had served as its headquarters from 1940 to 1941, but which now bore the name "Institute No. 205."

STEP 8: SOVIET ADVISERS ARE PLACED IN IMPORTANT DEPARTMENTS OF THE GOVERNMENT AND THE PARTY

Moscow did not rely entirely on Soviet citizens of Asian stock in establishing its control over Outer Mongolia; Russians also were used extensively. As a foreigner visiting Urga in 1921 commented: "In every office there are three administrative officials—a Mongol, nominally the chief, a Buriat, and a communist Russian. Actually, the Russian is in every instance the chief, the Buriat is his assistant and go-between, and the local Mongol is a figurehead." And an American consul stationed in northern China reported in October, 1921: "There may be a Mongolian Government, but the authority is the Russian Soviet Commandant. He issues orders for the release of men, even if they have been arrested by the Mongols." A Chinese agent who made an extensive trip through Outer Mongolia in 1926-1927 made a similar statement:

"Since Outer Mongolia has become independent all important organs have had Russians as advisers. To put it bluntly, it is the Russians who are directing everything. The Ministry of Finance, for example, has four Russian advisers. The Ministry of War has eight military advisers . . . The Secret Police . . . has six Russian advisers and is actually headed by one. All the military training officers are Russians. Even the managers and drivers of the motor company are all Russians. On the surface Outer Mongolia is independent, but in point of fact it is not able to be independent in anything."

The Soviets naturally paid special attention to those branches of the administration which controlled armed power. The *secret police* was organized by and at times even headed by Soviet officials. The *army* also was under firm Soviet control, since its original nucleus had been formed on Soviet territory with Soviet equipment and Soviet instructors. After the establishment of the new government in 1921, more Soviet military instructors were sent into the country, with "new and better qualified" personnel arriving as reinforcements in 1923. According to a report by two Japanese observers:

"In each detachment there is a Soviet officer. In general the commander of a cavalry division is a Soviet, but in this case there are two additional Soviet officers. The regiment has only one Soviet officer. The division has a GPU detachment which has police authority over the men in the ranks. The

number of Soviet officers in mechanized detachments is greater and the air force consists almost exclusively of Soviet soldiers."

The economy was another area where the Russians acquired a dominant influence. This was done by a variety of means, one of the most important being the establishment in 1921 of the Mongolian Central Co-operative, which soon became the country's largest trading organization. In 1924 it was reported that 45 percent of the employees were Russian. In addition, the Russians also operated through Soviet trading companies, which concentrated on exporting Mongolian goods to Russia, while importing little in return. The most effective weapon for gaining influence over the Mongolian economy, however, was the Mongolian Trade and Industrial Bank, formed in 1924 as a joint Soviet-Mongolian company. Most of the staff and all but one of the members of the directorate of the bank were Russian. As the only bank in the country, it had exclusive authority to issue currency (which was minted or printed in Russia), and provided most of the capital needed for trade, cooperatives, industry, and transport. With all of these economic levers at their disposal, and with the government safely under control, the Soviets were able to accomplish what the Tsarist regime had failed to achieve—the establishment of a monopoly over *Mongolian foreign trade.* Whereas in 1925 the USSR received only 24.1 percent of Mongolian exports, by 1931 the total had grown to 99.2 percent.

In fairness, however, it should be stated that the arrival of Soviet experts in Mongolia brought benefits to the country in the shape of technical "Know-how" and ability which had hitherto been completely lacking. The Mongolian Prime Minister cited an example of this in 1924:

"It was long ago time to change the criminal laws from the old Manchu laws. . . and to introduce criminal law modeled after those of the civilized nations of Europe.

"Starting in 1921, commissions after commissions were appointed to draft criminal laws, but in general the work did not progress. During the present summer we invited a jurist from Soviet Russia, and under his guidance translations from foreign laws are being prepared, and laws selected from these which are compatible with the laws of our country are being drafted."

Soviet doctors introduced medical services and helped to combat the many widespread diseases, especially syphilis. A Central Veterinary Administration, manned entirely by Russians, was set up to improve the quality of the livestock raised by the nomadic herdsmen.

For these reasons the Mongols had mixed feelings about the hordes of Soviet advisers and experts who descended upon their country. On the one hand, they realized the extreme backwardness of their country, the shortage of capable personnel, and the need to modernize; while on the other hand they resented being bossed by Russians who were often arbitrary, arrogant, or condescending, and they naturally were unhappy over the subordination of Mongolian national interests to those of Moscow. As late as 1924, during the discussions at the Third Congress of the Mongolian People's Party, some delegates were still not afraid to voice criticisms of the Soviet presence. One speaker, for example, demanded to know why all the chauffeurs in the army garage were Russian, while another complained that in his district the branch of the Central Co-operative was staffed entirely by Russians, who were, he said, "unsuitable, very coarse, and rude." Still another objected (unsuccessfully) to a proposed increase in the salaries of the Soviet military advisers. Such complaints led nowhere, however, as the Mongolian government was in no position to modernize the country without Soviet personnel. The head of the Central Co-operative explained:

"Certain workers raised the question of our not needing foreign instructors. They said we must somehow get along with only Mongols. But in practice this was found to be impossible because: (1) there are no Mongols who know how to run a co-operative, and (2) Mongols knowing general trading matters and bookkeeping could not be found. Therefore we had to employ foreigners, that is, workers from Soviet Russia."

If we turn our attention briefly to Eastern Europe and North Korea in the 1940's, we find numerous analogies. When the Soviet army entered a country, this automatically meant the arrival of a host of Soviet advisers, who assumed important (sometimes dominant) positions in various government and Party departments, and who supervised the reorganization of the latter along Soviet lines. Foreign trade also followed the Mongolian pattern—the new Soviet satellites being forced to drastically reduce trade with capitalist countries and expand trade with the USSR, usually on unfavorable terms. In contrast to the case of Mongolia, the East European satellites were not at an extremely primitive level of development and in desperate need of assistance. Indeed, Czechoslovakia and East Germany and, to a lesser extent, Hungary, already possessed highly sophisticated branches of industry and were in a position to provide the Russians with technical know-how, not vice-versa. In any case, their economies were exploited by the Soviet Union for its own advantage, much as the Mongolian economy had been earlier. Another precedent for later Soviet policy in Eastern Europe may be seen in the formation of the joint Soviet-Mongolian Bank. Similar joint companies were set up by Stalin to gain control of East European airlines shipping, raw materials, and industrial potential. In the case of Yugoslavia, resistance to Soviet demands for the formation of such companies was one of the causes of the break between Tito and Stalin in 1948.

STEP 9: THE ORIGINAL GOVERNMENT IS REPLACED BY A "PEOPLE'S DEMOCRACY"

As we have seen, the regime installed in Mongolia in 1921 was a theocratic monarchy, nominally headed by the Bogdo Gegen, and the first members of the "Peoples Revolutionary Goverment" were predominantly lamas, nobles, or middle-class elements. The long-term Soviet aim of making Mongolia a Communist state was facilitated by the death in 1924 of the Bogdo, which came as a great stroke of luck for the Communists. At one and the same time fate rid them of the man who was both head of the church and the head of the state, and when the masses wished to find another "living Buddha" to replace him, they were not permitted to do so. Instead, the First Great Khuraldan (parliament) was convened in November, 1924, and declared Mongolia to be a "People's Republic." A new constitution nationalized the forests, rivers, land, and other natural resources, established a state monopoly of trade, declared the church separated from the state, abolished the titles of the princes and nobles, and ended the ruling rights of the reincarnated saints. It was no accident that this constitution was similar to that of the Soviet Union, since a Soviet citizen, Turar Ryskulov, had a hand in drafting it.

It is interesting to note that the Communist takeover of Mongolia seems to have served as a model for later takeovers even in matters of terminology. When the revolutionary regime was established in 1921, as well when the monarchy was abolished in 1924, the term "Soviet" was never used. Mongolia became in 1924 a "People's Republic," not a Soviet Republic." The word "Soviet" may have been avoided partly because the Bolsheviks felt that Mongolia was too backward to be included in the same category as Soviet Russia. A more important reason, however, may have been to avoid alarming the Mongolian people, most of whom were quite conservative.

During and after World War II the Communists in Eastern Europe and North Korea used similar tactics of camouflage. To minimize opposition and to prevent the people from realizing that their countries were being taken over by Communists, the postwar regimes were careful not to use such labels as "soviet," "socialism," "communism," "the dictatorship of the proletariat," and so on. The term eventually chosen to describe the new regimes was "People's Democracies," but during the early period, from about 1945 to 1948, reference was frequently made to "People's Republics"—just as previously in the case of Outer Mongolia. For example, Georgi Dimitrov, the Communist leader of Bulgaria, declared in 1947: "Bulgaria will not be a Soviet republic but a people's republic." And a Soviet ideologist named Farberov, who played a major role in fitting the new regimes into a Marxist theoretical framework, also referred to the East European states as "People's Republics." That the Mongolian example influenced these formulations of the 1940's is indicated by the fact that Farberov devoted a whole chapter to Mongolia in his book on "Peoples Democracies." Similarly, Eugene Varga, the Soviet economist, who also helped to elaborate the theoretical bases for the "democracies of a new type," referred to Mongolia as a predecessor of the East European regimes, pointing out the similarities between Mongolia and its successors. It may be noted, too, that the term "People's Republic" has remained the approved terminology for most Communist countries in Asia. Despite considerable progress along the road to "Soviet-style "socialism," Outer Monogolia has retained this title, which it shares in common with North Korea and China. The Communist regime in North Vietnam, however, has remained since its formation in 1945 the "Democratic Republic of Vietnam."

STEP 10: A SERIES OF PURGES ARE CARRIED OUT UNTIL THE LEADERS ARE COMPLETELY SUBSERVIENT TO SOVIET WISHES

Whether the Mongolian regime should be presided over by a figurehead "living Buddha" or whether it should be a "People's Republic" was not, of course, the vital issue for the Soviet Union. What mattered was that the rulers of Outer Mongolia take orders from Moscow. This objective was accomplished in part by a succession of purges, apparently directed primarily by Soviet officials stationed in Urga.

Most of the members of the first Urga cabinet, including the Prime Minister (Bodo), were shot in August, 1922, only a year after they had taken office. Sukhe Bator, the Minister of War and Commander in Chief of the Army, died in February,

1923, poisoned by the Soviets, according to one source, although this cannot be proved.

Sukhe Bator's successor as War Minister and Commander in Chief, Danzan, was also Vice-Premier of the government and Chairman of the Central Committee of the Party. As head of the Party he presided at the Third Party Congress in August, 1924, but made the mistake of quarreling with the chief representative of the Comintern, Rinchino, and was even foolhardy enough to oppose a resolution calling for the strengthening of friendship between Mongolia and the USSR. In an astonishing sequence of events Danzan, who started out as a chairman of the Congress, had by the end of the Congress been condemned and shot! Witnessing, approving, and apparently engineering this purge were Rinchino and the Soviet Minister to Mongolia, Vasilev.

By the end of 1924 about half of the Mongol leaders who had planned and carried out the revolution had been executed, while others were exiled to Russia, eventually to be liquidated in Stalin's Great Purge of the 1930's. Indeed, if one looks at a list of the most prominent figures in the Mongolian Party and government during the 1920's and 1930's, one cannot but be impressed by the number of biographies which end with the phrase "shot in. . . ." Nor did Rinchino escape the fate of his victims; he was ordered to Moscow in 1928 and was later shot in the Great Purge.

The only one of the original revolutionary leaders of 1919–1921 who managed to survive the various purges and retain a position of prominence was Choibalsan, the so-called "Stalin of Mongolia." At the time of the formation of the first revolutionary government in 1921 he was only Deputy Commander in Chief of the Army. But in 1922 he was the key figure in organizing the secret police, in 1924 he became Commander in Chief of the Army, in 1936 he was named Minister of the Interior and First Deputy Prime Minister, and, finally, in 1939, he reached the top as Prime Minister. He remained dictator of Mongolia until 1952 when, unlike most of his colleagues, he apparently died of natural causes.

Why Stalin chose Choibalsan to be his puppet and imitator is a matter of speculation, but two reasons seem logical: Choibalsan was more willing than other native Mongolian leaders to obey Moscow's dictates without question, to give Russian interests priority over those of Mongolia, and to co-operate in purging his friends. Secondly, he had been Commander in Chief of the Army since 1924, and the role which Mongolian armed forces might play in a possible Soviet-Japanese war assumed great importance in 1939, the year in which Choibalsan was named Prime Minister. Perhaps Stalin wanted to be sure that an experienced military man would be in charge in Mongolia in order to help defend the Soviet Union from any Japanese attack.

The fact remains that the purges helped to accomplish the Soviet objective of establishing absolute control over Mongolia, and by the time Choibalsan became Premier, if not before, he and his colleagues had learned that the only key to survival was to co-operate in ensuring total subservience to Moscow, even though this meant economic exploitation and loss of independence in both domestic and foreign policy.

The particular step in the Mongolian takeover described above had a parallel in Eastern Europe so obvious as scarcely to require reiteration—namely, the purges of the 1940's and 1950's. The Polish leader, Gomulka, was removed from power in 1948, apparently because he felt that his country need not blindly follow Soviet methods and orders in every last detail. Similarly, Tito's refusal to subordinate his country's interests to those of the Soviet Union caused Stalin to attempt to bully the Yugoslav Communist Party into purging Tito, but without success. In other instances, East European purges seem to have been ordered by Moscow mainly as an instrument of terror—that is, to demonstrate to the native Communist leaders that the best way to stay alive was to obey Russia's dictates.

STEP 11: THE COUNTRY'S POLITICAL, ECONOMIC AND CULTURAL INSTITUTIONS ARE REMODELED ALONG SOVIET LINES

It is reasonable to suppose that when the Soviets invaded Outer Mongolia in 1921, one of their objectives was to establish a Communist regime, thereby fulfilling Lenin's assertion that it was possible for an underdeveloped country like Mongolia to jump directly from feudalism to socialism. At the First Great Khuraldan (parliament) a Soviet official declared: "We must prepare the ground for a gradual transition to the principles of Soviet rule and communism." This transition was rendered inevitable by the presence of Red Army units and numerous Soviet officials in Mongolia, combined with the proximity of the USSR. But the extreme backwardness of the country and the almost total lack of support for communism among the population guaranteed that sovietization would occur very gradually.

Things moved especially slowly from 1921 to 1928, during which time the traditional ruling classes—the nobility and the church officials—retained most of their power and wealth, and the new regime remained weak, except in the capital. Still, even in these early years the first steps in imitating the Soviet pattern were taken. The Mongolian People's Revolutionary Party was organized in the manner of its Soviet counterpart, complete with a Presidium (Politburo), Central Committee, Central Control Commission, and Party Congresses. Soviet-type Party organizations for young people included the Revolutionary Union of Youth, or *Revsomol* (equivalent of the Soviet Komsomol), and the Young Pioneers. The constitution adopted in 1924 declared that the supreme organ of government in Mongolia was the Great Khuraldan (which resembled the Congress of Soviets) and it elected a Small Khuraldan (like the Central Executive Committee in the USSR), which in turn chose a Presidium (like the Presidum of the Congress of Soviets). Local khuraldans performed governmental functions on the lower levels in the same way as the local soviets in the USSR.

The formation of a Soviet-style Party and Government in Urga (now Ulan-Bator) had at first little if any effect on the life of the ordinary Mongolian nomad herdsmen, but when, in 1928, Stalin launched his "second revolution" of industrialization and collectivization in Russia, Mongolia was forced to follow suit. "Right-wingers" were ousted from the Party, and a number of radical social and economic policies were adopted, the most important being a Five-Year Plan designed to bring "socialism" to Mongolia. As in the Soviet Union, rapid and forcible collectivization of agriculture brought a drastic decline in the number of livestock, the losses in 1932 alone amounting to more than seven million head out of a former total of about twenty-three million. This hasty and forced collectivization drive was halted and criticized, just as happened in the Soviet Union, but in later years was resumed at a more leisurely pace. "Arat Unions" (comparable to the Soviet *kolkhozes*) were organized, along with state farms (like *sovkhozes*) and hay-cutting stations (similar to the machine tractor stations in the USSR) Private industrial enterprise was banned, along with private trading and transport; the estates of many clerical and lay landlords were confiscated; and a state foreign trade monopoly was established.

The First Five-Year Plan caused such havoc that the population rose up in armed rebellion, whereupon in 1932 the Mongolian leaders officially repudiated the leftist policy, the collective farms were dissolved, and private enterprise was permitted to revive. This was only a tactical retreat, however, and in later years, after the regime had entrenched itself more securely, the process of eliminating the private sector was resumed, but at a slower pace and with more careful planning.

In reality, the chief objective of Soviet economic policy in Mongolia was not the establishment of a socialist economic system, but rather the exploitation of Mongolia for the benefit of Russia. A Soviet official admitted this bluntly in 1929; the Mongolian Five-Year Plan, he said, "must be constructed to permit maximum utilization of the resources of the MPR in the industrialization of the USSR." This policy was efforted primarily through control of Mongolian foreign trade. The bulk of Mongolian commerce had traditionally been with China; this was now changed: as mentioned earlier, Mongolia's exports to the USSR jumped from 24.1 percent in 1925 to a remarkable level of 99.2 percent in 1931. Furthermore, poor, underdeveloped Mongolia was compelled to export to Russia more than it imported in return, thereby extending credits to its richer neighbor. It would be untrue to say that the Soviet did nothing to help the Mongolian economy, but as long as Stalin lived their investments "served primarily the interests of the USSR."

Initially, the institutions through which Moscow controlled the Mongolian economy were special Soviet companies sent to Mongolia to buy up all commodities that the USSR wished to import. Later, Moscow used a device which was introduced after World War II in Eastern Europe and China—joint companies. These joint companies were ostensibly owned and operated by Russia and Mongolia on an equal basis, but in fact were dominated by Russians. The first such company was the Mongolbank, established in 1924 under a Russian director. Others followed, including Mongoltrans, for control of transportation facilities. Mongolsherst, which monopolized the trade in wool, and Mongolstroy, a construction company.

Cultural life in Mongolia also went through a gradual process of sovietization. Writers were organized into a Union of Mongol Writers, patterned after Union of Soviet Writers, and were taught to write according to the Soviet principles of "socialist realism." Russian and Soviet authors have predominated among the books translated from foreign languages, while textbooks used in the schools have been mainly Soviet ones. Russification was facilitated by the adoption of the Russian alphabet, and the leading newspapers were modeled on those in the Soviet Union, even to the extent of being given the same names.

This gradual imposition of the Soviet cultural pattern went hand in hand with a drive to destroy the power of the church

and eradicate religious belief. In this field, however, the change came about very slowly because of the great wealth and strength of the Buddhist church, the huge number of lamas, and the traditional devotion of the masses. In addition, many of the original Mongolian revolutionary leaders, some of whom were lamas themselves, were sympathetic both to the church and to the Buddhist religion. As described above, the new regime even made the head of the church the nominal chief of state until his death in 1924. In 1928, however, under Soviet pressure the Mongolian Party officially abandoned toleration and came out openly in opposition to the church and religion. A Central Anti-Religious Commission was established as part of the government, and a League of Militant Atheists was organized, just as in the Soviet Union. By the end of the 1930's most of the monasteries had been closed, the number of lamas had declined drastically, the bulk of church property had been confiscated, and many of the clerical leaders had been imprisoned, exiled, or shot. The church as a political and economic force was dead.

One final example of how the Mongols imitated the Soviet model might be mentioned—the creation of a "cult of personality" around the "Lenin" and the "Stalin" of Mongolia, Sukhe Bator and Choibalsan. To compare Sukhe Bator's rule in the Mongolian revolution with that of Lenin in Russia is the grossest of exaggerations, and it is clear from contemporary records that at the time none of the Mongol revolutionaries looked upon him as being the leader of the movement. But Russia had a Lenin, so Mongolia had to follow suit, and an elaborate myth was created about Sukhe Bator, the so-called father of the Mongolian revolution. Similarly, it is quite an exaggeration to compare Choibalsan with Stalin, since Choibalsan's role in the revolution was rather minor and he did not become the leader of Mongolia until 1939. The process of his deification nevertheless took place. "Choibalsan Prizes" were instituted soon after the appearance of "Stalin Prizes," and the Mongolian constitution was referred to as the "Choibalsan Constitution." A mausoleum similar to that in Moscow was constructed in the central square of Ulan Bator, and today it displays the mummified remains of Sukhe Bator and Choibalsan.

Outer Mongolia is now as thoroughly sovietized as any of the Central Asian republics of the USSR; if it were formally annexed to the Soviet Union, its present situation would not alter in any significant respect. The Soviet satellites in Eastern Europe and North Korea, by contrast, never came under such total control of Moscow. Whether Stalin planned to make them as subservient as Mongolia, or whether he considered this impossible to achieve in Eastern Europe, is an unanswerable question. As for the imitation of Soviet methods in most aspects of the political, economic, and cultural life of the East European client states, the details are so familiar that they need not be repeated here.

CONCLUSION

It has been the purpose of this paper to point out the elements in the Soviet takeover of Mongolia which set precedents for later Soviet actions of this type. There is no way of proving that these precedents were followed consciously by Stalin in the 1940's, and it is true that few if any of the Soviet and Comintern officials who directed the Mongolian operation were active in Eastern Europe or North Korea twenty-odd years later. Stalin himself, who had the final word in determining the takeover tactics of the 1940's had, as far as is known, little to do with Mongolia prior to 1928—the Comintern was the major instrument through which Moscow controlled Mongolia in the early years, and Stalin was not active in Comintern work during this period. However, this does not mean that Stalin could not have taken Mongolia as a useful model for his takeover policies in the postwar world. He was well informed at the time about what was going on in Outer Mongolia, since he was present at the Politburo meeting in 1920 which received the delegation of Mongolian revolutionaries. As Commissar of Nationalities he supervised the Buryat Mongolian Soviet Republic, and Buryats, as we have seen, played a major part in the establishment of communism in Outer Mongolia. In addition, as a member of the Politburo and General Secretary of the Party, Stalin must have been familiar with the tactics that were used in staging the revolution and in introducing communism. Certainly he could not have failed to be impressed by the fact that Mongolia was the only country between 1917 and 1940 where the Soviet Union managed to install a Communist regime. In the years immediately after 1917 most of the Bolshevik leaders, as well as Communists in other countries, nourished the illusion that other countries were ripe for revolt and that the "Great October Revolution" would be imitated elsewhere. But attempted revolutions in Germany, Hungary, Poland, Bulgaria, and other places all collapsed. Stalin seems generally to have been less sanguine about the prospects for Communist revolutions in other lands than were Lenin, Trotsky, Zinoviev, or the other leading Bolsheviks, and in the 1930's he made no attempts to promote them. Judging from his policies, he seems to have come to the conclusion that the best way to bring about revolutions was to export them on the bayonets of the Red Army, which he proceeded to do in the 1940's. That he reached this conclusion partly from his knowledge of the Mongolian revolution is well within the bounds of possibility.

In the 1930's Outer Mongolia was bound to draw Stalin's attention. The Japanese invasion of Manchuria in 1931 created fears in Moscow that Japan might be preparing to attempt once more (as she had in 1918–1922) to seize Soviet territories in the Far East. During 1935 a series of Japanese-provoked clashes along the frontier between Mongolia and Manchukuo fed these suspicions, and in 1936 prompted Stalin to issue a public warning that if Mongolia were attacked, the Soviet Union would come to its aid. When the Japanese army moved into northern China in 1937, Stalin responded by sending Soviet troops back into Mongolia. In the spring and summer of 1939 incidents along the Mongolian frontier turned into large-scale conflicts, the most important being the battle of Khalkhin-gol (Nomonkhan), in which a combined Soviet-Mongolian army defeated the Japanese and inflicted 55,000 casualties. Thus the value of Mongolia as a puppet state on the Soviet border and as a buffer against foreign attack was amply demonstrated to Stalin.

The relevance of this fact to the 1940's is clear. Stalin's policies at the end of World War II were motivated first and foremost by considerations of national security. The Soviet Union required a subservient Eastern Europe to act (like Mongolia in the 1930's) as *a cordon sanitaire* against the capitalist enemies of the socialist Fatherland. Certainly, the tactics of camouflage and gradualism which Stalin decreed for Eastern Europe in the 1940's were remarkably similar to those used in Outer Mongolia (see Steps 1-9, above) but were quite unlike the Bolshevik revolution or the futile attempts to foment revolutions in Europe from 1918 to 1923.

Finally, another interesting possibility deserving of mention is that the takeover of Outer Mongolia influenced Soviet policies in China in the 1920's. Soviet aid to the Kuomintang (Chinese Nationalist Party), including the dispatch of arms, Red Army officers, and political advisers (especially Mikhail Borodin) may have been based on Stalin's assumption that he could repeat in China what had been done in Outer Mongolia in 1921. In both instances Asian revolutionary nationalists asked the Soviets to give them military assistance in carrying out a revolution and seizing power. Since the Mongolian operation had been so successful, the Soviet leaders may have reasoned that they could stage a similar takeover in China by gaining control of the Chinese revolutionary movement. This was not to be, because in 1927 Chiang Kai-shek turned against his Communist allies and slaughtered them, thereby removing the Communists as a significant force from the Chinese political scene for many years.

There is some circumstantial evidence to link the Chinese revolution of 1926–1927 with Outer Mongolia. For example, it is known that Borodin was Urga on April 2-7, 1926, and that while there he talked with General Feng Yü-hsiang, one of the most important of the warlords involved in the Chinese revolution. Borodin's role was to supervise the Communist takeover of China, and since he is known to have had first-hand knowledge of Outer Mongolian affairs, this could have colored his choice of tactics in China. In addition, there were connections between Outer Mongolia and China through General Feng himself, who is reported to have spent about a year in Russia before returning to China in September, 1926. He received money and arms from the Soviets, and apparently promised to help support Soviet policy in China with regard to the revolution. Feng also co-operated for a time in moves designed to bring about the unification of Inner Mongolia (his center of power) with the Mongolian People's Republic, but he proved to be an unreliable ally of the Soviets, and Inner Mongolia remained a part of China.

THE SHAME OF COMMUNIST CHINA

Mr. HELMS. Mr. President, about 1 year ago I noticed something in the wind in Communist China.

First, a noted writer, who had spent 20 years in the Chinese Gulag, was named Culture Minister.

Then, Zhu Housze [Phon. Ju ho zuh], who had also suffered horribly, was named Communist Party propaganda chief.

Between the two of them they began to allow a sliver of fresh air into the cultural life on mainland China. And "sliver" is the right word. By our standards, it was indeed miniscule.

Now, Mr. President, I thought at the time that these moves were as phony as all the other so-called openness in Communist countries which the West-

ern liberal press has trumpeted every so often for the past 70 years—since the Bolshevik Revolution of 1917.

But, out of charity, I held my peace. Anything that will make the lives of the oppressed people in Communist lands a little easier should be encouraged.

Mr. President, it was all a sham. Once again the unfortunate 1 billion prisoners of the Communists have had their hopes raised only to have them destroyed.

Academic freedom? The vice chancellor of an important university in central China has been expelled from his job, purged from the party and vilified by his nation's news media.

His crime? He had the audacity, Mr. President, to say that "men have rights." That's right. He had the temerity to declare that "men have rights." Can you imagine that?

What about freedom of the press? Censorship and control are being tightened according to the January 22 issue of the so-called People's Daily.

The right to petition the Government for redress of grievances? Sure, so long as you don't mind being beaten up by the secret police and spending the rest of your life at a dead end job in the Chinese equivalent of Siberia.

Freedom of thought and scientific inquiry? The president of the Chinese Academy of Sciences—fired. The vice president of the Chinese Academy of Sciences—fired.

Their crimes? Who knows? Maybe they suggested that Marxism wouldn't grow rice.

Remember Propaganda Chief Zhu? Out! Purged!

In Western religious practice, confession is thought to be an uplifting experience. Sinners who confess their sins are considered cleansed and welcomed back into society.

Not so in the Communist world. There, confession is associated with show trials and execution, denunciation and explusion.

That is why it is so ominous to see the self criticism of Party Chief Hu Yao Bang. It brings back all the nightmares of the so-called Cultural Revolution and other crimes the Communist Party has committed against ordinary Chinese people.

So my original intuition was right. It was all lies meant to deceive the Chinese people and the Western liberal press once again.

The Wall Street Journal is right, the Chinese Communist Party has dragged the country on a long, wretched march to nowhere.

Mr. President, it never ceases to amaze me how many times my liberal friends can fall for this trick.

Remember KGB Chief Andropov who briefly clawed his way to the top? He was a closet liberal, so the press would tell you. That will cause great shock to hundreds of people imprisoned for the crime of wishing to emigrate to Israel.

Where are the full page ads in the New York Times denouncing this latest assault on human rights in Communist China? Certain members of the academic community always seem to have the money for full page ads aimed at America's friends.

Where are the thundering editorials in the Washington Post? Again, they always seem to have space to criticize America's admirers and supporters.

You will not mind, Mr. President, if I do not hold my breath waiting.

Two benefits have come out of this latest sacrifice by the Chinese people.

First, there is an idea circulating at high levels of the State Department that the United States should press the strategic relationship with Communist China. Do we really want a strategic relationship with a group who is engaged in a public campaign against our most fundamental values?

Second, there is another idiotic idea circulating at the State Department. This is the idea that the United States should use its leverage to force the Republic of China to negotiate its future with the Communists. This latest assault on human rights in Communist China should put finished to that idea.

Finally, Mr. President, there is the very real tragedy of the Chinese students in the United States.

At any one time there are close to 20,000 Chinese students studying at our universities and institutions. Along with the latest way to combine DNA molecules, they are picking up a taste for freedom. They would not be human beings if they did not.

They had hopes that they could take at least some of these liberties back home with them. Clearly the Chinese Communist Party is telling them that even the most miniscule exercise of human rights is unwelcome and personally dangerous.

In spite of this, they are currently circulating a petition in New York expressing their concern over the crushing of human rights.

I would hope that the State Department would tell the Communists that if they have any hope of continuing to feed at the trough of American technological expertise, they will not enforce a campaign of retribution against the students when they return.

Mr. President, I ask unanimous consent that the Chinese students' letter as it appeared in the Wall Street Journal of January 23 be printed in the RECORD.

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

CHINESE STUDENTS RESPOND

The following letter has been signed by 1,000 Chinese citizens who are studying in the U.S. More than 480 have allowed their names to be published in the U.S. Chinese-language press: the rest have requested anonymity. A copy of the document has been delivered to the Chinese government.

We, the Chinese studying abroad . . . are extremely concerned about the recent changes of the political situation in China. We fail to understand why, after the calming down of the student demonstrations, the Party Central Committee took a series of severe measures to remove Hu Yaobang, the party's secretary general, from his post and to adopt penalizing decisions against intellectuals such as Fang Lizhi, Liu Binyan, and Wang Ruowang. All these sudden changes cannot but cause our deep anxiety.

1. Hu Yaobang has made remarkable contributions in many areas since the downfall of the Gang of Four. He has supported the movement to liberalize people's ideas and thinking, helped redress the falsely and unjustly convicted cases left over during the past 30 years, played an important role in initiating the economic and political reforms, and contributed remarkably to the creation of the relaxed atmosphere in the fields of culture and ideology. We are shocked and deeply upset by his departure, which will greatly harm people's confidence in reforms and the four modernizations.

2. The punishment and criticism of Fang Lizhi, Liu Binyan and Wang Ruowang gives people, both at home and abroad, an impression that the historic tragedy is repeated in which intellectuals are attacked and liberal ideas are suppressed. It will destroy the confidence of the people, injure the reputation of the party and government in the minds of the people and interrupt the stability and consistency of China's policies. It will seriously tarnish the image of China in the world. In sum, it is neither conducive to unity and stability nor to the building of the system of democracy and the rule of law, even less so to the development of international economic cooperation and to the cause of the unification of China.

3. We see once again in the party's newspaper the old practice of criticizing people in an unreasonable manner by quoting people's opinions and views out of context. We feel the "ultra-leftist" practice of labeling people arbitrarily and finding faults with others has redominated the areas of communication, culture and ideology. We are deeply concerned about the prospect of the economic and political reforms of China.

We fear the recurrence of the political situation of the Cultural Revolution in which ruthless struggle and merciless criticism were rampant. The recent development . . . seriously violates the spirit of the constitutional rights such as the freedom of speech. If this continues, the economic and political reforms of China will be ruined.

On the nation's rise and fall, everyone shoulders a responsibility. We sincerely hope that the party and the government will persist in reforms, oppose retrogression, preserve the principle of the rule of law and avoid punishing people for voicing their opinions. A deep sense of mission for the future of our motherland has prompted us to write this letter to openly express our views to the party's Central Committee and State Council.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

Mr. HARKIN. Mr. President, I would like to take this opportunity to commend the distinguished Senator

from North Dakota, Mr. BURDICK, for his swift action today to prevent a deferral by the administration of $28,559,000 from the Temporary Emergency Food Assistance Program, [TEFAP]. This program provides much needed funding for intrastate storage and distributions of USDA donated commodities, which feed millions of low-income and unemployed persons.

The proposed deferral amounts to a 57-percent cut in program funding, and would result in withdrawal by most States from the Temporary Emergency Food Assistance Program. In my home State of Iowa, our second quarter allocation would be cut by 30 percent and third and fourth quarter allocations would be eliminated. Total TEFAP funding for fiscal year 1987 would be cut from $508,000 to $218,000. Iowa simply could not continue to operate a TEFAP distribution system beyond March. And yet, if TEFAP is in effect eliminated, the Federal Government will continue to pay storage costs for commodities that will go unused, and eventually spoil.

The decision to defer funds was announced to States without warning and prior to receipt by Congress of a deferral message. As a result, many States have already put holds on shipments of commodities for March.

Further disruption of shipments in a program that relies heavily on local volunteers should not be tolerated; consistency and dependability are vital if a volunteer system—one this administration promotes—is to work. I hope that my colleagues will join me in support of full TEFAP funding, and again commend the Senator from North Dakota for his diligence in this matter.

Mr. President, I ask that a letter from the Iowa Department of Human Services be inserted for the RECORD.

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

IOWA DEPARTMENT OF HUMAN SERVICES,
Des Moines, IA, January 22, 1987.

Hon. LEON E. PANETTA,
U.S. Representative, Chairman, Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the House Committee on Agriculture, Longworth House Office Building Washington, DC.

DEAR REPRESENTATIVE PANETTA: Thank you for your efforts on behalf of the poor and hungry of the nation. To assist you in this effort I have enclosed a completed survey of the Temporary Emergency Food Assistance Program (TEFAP) as it operates in Iowa. Unless Congress takes immediate action to counter USDA plans, this information may be useful only as a historical record of a program which once existed.

Iowa received phone notification on Tuesday (yet to be confirmed in writing) from our USDA Food and Nutrition Regional Office that $28 of the $50 million appropriated for state to distribute TEFAP foods is being "deferred". In Iowa this means that our second quarter allocation will be cut by 30 percent and the third and fourth quarter allocations will be eliminated. Our total share of the TEFAP appropriation for FFY 87 will be cut from $508,000 to $218,000.

Without this money Iowa simply cannot continue to operate a TEFAP distribution system beyond March 1987. It would have been more fitting for USDA to announce this decision on December 7 * * * it is little more than a sneak attack upon the nation's poor and hungry. This decision came without warning and will quickly destroy the most efficient food distribution system the government has ever funded. Since the program's inception in January 1982, Iowa and most other states have painstakingly and deliberately put together systems which rely heavily upon local volunteers. Consistency and dependability make the volunteer systems work. The disruptive impact of this decision will destroy Iowa's ability to provide that consistency and dependability. Even if Congress is later able to reestablish the program, our creditability will be so damaged that reassembly of our volunteers will be difficult, if not impossible.

The timing of this decision leaves states little opportunity to develop alternatives. There is not time to find replacement funding sources nor to deliberately restructure/downsize the program to save what we can.

This "deferment" decision is more than a budget reduction effort; it is an attempt to do administratively what could not be done legislatively.

To summarize, Iowa in FY 86 distributed 16,655,000 pounds of food valued at almost $14,000,000 to 147,000 households or 382,000 individuals. This is 13 percent of the state's population. To accomplish this, Iowa received $581,000 in federal money (3.5 cents per pound) which was supplemented by $25,000 in state money and 126,291 volunteer hours valued at $423,000.

If USDA's deferment of TEFAP funds is not rescinded or nullified by Congress before the end of March the State of Iowa will be forced to curtail food distribution.

Even if funds are later restored, Iowa's volunteer system will be so damaged that costs will be increased and distribution frequency and coverage will be reduced. We will simply be unable to reestablish in short order, a system which has taken five years of deliberate effort to develop.

The fact that this decision was announced without warning is perhaps the hardest pill to swallow. The program will come to a swift and calamitous end. If it were possible to find alternate means or sources of financing or to deliberately change or scale back to provide a reduced level of service we will never know.

I would very much appreciate your forwarding the enclosed extra copy of this letter to Congressman Neal Smith. I will also be forwarding copies (along with your survey) to the remainder of Iowa's Congressional delegation.

Anything you can do to quickly (before March 31) block USDA's deferment of TEFAP funds will be much appreciated here in Iowa especially by the 382,000 individuals who receive food regularly through the program. Thank you again.

Please do not hesitate to call (515-281-5808) if you feel I can be of any further assistance.

Sincerely,

WILLIAM A. ARMSTRONG,
Chief, Bureau of Operations Analysis.

SENATOR WIRTH'S PRO-FARMER STANCE

Mr. HARKIN. Mr. President, an editorial in the January 8, 1987 issue of the Sterling, CO, Journal-Advocate commended Colorado's new U.S. Senator, TIM WIRTH, for his strong position and statements on behalf of the American family farmer. I join the Journal-Advocate in commending him.

Senator WIRTH keenly understands the present state of affairs in rural America. He has outlined several important steps which must be taken by our Government if we are to restore health to our agricultural economy and to one of this Nation's greatest assets—the family farmer.

The root of the crisis in rural America is a disastrous decline in farm income resulting from low commodity prices, combined with high interest rates, declining exports, and Federal monetary, fiscal and trade policies. All have worked to the detriment of the farmer.

The response of the Reagan administration to this problem has been abysmal. The 1985 farm bill is not working. It is busting taxpayers to the tune of $25 billion a year. It's hurting our farmers with more surpluses and lower prices. And it's destroying our small towns and small businesses across America.

The President now proposes an idea known as decoupling. This plan is basically a welfare program for farmers that would eventually phase out all farm programs by reducing target prices each year until the programs are virtually nonexistent. Such a plan would chart a course of disaster for our farmers.

Senator WIRTH, on the other hand, advocates a different course—the implementation of production controls. Limiting production would serve to eliminate the current grain surpluses and eventually increase farm income. In the previous Congress I introduced legislation mandating such controls, and I plan to introduce similar legislation in the near future.

Senator WIRTH has also outlined other steps that should be taken to restore rural America to prosperity, including a change in our national trade policies, backed up by diplomatic actions.

Senator WIRTH's statement that "America is ready to save the family farm" is indeed accurate. I am hopeful that the 100th Congress will move ahead, with the aid of new members such as the distinguished Senator from Colorado, to forge a new farm policy which will revive the rural economy and save our family farms.

I commend both Senator WIRTH and the Journal-Advocate for their pro-farmer stance, and I ask unanimous consent that this editorial be placed in the RECORD.

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

WIRTH'S FARM MESSAGE MAY FIND COCKED EARS

Colorado's new U.S. Senator, Tim Wirth, has some encouraging words for Mr. Farmer. According to Wirth, Americans are ready to save the family farm.

That's not only good news for Mr. Farmer, its good news for everyone, including folks like us who live in rural America and prosper at the side of our farmer friends.

Wirth appears to be heeding the production control message delivered by farmers polled in last year's USDA survey. The majority of producers responding to that query said they would prefer some mandatory controls on their production if that meant a realistic profit margin.

The growers' reasoning appears sound.

For one, mandatory controls may cost the federal government far less to operate. Today, for instance, cooperating farmers are eligible through the Agricultural Stabilization and Conservation Service to receive deficiency payments and other financial support in exchange for reducing their production acreages. Under today's system, such support sees the government dole out several million in ASC payments on a per-county basis.

There are, at times, other drawbacks in the present, voluntary system. For instance, if the government's financial incentives aren't adequate, too few farmers will participate in the production control program. Because these non-participating farmers produce maximum crops, further glutting of the grain market can result.

Others argue that larger farming operations enjoy greater benefits from the farm program; its per-producer benefit ceiling of $250,000, and is the subject of a presidential budget proposal. President Reagan is asking for a new, $50,000 per producer limit be placed on farm program payments.

As valid as all this reasoning may appear, and as much as rural America requires lifesaving attention, the biggest step in rescuing Mr. Farmer will be in selling the American public on several important basics of farm economics.

Wirth outlined them well, and hopefully will be able to convince his urban legislative colleagues to adopt the same reasoning.

First, Congress and the administration must realize farm programs, alone, are not the answer.

Second, Congress and the administration should take a look at national trade policy. Farm commodities present an ideal solution to the trade deficit and are a renewable source of wealth.

Third, such amended and improved trade policies must be backed up diplomatically. Too many times in the past, farm producers have watched foreign markets evaporate when an administrative whim to enforce economic sanctions against another country result in lost buyers for corn, wheat and other U.S. farm products.

And, finally, at least for here, the government must remember to keep in place the services which assist rural America in its economic recovery. We need good roads, a realiable shipping industry, and dependable, low-cost energy.

These are some of the major points Wirth and other farm state senators ought to be making. We hope urban legislators cock an interested and understanding ear.

We tend to believe, for a very good reason, that Wirth's statement—America is ready to save the family farm—is an accurate assumption.

After all, a growing segment of our nation's population was brought up on the farm. They've been phoning home and know the troubles their hometowns and homesteads are up against. And, best for us, they're the same folks who voted for the senators Wirth will be speaking with.

It's time for all rural folks—urban and otherwise—to stand up for the family farm.

THE METRIC WORLD AROUND US

Mr. PELL. Mr. President, I would like to share with my colleagues an interesting article from this morning's Washington Post entitled, "Give 'em An Inch, They'll Take a Meter." This informative piece by writer Rick Greenberg details the extent to which the various aspects of everyday life in the United States have quietly adopted to the metric standard of measurement.

Despite a lack of publicity, literally hundreds of industries have converted to metric, helping to create an environment in which most Americans find themselves using the metric system without realizing that a conversion has taken place. To those of us who have advocated the metric system as a means of improving the competitiveness of U.S. industry, this is encouraging news indeed. The job, however, is far from over. Advances have been made, but our international trade position continues to suffer because of the failure of our Government to officially embrace the metric system and affirmatively support measures that would enable U.S. industries that are not metric to get on the road to conversion and reap the benefits of the untold millions of dollars that are lost annually from the failure to trade in metric products. Senator INOUYE and I will shortly introduce legislation to get our Government back on the path of promoting metric conversion and encouraging metric education. Such a renewed commitment on the part of the Government will help to redouble the rate of progress described in today's Washington Post article.

Mr. President, I ask unanimous consent that the full text of the article from the Post be printed in the RECORD.

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

GIVE 'EM AN INCH, THEY'LL TAKE A METER

(By Rick Greenberg)

Check under the hood of your car. If it's fairly new, chances are the engine you're looking at is measured in cubic centimeters or liters. Most of the containers in your cupboard are marked with grams and liters, as well as pound and quarts. Nowadays, when you ask for a "fifth" at the liquor store, you get 750 milliliters of booze.

In short, reports of the metric system's demise have been exaggerated. On the contrary, metric is gradually making inroads into the American marketplace—a transition so slow and low-key that most of us are unaware of it.

"The general public thinks metric has had its day and that it's gone away," said Carl A. Beck, a vice chairman of the Washington-based American National Metric Council (ANMC). "But that's not so."

Indeed not. While the United States continues to define itself primarily by inches, pounds and degrees Fahrenheit, metric has made significant strides in business and industry. At last count (in 1979), 63 percent of the Fortune 1000 firms reported making at least one metrically dimensioned or labeled product. That output has grown since.

Meanwhile, the U.S. government, one of the nation's largest consumers of goods and services, is encouraging and, in some cases, mandating metric procurement.

The quiet, behind-the-scenes growth of metric contrasts with the hoopla of the mid-1970s when Congress declared a national policy of coordinating voluntary conversion to the new system. Some felt the switch would take no more than 10 years.

In short order, metric road signs sprouted. Gas could be pumped by the liter. Television and radio carried metric public service spots. The new system was endorsed by futurists, scorned by traditionalists and ignored by almost no one.

"It became the new religion," antimetric activist Seaver Leslie recalled.

Then something happened. On the heels of growing public backlash, metric gradually receded from view. The federal Metric Board was disbanded in 1982, barely four years after it first convened. Gas pumps reverted to gallons. Kilometers on road signs became a rarity. The metric movement went underground. The government, after having spent more than $20 million on the new system, backed off, abandoning its attempt at social engineering.

Instead, conversions have become private sector decisions made by profit-minded businessmen. Most hope to tap overseas markets, cut production and inventory costs or get a jump on competitors.

"Deep down, there's plenty of metric going on," said Alan S. Whelihan, a spokesman for the Department of Commerce's Office of Metric Programs (OMP). "It's just that it's not visible, and it's not being forced on people."

Unbeknownst to many motorists, the $100-billion-plus domestic automobile and truck industry has become almost completely metric. General Motors converted by late 1982, and the other major car makers are only slightly behind, according to the ANMC. In turning metric, the auto industry adopted the measurement system that prevails in 95 percent of the world outside the United States.

"We figured it would be a hell of a lot easier to become part of the world family," Al Rothenberg, a spokesman for the Motor Vehicle Manufacturers Association, said.

Most car components are measured in liters, millimeters, centimeters and other metric units. Nevertheless, automakers recognize that the metric system remains a mystery to most Americans. As a result, they still list the wheelbase, the overall length and the weight in inch-pound units. "Metric hasn't caught on with the motoring public any more than it has with the American people overall," Rothenberg explained.

Even its staunchest proponents concede that metric has been a popular washout. Hidden hardware may have changed, but the average citizen has virtually no contact

with visibly metric things. Few of us are forced to "think metric," although the subject is taught in schools nationwide. The new system has had minimal cultural impact.

In an early 1986 survey of public attitudes, only 20 percent of the respondents said they have a good understanding of the system; 41 percent described their understanding as poor. Fifty-eight percent opposed metric conversion, and 36 percent supported it. That represents little change in public sentiment over the years. In a 1977 survey, 58 percent were opposed, and 28 percent registered support.

Yet most domestic grocery products now are labeled in both traditional and metric designations.

"It's a carryover from the '70s when the big push for metric was on," Allen Matthys of the National Food Processors Association said. "It was done on a voluntary, company-by-company basis, and it stayed."

Most soft drinks are marketed in liter, half-liter and two-liter plastic bottles. All wine and distilled spirits have been bottled in metric containers since 1980. But old ways die hard. Customers still routinely ask for a "fifth" instead of 750 milliliters and a pint instead of a 500-milliliter bottle, the Distilled Spirits Council reports.

Metric hand tools constitute about 25 percent of the market, a near tripling since the late 1970s. The fastener industry (nuts, bolts, screws, etc.) is about 15 percent metric, representing a "major thrust" over the past few years, according to the Fastener Distributors Association.

Conversion is well underway in the computer field. At IBM and Xerox, all new computer designs are either exclusively or mostly metric. Consumer electronics products have long been predominantly metric. Some articles of clothing carry metric markings. So do some major league ballparks (distances to the outfield walls are listed in meters as well as feet).

National Geographic Magazine began converting about eight years ago. Now it uses metric (or dual) units in about one-third of its articles and maps. The change has spawned some 500 letters of opposition, including 100 angry resignations from the National Georgraphic Society. A handful of people wrote in support.

"It was a case of shooting the messenger who brings bad news," National Geographic Editor Wilbur E. Garrett wrote in a June 1985 editorial.

Government procurement policies developed over the last few years have encouraged the transition by directing agencies to use metric items whenever feasible. The Department of Defense is preparing a full spectrum of metric specifications for major weapons systems.

"This is a recognition that going metric is inevitable, and it's best to take appropriate measures early," said Col. Tom Mansperger, the DOD's metric coordinator. Conversion would insure that weapons systems are compatible with those of our NATO allies.

The most ambitious metric project underway is the Army's LHX helicopter program, a $44 billion undertaking. Over the next 25 years, the DOD will produce a new generation of more than 5,000 helicopters, each built almost exclusively to metric specifications.

Elsewhere on the government drawing board, plans call for a mostly metric space station. The $8 billion first phase of the NASA project is slated for completion by the late 1990s.

Despite these and other advances, huge segments of our economy remain customary. (The share claimed by each of the two systems is not known; estimates vary widely.) Major household appliances are built to inch-pound specifications. So is furniture. U.S. real estate has yet to convert, and neither has the commercial civilian aerospace industry. The domestic design-construction industry is another holdout.

"Domestic [design and construction] firms have no contact with the metric system, no interest in it and an unbelievable disdain for the whole issue," G.T. Underwood, director of the OMP, told the publication Engineering Times.

Still, overt opposition has cooled over the years. Debate has given way to apathy, although prometric forces continue to grumble that government inaction has hindered change. Some favor deadlines to speed transition. Most forecasts foresee wholesale conversion in another decade or two.

"Time is on our side," says OMP's Whelihan. "Metric can't flop in this country. It's used more now than ever, and its use will increase. It's an historic change, like changing the language. We're not likely to see anything else like it in our lifetime."

But for Seaver Leslie, metric is a system whose time will never come. A 40-year-old artist from Wiscasset, Maine, he is chairman of Americans for Customary Weight and Measure. The group claims about 3,500 active members, including author Tom Wolfe. In 1981, the organization held an "Anti-Metrication Ball" in New York City which featured a "most beautiful foot" contest.

"It's immoral," Leslie said of metrication. "It's purposeless change; it's tampering with people's customs and tradition, their legacy. It's a way of rationalizing our culture that's already become too cold. There are so few things left in our world that keep us in harmony with nature."

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

PROPOSED DISAPPROVAL OF PAY INCREASES FOR CERTAIN FEDERAL OFFICERS AND EMPLOYEES

The PRESIDING OFFICER. Under the previous order, the hour of 1:30 p.m. having arrived, the Senate will now proceed to the consideration of Senate Joint Resolution 34, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The Senate proceeded to consider the joint resolution.

Mr. WILSON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to a member of my staff, Ira Goldman, during the pendency of Senate Joint Resolution 34.

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

Mr. WEICKER. Mr. President, I ask unanimous consent that a member of my staff, Kim Elliott, have the privilege of the floor during the debate on this measure.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that two members of my staff, Mike Tongour and Terry Wooten, have the privilege of the floor during the consideration of this matter.

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

Mr. GLENN. Mr. President, I ask unanimous consent that two members of my staff and one member of Senator STEVENS' staff have the privilege of the floor during the debate and votes on this matter: Len Weiss, Jane Jeter, and Jeff Landry.

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

Mr. BYRD. 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. GLENN. 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. GLENN. Mr. President, what is the pending order of business before the Senate?

The PRESIDING OFFICER. The pending business is Senate Joint Resolution 34.

Mr. GLENN. What is the title of that resolution?

The PRESIDING OFFICER. The title of the joint resolution is "Disapproving the Recommendations of the President Relating to the Rates of Pay of Certain Officers and Employees of the Federal Government."

Mr. GLENN. Mr. President, since the first Congress, the question of congressional pay has generated much passionate oratory. Today, the charge that "he voted to raise his own pay" still makes for good copy in election campaigns. And I think it is fair to say that no one here wants to take the abuse of voting for a salary increase.

The Constitution reads that, "The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law * * *." I am a big believer, of course, as we all are, in the Constitution, and I do not know how else our Nation's Founding Fathers might have written this provision. However, this process has never worked smoothly. In fact, the history of the compensation issue is valuable in understanding where we are today in the 100th Congress in grappling with this issue, this unpleasant issue.

If I were given my druthers, I would not be here on the floor managing this

particular resolution, I can guarantee you that, but I am the chairman of the Governmental Affairs Committee to which this legislation gets referred. It was referred to our committee, but it was the leadership position that they wanted this brought to the floor within the 30-day limit. And so I was asked to floor manage the resolution even though the committee that I represent has not taken up all the aspects of this bill. But a resolution like this that is so fraught with political feelings on both sides is not something that we normally would pick to make an initial debut on on the floor in this new Congress.

Since the 1700's, Congress has gone for long periods without changing its salary and in certain instances has reversed itself on pay decisions. We can go clear back to 1816. In 1816, Congress voted for its first real wage adjustment, changing from a per diem payment to an annual salary. In 1817, it repealed this decision. It was almost four decades later, in 1856, before Congress voted again to establish an annual salary. In 1873, Congress voted to give itself a raise. In 1874, it voted to repeal this decision. This shows there was some attention being paid to the matter of congressional salaries even back in those days.

Gradually, Congress accepted the fact that it faced great difficulties in reaching any consensus on the compensation issue. The decision was just too sensitive and divisive. Therefore, Congress passed the Federal Salary Act of 1967 to create an independent nonpartisan commission, composed of private citizens, to review the salaries of high-level Federal employees, including Congress, on a periodic basis.

Now, they were supposed to take this thing out of the political arena, and now what we are dealing with today is putting it back in the political arena, which is exactly what we were trying to get away from.

The act's purpose was to allow Members to get away from the appearance of conflict of interest in having to decide their own salary levels as well as the unenviable political position, we are placed in.

The Federal Salary Act created the Commission on Executive, Legislative, and Judicial Salaries—also known as the Quadrennial Commission—to be convened every 4 years to review the salaries on top Government officials. Each Commission reports its findings to the President, who has the final voice in including pay raises as part of his budget plan. Twice, in 1969 and 1977, Congress has accepted raises under this procedure; twice it has not.

The first and second Quadrennial Commissions recommended that congressional pay be the same as circuit court judges and high-level Federal executives such as Deputy Cabinet Secretaries and agency heads. There was a principle behind this. The principle behind this idea of linkage is that compensation for each of the three equal branches of Government should be balanced. No one branch should be held down substantially below the other for comparable worth or comparable positions of authority.

In general, when Congress has declined to increase its own compensation, top-level officials in the executive and judicial branches have also been denied an increase.

Six Commissions have convened under the Federal Salary Act. Without exception, each Commission has concluded that pay for our Government's top policymakers substantially lags behind private-sector compensation; this shortfall portends serious recruitment and retention problems; and that significant pay increases are in order.

In his fiscal 1988 budget message, President Reagan says that his pay raise proposals are only a "first step" to restoring the loss of real earnings that senior Government officials have suffered since 1969. In his budget message, President Reagan says that we cannot "overcome the erosion or real income since 1969 * * * in one step" due to the "mandate to reduce the Federal deficit." Therefore, the President substantially reduced the salary recommendations of the Commission.

Complete salary parity between the highest level public and private executives is not necessary to attract fine people into Government service. No one claims that. However, our most senior Government officials have now suffered a 40-percent loss in real earning since 1969. Moreover, according to the Commission's most recent report, the compensation differential between top Federal officials and their private-sector counterparts was at its lowest in 1969, when employees in the private sector earned 37 percent more.

As the disparities between the public and private sector increase and the loss of purchasing power becomes more of a hardship, we need to think about the kind of people that Government will be able to attract.

We all recognize that it is not all money when you come into Government service or other compensation. There are satisfactions of a job well done, representing your constituents out there. But, as senior officials leave service, their replacements may increasingly come from the wealthy, the young, the inexperienced, and/or those without obligations. Anne Banning—the Director of Recruitment and Associate Director of White House Personnel—testified before the 1986 Commission, that this group of people "* * * the independently wealthy, the very young * * * increasingly constitute our candidate pool." And, the consequences of Government-private sector shortfall may be that our future executive, legislative, and judicial work force is less well balanced and representative of our population as a whole.

Putting the congressional pay proposal completely aside, I believe the salary issue for high-level career Federal employees is growing into a question of "Will we have a professional civil service in this country?"

We want this country to fight the war on cancer, but do we want to pay our Nation's best cancer researchers to work at the National Institutes of Health [NIH]? Over 85 percent of the physicians leaving NIH during the past 2 years have cited financial factors as their reason for leaving.

Do we want this Nation to continue to be a leader in space? NASA's headquarters executives' turnover rate was 45 percent from 1981 through 1984. That is pre-*Challenger,* obviously.

To demonstrate that 40 percent drop in real earnings cited by the Commission: In 1969, the Administrator of NASA earned $42,500 annually. Adjusted for inflation, that salary would be $131,533 today. NASA's current Administrator earns $75,100. If we translate that back into 1969 dollars, he is earning a salary that he really can go out and do something with of $25,236.

Robert Frosch—a friend of mine and Administrator of NASA from 1977 until 1981—explained his resignation to the 1980 Quadrennial Commission. He said:

> I have simply arrived at a point where I cannot have myself and my family in a government position.

The advantages of the private sector—with shorter work hours and better pay and benefits—are indisputably growing stronger. And, in certain instances, it is not only the private sector. As the 1986 Commission on Executive, Legislative and Judicial Salaries cited in its findings:

> A major metropolitan police chief or fire chief can earn $105,000 or more, while the director of the Federal Bureau of Investigations earns $77,400.
>
> Major metropolitan city managers can earn more than $100,000, while the Chairman of the Federal Trade Commission earns, $75,800.

Ironically, according to the Commission's report, the average civil service employee has done significantly better than senior level executives in maintaining his or her earning power. While other workers have lost some ground to inflation, none—except for our top Government policymakers—have dropped 40 percent.

Just as we have to ask the question of what kind of professional civil service will we have in the future, we also have to ask: "What kind of Federal judiciary will we have in the next generation?"

More judges have resigned from the Federal bench in the last 15 years than at any time in our Nation's history. In a survey done by the 1976 Quad-

rennial Commission, three-fourths of the former judges cited finances as the determining factor in their decision.

Today, entry level positions at major law firms customarily pay more than Federal appointments. Lawyers just graduating from law school are being paid as much or more than U.S. attorneys and judges in the U.S. Court of Claims and the U.S. Tax Court.

While we do not expect our Federal judges to be "average" in their judgment, integrity, and legal skills, they earn substantially less than many "average" lawyers according to the 1986 Commission report. No one thinks that Federal judges should be paid the salary of top-level lawyers—whether they are criminal lawyers that we hear about that get hundreds and hundreds of thousands of dollars per case, a Melvin Belli or Ed Williams, or those who are from the upper brackets. No one expects that the Federal judiciary should have that same kind of a salary. However, some measure of comparison with general private practice salaries seems in order. In 1985, the national average salary for a 50-year-old law firm partner was $164,000. That is 1985. I will repeat that. In 1985, the national average salary for a 50-year-old law firm partner was $164,000, and in larger cities, the median was $254,200.

On the issue of judicial salaries, the Commission quoted William M. Saxton, of Butzel, Long, Gust, Klein & Van Zile, in Detroit, MI:

> A lifetime salary of $78,700 is not a significant benefit in an economic environment where a successful lawyer is likely to be covered by a pension plan that pays from $80,000 to $90,000 in retirement income at age 65.

On the issue of retirement—it seems that there is much to keep in mind. We need to remember that we have substantially changed the Federal retirement benefits structure so that the old system's incentives and rewards for staying on the job just no longer apply. This is an important point because it used to be said while Federal pay was lower than in the private sector, employees made up for this loss in their retirement benefits.

There is another retirement concern that is more harmful. There is increasingly a life-after-government approach to public service where officials retire to high-paying private-sector jobs to recoup the financial losses of Government service.

This stepping-stone pattern is highly unsettling. In some respects; I guess this could be linked to the revolving door we complain about in the Pentagon. It is akin to that anyway. It is disturbing to think that individuals may be serving on regulatory bodies making decisions many, many, tens or hundreds of millions of dollars to private businesses, and to which they are planning to seek employment after they retire. And, it is my strong hope that this same pattern does not emerge with the Federal judiciary. The idea that nominees might accept Federal judgeships before retiring into private practice disrupts our whole concept of the judiciary. As the Commission's report reads:

> "Any suggestion that a judge may view the attorneys before him in a court not only as current advocates but also potential law partners would clearly do serious damage both to the integrity of the judiciary itself and to public confidence in its fairness.

I could not agree with that more.

This issue of "back-door" compensation is, I believe, increasingly viewed by the public as typical behavior. To the degree that people perceive this back-door access as reality, we will pay a huge price. Ultimately, it undermines this country's faith in government.

Mr. President, just as there is an undesirable conflict of interest issue in voting for a pay raise, there is also an undeniable conflict of interest in accepting high-paying honoraria and certain other financial opportunities. However, beyond any conflict of interest arguments, more fundamentally, and that is just fundamental, it is American, and as fundamental as anything can be, salaries should be commensurate with responsibilities. It should not be necessary for Government officials and Federal judges to exhaust their personal resources, go into debt or seek additional income in order to serve this Nation.

Since enactment of the Federal Salary Act of 1967, six commissions have met. Members of past commissions have included chief executive officers of major corporations, deans and presidents of universities, and other eminent Americans from a broad variety of fields. These individuals have been appointed by five different Presidents, five Presidents of the Senate, three Speakers of the House and two Chief Justices. Despite divergent membership, each commission has concluded that top Government officials are seriously underpaid; it is becoming more difficult to attract and retain the best people for top Government positions; and significant pay increases are necessary for the best Government.

Mr. President, I fully recognize that supporting any pay raise at all this year—or any year as far as that goes—is not politically popular.

I guess that is the understatement of the decade. But I do want to see highly talented people, people with integrity and purpose of thought in Government. I do not want to see what we can just get by with in Government. I do not want to see us go out for bargain-basement type of hunting people willing to serve because congressional salaries are above anything they could possible make anywhere else. We want the best people.

We are talking about a trillion-dollar budget here. We are talking about making decisions on hundreds of billions of dollars. We want the most qualified people, those with the most experience, those with the most education, experience in business, labor, management, government, to be in Government positions—to use their background and experience to make those decisions that can in the long-run save us far, far, far, manyfold over anything that this pay increase may cost. It is a long-term problem.

Can we all get by on what we are making here? Of course we can. We ran for it knowing full well what the salary schedule was. So we have no excuse. But I am very concerned about what happens in attracting the best and the brightest, the people who should be coming into Government who will not just because of the disparity in pay that is getting larger and larger. I want to see the brightest engineers, I want to see the brightest scientists working in public service, as many have in the past, because there is a feeling of working for the Government, working for our country that goes beyond any pay. We cannot expect that kind of inside compensation, if you will, to take the place of being able to take care of your family, educate them, and do the things that anyone wants to do and can do if they are in the private sector as opposed to Government.

(Mr. SIMON assumed the chair.)

Mr. President, a few more statistics here from a fact sheet that the Commission put together, the Commission on Executive, Legislative and Judicial Salaries.

One, more than 3,000 top U.S. Federal officials including Members of Congress, the Federal judiciary, and executive schedule administrators have received no salary increases as such since 1977 other than the sporadic cost-of-living adjustments—no salary increases in the last decade since 1977.

Second, cost of living has risen more than 226 percent since 1969. As a result, our most senior Government officials have suffered more than a 40-percent decline in real earnings. I gave an example a moment ago of the NASA Administrator, and how his salary compared with what it was back in those days.

Another: The pay differential between top Federal officials and their private sector counterparts was lowest in 1969 when private sector officials earned 37 percent more. Since then the annual compensation of chief executive officers has almost quintupled while the level 2 salary has increased by a nominal 77 percent.

Another one: Had top salaries kept pace with the Consumer Price Index,

Cabinet members would today earn almost $180,000. Had top salaries kept pace with salary increases given to the average Government schedule employee, Cabinet members would earn about $150,000 today. In 1969 the administrator of the National—this is a repeat of some figures that I gave earlier but I will repeat them again because I think they are impressive—Aeronautics and Space Administration earned $42,500. That salary adjusted for inflation would be $131,533 today. The actual current salary, $75,100 has the real dollar value in 1969 dollars of $25,236. In 1985, the Secretary of Labor earned $88,000, while national and international union presidents earned an average of $101,850. That is in 1985; Secretary of Labor, $88,000; international union presidents, an average of $101,850.

Major metropolitan police chiefs and fire chiefs can earn $105,000 while the Director of the FBI earns $77,400. Major metropolitan city managers can earn more than $100,000 while the Chairman of the Federal Trade Commission earns $75,800.

Those are just some examples out of the fact sheet.

Mr. President, I would like to quote a few more passages from the Commission report. They start off with a premise on page 2 of their report that I think bears repeating here. They start off by saying:

Financial compensation is becoming a strong negative factor in our ability to attract and retain our best people for the Congress, the federal bench and our executive agencies, despite the great emotional and intellectual rewards and satisfaction which come from public service.

Let me interject into that. There are great rewards. But we should not expect those to be the only rewards. The committee report goes on.

While we can all appreciate the substantial financial sacrifices many have been willing to make in order to serve, our democracy is strengthened when public service is an option even for those with modest means and family responsibilities.

Moreover, it should not be a necessary condition for those so employed to exhaust their own personal resources, go into debt or seek other income sources in order to be able to serve.

The commission does recognize that parity between the highest level public and private executives is neither necessary nor practical.

I agree with that.

However, as the disparities increase and the sacrifice from loss of purchasing power becomes an economic hardship, it has and will become increasingly more difficult to attract to and retain in these top leadership positions the best and the brightest people this county can offer.

That is really at the nub of what we are talking about today.

Further, in a later section of the Commission report called the executive summary, they state:

The interim commission agrees with all past quadrennial commissions that the low salaries paid to the Nation's highest ranking public servants constitutes a serious national concern. Over the last 17 years the problem has worsened significantly. Aside from infrequent cost-of-living adjustments totaling 31 percent, the country's top Federal officials, around 3,000 persons, including Senators and Representatives, the Federal judiciary and executive schedule administrators, have received no salary increases since 1977.

A further quote:

Our most senior Government officials have suffered more than a 40 percent decline in purchasing power since 1969. The gap between top level public salaries and salaries in the private sector continues to increase. The pay differential between top Federal officials and their counterparts in the private sector came closest in February 1969, a gap of some 37 percent. Since then this gap has grown enormously.

The loss of purchasing power, and the widening of the salary gap versus all other sectors of society, make it more difficult to attract and retain the highest-caliber individuals in top level public positions.

Significant salary increases for top Federal officials are essential to restore this unintended pay cut and move toward more realistic compensation for those with the most responsible jobs in Government.

Both principle and pragmatism prescribe these adjustments. To do less is to risk beyond all reason the quality of our Government's most precious asset, its leadership.

One of their recommendations says:

We recognize that our recommendations represent substantial percentage increases.

This was what the original Commission proposal was.

We recognize that our recommendations represent substantial percentage increases. However, it should be kept in mind that over the last 15 years the Consumer Price Index has increased over 200 percent. During this period, most other wage earners have more or less kept pace with the cost of living, while top Federal officials have seen their purchasing power steadily decline. Adjusted to current dollars our recommendations fall entirely within the range suggested by past commissions.

Out of the section in their report entitled "Twin Concerns, Pay Erosion and Pay Disparity," there is one quote I would like to enter into the RECORD also. That is under "Public and Private Sector Pay Disparity."

The commission has already stated that we do not expect to see the "pay of Government CEO's" and others in our purview equal that of corporate CEO's—despite the often greater responsibilities, much larger budgets and staffs those in Government have to manage. But, neither can these same salaries by absurdly low. The Government must become at least marginally competitive with the private sector to be able to attract and retain the brightest and the best. If top level Government services means both leaving high-paying private sector positions and accepting a salary so low that even minimum family obligations cannot be met, we will see the pool of talents for senior Government positions evaporate.

I think they are right.

In the appendix they referred particularly to the judicial branch and stated:

The Framers of the Constitution intended judicial appointees to serve for a lifetime. The twin guarantees of life tenure and no dimunition of compensation were designed to secure the total independence sought by the Founding Fathers for the judiciary. Neither guarantee is secure today. Erosion of judicial pay breaches faith with the Constitution.

The commission is concerned that judicial independence is under siege. The decline in the purchasing power of judicial salaries, combined with the fact that such substantially higher earnings are common in the private sector, is beginning to undermine the very concept and reality of lifetime judicial appointments. Scores of people are now considering "career changes" out of, not into, the Federal judiciary.

The Chief Justice has indicated that more people have gone out of the Federal judiciary, district judges, in the last 15 years than has happened in the whole history of this Nation of ours.

Mr. President, under the legislative branch, which is the subject of our debate here today, or our discussion here today, the commission had some words on that that I think are worthy to read into the RECORD also.

The question of congressional pay has generated much heated debate throughout history. Since the first Congress sat, the subject has elicited, as Congressman Morris K. Udall put it, "more selfrighteousness and more passionate oratory and more posturing and more nonsense * * * than almost any other subject."

Today Representatives and Senators are paid $75,100. Some feel that a pay check of twice or even three times that earned by many of their constituents is something of an embarrassment, and many Members are understandably wary of voting an increase. It has always been that way.

Since the Constitution mandated that "The Senators and Representatives shall receive a compensation for their services, to be ascertained by law * * * Senators and Representatives appear to have been inherently unable to set adequate and rational levels of compensation.

Each attempt to raise pay was met by a public outcry and many in Congress simply refused to vote any pay increase at all. Over 100 years ago, the pattern had emerged. When Congress voted a pay increase from $5,000 to $7,000 in 1873, it was denounced as a "salary grab," as "plunder seized," and the decision was quickly rescinded.

The problem of remuneration became endemic. Today, the charge that "He voted to raise his own pay" is still good copy for election campaign commercials and thus makes many politicians understandably wary. In an attempt to circumvent the dilemma, Congressional pay has been linked to that of top level executive officials and the senior ranks of the judiciary in the hope of seeing congressional salaries rise with them.

In fact, the reverse has been the case. Pay linkage has not overcome congressional reluctance to vote a pay raise for top officials, including themselves. In simple terms Congress has been unwilling to take the abuse for voting itself a salary increase. Instead, it has arbitrarily suppressed all top-level executive and judicial salaries in hopes that the

pressure would eventually build to such a degree that like the "rising tide that lifts all boats" it could no longer effectively hold back other branches and affected salaries would increase.

Since 1967 and the establishment of the Quadrennial Commission system, Congress has reacted to the President's recommendations by allowing increases pursuant to Quadrennial Commission procedures only twice, in 1969 and 1977. All top Government officials have suffered as a result.

After a raise to $42,500 in 1969, there were no increases until 1975, despite a rise in the cost of living of over 50 percent. Today's salary—

Which they list at $75,100, rather than $77,400—

represents an increase less than ½ the rise in the cost of living during the same period. Seventy-seven percent versus 224 percent.

A profile of those serving in Congress shows that most enter in their early 40's, while the average age of a Congressman is around 50 years. Most are married and have children. The typical Senator or Representative is therefore middle aged, with family responsibilities, maintaining two homes.

Some might feel little sympathy for the financial position in which politicans may find themselves. Some former Members have been able to obtain lucrative positions on corporate boards, in law offices, and with special interest groups, as a "reward" for their service to the Nation.

However, the lure of the private sector is getting stronger, and being felt earlier. Although the call to public service and, in the words of one Member, the chance "to do good" leads most Members to try to remain in public service, the benefits of the private sector are becoming increasingly more attractive.

The large and growing gap between congressional pay and private sector salaries is more evident now than ever.

The hidden stresses and strains of life in Congress have been well covered by the media. The New York Times featured Representative Daniel Lungren and his family in May 1986 in an article it called "Down and A Little Out on $75,000 a Year."

As Representative Lungren said, "We are doing fine on a day-to-day basis. My concern is that I'm not able to prepare for the future the way I should." He has three children between the ages of 9 and 12 years.

In this situation, the incentive to increase income by a variety of means is strong. The attractions of high paying honoraria and apparently lucrative investments—with the potential for perceived or possible conflict of interest—is in part a consequence of inadequate congressional pay. To the extent that such "back-door" compensation may approach the norm, or is even publicly perceived to be the norm, the integrity of its elected representatives is undermined and the country's faith in the democratic process is diminished.

Under the executive branch, the Commission has concluded as follows:

This Commission has concluded that present executive level salaries are in no way commensurate with the responsibilities of the positions held. It is not unreasonable to expect the compensation of those to whom we entrust the highest responsibilities and authority in government to bear some reasonable relationship to those received by their peers in the private sector.

What do top government officials sacrifice to serve in government? At what point does that sacrifice become too great? What forces them to leave public service? Why are more individuals asking not to be considered for appointments?

The enormous disparity between public and private sector executive pay is obvious. The gap is so wide one might wonder why anyone would serve in government; and so wide it makes one wonder with renewed respect at the even more significant contribution many of our top public servants make in serving their nation.

The data are compelling. Our top government officials have lost over 40 percent in purchasing power since 1969, and in recent years, the trends are disheartening.

Public-private salary discrepancies at the executive level are at an all-time high. A study done by the Hay Group for the Commission shows that since 1969 the gap between public and private sector executive pay has widened so dramatically that an increase of over 90 percent would be necessary to bring Level II executives back into their 1970 relationship with private corporate executives.

One question addressed here, too, is this question of linkage. The Commission states:

Congressional salaries have historically been placed a little under those of Cabinet Secretaries. The First and Second Quadrennial Commissions recommended that congressional pay should be the same as that of Level II executives and circuit court judges.

There are two schools of thought about such "linkage". In practical terms, it has arbitrarily depressed the pay of judges and executives simply because Congress found it politically unpalatable to raise its own salaries; it has capped the salaries for several thousand senior career officials in the Senior Executive Service and General Schedule. Congress has been reluctant to break that linkage with the other two branches of government in the hope of generating enough political and public support for across-the-board salary increases.

Others see linkage more as a matter of principle. The Constitution has built a framework which balances the three equal branches of government. Compensation for each of the three branches should also be balanced. Lower pay for Congressmen may risk implying lesser status to Congress than to the highest ranks of the judicial or executive branches.

The Founding Fathers intended Members of Congress to be equal to the other branches in status, prestige, ability and integrity. Setting Congress adrift on the pay issue is politically impractical and will not serve the national interest well. Therefore, we have concluded that parity between Level II, Congress and judges on the Circuit Court is important and should be maintained. However if Congress is unable to muster the courage to raise its own pay, it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the two other branches, thus compounding the harm to our government and our country.

Mr. President, that lays out about all aspects of this question, I think, from a side which I obviously favor. That is that we approve this pay riase, the one the President recommended to us—not the larger one that the Commission recommended to us.

I am sure a lot of people wish to speak on this. I do not plan to debate the issue a whole lot further. I hope we can move through this today, get people on the floor. I hope those watching in their offices will get to the floor if they do have statements to make on this. We want to get this through if we possibly can today.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of Senate Joint Resolution 34, a resolution I introduced to disallow salary increases for Members of Congress, high-level Federal officials, and Federal judges. I am pleased that this legislation, which is cosponsored by 17 of my distinguished colleagues, has received strong, bipartisan support.

Today, our national debt exceeds $2 trillion. The Congressional Budget Office estimates that nearly $170 billion was added to this already huge national debt in the last fiscal year. Stated simply, it is not the appropriate time for Members of Congress to vote ourselves or any other high-level public servants a pay raise.

Last year, I sponsored legislation to provide a constitutional amendment to balance the Federal budget. Sixty-six Senators voted in favor of that legislation. Gramm-Rudman-Hollings, which passed overwhelmingly in the 99th Congress, provides a statutory mandate for a balanced budget. These votes clearly reflect the mandate of the American people to have their representatives balance the Federal budget. I believe this salary increase proposal is contrary to that sound fiscal policy.

Not surprisingly, the overwhelming majority of the citizens of this country oppose these pay increases. They know that our economy is burdened by a national debt in excess of $2 trillion.

They are legitimately concerned about the effects of the budget crisis on our economy. We should not ignore these concerns. To the contrary, our vote today in favor of this resolution should set the standard for our future efforts to balance the Federal budget.

We must not forget that in the interest of deficit reduction, Social Security recipients were given only a 1.3-percent increase last year, the lowest in history. We have asked those on Social Security, military retirement, and others, to take small cost of living increases. We have told them that they must take less because the money is simply not available. Yet, we consider giving ourselves a 16-percent salary increase. There is no rational justification for such action. During this critical time when we are trying to reduce Government spending, we must not ask those relying on fixed incomes de-

termined by this Government to accept less while we take more.

The average family in the United States earns $27,735 per year. The proposed pay increase would raise congressional salaries $12,100 per year. For Cabinet officers, the increase is $10,700 per year. District court judges would be paid an additional $9,300 per year. Few Americans understand the need for these large increases when they have to struggle to make ends meet on salaries much lower than ours.

After having served 32 years in the Senate, I am very much aware that Members of Congress have substantial responsibilities. All Members of this distinguished body are deeply committed to the States they serve and the people they represent. To be effective, long-working hours, which separate us from our families, are expected. We make difficult decisions daily. We deserve fair compensation, and I am fully aware of arguments in favor of these salary increases. However, we should not consider increasing our compensation until such time as we fulfill our responsibility to the American people to balance the Federal budget. At some future time when we have achieved that goal, it would be more appropriate to examine this issue.

The President's budget request includes proposed salary increases for Federal judges and certain high-level Federal officials. As chairman of the Senate Judiciary Committee from 1981 until this year, I have had the opportunity to meet many members of the Federal judiciary. These Federal judges are men and women of the highest integrity and professional ability. The Federal judicial system could not function without the enormous personal commitment of the members of the Federal bench.

Federal judges shoulder great responsibility and must routinely make difficult decisions which affect the lives of the litigants before them. Their contributions to our Nation are recognized and appreciated. Accordingly, I understand the merits of increasing compensation for the Federal judiciary. Notwithstanding the contributions of Federal judges, high-level Federal officials, and Members of Congress, I cannot overlook the larger problem of the massive Federal deficit.

In closing, we are the leadership of this country. With our huge national debt, it is imperative that we set the example. The budget deficit cannot be alleviated unless the Federal Government spends less. There is no magical formula to stop run-away spending. Spending less is the only way. The effort to alleviate the budget deficit must begin at the top. The American taxpayers expect us to "bite the bullet." We cannot ask the people of this country to set an example if we fail to do so ourselves. With this vote, let us send a clear, strong message to the American public that we, as leaders of this country, will initiate and continue the fight to reduce the budget deficit, by refusing to spend more on ourselves and other high-level officials until we take adequate steps to balance the Federal budget. I strongly urge my colleagues to vote in favor of this resolution of disapproval.

Mr. KASTEN. Mr. President, I rise today in strong opposition to the congressional pay raise and in support of Senate Joint Resolution 34, of the Senator from South Carolina. I am proud that I was one of the original cosponsors of the Senate joint resolution which would overturn the pay raise.

Now is not the time for Congress to give itself a raise. We should be fighting to reduce Federal spending. Now is not the time for us to ask for a pay raise, not when we are asking American people to tighten their own belts. And now is not the time to raise our own pay. What we should be doing is reinforcing our resolve to get a handle on Federal spending.

Mr. President, we have set ourselves firmly on the path of deficit reduction with the Gramm-Rudman-Hollings proposal and we must not weaken that commitment to seek a balanced Federal budget.

I am pleased that today this debate is going on and we have the opportunity to make our stand known on this issue by voting on the record. I urge my colleagues to join with me in sending a message home to the people of Wisconsin and all across the country that we are serious about controlling congressional spending. Let us vote this pay raise down.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I, too, along with my colleague, the Senator from Wisconsin, rise in support of the legislation offered by the Senator from South Carolina, and that is disapproval of the congressional pay raise. I believe that Members of Congress cannot lecture their constituents on the need for deficit reduction and then turn right around and vote for such a massive salary increase. Back home, oftentimes our actions speak louder than our words.

The central question we have to consider is do the people of our country think we deserve a higher salary. In these times of massive budget deficits, the answer is "No." Maybe not just because of the budget deficits but obviously that has a great deal to do with it. We are now on the road of a Gramm-Rudman commitment to balance the budget by 1991. I believe the people of this Nation at that time would applaud Congress for its accomplishment of balancing the budget and might be more than willing to reward us for accomplishing that goal.

In addition to supporting Senator THURMOND's resolution of disapproval, I want to bring to my colleagues' attention another piece of legislation that I cosponsored along this same line. It deals with a peripheral issue of a pay raise—more importantly, how a pay raise ought to be brought about, whether it ought to be done the way that we are now doing it, which means that by February 5 it will go into effect unless Congress votes this resolution of disapproval, or whether it ought to be the other way around, whether or not Congress should in the first instance before there is any chance of a pay raise actually vote up or down, approval or disapproval of that pay raise.

Mr. President, at this time I call my colleagues' attention to S. 309. It requires that both Houses of Congress vote on a pay raise within 30 days of its submission. The raise, as I said, cannot go into effect unless Congress votes yes or not. There is a 30-day limit in this legislation so that Congress cannot dodge its responsibility by including a pay raise in an omnibus spending bill at the end of the session.

Congress is responsible for voting on any other increase in Federal expenditures. Increase or not, there is not a dollar that can be spent unless Congress votes for it. We are accountable to the voters for our decisions to increase or decrease almost every item in the budget. There is no reason why Congress should be able to duck its responsibilities on this pay raise issue.

Mr. President, maybe we can learn something from history. It was during the Great Depression that Congress cut its pay by 10 percent, to set an example for other Government agencies whose budgets had to be cut at that time.

Given the size of the Federal budget deficit, it is not asking too much to require Congress to have a rollcall vote on Federal pay raises. So I encourage my colleagues to vote for Senator THURMOND's resolution of disapproval, but also to consider, beyond that, S. 309, and change the basic law by which a pay raise is decided, so that no pay raise in the future will ever go into effect through the back door but will have to be done through the front door, where the entire country will be watching.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 5

(Purpose: To disapprove the recommendations of the President relating to rates of pay of Members of Congress and certain other officers and employees of the Federal Government, to prescribe rates of pay for Members of Congress and certain such officers and employees, and to prohibit the acceptance of honoraria by Members of Congress)

Mr. WEICKER. 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 Connecticut [Mr. WEICKER] proposes an amendment numbered 5.

Mr. WEICKER. 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:

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

That (a) the recommendations of the President relating to the following rates of pay, as included, pursuant to section 225(h) of the Federal Salary Act of 1967, in the budget transmitted to Congress for the fiscal year ending September 30, 1988, are disapproved and shall not take effect:

(1) the rates of pay for Senators, Members of the House of Representatives (including the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives.

(2) The rates of pay under the Executive Schedule pursuant to subchapter II of chapter 53 of title 5, United States Code.

(3) The rates of pay for positions referred to in the table set out in subsection (b).

(b) Effective on the first day of the first applicable pay period that begins on or after February 4, 1987, the annual rate of pay for a position referred to in the following table shall be the amount specified in the table opposite that position:

Position:	*Annual rate of pay*
Vice President of the United States	$154,000
Position in level I of the Executive Schedule	140,800
Position in level II of the Executive Schedule	120,000
Position in level III of the Executive Schedule	114,400
Position in level IV of the Executive Schedule	105,600
Position in level V of the Executive Schedule	96,800
Speaker of the House of Representatives	154,000
The President Pro Tempore of the Senate, Majority Leader and Minority Leader of the Senate, and Majority Leader and Minority Leader of the House of Representatives	140,800
Senators, Members of the House of Representatives, Delegates to the House of Representatives, the Resident Commissioner from Puerto Rico and the Comptroller General	120,000
Director of the Congressional Budget Office, Deputy Comptroller General of the United States, Librarian of Congress, and the Architect of the Capitol	114,400
Deputy Director of the Congressional Budget Office, Public Printer, General Counsel of the General Accounting Office, Deputy Librarian of Congress, and the Assistant Architect of the Capitol	105,600
Chief Justice of the United States Supreme Court	154,000
Associate Justice of the United States Supreme Court	145,200
Judges:	
Circuit Court of Appeals	120,000
Court of Military Appeals	120,000
United States District Courts	114,400
Court of International Trade.	114,400
Tax Court of the United States	114,400
United States Claims Court	114,400
Special Trial Judges of the Tax Court	114,400
Bankruptcy Judges	105,600
Director of the Administrative Office of the United States Courts	114,400
Deputy Director of the Administrative Office of the United States Courts	105,600
United States Magistrates (full-time) (maximum)	96,800

SEC. 2. (a) For the purposes of this section—

(1) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not paid or reimbursed;

(2) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(3) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Notwithstanding any other provision of law, on and after the date of enactment of this Act, a Member shall not accept honoraria.

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

Mr. WEICKER. Mr. President, let me briefly explain what this amendment does. It establishes an annual rate of pay for a U.S. Senator at $120,000. It establishes the annual rate of pay for members of the executive and judicial branches at 88 percent of the recommendation of the Commission on Federal Pay, as contained in its December 15, 1986, report.

It prohibits a U.S. Senator from earning honoraria. It defines honoraria as a payment of money or anything of value for an appearance, speech, or article.

It allows for the receipt of actual and necessary travel expenses for Senators while away from the Washington, DC, area.

It becomes effective on February 4, 1987.

Mr. President, I am not here to engage in a round of demagoguery with my colleagues, whatever side of the issue they care to take. I am here, first of all, to say that the recommendations which have been made on pay have not been made in a self-serving way by Members of the U.S. Senate or by Members of the U.S. House of Representatives or, indeed, by any other political group, but, rather, by the Commission to which I have referred.

I think it might be of value now to place in the RECORD exactly who served on that Commission:

Appointed by the President: Chairman, James L. Ferguson, chairman and chief executive officer of General Foods Corp.; vice chairman, C. Todd Conover, former Comptroller of the Currency; Edwin L. Harper, senior vice president—finance and chief financial officer of Campbell Soup Co.

Appointed by the President of the Senate: Russell W. Meyer, Jr., chairman and chief executive officer of Cessna Aircraft Corp.; Esther L. Coopersmith, publisher of Spur Magazine.

Appointed by the Speaker of the House of Representives: John J. Creedon, president and chief executive officer of Metropolitan Life Insurance Co.; John E. Lyle of Johnson, Wurzer & Westmoreland.

Appointed by the Chief Justice of the Supreme Court: James T. Lynn, chairman of Aetna Life & Casualty Co.; Robert L. Clare, Jr., of Shearman & Sterling.

That indicates the caliber of the Commission—not a commission composed of politicians, not a commission composed of professional Republicans or Democrats, Senators or Members of the House, but, rather, a commission composed of some of the top lawyers and financial business minds in this Nation.

As is known, the Commission's recommendation for the salary of a Member of the U.S. Senate was $135,000.

It probably would have been better, in terms of my amendment, to strictly follow the Commission's recommendation without any variation. I took a slightly smaller figure—88 percent—and applied it across the board to

members of the bench and the other branches of Government.

I think it is an important point to note that in advocating a salary of $120,000, without honoraria, the salary figure in my amendment is less than the figure which will come to pass by virtue of the President's recommendation with honoraria. The President's recommended salary plus the maximum allowable honoraria comes to $125,300. My recommendation is $120,000, period. The Commission's salary recommendation with the maximum allowable honoraria would come to $189,000.

So the issue really before us is whether or not our salaries should be paid in total by the taxpayers of the United States or whether or not they should be paid for in part by the taxpayers of the United States and in part by special interests.

I will personalize this point. I am not interested in any finger pointing exercise. Over the past few years—this would include 1984 and 1985—I earned my salary as a U.S. Senator and the remainder of my salary was paid for by the following:

Boston University School of Law, American Business Conference, Flexible Packaging Association, National Association of Americans of Asian Indian Descent, American Jewish Committee, National Association of Small Business Investment Companies, State of Israel Bonds, Morgan Stanley PAC, Public Interest Law Center of Philadelphia, IBM, College of the Virgin Islands, Association of Independent Corrugated Converters, Kent & O'Connor, Parents Speak Out, American Portrait II of CBS, United Jewish Appeal, U.S. Tobacco, Heublein, American Public Transit Association, and so forth.

Under the President's pay proposal, we will have the basic Senate salary paid for by all the taxpayers, and then the remainder will be picked up, as I indicated, by the type of special interest groups that paid me honoraria. Most Senators have different groups that are paying those honoraria. Does that make everybody feel comfortable?

There is no reason to think that, in any manner, shape, or form, there is anything illegal about the honoraria. But it seems to me that it certainly is not the type of circumstance which creates the greatest confidence on the part of those who govern or those who are governed.

The reason this salary situation has reached the point it has is that the demagoguery that attaches to salary increases has been voluminous, high pitched, and emotional, completely disguising the basic facts involved in this situation.

How is it, in other words, that the public is satisfied to sit by while general tax moneys take care of a good portion of the salary and private interests take care of the other aspect of our salaries?

This is nonsense. This is a corruption waiting to happen.

We go through all these perambulations and contortions insofar as salary is concerned, rather than just going the straight route, the route that is on top of the table for everyone to see and the route where the money comes from all of the taxpayers of the United States.

Sometime this corruption waiting to happen will occur, and then we will enact some convoluted law to make sure it will not happen again. Well the opportunity is right here, right now. A salary recommendation has been made by an outside group. Let's accept it. Let all the taxpayers be responsible for the salary and eliminate this business of honoraria. It is wrong.

That, in essence, Mr. President, and that in its entirety, is this proposal. There is nothing further to say about it.

It is a $120,000 salary, for Senators which is 88 percent of $135,000 recommended, by the Commission with the same proportion for all the other positions of Government, and it is a proposal to do away once and for all, with this business of honoraria.

Mr. President, since the time of Madison and Jefferson, establishment of congressional salaries has been an exercise in futility. It is a process in which the legislative branch of the Federal Government has shown itself to be hypocritical at worst, disorderly at best. Raises have been given and rescinded in the same year. At various times, Congress has set limits on outside earned income and then removed the restriction. We have capped honoraria and conversely, we have allowed unrestricted collection of fees for speeches and articles. This inconsistency regarding congressional compensation has reached a critical point; many of the best qualified men and women do not even consider public service, and many others leave because they cannot afford to stay.

Mr. President, if one looks beyond the political posturing framing this issue you find the startling facts of the matter. The 1985 Report by the Commission on Executive Legislative and Judicial Salaries, headed by our former colleague, Nicholas Brady, found that the purchasing power of corporate executives' pay increased by 68.5 percent between 1969 and 1984; meanwhile Members of Congress have experienced a 39-percent decrease in purchasing power during that same timeframe. The 1986 Commission report points out that between 1969 and 1975, the salary of a Member of Congress represents an increase of less than one-half of the Government-calculated cost-of-living increases during the same timeframe. No wonder qualified people with families to support decline to run for Congress.

Well, my amendment would resolve much of this dilemma. By compensating Senators fairly and by eliminating honoraria, we would assure the American people that their elected representatives are not beholden to special interest groups for 30 or 40 percent of their salaries. This amendment would mean that Senators would not have to travel the countryside annually in search of a decent standard of living from the pockets of special interest groups.

Second, I am not trying to make anyone rich, nor bankrupt anyone with this amendment. I am simply saying, let's pay ourselves a decent wage, from one source—the Federal Treasury. Let's set a pay scale—since it is our obligation under the U.S. Constitution—will encourage men and women from all financial walks of life to serve as U.S. Senators or Members of the House of Representatives, to seek Government careers and to strive to become Federal judges.

I have no apologies for myself or for my 99 colleagues, nor for the Federal Civil or Executive Service. This is a quality group of hard-working and honorable people with whom I am privileged to serve. Fair and sensible compensation is not self-serving to this body, but rather an extension of public service. In fact, I am reminded of the comments of former Congressman Ben Johnson of Kentucky, who said in 1925:

> If my constituents should say that I am not worth $10,000 a year here, then my answer to them is, send somebody who is.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays are ordered.

Mr. WEICKER. Mr. President, it is my understanding that it is the desire of the leadership and managers of the bill that these votes be postponed for the time being; is that correct?

Mr. GLENN. We had no agreement on that.

Mr. WEICKER. I will withhold the suggestion of the absence of a quorum.

I will suggest the absence of a quorum after I get through speaking.

In any event, I expect the same thing is going to happen to my amendment this time as happened several years ago, that it will go crashing down in defeat. And everyone will go back and cheer about this being a blow for good government, and that Senator WEICKER's amendment was defeated, without mentioning the fact that this is a matter that goes to the integrity of this body.

My amendment, if adopted, would mean that we do not get paid by any-

body else but the taxpayers of the United States of America. That is the essence of this proposal. I think it deserves the thoughtful consideration of each Member of this body.

Unless someone else appears to speak, I will suggest the absence of a quorum at this time, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, if it is the desire on the part of any Senator to speak on this amendment, we said we will give them a chance to do so. If there is not, then I move to table the amendment.

Mr. WEICKER. Mr. President, I ask for 1 minute. I yielded the floor because of an accommodation of the manager.

The PRESIDING OFFICER. We have a motion to table. Does the Senator from South Carolina wish to withhold?

Mr. GLENN. Will the Senator withhold temporarily?

Mr. THURMOND. I am pleased to withhold temporarily.

Mr. GLENN. I say to the distinguished floor manager on this side we agreed with the leadership to let them know before any votes start. I think there is a question of some other Members being present or not.

I would like to check with the leadership. We can put in a temporary quorum call if you will not object to that.

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. GRAMM. 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. GRAMM. Mr. President, I do not think there is any subject that we ever address that is more difficult than our own pay. I can certainly say in my 8 years in Congress there has been no issue that I more dreaded facing, debating, and voting on than this issue.

Unfortunately, because of procedures set up 20 years ago, we find ourselves in the position of having a recommendation made on Federal pay which we must address. A recommendation is made every 4 years under permanent law, concerning the pay of Cabinet and sub-Cabinet officers, the pay of Federal judges, and the pay of Congress.

The President has substantially reduced that recommendation and sent to Congress a proposal to raise the pay of officers of all three branches of Government.

I am not going to debate, Mr. President, the merits of the issue. The bottom line is that for a myriad of reasons, the major one being congressional action since 1969, the real wage of Members of Congress has declined by 40 percent. Now the Members of this body can debate whether or not they are 40 percent less valuable than the people who stood in their places in 1969. I came to the Senate following a great Senator and perhaps there are those who might make that argument. But I suspect that argument is not valid for most Members of this body.

But the issue here, Mr. President, is not one of merit. The issue here is one of leading through example. I intend to vote against the pay raise. I intend to vote to veto the President's pay increase proposal on one and only one issue, and it is not the issue of whether Congress should continue to make 40 percent less than it did in 1969. I do not think anyone is going to argue that position. But the bottom line, it seems to me, is this:

If you are going to lead, you have to set the example. We have committed ourselves over the next 5 years to control Federal spending, to try to balance the budget, and for this reason we are calling on all the beneficiaries of the Federal Government to tighten their belts. I submit that under those circumstances leading by example requires us to vote this pay raise down.

I, therefore, intend to vote against the pay raise.

The question, it seems to me, is not whether or not we should raise our pay. I submit that the Senate will decide not to raise our pay. The question is what do we do about the other two branches of Government? We must lead by example. But it is not a choice that they can make.

I intend to support the amendment that will be offered by the Senator from California, Senator WILSON. That amendment would give the pay raise to the Federal judges and to the Cabinet and sub-Cabinet positions of the Government.

I remind my colleagues of the point that was put in the RECORD by the distinguished Senator from Ohio which addresses exactly this concern. When the Commission had looked at this pay proposal, recognized the difficulty that Congress faces in terms of having committed to move toward a balanced budget and, at the same time, facing the prospects of a substantial pay increase, they said, and I quote again: "* * * if Congress is unable to muster the courage to raise its own pay"—and I would alter that by saying if Congress deems it necessary to set the example in a period of fiscal austerity—"it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the other two branches. * * *"

Mr. President, I have worked hard in my 2 years in the Senate to find qualified people to serve on the Federal bench. I had a new Federal judge approved last year who is 33 years old. He was the No. 1 student in his law class, an outstanding legal scholar, who clearly has great potential to make money in the marketplace. He has decided to dedicate his life to Federal service and the judiciary.

I am concerned that, if we continue to let the pay of Federal judges lag, 10 years from now that young judge may see those who were second, third, or fourth in his class making three or four times as much money as he makes and he may decide to leave the Federal bench.

I do not think that is wise public policy. I think it is vitally important that we have the best qualified people on the Federal bench.

Given the paradox we face—a substantial decline in real wages and yet the necessity for us as Members of Congress to lead by example—I think the prudent course of action is to turn down the pay raise for Congress but to give it to the other two branches of Government. I think that is especially important in terms of the judiciary.

I think the Wilson amendment gives us that opportunity. I hope, when that amendment is offered, that our colleagues will listen to it carefully and decide that it is the prudent course of action. Obviously, if that amendment fails and the choice is between the pending resolution and no action, I will vote for the pending joint resolution.

I believe that, under the current circumstances, leadership by example requires us to vote down our pay raise. But I think prudence dictates that while we should lead by example, it is foolish policy to allow the pay of our Federal judges to degenerate to such a state that we have less than the best legal minds that our society can train and generate, that we have young people who refuse to be considered for the Federal bench, and that we have quality people leave the Federal service. I think we can reach an accommodation between leadership by example and prudent public policy and I think the Wilson amendment gives us that opportunity.

I yield the floor.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER (Mr. DIXON). The Senator from New Hampshire.

Mr. HUMPHREY. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HUMPHREY. Is there an amendment pending?

The PRESIDING OFFICER. There is an amendment pending, I advise the Senator from New Hampshire, that has been offered by the Senator from Connecticut.

Mr. HUMPHREY. Is there some agreement to defer a vote on the amendment?

The PRESIDING OFFICER. There is no agreement at the pending time, I say to the Senator from New Hampshire.

Mr. HUMPHREY. Well, it is in order, nonetheless, to speak to the bill at this time?

The PRESIDING OFFICER. The Senator is correct.

The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, there is an old saying, "You can't tell the players without a program." And it seems to me there are not only players involved here but there is a little game going on that the viewers might be interested in knowing about.

The Senate, thanks to the leadership of the majority leader, is soon going to be voting on a joint resolution of a disapproval with respect to the pay raise. And I commend the majority leader and likewise the Republican leader and thank them for giving the Senate a clear-cut opportunity to vote up or down on the pay raise. I think that is commendable under the circumstances. It is above board.

Unfortunately, it would appear that in the House, the leadership of that body is equally committed to avoiding a vote. There has been no public statement, no commitment, no public commitment to bring this matter to a vote in the House. I think that is regrettable and even reprehensible. So this little game that is going on involves a willingness on the part of the Senate to confront this thing one way or another publicly and on the record and, on the other hand, in the House a willingness and a determination to keep the matter from coming to a vote.

As I said, I am grateful to the majority leader and to the Republican leader for giving us in this body an opportunity to vote up or down on the issue. But let me make the point that a freestanding resolution, which is what is before us, can be ignored, completely ignored, by the House, and no doubt that is what will happen. So in a very real, concrete sense, what we are doing here, or are about to do one way or the other, is going to be meaningless because it will be ignored by the House under this silly new law by which the Congress can receive a pay raise without having to vote on it affirmatively.

Both Houses must vote to overrule a Presidential pay raise recommendation. And so if the House does nothing, which is what the House obviously prefers to do, then anything the Senate does is moot. If, for instance, we vote in favor of the resolution of disapproval, more than likely that will be the end of it. The House will do nothing and the pay raise will go into effect automatically.

What would be superior to a freestanding resolution is an amendment to a bill coming from the House, which bill the House considers to be sufficiently important so that if we amend it with a resolution of disapproval and send that bill back to the House, the House has to deal in some fashion with this resolution of disapproval. And, as a matter of fact, I am contemplating offering such an amendment to the bill transferring money to the benefit of homeless persons, on which I think we will be acting shortly.

I recognize that will in a way be a second vote on this issue. But let me point out again, it will be the only vote that will force the House to, in turn, vote publicly on the pay raise issue.

Now, as to the joint resolution before us, Mr. President, it seems to me that there are a number of questions to resolve. The first question is: Do Members of Congress deserve a pay raise? That is a judgmental question and I am not going to argue that question. I think the answer to that is obvious when you look at, for instance, the dismal performance on the budget last year. But I am not going to argue that. I will leave that to Members. I will leave that to our constituents.

Certainly, in the long run, a more important question is this: Is this new mechanism for raising the pay of Members of Congress constitutional? That is a weighty question and it seems to me it has gotten lost in the shuffle. It is a most important question on an enduring basis, no question, but it is the most important question in this debate.

I believe this new mechanism is unconstitutional and I believe that unless Senators vote in favor of this joint resolution of disapproval, they will be in a way endorsing an unconstitutional means of raising the pay of Members of Congress.

We cannot just say, "Well, let us wait for the courts to rule." And, indeed, there is a suit pending, because I am one of the plaintiffs. We cannot, as Members of Congress say, "Let us leave the enforcement of the Constitution wholly up to the courts." We have a responsibility, as well. And, if Members think this new mechanism is unconstitutional, as I suggest they should, then they ought to vote for this joint resolution of disapproval as a way of cutting off this new method of raising the pay, at least on this occasion, and registering an opinion against the unconstitutional nature of this new mechanism.

Mr. President, article I, section 6 of the Constitution states in the plainest possible terms that the salaries of Members of Congress must be "ascertained by law."

That means both Houses must vote affirmatively and openly to fix their compensation. It does not mean, and it surely was never meant to mean, that Members of Congress can acquiesce in a generous pay raise, or even a niggardly pay raise, for that matter, by passing the buck to the President and receiving pay raises automatically unless the Congress, each body, overrules such a pay raise.

Mr. President, surely it was never meant in writing the Constitution—when this provision was written—that salaries of Members of Congress must be ascertained by law. It was never meant, surely, that Members of Congress could get a pay raise merely by sitting on their hands. But that is precisely how this new mechanism works. Unless both bodies vote against this pay raise it goes in effect. Clearly the House leadership at least intends to sit upon their hands and letting this new pay raise go into effect. It is unconstitutional. We have an obligation to enforce the Constitution. I think that is the most important element in this debate.

Mr. President, I ask unanimous consent that the complaint for declaratory and injunctive relief filed as the suit to which I alluded a moment ago challenging the constitutionality of this law be included in the RECORD at this point.

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

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Senator Gordon J. Humphrey, Room 531, Hart Senate Office Building, Washington, DC 20510; Representative Robert C. Smith, Room 115, Cannon House Office Building, Washington, DC 20515; and The National Taxpayers Union, 713 Maryland Avenue, NE, Washington, DC 20002, Plaintiffs,

v.

James A. Baker III, Secretary of the Treasury, 15th and Pennsylvania Avenue, NW, Washington, DC 20220; Walter Stewart, Secretary of the U.S. Senate, S-221, U.S. Capitol, Washington, DC 20510; and Jack Russ, Sergeant-at-Arms of the United States, House of Representatives, H-124, U.S. Capitol, Washington, DC 20515, Defendants

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs Senator Gordon J. Humphrey, Representative Robert C. Smith, and the National Taxpayers Union (on behalf of its 150,000 taxpayer members) hereby complain of Defendants James A Baker III, Walter Stewart, and Jack Russ, and allege as follows:

I. INTRODUCTION

1. This is an action (1) to declare that the procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress (a) violates the Article I, Section 6 requirement that the salaries of Members of Congress be "ascertained by Law," (b) violates the principle of separation of powers inherent in Articles I, II, and III, (c) constitutes an unconstitutional delegation of authority from the Congress to the President, and (d) is non-severable from the procedure for determining the compen-

sation of other officers under those provisions of law; and (2) to enjoin the Defendants from making any salary payments to Members of Congress or Legislative, Judicial, or Executive Branch officers which include any increase in pay enacted through the procedure established by 2 U.S.C. 358-359.

2. This action arises under Article I of the Constitution of the United States (including Section 6, Clause 1, and Section 8, Clause 1), and under 2 U.S.C. 358-359. Jurisdiction is proper under 28 U.S.C. 1331.

II. PARTIES

3. Plaintiff Gordon J. Humphrey is a United States Senator representing the State of New Hampshire. Plaintiff Robert C. Smith is a Member of Congress representing the First District of New Hampshire. Plaintiffs Humphrey and Smith are hereinafter referred to a "Congressional Plaintiffs."

4. Plaintiff National Taxpayers Union ("NTU") represents approximately 150,000 taxpayers who have an interest in this action, including certain taxpayers who are constituents of Congressional Plaintiffs.

5. The Defendants are the Executive and Legislative Branch officers charged with disbursing salary increases enacted through the procedure established by 2 U.S.C. 358-359.

III. BACKGROUND

6. Article I, Section 6 of the Constitution provides that "(t)he Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." The contemporaneous meaning of the expression "ascertained by law," and the declared intent of the Framers, was that Members of Congress were to fix their own salaries with certainty, constrained only by the accountability imposed by the electoral process. For 200 years, this constitutional "ascertainment" requirement was fully and faithfully exercised.

7. Through the enactment of 2 U.S.C., Chapter 11, Congress established a Commission on Executive, Legislative, and Judicial Salaries ("Commission"), whose principal purpose was to "recommend to the President "the appropriate pay levels and relationships between and among" the senior offices of government. Chapter 11 also delegated authority to the President to propose changes in salary levels for Members of Congress and other top level officers of the three branches. From 1967 to 1985, these proposed changes could be prevented through a majority vote of disapproval by either House of Congress. In addition, from 1977 to 1985, each House was required to vote on any such proposals, with Members individually recording their votes, within 60 days after the President submitted his proposal.

8. Each year prior to 1983, Congress enacted an appropriations bill providing necessary funding for Congressional pay. This offered the Congress an additional check on the President's exercise of his delegated power over Members' compensation under 2 U.S.C., Chapter 31. Beginning in 1983, under a new statute (Pub.L. 97-51, sec. 130(c) 96 Stat. 966), Congressional compensation has been paid from a permanent appropriation for that purpose. This ensures that sufficient funds will be available to support any level of compensation proposed by the President, and reduces still further the Congress' control over its Members' salaries.

9. In 1985, 2 U.S.C. Chapter 11 was amended, and Presidential proposals for salary changes were authorized to become effective after 30 days from the time they are proposed, unless Congress enacts a joint resolution of disapproval in the intervening period. For the first time, therefore, the disapproval of just one House of Congress—or the disapproval of both Houses, but by majorities insufficient to override a Presidential veto—is insufficient to prevent a Presidential pay proposal from being effective. Moreover, neither House is now required to vote on any such proposals. In this respect, the procedure authorized by 2 U.S.C. 258-359 makes a striking departure from the prescription for legislative action set forth in Article I, Section 7.

10. Under 2 U.S.C., Chapter 11, as amended, the compensation levels for Members of Congress which are proposed by the President may be whatever he "deems advisable." As a consequence, the increase in Congressional compensation—and the increase in compensation for Legislative, Judicial, and Executive Branch officers—proposed by the President on January 5, 1987, were submitted pursuant to no legislative standards.

11. On December 15, 1986, the Commission submitted its mandated salary review, as required by U.S.C. Chapter 11. It recommended very substantial increases in compensation for all officers subject to its review, although acknowledging that "(i)n spite of our statutory mandate, the Commission has had insufficient time to analyze and review the appropriateness of the 'relationship between and among' the respective positions covered by its mandate."

12. On December 31, 1986, Congressional Plaintiffs' pay was $75,100 per annum. On January 1, they received a $2,300 (3.1%) inflation adjustment, bringing their salary to $77,400 per annum. On January 5, 1987, and pursuant to 2 U.S.C. 358-359, as amended, the President submitted to Congress a proposal to raise all Members' pay, including pay for Congressional Plaintiffs, by an additional $12,100 per annum (15.6%), resulting in a new annual salary of $89,500. This amounts to an overall salary increase of $14,400, including the inflation adjustment, or 19.2% above the 1986 salary base.

13. The President offered Members of Congress a larger percentage pay increase (15.6%) than almost all officers of the Judicial and Executive Branches. For others in the Legislative Branch, the proposed increases range from 10.2% (Librarian of Congress) to 15.6% (Comptroller General). For the Judicial Branch, the proposed increases range from 2.6% (Associate Justices of the Supreme Court) to 14.0% (Claims Court Judges). For the Executive Branch, they range from 2.4% (Level V officers) to 15.6% (Level II officers). In all cases, these proposals are in addition to the 3.1% inflation adjustment of January 1, 1987.

14. This percentage pay raise advantage for Members of Congress substantially alters the salary relationships between Members and top officers of other branches. Presently, Members of Congress earn 4.6% less than District Court judges; under the President's proposal, the Members will earn exactly the same compensation as the judges. Presently, the Speaker of the House earns 6.0% less than Associate Justices of the Supreme Court; under the President's proposal, the Speaker will earn 5.5% more than the Justices. These and other substantial changes in the salary relationships between Members of Congress and officers of the three branches were made despite the Commission's admission that it had "insufficient time to analyze and review" these relationships.

15. Congressional Plaintiffs do not believe such substantial pay raises for Members of Congress are justified or in the best interests of the constituents who elected them. They believe the January 1, 1987, compensation levels and salary relationships to be adequate, in light of the nation's present economic circumstances and the government's present fiscal circumstances.

IV. INJURY

A. Injury to Congressional Plaintiffs

1. Injury to Congressional Plaintiffs through Impairment of Their Opportunity to Vote and Reduced Efficaciousness of Their Legislative Powers

16. Because of 2 U.S.C. 358-359, as amended, Congressional Plaintiffs have been prevented from performing a specific legislative duty expressly mandated by the Constitution.

17. Absent the procedures established when the Congress amended 2 U.S.C. 358-359 in 1985, Congressional Plaintiffs would have a full opportunity to participate, through their votes, in the setting of their own pay—and, in the present case, to pursue legislative actions in opposition to a pay increase. However, the procedure established by 2 U.S.C. 359 creates significant new procedural burdens facing Congressional Plaintiffs: (1) The 30-day time limit, coming in this case during the first month of a new Congress, creates unusual pressure for prompt legislative action; and (2) a vote need not be taken by either House of Congress, so the proposed pay raise can take effect without either or both of Congressional Plaintiffs having the opportunity to vote against it. Therefore, their ability to vote on the setting of their own compensation has been significantly impaired.

18. Absent the procedure established by 2 U.S.C. 358-359, as amended, any proposed change in Congressional compensation could be defeated by a majority vote in either House of Congress. To defeat a change in Congressional compensation proposed by the President pursuant to 2 U.S.C. 358-359, as amended, majority votes in both Houses of Congress would be required. In the event of a subsequent presidential veto, two-thirds majorities in both Houses would be necessary to defeat such a proposal. As a consequence, the individual votes of Congressional Plaintiffs have been rendered less efficacious.

19. Through 2 U.S.C. 358-359, an amended, Congress has granted the President unprecedented power to increase (or reduce) the salaries of Members of Congress, including Congressional Plaintiffs, and to alter the salary relationships among officers of the Legislative, Judicial, and Executive Branches. On January 5, 1987, he exercised this power—on this occasion, to the advantage of Members of Congress. This delegation of authority over Congressional compensation gives a President the ability to reward or penalize Members of Congress, and thereby influence the legislative process in a manner which violates the principle of separation of powers inherent in the compensation clauses of the Constitution (Article I, Section 6, Clause 1; Article II, Section 1, Clause 7; and Article III, Section 1).

2. Other Injury to Congressional Plaintiffs

20. Because of 2 U.S.C. 358-359, as amended, some of Congressional Plaintiffs' constituents will likely hold them responsible

for the Congressional pay increase merely as a consequence of their incumbency. Therefore, as a direct result of this interference with legislative accountability to constituents, Congressional Plaintiffs will suffer injury to reputation, and could ultimately suffer loss of political office.

21. Through 2 U.S.C. 358-359, the President has the power to propose reductions in salary for Members of Congress, or to alter the salary relationships among Legislative, Judicial, and Executive officers to the disadvantage of Members of Congress. To prevent a President from imposing these reductions, a two-thirds majority in both Houses would be required (assuming a Presidential veto of a Congressional Resolution of disapproval). If exercised in an unjustifiable manner, this Presidential power could result in economic injury to Members of Congress, including Congressional Plaintiffs.

B. Injury to Taxpayers

22. This action is brought to enjoin an exercise of legislative power under the taxing and spending clause (Article I, Section 8, Clause 1), and the challenged statute exceeds a specific constitutional limitation imposed upon the exercise of this power: The requirement that the amount to be spent on Congressional compensation be "ascertained by Law."

23. The Presidential proposal for a Congressional pay raise is itself expensive and will impose economic burdens and injuries upon taxpayers. Moreover, this proposal is part of a larger scheme for increasing senior-level salaries throughout the government. This scheme, taken as a whole, is very expensive and imposes substantial economic burdens and injuries upon taxpayers. Moreover, the pay increases enacted pursuant to this scheme will increase the likelihood that middle- and lower-ranking government employees will demand and receive similar increases in compensation, imposing additional economic burdens and injuries upon taxpayers.

V. CAUSES OF ACTION

A. First Cause of Action

24. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress violates the requirement of Article I, Section 6, that the salaries of Members of Congress be "ascertained by Law," and thereby constitutes an unconstitutional delegation of authority from the Congress to the President.

B. Second Cause of Action

25. Paragraphs 1 though 22 above are realleged and reasserted as if stated in full.

26. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress violates the principle of separation of powers inherent in the compensaton clauses of Articles I, II, and III, and thereby constitutes an unconstitutional delegation of authority from the Congress to the President.

C. Third Cause of Action

27. Paragraphs 1 through 22 above are realleged and reasserted as if stated in full.

28. The procedure established by 2 U.S.C. 358-359 for determining the compensation of Members of Congress has no legislative standards whatsoever to guide and confine a Presidential exercise of delegated authority, either in fixing Members' salaries or in altering their salary relationships with Legislative, Judicial, or Executive Officers. This procedure thereby violates the constitutional requirements for delegation of authority from the Congress to the President.

VI. NON-SEVERABILITY OF THE CHALLENGED STATUTE

29. The challenged statutory provisions (the procedure established by 2 U.S.C. 358-359, as amended, for setting Congressional compensation) are central to 2 U.S.C., Chapter II—a legislative effort to link congressional pay to pay in the Executive and Judicial Branches. The Congress would not have enacted the 1985 amendments to 2 U.S.C. 358-359, had the new procedure been drafted to apply only to Executive and Judicial Branch compensation, and not Congressional compensation. Therefore, the Congressional element of the challenged provisions must be deemed nonseverable, the entire procedure voided, and all pay rate increases proposed by the President on January 5, 1987, declared null and void.

VII. DECLARATORY AND INJUNCTIVE RELIEF

30. In the absence of declaratory and injunctive relief from this Court, and notwithstanding the constitutional defects in the procedure used to enact the pay raises for Members of Congress, the Defendants will begin, on or after February 5, 1987, to issue salary checks reflecting these unconstitutional pay raises.

Wherefore, plaintiffs pray that this Court:

1. Declare that 2 U.S.C. 358-359 does not meet constitutional requirements, that its unconstitutional provisions are non-severable, and that any and all increases in compensation rates enacted through its procedure are null and void.

2. Enjoin the Defendants, beginning on the date of final judgment in this action, from issuing or delivering any salary payments to Members of Congress or Legislative, Judicial, or Executive officers which include any increase in pay enacted through the procedure established by 2 U.S.C. 358-359;

3. Grant to Plaintiffs their reasonable costs and attorneys fees; and

4. Grant such other and further relief as justice may require.

Respectively submitted,

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Mr. HUMPHREY. Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair for recognizing me.

Mr. President, I wonder if I might pose a question to the distinguished Senator from South Carolina and/or the distinguished majority leader? The question relates to several allusions on this floor today that the House will not act, whatever the Senate does with respect to the pending resolution. Does the distinguished majority leader have any information from the Speaker or anyone else on the House side?

Mr. BYRD. The House has gone out for today. So it could not act.

Mr. HELMS. I understand that. But the deadline is next Thursday. Is that correct?

Mr. BYRD. I think the deadline of 30 days expires at the hour of midnight on the third.

Mr. HELMS. Surely the House will be back by Tuesday.

Mr. BYRD. Yes; the Senator asked me if the House would act today.

Mr. HELMS. I did not specify today in my question.

Mr. BYRD. I beg the Senator's pardon. I misunderstood him. They are out. I believe they are out until Tuesday. They are at least out for the remainder of this week.

Mr. HELMS. Could I ask my friend if he has discussed this matter at all with the Speaker?

Mr. BYRD. Yes; I told him we would take up the resolution today.

Mr. HELMS. I do not want to ask the leader to confide in me anything I am not supposed to know. But did the Speaker indicate the House is not going to act on the resolution of disapproval at all?

Mr. BYRD. I will not divulge a private conversation that I may have had with the Senator from North Carolina, and I will not divulge a private conversation with the Speaker of the House of Representatives.

Mr. HELMS. OK. Well, I think I prefaced it by saying I did not want the distinguished Democratic leader to discuss anything that was of a private nature.

Mr. BYRD. The able Senator did say that.

Mr. HELMS. Of course this is sort of a public nature, too.

Mr. BYRD. It is. Yes. It is of a public nature. The Senator is within his right to ask me the question.

Mr. HELMS. The Senator is within his right not to answer me.

Mr. BYRD. It is not a matter of my right. I am asserting here that if I have a private conversation with Mr. DOLE, or any other Member of the Congress, I would rather not divulge that.

Mr. HELMS. I am trying to find out whether the House is going to do anything or not.

Mr. BYRD. I can say they are not going to be in session the rest of this week. We hope to vote today on the resolution.

Mr. HELMS. Yes. I thank the Senator.

Mr. BYRD. I thank my friend.

Mr. HELMS. I admire his protection of the confidentiality of conversations.

Mr. BYRD. I try to do that. I thank the distinguished Senator.

Mr. HELMS. He and I have had that experience from time to time. I admire the Senator in that regard.

Mr. BYRD. I thank the Senator. I may disagree with the Senator on something, but I do try to keep my commitments to him or anyone else. I also want to maintain comity with the House of Representatives. I have to

work with the leadership there. It is up to the Speaker to state what he will do or will not do. Unless he tells me I can say something, then I am not free to do so.

Mr. HELMS. Let me make one more run at this matter to my friend from West Virginia who was born in North Carolina.

Mr. BYRD. The motto of which State it is "To be rather than to seem."

Mr. HELMS. Yes. Esse Quam Videri. The Senator is right.

Suppose there should be an opportunity to wager on the possibility of the House acting on the resolution of disapproval before the deadline early next week. How would the Senator advise me to bet?

[Laughter.]

I do not ask him to disclose anything of a confidential nature with the Speaker.

Mr. BYRD. I understand. Well, I can recall a quotation from Shakespeare on that point. I can recall at the moment that he did say, "Neither a borrower nor a lender be; For loan oft loses both itself and friend, And borrowing dulls the edge of husbandry."

He did not say anything that I recall about wagering. I do not wager. I learned when I was growing up that I did not have money to throw away. Nickels came pretty hard. I am sure the Senator from North Carolina found it the same way.

If I was able to get a bottle of pop a year—they called it a bottle of pop, Coca-Cola or something else—I was pretty lucky. An ice cream cone cost 5 cents. I could go to the store for the lady next door and she would give me a nickel, and I recall on one occasion buying a cone of ice cream, talking to someone, and the cone tipped, the ice cream dropped on the ground, and I made up my mind then and there that I would eat all of the ice cream I could eat if I lived to be a man and had a few nickels to spare.

So I do not wager. Why do I not wager? Because I might lose my nickels.

So my suggestion to the distinguished Senator would be that he not wager on this matter. He may not win any money, but he certainly will save his own.

Mr. HELMS. My father made the same suggestion, I might say. He put a little more oomph behind it. He flatly said "Do not bet." I do not. So I join the Senator in not being a wagering man.

Nonetheless, I would like to know the prospects of what the House intends to do or not do on this automatic pay raise issue. The Senator has been very helpful. I appreciate it.

Mr. President, let me now pay my respects to the distinguished Senator from South Carolina [Mr. THURMOND] for reintroducing the joint resolution of disapproval, and for bringing it up for a vote today. I have the honor of being a principal cosponsor of the pending resolution.

I thank the Senator from South Carolina for his labors in that regard.

Mr. President, a pay increase for Members of Congress, House and Senate is a controversial issue and rightly so. The vast majority of Americans will, after all, have to furnish the money. They will be taxed to pay for this increase. The vast majority make nowhere near as much money as their Senators and Congressmen.

We hear all sorts of platitudes and explanations, and talk about how difficult it is to survive in Washington, DC, on current congressional salaries. Mr. President, that does not wash. I daresay that there has never been a man or woman elected to either the House or the Senate who was not aware of what the pay would be.

But because this issue is so controversial, if you look back through the history of it, the Congress has engaged in a real copout. Congress created a scheme under which Members of Congress and Federal workers can receive an automatic pay increase without a vote. We do not have to stick our heads up, just stand silent and do what, it is reported, the House is going to do—let opposition to the automatic pay increase die a quiet, painless death.

Then, when constitutents complain, every Senator and every House Member can say with a straight face, "Well, I had nothing to do with that. I would never have voted for such a thing."

That, I say again, is a copout.

Senator THURMOND and I, and many of our distinguished colleagues, want the Senate to vote on this matter. But more importantly this Senator would like to have assurance that the House of Representatives is not going to cop out. I want it clearly understood after the Senate votes today, and I think the Senate will support Senator THURMOND's and my resolution of disapproval, if a copout occurs, it will lie like a dead cat on the doorstep of the House of Representatives—who left town on Thursday afternoon to return sometime Tuesday.

Again, I commend the distinguished majority leader and the distinguished minority leader, Senators BYRD and DOLE, respectively, for recognizing the importance of this issue and for cooperating in allowing it to come before the Senate.

The Senator from New Hampshire [Mr. HUMPHREY] has just raised the constitutional question about this scheme. He is exactly right. I wish the Court could act on it, and I hope that there will be some sort of test of the constitutionality of the system sometime.

But one thing is certain: Congress was given the constitutional responsibility to control the Nation's purse strings. We cannot escape that. We must not continue to allow Congress, by shenanigan or otherwise, to shirk that responsibility by placing it in the lap of the President of the United States.

But that is exactly what has been done. The same old shell game over and over again, with the taxpayer always losing.

I think the President, Mr. Reagan, has been unfairly placed in the difficult position of taking sole responsibility for proposing a major pay increase for Federal employees, while Members of Congress sit up here and throw sanctimonious darts at the President for failing to reduce the Federal deficit.

But they cannot have it both ways. If you try to get some little reduction through this Chamber or the other one, Holy Ned is raised every time: "You can't cut this and you can't cut that."

I never heard as many epithets as I heard about Gramm-Rudman, which may not be the best law in the world, but it is the only game in town in terms of bringing some fiscal sanity to the Federal Government.

I recognize the compromise President Reagan attempted to reach by substantially reducing the pay increases recommended by the so-called Quadrennial Commission, but the fact remains that the President should not have the responsibility of making that decision in the first place.

This pay increase should not be allowed to go into effect automatically.

It does not take a profile in courage to vote yea or nay on this question. I would like to have more compensation. But as I said at the outset, I knew what the salary was going to be. While I do not need a lot of money to live—I do not live ostentatiously—I get along, and I think of that poor guy back home who makes a fraction of what we make.

If Members of Congress are willing to vote themselves a raise, fine. I will not vote with them. I will vote against them. But Members of Congress have a right and a duty to vote one way or the other on this issue and not let it slip through like a ship passing in the night.

It is unconscionable that Senators and other Federal workers should receive a hefty pay raise without even one vote on it in either House of Congress.

I commend the distinguished leadership, Senator BYRD and Senator DOLE, for making it possible at least for the Senate to vote on it regardless of what the House does. I hope the people of this country will be looking next week at the House of Representatives and

see what they do. If they do nothing, I hope the people of this country will let the House of Representatives know how they feel about this scam.

I urge my colleagues to support the resolution of the distinguished Senator from South Carolina, the resolution of which I am proud to be an original cosponsor. Mr. President, I yield the floor.

Mr. BURDICK addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. BURDICK. Mr. President, today is the day we will finally vote up or down on the congressional pay raise package.

As you already know, I do not support these raises. I have never supported the process of further lining our own pockets when people in each of our States continue to go hungry. These raises are obscene.

And as I have already stated, I plan to return every penny of increase in my take-home pay to the U.S. Treasury. This is a small step—but it is a step in the right direction. I hope that many of you will join me in rejecting this increase in our pay.

I would like to conclude with the thoughts of one of my constituents, Mr. Bill Snyder, of Fargo, ND. Mr. Snyder dared me to include his poem in the CONGRESSONAL RECORD. Well, here it goes, Mr. Snyder.

Chop the old folks,
Cut the young,
Slice the budget,
Rung by rung.
But never, never,
Vote away,
Any boost
In Congressman's pay!

These are the views of just one person, but I would wager that each of you has more than one Bill Snyder in your State. Something for each of you to think about.

Mr. GLENN. 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. DECONCINI. 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. DECONCINI. Mr. President, the vote we are about to take will be one of the most important deficit reduction votes in this Congress—not because of the dollar amount, but because of the principle that is involved. This vote gets to the crux of the problem of this institution and the House as well, and that is that we have not really addressed the deficit of this country. President Reagan's proposal to raise the salaries of Members of Congress, Federal judges, and top administration officials would cost approximately $21 million a year. I cannot understand the President offering this at this time when we have the largest deficit we have ever had. He is increasing it over $120 billion a year, some say upward of $200 billion a year, and we have not had a balanced budget presented to us in the 10 years that I have been here, nor has Congress responded in bringing about a balanced budget.

In the context of a $1 trillion budget and a $2 trillion deficit, $21 million may not sound like so much money to some Senators. To me it is a lot of money. The psychological significance of these proposed raises to the American people should not be underestimated.

The median family income for a family of four was $27,735 in 1985. How do any of us tell these constituents we cannot manage on a salary of $77,400 and that we deserve a 15.6 percent raise, a raise of $12,100 a year. With this raise, pay for Senators and Members of Congress would reach $89,500. I am like anybody else; I would love to have more money, but I think we have to earn it. I do not believe we have earned it when you consider the deficits that we have in this country.

Perhaps if the budget was balanced an argument could be made, "You have done a good job, ladies and gentlemen of the Congress, so reward yourselves." But when the President sends us a budget that includes deep cuts in funding for education, child nutrition, and energy conservation, I cannot support any pay raise at this time. When there are no funds to address the problems of the homeless, I cannot agree to higher cost of Government in the form of more pay to Members of Congress. When the budget proposes deep cuts in the farm programs, cuts that most certainly will result in more foreclosures and more broken dreams, I cannot see raising the amount of money that many of us will spend in restaurants in our Nation's Capital. When the budget proposes big increases in fees for the average American to visit our parks, such as the Grand Canyon in my State, I cannot and will not join in raising the cost of Government and the salaries of Members of this body.

Mr. President, this vote will be a very difficult vote for some of my colleagues, but at least we in the Senate are willing to take a stand and to vote on this particular issue. No matter which side of this issue my colleagues are on, we have all made a commitment to publicly state our position. It appears that the other body may avoid doing the same thing we are in the process of doing today. I hope that is not the case and the Members there will demand that their leadership bring it to a vote.

I think the American people know what is right. I think we in Congress, both Houses, know what is right and what is wrong.

What is right is to vote against any pay raise at this time.

I will vote with the distinguished Senator from South Carolina who has offered this joint resolution, and against the pay raise, not because Senators and Members of the House do not work hard—we work hard; we put in lots of hours—but because we cannot afford it and we have not done our job in bringing about a balanced budget.

Mr. President, I ask unanimous consent that Laurie Sedlmayr be accorded the privilege of the floor during debate and votes on Senate Joint Resolution 34.

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

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

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

Mr. NICKLES. Mr. President, I rise today in opposition to the pay raise proposal for Members of Congress. I wish to compliment the Presiding Officer, the Senator from Arizona, for his statement on this issue. I think he is exactly correct. How can we be asking other people in this country to share in deficit reduction if we are not willing to share in it ourselves?

I think it is a very serious question. I think we have some very serious problems in this country, probably the largest of which is our Federal deficit. The Federal deficit, as everyone in this Chamber is well aware, is right at $200 billion. This year it is projected to be $175 billion. We need to bring it down. We need to bring it down for a lot of reasons. We are saddling future generations with enormous debt and it also fuels a negative trade balance.

It is a very, very serious problem, probably, in this Senator's opinion, the biggest problem; certainly the biggest challenge confronting us. We need to get the deficit down and I think everyone is in agreement on that issue, from conservative to liberal.

It is very, very difficult, in this Senator's opinion, to ask other people to share in deficit reduction—I am talking about farmers, I am talking about people on Main Street, I am talking about the cities, communities—to ask other people, "Are you willing to take your fair share of the pain or the cuts or the shared sacrifice necessary to reduce the Federal deficit?", if, at the same time, we are giving ourselves an

18- or 19-percent pay increase. I think it would make it very difficult to sell.

So I think, for that reason alone, we should not be giving ourselves this raise. Not only that, but I think people could legitimately say: Do we deserve it? And, certainly, one could say, in the number of hours worked or the responsibility for dollars, a lot of people would say, "Yes."

I would offer a little different answer. I would say, "No." Because Congress has a responsibility for the Federal deficit, how much money we spend and how much money we take in, and we have not done a very good job.

I have heard other people say, "Well, in the private sector, they make that much or more." But in the private sector if they had this kind of deficit, 20 percent deficit spending, 20 percent more than you are taking in, people would not have their jobs very long. The truth is, in the private sector, if you run those kinds of negative balances, not only are you terminated, but you would find yourself having a very difficult time even getting a job.

I know in my case, in Oklahoma, there are many firms that are going through difficult times right now and people do not have a job. Some of the firms that are in the oil and gas business are just struggling to stay even and their workers have not had a raise in maybe 2 or 3 years because they are trying to stay in the black, trying to keep from going into the red.

Congress has not done that. Federal spending has continued to rise. Federal spending in the last 6 years has gone from $560 billion to $1 trillion today. That is an enormous increase just in the last 6 years alone. So I do not think we have done that good of a job.

I think on the merits, again, a lot of people would question whether or not we deserve that raise. I would be one to say that maybe future raises or pay decreases should be coupled to our success or failure in bringing down the deficit. I would say that if we balanced the budget in the next 3, 4, or 5 years, that we have made some significant progress, then maybe at that time we could ask for a pay raise. Maybe at that time the American people would say, "Yes; you have done a good job. You brought this country which, in 1986, had over a $200 billion deficit, out of its deficit troubles." Then maybe you would be entitled to the increase and this Senator would possibly go along.

But with the kind of red hemorrhage that we are having on Federal deficits, I do not think we could rightly go to the American people and say, "Yes; give us an 18-percent raise."

I compliment the Senator from South Carolina for his joint resolution. I am a cosponsor of it. I expect and hope that it would pass today.

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. 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.

Mr. HUMPHREY. Mr. President, in debating the merits of the congressional pay raise, I cannot help but note just how hard the Members of the House of Representatives have worked this week. They came to work; that is, the House went into session Monday at 12 noon and adjourned today at 1 o'clock. The House will be in pro forma session on Monday, which in plain English means they will not be working on Monday, and they are coming into session on Tuesday at 12 noon.

So I thought that might add something to the argument about how hard Members of Congress are working and whether or not they deserve this generous pay raise.

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. 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 shall shortly suggest the absence of a quorum again so as to give Members who are off the Hill—some are over at the State Department, I understand, and in other areas of the city visiting various agencies—notice that a rollcall vote is about to occur. That is the purpose of this quorum call.

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. THURMOND. 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. THURMOND. Mr. President, I previously made a motion to table the amendment of the able and distinguished Senator from Connecticut. He prefers a direct vote and I am willing to agree to that. Therefore, I withdraw my motion to table and ask for a direct vote.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there further debate on the amendment? If not, the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP], are necessarily absent.

I further announce that the Senator from Missouri [Mr. BOND], is absent due to illness.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP], would each vote "nay."

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

The result was announced—yeas 2, nays 93, as follows:

[Rollcall Vote No. 7 Leg.]

YEAS—2

Stafford	Weicker

NAYS—93

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

NOT VOTING—5

Bond	Quayle	Wallop
Hatfield	Stevens	

So amendment No. 5 was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Mr. President, I accept the decision of the Senate in good grace. I am back to my usual ratio. [Laughter.]

However, I have to point out, before all is said and done—and I think my colleagues know this—that by the time

it goes through the constitutional process, we are going to end up with the figure the President, recommended, and we will still have available to us our honoraria; and the combined total of those two will have us earning far more than the $120,000 that was proposed here. That will be paid partly by the taxpayers and partly by private interests.

So I do not think that, either in a fiscal sense or in a moral sense, the interests of the Nation have been served by this defeat.

AMENDMENT NO. 6

(Purpose: to disapprove the pay raise for Members of Congress)

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

The PRESIDING OFFICER (Mr. REID). The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. WILSON), for himself, Mr. WARNER, and Mr. GRAMM, proposes an amendment numbered 6.

Mr. WILSON. 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:

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

The recommendations of the President relating to rates of pay for Senators, members of the House of Representative (including Delegates and the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives, as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1988, are disapproved and shall not take effect.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILSON. I thank the Chair.

Mr. President, it will be recalled that when we had the Clean Water Act before us last week, the distinguished majority leader asked Senators to forebear from offering amendments. At that time, I indicated an intention to propose an amendment to the Clean Water Act, one that would strike down the proposed pay increase for Members of Congress. At the time, the majority leader gave assurance to me and to all Senators that there would be a timely vote, allowing Senators to register their approval or disapproval of the proposed pay increase—a timely vote meaning one that would occur sufficiently before the deadline for action, that deadline being imposed by the requirement in the law that disapproval be expressed or that the proposed increase will take effect within 30 days after the receipt by Congress of the President's recommendation. I, of course, agreed with the majority leader's request; and today my friend from South Carolina, the senior Senator, has offered us the opportunity to register that vote of disapproval.

Let me just say that I commend him for doing so. The amendment I have offered is a modification of his proposal. I am joined in that by my colleague from Virginia, Senator WARNER, and my colleague from Texas, Senator GRAMM.

I might say that I am joined by any number of my own constituents, and I am quite sure that the same opinions have been expressed by constituents of other Senators.

In my hand I have a sheaf of correspondence relating to two subjects which, in the minds of my constituents, seem intertwined—deficit reduction and the proposed congressional pay increase. I am not going to take the time to excerpt even one of these, although they are excellent letters. They are not mean spirited, but they do express a genuine concern, and one that I share.

What they say, simply, is that it is wrong for Congress at this time to vote itself a pay raise, when we are compelled to spend the rest of the year trying to find ways to cut spending in order to cut down the deficit to the level of $108 billion as required by law. They understand, if not all of us do, that the way we are going to achieve that legal requirement—if in fact we honor it—is by the very painful method of cutting spending. They know that. Even advocates on this floor of a tax increase, if realistic, will tell you that there is not going to be a serious undertaking of a tax increase in the 100th Congress. In my judgment, quite emphatically, there should not be. But even if that were not the case, that option is not available to us. So if we are to meet the requirements of the law for deficit reduction, we will do so by cutting spending.

That, in turn, offers a number of unpleasant individual decisions. No one enjoys offending constituencies, but that is what we have before us. The only way Congress and the President can reduce the Federal budget deficit is to reduce budget spending. The challenge is one that will require that we not only set but also keep priorities, not simply talk about them.

What do we say to those arguing for services that we will have to cut, if Members of Congress are seen, in that setting and keeping of priorities, to set first the priority of their own compensation? What do we say, that our first priority is the pay of Congress? What do we say to workers who are being asked not only by employers but also by union leaders to forebear from asking for wage increases so that the goods they make can be priced to be competitive with foreign goods both here and abroad?

Do we in Congress tell these same workers that while we are not going to raise their taxes, they are going to get less service for the tax dollars they are paying in order that we can satisfy the priority of a congressional pay raise? No, I do not think that is a tenable response.

So I commend my senior colleague from South Carolina. I think he has done all of us a service.

I must say that I was struck with much in the eloquent presentation of the distinguished manager, the senior Senator from Ohio, in his comments. I do not intend to repeat what he said or even to elaborate upon it, other than by reference to my own experience, which I suspect is shared with virtually everyone on this floor.

Everyone here either has had or will have the experience, the very heavy responsibility, of trying to recruit the best and most talented and dedicated attorneys to serve as members of the Federal bench. Indeed, there is little that our constituents have so clearly indicated that they prize more than the kind of judicial administration that makes them safe in their homes, that results in a fair administration of the laws which Congress enacts.

So, to put it most simply, I think what the Senator from Ohio said makes great sense if we are talking about not those of us who enact the laws but those who are chosen to implement them and particularly those within the judicial branch who are called upon to apply, to interpret, and to construe the laws which we enact.

We necessarily want, as the Senator from Texas said, the best talent that we can find and the most dedicated, but there is obviously a limit to the dedication that we can ask of even the most public-spirited public servants.

I have tried in my search for the better and more dedicated of the attorneys in California to serve as Federal judges to find those young enough so that they could make a career of it, and I would emphasize here that we are talking about a career judiciary; we are talking about people who, having served 10 years as Federal district judges, can then be elevated to be appellate judges and perhaps one day sit upon the High Court, to render truly landmark decisions. That kind of talent is never in strong supply.

So what I am saying is that we should not find ourselves in the very situation which the Senator from Ohio documented in the presentation of statistics about those who, having been recruited, cannot be retained, those who find finally that the siren call of the private sector is irresistible.

I will tell you that I have tried to recruit superior court judges in California. They receive a higher rate of compensation than do Federal district judges. I have had a number say, "I would love to serve as a Federal district court judge. I cannot afford it."

Mr. President, I think that for once we can be adjudged to be penny-wise and pound-foolish if we create the situation in which that kind of response is required of the most conscientious, the most talented, and the most dedicated of lawyers who wish to be the kind of judges that our constituents have indicated they devoutly wish to have.

We have seen judges turned away on the ballot on State initiatives in this last election, law and order, long a byword with vitually every electorate, to depend upon the kind of administration of justice that requires the best, the brightest and the most dedicated.

So, what we are offering in this amendment is simply a revision to the intention of the Senator from South Carolina that will prohibit Members of Congress from gaining this pay increase. I do not say that most of my colleagues have not earned the increase. Do not press me as to which have and which have not. But quite seriously, I think the vast majority of Members have earned an increase.

That is not the point, nor is it the point that certainly some of the younger Members could definitely use the money, those with young families.

The fact of the matter is we do send the wrong signal and this sheaf of letters is one fraction of 1 percent of all of those who express the desire to see us get the deficit down who are willing to participate with us in the sacrifice required. What they do not understand is how we can ask them to sacrifice and at the same time take a 16-percent increase in our own compensation.

Mr. President, I have to agree. It is not the point that it may be justified statistically by all of the information that has been entered into the record. It is that we have not got the deficit down and to do so we are going to have to compel sacrifice. I think we are going to have to share in it.

Let me just say that with the very best of intentions we have before us an independent piece of legislation to allow Members of the Senate and of the House of Representatives to register by their vote whether they approve or disapprove of the President's recommendation. It may very well be, as a number of Members have already expressed on this floor this afternoon, that the Senate will act and send this resolution of the House of Representatives only to have it stagnate there.

Earlier there was an amusing colloquy between the Senator from North Carolina [Mr. HELMS] and the distinguished majority leader, in which the Senator from North Carolina inquired as a matter of interest whether the majority leader was a betting man and, if so, how would he wager on the likelihood of House action on this measure if it passes the Senate. The majority leader gave good fatherly advice to the Senator from North Carolina that he not engage in wagers.

I am ordinarily not a betting man myself. Were the Senator from North Carolina on the floor, I would be more than happy to offer him at least 10-to-1 odds that the House will not act. They have really not heightened the suspense about the matter. They have gone out for the week. They will not be in session until Tuesday. That leaves them about 1 day in which to confirm our action, assuming that we take the right step this afternoon.

So, let me just say that while I hope this amendment passes, while I hope that the underlying legislation, as amended, then will receive the blessing of this Senate, I have no confidence whatever that our colleagues on the other side of the Capitol will in fact follow suit.

Therefore, let me signal my intention to you and to them that at the time that we consider the highway bill I intend to offer an amendment to that legislation that will be retroactive in its effect because it is my suspicion that by the time it is out of conference the conference on the highway bill will have extended past the deadline for congressional action.

As a matter of interest, it is possible retroactively to cancel out that congressional pay raise. If the House acts in time, there will not be a necessity to do so.

But it is my intention to afford those who wish to disapprove of the congressional pay raise the opportunity to do so. Yet, again, that may be speaking against the interest of the success of this amendment. I do not think so. Let us give them the chance this afternoon.

Mr. President, that is why there will be a retroactive amendment in the event the House does not act. I hope they do. I hope I am proved wrong, that I lose my hypothetical bet with the Senator from North Carolina, though I am not sure he would take my offer. But I think that this is serious. It is not a time for demagoguery, but it is a time that we recognize, as have our constituents, that we have a very heavy, very difficult test before us in deficit reduction and that we are going to have to do our part.

Mr. WARNER. Mr. President, I rise to join my distinguished colleague from California, Senator WILSON, as an original cosponsor of this legislation. In my judgment, this proposal provides the most direct and expeditious method of resolving a serious problem in both the judiciary and senior levels of the executive branch.

This issue is the simple but critical need for a pay raise for our senior Government officials. Particularly with respect to Federal judgeships, Federal compensation has fallen far behind comparable remuneration in private practice.

As my colleagues may have heard, a 50-year-old law partner may in today's litigious atmosphere look forward to an average salary of $164,000. Compare that with our salary for Federal judges, beginning at $72,500 for the U.S. Claims Court and increasing to $111,700 for the Chief Justice of the U.S. Supreme Court. How, may I ask, are we to attract the most capable members of the legal community to Federal service if we are in no way competitive in terms of compensation?

I should also like to dwell for just a few minutes on the dilemma facing many of our top level senior officials in the executive branch. The Senior Executive Service was created by the Civil Service Reform Act of 1978 specifically to more closely correlate with private sector managerial practice. Unfortunately, the promise of greater pay comparability made by that legislation has never been kept.

For example, between the years 1969 and 1984, the purchasing power of corporate executive pay rose by 68.5 percent. In the Government, the purchasing power of Executive Level II compensation has declined by 39 percent. Again, how can we expect the best executive and supervisory skills in Federal Government management if we are falling so far behind the private sector?

Chief Judge of the U.S. Tax Court Samuel Sterrett has been kind enough to provide me with a historical reference on yet another aspect of today's debate.

Mr. President, I ask unanimous consent that this excerpt from the 1891 volume "Picturesque Washington" be printed in the RECORD.

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

QUOTATION FROM "PICTURESQUE WASHINGTON"

(By Joseph West Moore (1891), p. 109)

Previous to 1816 the compensation of members of Congress was six dollars per day, and when a bill was passed in that year to raise the compensation to $1,500 a session, a sum barely sufficient to pay the expenses of a decent living in Washington, it aroused great excitement throughout the country. In an ancient record it is stated that "the whole nation was shaken to its centre; parties were formed and political armies marshaled, and the patriotism of the country was aroused to ebullient indignation to the bare proposition that a member of Congress should dare to take thought for what he should eat and drink, or wherewithal he should be clothed, and the liberties of the country were menaced with destruction when Congress ventured to demand the necessaries of life in payment of its thankless services." So great was the feeling that Congress, at its next session, repealed the obnoxious bill, and made the compensation eight dollars per day.

Mr. WARNER. Mr. President, as my colleagues will note, congressional pay was a matter of contention in 1816 just as it is today in 1987.

Returning to the issue at hand, I encourage all of my colleagues to join in approving the legislation offered by the distinguished Senator from California. Senator WILSON's proposal provides the most workable means of dealing with the recruiting and attrition problems now occuring in the judicial and executive branches of the U.S. Government.

Mr. WILSON. Mr. President, I will now call 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. WILSON. Mr. President, I thank the Chair and my colleagues for their courtesy and attention. I think the issue is relatively simple.

With that I yield the floor.

Mr. GLENN. Mr. President, I will address this briefly.

What the Senator brings up is what in the terms of the Commission is called a linkage. It is linking other salaries across Government and the judicial branch of Government to congressional salaries which has been historical.

Briefly, there are two schools of thought about such linkage. Let me read from the Commission report because they address it succinctly. They say:

> There are two schools of thought about such "linkage". In practical terms, it has arbitrarily depressed the pay of judges and executives simply because Congress found it politically unpalatable to raise its own salaries; it has capped the salaries for several thousand senior career officials in the Senior Executive Service and General Schedule. Congress has been reluctant to break that linkage with the other two branches of government in the hope of generating enough political and public support for across-the-board salary increases.

The other side of this:

> Others see linkage more as a matter of principle. The Constitution has built a framework which balances the three equal branches of government. Compensation for each of the three branches should also be balanced. Lower pay for Congressmen may risk implying lesser status to Congress than to the highest ranks of the judicial or executive branches.
>
> The Founding Fathers intended Members of Congress to be equal to the other branches in status, prestige, ability and integrity. Setting Congress adrift on the pay issue is politically impractical and will not serve the national interest well. Therefore, we have concluded that parity between Level II, Congress and judges on the Circuit Court is important and should be maintained.

Now, here is where the Commission turns its hat around. Let me read the last statement which argues then on behalf of the distinguished Senator from California. Their last paragraph reads as follows:

> However if Congress is unable to muster the courage to raise its own pay, it is better to limit the unfairness thereby caused and not impose inadequate pay levels on the two other branches, thus compounding the harm to our government and our country.

In other words, if we are going to diddle ourselves, if we are not going to have guts enough to vote the pay raise, then at least do not foul up the rest of Government, is what the Commission says.

That gives us a dichotomy of views here and you just have to make your own choice. I guess I come down on the side of, regrettably, having to oppose the Senator from California. This is not a position of the Governmental Affairs Committee, but it is my own personal position, because I feel it sort of sets us apart as a lesser branch of Government.

I do not believe we are second-class citizens. I think we should have compensation that is our due here compared to other branches of Government.

So, regrettably, I will vote against this, but I wanted to point out those two things that the Commission took into account here in stressing the importance of linkage. But saying if you are not going to vote your own pay increase, then, for Heaven's sake, do not foul up the rest of the Government.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment of my good friend, the able Senator from California, Mr. WILSON. It will allow salary increases for judges and high-level officials, but not Members of Congress.

There is no reason to single out the judiciary and high-level officials for a pay increase and deny an increase to Members of Congress. Judges and high-level officials work no harder, nor do they have any greater responsibility than do Members of Congress.

I do not doubt that most Federal judges and high-level officials could receive better remuneration in the private sector. Each chose to serve without promise of greater pay.

I reiterate, when the staggering deficit is brought under control, then the issue of salary increases for Federal judges and other Federal officials can be reexamined. But it should be done at the same time as the Congress.

I do not feel we should relegate the Congress to a lower status. We have three branches of Government. Congress makes the law, the executive branch administers the law, and the judiciary interprets the law. They ought to be on the same level and kept on the same level. That was the intention of those who wrote the Constitution. If we adopt the amendment of the distinguished Senator from California, we are going to relegate the Congress to a lower status. I think we ought to pass an increase for all or deny it to all. They should be treated alike.

The PRESIDING OFFICER. Is there further debate on the issue? If not, the question is on agreeing to the amendment of the Senator from California [Mr. WILSON]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROTH (when his name was called). Present.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Oregon [Mr. HATFIELD].

If present and voting, the Senator from Wyoming would vote "yea" and the Senator from Oregon would vote "nay."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

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

The result was announced—yeas 27, nays 66, as follows:

[Rollcall Vote No. 8 Leg.]

YEAS—27

Baucus	Gore	Mitchell
Bentsen	Graham	Moynihan
Bradley	Gramm	Packwood
Bumpers	Hatch	Pryor
Chiles	Heflin	Sarbanes
Cochran	Lautenberg	Shelby
Cohen	Leahy	Specter
D'Amato	Lugar	Warner
Durenberger	McCain	Wilson

NAYS—66

Adams	Garn	Murkowski
Armstrong	Glenn	Nickles
Biden	Grassley	Nunn
Bingaman	Harkin	Pell
Boren	Hecht	Pressler
Boschwitz	Heinz	Proxmire
Breaux	Helms	Reid
Burdick	Hollings	Riegle
Byrd	Humphrey	Rockefeller
Cnafee	Inouye	Rudman
Conrad	Johnston	Sanford
Danforth	Kassebaum	Sasser
Daschle	Kasten	Simon
DeConcini	Kennedy	Simpson
Dixon	Kerry	Stafford
Dodd	Levin	Stennis
Dole	Matsunaga	Symms
Domenici	McClure	Thurmond
Evans	McConnell	Trible
Exon	Melcher	Weicker
Ford	Metzenbaum	Wirth
Fowler	Mikulski	Zorinsky

ANSWERED "PRESENT"—1

Roth

NOT VOTING—6

Bond	Hatfield	Stevens
Cranston	Quayle	Wallop

So the amendment (No. 6) was rejected.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, that now brings us to the last vote, a vote on Senate Joint Resolution 34.

Mr. President, I think we are ready now to cast the last vote on this question. The question is whether Senate Joint Resolution 34 will pass or not. I feel this is simply not the time for Members of Congress to vote themselves and other public servants a pay raise.

Mr. President, the national debt currently exceeds $2 trillion and OMB estimates that nearly $170 billion was added to the national debt just last year.

Mr. President, Gramm-Rudman-Hollings was an expression by this body of political will to balance the budget, and this Senate proposal is contrary to that policy. We cannot ask those on Social Security, welfare, or military retirement to accept less while we take more.

Mr. President, I feel that we should pass this joint resolution, and I hope the Senate will vote accordingly.

Mr. BYRD. Mr. President, may I have the attention of Senators?

The PRESIDING OFFICER. The Senate will come to order.

Mr. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order. Will Senators take their seats?

The majority leader.

Mr. BYRD. I thank the Chair.

Mr. President, the situation is as follows: There are Senators who have plane reservations who would like to leave no later than 6:30 p.m. I would hope that the Senate could act on this disapproval resolution and take up the resolution on providing funds for the homeless, vote on that, and go out until Monday morning with the understanding, if we can get consent, that the highway bill will be laid down.

I understand that Senators on both sides of the aisle probably want a rollcall vote on that waiver.

I wonder if we could get on in that fashion: If we could get consent to vote now—soon—on the disapproval resolution, take up the resolution on the homeless, vote on it, and then that would be it for the day and the week.

Mr. DOLE. Mr. President, would the majority leader yield?

Mr. BYRD. Yes, I am happy to yield.

Mr. DOLE. Let me indicate to the majority leader that I have been advised that there will be a request for a vote on the budget waiver on the homeless proposal and that there will be another pay amendment to the homeless proposal. So that will be at least two more votes.

If we could go to the budget waiver very quickly, if we could vote almost immediately after this vote, I do not think it would take long. I do not know how long debate will be on the pay proposal.

Mr. HUMPHREY. It will be short.

Mr. DOLE. Five or ten minutes?

Mr. BYRD. Could we get an agreement of 5 minutes for the author of the amendment, and then vote on passage?

Mr. DOMENICI. If the majority leader will yield——

Mr. BYRD. Yes, I yield.

Mr. DOMENICI. I do not want to insist on a vote on the waiver. I think there is another Senator who does. Frankly, I do not know if I want to agree on finishing as quickly as the majority leader says.

There is a little bit of an issue here that I think we ought to take a little bit of time on to understand what we are doing. I think maybe we ought to let it happen and discuss this point of order and this waiver for a little bit. I am not suggesting that I am going to take a lot of time, but in addition, there just may be a substitute amendment for the entire funding of the proposal. I do not have it, but a Senator has asked me about it. I do not think I have had time to tell the minority leader. Maybe we could reserve time for that—10 or 15 minutes—for an amendment in the nature of a substitute.

Mr. BYRD. I hope we can do that.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. DOMENICI. Yes, Mr. President.

Mr. STENNIS. This bill was before the Appropriations Committee and there are several points involved in it. Several amendments were voted on it. I could not agree to such a very short time. I want to cooperate as far as I could, but it will take some time on several of them.

Mr. BYRD. Mr. President, let me make this proposal to Senators: That we vote immediately, with a brief time on each side—Mr. GLENN and Mr. THURMOND——

Mr. THURMOND. I am through.

Mr. BYRD. Mr. GLENN wants 2 to 5 minutes on the final action on the disapproval resolution. Let us get that out of the way so that Senators who feel that they want and need to vote on that resolution before they have to go may do so. Those of us, then, who can stay will take up the funding resolution for the homeless. If there has to be a vote on the waiver, let us do it and let us act on that tonight or come in tomorrow and finish work on it. In that way, we could dispose of the disapproval resolution.

Now, if a Senator wishes to offer or wants to get another crack at the pay recommendation and wants to try to offer that to the homeless resolution—and he has a right to do that—let us get the other measure out of the way and we will do that.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD. Mr. President, I ask unanimous consent that there be not to exceed 5 minutes under the control of Mr. GLENN; that upon the expiration of that time or the yielding back thereof, the Senate then proceed to vote on the disapproval resolution.

I ask for the yeas and nays on passage.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

Mrs. KASSEBAUM. Mr. President, I rise in opposition to the President's proposed pay raises for high-level Government employees.

It is my opinion that under the current economic circumstances, with budget deficits of nearly $200 billion a year and Federal spending being restrained for many worthwhile programs, it is inappropriate for Members of Congress to accept increases in their salaries.

It is no secret that high-paying jobs can be found in the private sector. In fact, I was surprised to learn that the salaries of Kansas taxpayer-supported city administrators can be as high as $98,000. Additionally, salaries for university presidents in Kansas are between $68,000 and $101,000. I do not, however, believe that comparisons should be made between those of us serving the public interest and those who represent the corporate world of high finance. Top corporate executives can earn up to $12.7 million after receiving long-term compensation increases and stock options. For those of us who choose to be public servants, rewards come in other, not so lucrative, ways.

Just Tuesday, we applauded the President during his State of the Union Address as he implored us to reduce the budget deficit and exert spending discipline. We are facing legislation to reform the welfare system, the Medicare and Medicaid system, and the Veterans' Administration to make these programs more cost effective. Student aid, conservation and environmental programs, and retraining programs are all being cut back. Social Security recipients, military retirees, and railroad tier-I retirees only received a 1.3-percent cost-of-living adjustment for 1987. All these proposals

and cuts are being made in the name of eliminating the budget deficit.

Things are no better on a State level. In Kansas, Gov. Mike Hayden has called for 3.8-percent across-the-board cuts in all the State programs. Many counties are suffering from 10 percent or higher unemployment rates because of the loss of jobs in the oil industry. And, there is no escaping the fact that farmers are in serious trouble.

Mr. President, I have a hard time justifying these salary increases in light of all these cutbacks. We in Congress are constantly encouraging fiscal restraint and, when push comes to shove, we must follow through. By opposing these pay increases we acknowledge that sacrifice cannot be selective if deficit reduction is going to be successful. I urge my colleagues to vote for Senate Joint Resolution 34, and oppose the President's proposed salary increase.

Mr. ARMSTRONG. Mr. President, I oppose a pay raise for Members of Congress and have cosponsored a bill with Senator STROM THURMOND to repeal the pay raise provision now pending in the Congress.

There has been much discussion about pay raises for Members of Congress but two important points, which are the crux of the issue, have largely been lost in the controversy. The first has to do with the nature of the position. Members of the U.S. Congress are in a public service occupation. What Members could earn if they were in other pursuits should not even be an issue. Public service work does not lend itself to salary comparisons with other occupations or professions where making money is a primary objective. People who run for Congress make a fundamental choice that they will devote a period of their life to public service—an activity that, by its nature, imposes a distinctly different set of priorities on one's life.

I can sympathize with Members who have children of college age or other pressing financial obligations, but these kinds of personal matters are a part of every family's career decisions. Certainly they are no different for a Member of Congress than for a minister or teacher who has chosen a public service field knowing that large financial rewards were not in prospect. My feeling is that the present level of pay is adequate for the public service position of Members of Congress.

The second point is that the issue of Members' pay cannot be separated from the major financial crisis that our Nation now confronts. The failure of Congress to exercise the necessary political will is the reason that we have a deficit and national debt that are spiraling out of control. When Members of Congress try to impose fiscal discipline for everyone but themselves, their position becomes one of political posturing and the credibility of the legislative branch is severely damaged. Only Congress can correct the deficit problem and it is wrong for any Member to expect a pay raise in the face of failure to control spending.

It is clear that the huge Federal deficits threaten the financial security of every family in America. There is no mystery about what must be done. We must simply cut Federal spending across the board and eliminate annual deficits. Beyond that, we must develop a program of debt reduction.

The character of our Nation is being tested by this crucial challenge. We are surely not going to be content to be recorded as the most irresponsible generation in our history devoid of sufficient honesty and will to shoulder the costs of benefits we have voted for ourselves. Other generations have met the great challenges of their day, including world wars and depression, and displayed the character and courage that are the hallmark of a great nation. Controlling the massive, runaway spending is the test for this generation. Congress is on the front line of this struggle and a pay raise at this time is the white flag of surrender.

NO TO A PAY RAISE

Mr. PROXMIRE. Mr. President, I am going to vote against a pay raise for top Federal executives and Members of Congress. The President deserves two cheers for reducing the proposed raise to a more reasonable level. He would have earned that third cheer had he killed the raise—period.

Why do I say this? Look at the President's budget. Farmers are in terrible trouble, but we are asked to approve a $5 billion cut in agriculture programs. The homeless are roaming the streets in many urban areas, yet we are asked to approve a nearly $7 billion cut in housing and commerce. Education is a top national priority if we are to meet the competitive challenges we face, yet we are asked to approve a $1.4 billion cut in these programs.

Congress will likely reject most of these cuts. It may even increase spending on some key programs. But after all the smoke has cleared most spending will be frozen or, at best, increased only enough to keep pace with inflation. That is the same policy we should follow in dealing with the pay of top Federal officials. How can we ask for sacrifices from so many while rewarding a favored few with a 16-percent pay raise?

Proponents of this increase argue that pay of Federal officials has not kept pace with inflation, that inflation has reduced the value of Federal pay. They are correct, but welcome to the club. Since 1969, the average weekly earnings of workers in private industry has dropped from $189 to $174, after adjusting for inflation. Top Federal officials are not the only ones to have suffered from inflation. And we should not be the only ones to have this suffering corrected.

If we are badly underpaid, that fact has somehow escaped the notice of those who would like to serve in Congress. Every election year, challengers line up and risk millions to serve in the Senate. Are the new Senators any less qualified because of pay? The question answers itself. This new class is among the most qualified and distinguished this Senator has witnessed in his nearly 30 years of service.

In summary, this is not the time to be raising our pay. We are going to have to sweat blood to reduce the deficit. Nearly every citizen is going to suffer because of this effort, which is why reducing the deficit is so difficult. What kind of example do we set when we then turn around and raise our own pay right off the bat? That is reason enough to say "no" to this raise.

Mr. HECHT. Mr. President, the issue we have before us today is a very controversial one. The Federal Pay Commission has recommended salary increases for Members of Congress, and senior Federal officials of 60 to 80 percent. And while President Reagan has scaled down the proposed increase, he has none the less suggested substantial increases in his 1988 budget.

Mr. President, at a time when Social Security recipients were given only a 1.3-percent increase, the lowest in history, and our national debt exceeds $2 trillion, I feel it is ludicrous for Members of Congress to receive the salary hike as outlined in the President's budget proposal.

As Members of Congress, each of us knew what our salaries were when we entered public office, and we each chose to serve the public with no promise of greater remuneration. Mr. President, I adamantly oppose this pay increase.

And finally, Mr. President, judging by the comments I have received from my constituents, I would say that most Nevadans feel Congress deserves a pay cut, and not an increase. I urge my colleagues to vote against this outlandish proposal. Thank you, Mr. President.

Mr. CHAFEE. Mr. President, I support Senator THURMOND's resolution to disapprove the proposed pay raises for Members of Congress and other senior Federal officials, as provided for in the administration's budget request.

Rejection of these pay raises is not an easy step to take. I strongly believe that if the Federal Government is to attract the most qualified individuals, it must provide adequate compensation—salaries that compete with the private sector. There is considerable evidence that the Federal Government lags behind the private sector in the salaries which it offers.

The recent report of the Presidential Commission on Executive, Legislative

and Judicial Salaries, found that the gap between top-level public salaries and those in the private sector has continued to widen. The Commission concluded that Federal executives, legislators, and members of the judiciary have experienced a decline of over 40 percent in real income since 1969.

As long as Federal salaries fail to compete with those in the private sector, we run the risk that the pool of talent for senior Government officials will get smaller and smaller. I am deeply concerned about this trend. But there is an even greater risk that we are running when we talk about increasing Federal salaries at this time—the risk that we will lose our credibility with the American people in our efforts to reduce the deficit.

Reducing the deficit remains our No. 1 domestic challenge. We must bring the deficit down in order to preserve our economic recovery, permit our businesses to compete and keep Americans working. Two years ago, with the deficit projected to reach $300 billion by 1991, Congress took the extraordinary step of approving binding legislation to bring spending under control—the bipartisan Gramm-Rudman-Hollings Act.

There are some encouraging signs that the discipline imposed by the Gramm-Rudman-Hollings law has begun to yield results. The deficit, which reached $220 billion in fiscal year 1986, is projected to be $174 billion in the current fiscal year and $169 billion in fiscal year 1988. Although this is good news, the deficit remains alarmingly high. In order to comply with the deficit reduction targets of the Gramm-Rudman Law, savings on the order of $60 billion will be needed.

Reducing the deficit has entailed some very difficult choices in this body during the past several years. In many cases Congress has reduced spending for a number of Federal programs in order to make budgetary savings. Less money is being spent on public works programs such as highways and economic development. Assistance to American cities through general revenue sharing has been halted. In some cases, priority programs such as education, nutrition, and health care have barely kept pace with inflation.

Congress has made reduction of the deficit a national priority and has called upon each American to help bear the burden. For example, last year, Federal retirees were called upon to forgo their annual cost-of-living adjustment in order to help reduce the deficit. Families applying for student loans and veterans seeking medical care are being made subject to a means test before they can qualify.

More difficult choices lie before us: Where and how to reduce spending, and if and when to increase revenues. Whatever steps we take will have important consequences for millions of Americans. I believe the American people will take our efforts seriously as long as we remain committed to the principle of fairness—that everyone has a stake in reducing the deficit.

I do not believe we can permit these pay raises to occur at a time when every segment of the Federal budget is under scrutiny in the search for savings. If the need for austerity requires further cuts or increased taxes in the budget for the next fiscal year, the American people will be justified in asking how we in Congress could grant a pay raise for ourselves and for other Federal executives. In setting national priorities, we have told the American people that reducing the deficit should come first. By permitting these raises we would be saying that we come first and the deficit comes second.

The overwhelming majority of American taxpayers who would foot the bill for these pay raises make nowhere near as much money as their Senator or Congressman or the Federal officials covered by the pay increase. They are still waiting for us to act effectively to bring the Federal budget closer to balance. Until we do, no pay raise can be justified. If we forgo the raises at this time, and maintain the confidence of the American people in the battle to balance the budget, the result will be lower deficits and a stronger economy. If we succeed in this endeavor, the pay raise will have been worth waiting for.

Mr. McCAIN. Mr. President, I rise in opposition to the proposed pay increases for Members of Congress.

I believe that the opinion of the vast majority of Americans is that a pay increase for Members of Congress is outrageous. I know that this effort faces overwhelming opposition from the people of Arizona. I am in full agreement with the people of my State.

It is appalling that Congress would even consider giving itself a raise with the enormity of the Federal deficit. It is even worse that we would talk about granting ourselves pay raises, then turn to consideration of measures to slash the deficit. It is often said that lessening the deficit will require sacrifice on the part of all Americans. Granting ourselves a pay raise hardly indicates a willingness on the part of Congress to sacrifice. It certainly doesn't set an example for the American people to emulate as we search for answers to the dilemmas of the deficit.

Some have advanced the argument that raising pay will attract better people to run for public office. Most of us who were recently elected can testify to the fact that there is no lack of competition for those seeking elective office. I also think the rewards of public service should be just that—serving America, not seeking greater remuneration from the Government. I urge my colleagues to support the resolution disapproving this pay raise. Giving ourselves an increase will only add to the Federal deficit, and lower the esteem in which the American people hold their elected representatives.

Mr. SIMPSON. Mr. President, in a few moments I will have my usual formal announcements regarding Republican Members who are not able to be present for the upcoming vote. However, I would wish to take just a minute of the Senate's time to more fully explain the absence of my senior colleague from Wyoming, Senator MALCOLM WALLOP.

My friend Senator WALLOP is in our home State of Wyoming today and tomorrow, honoring some longstanding commitments to meet with various constituents and groups on issues of particular concern to Wyoming. I know that Senator WALLOP very much regrets not being able to be here, because of his dedication to the business of the Senate and especially because of the upcoming vote on the pay raise issue. Senator WALLOP is firmly on record in opposition to the proposed pay raise, as am I. We are both original cosponsors of Senator THURMOND's resolution disapproving the pay raise.

I thank all Senators for their time and attention, and this opportunity to provide a brief explanation of my colleague's absence at this time.

Mr. LAUTENBERG. Mr. President, I will vote for the resolution disapproving of the pay increase for Members of Congress.

A pay increase of $12,000 a year for Members of Congress would send the wrong signal to the public. The Congress and the President must reach some solution to the stubborn budget deficits that threaten our economic future. Americans have been asked to tighten their belts, to make certain sacrifices, for the sake of the common good. It would be inappropriate for Congress to exempt itself.

To allow the Congress to receive a pay increase would undermine this body's credibility. It would undermine our ability to elicit the support of the public that we will need, if we are going to put our fiscal house in order.

Mr. President, while I voted against the amendment of my colleague from Connecticut [Mr. WEICKER], I want to make it clear that I sympathize with the goal the Senator sought: To end honoraria and to make us answerable to the public, and not special interests. We should be full-time public servants. However, I believe that we need not trade an inappropriate increase in salary, in return for an end to honoraria.

Mr. SIMPSON. I am most pleased to add my full support to Senate Joint Resolution 34, the resolution introduced by Senator THURMOND disapproving the proposed pay raises for

Members of Congress, senior executive service members, and judicial officers. The President's proposals go entirely too far for these difficult times.

This is just not the time to be accepting a congressional pay raise. We are continually asking the American people to cut back. Many in our Nation—including far too many in my home State of Wyoming—are already suffering terribly because there are not enough jobs for people who are willing and able to work, because the businesses and industries of agriculture, mining, oil and gas extraction, oilfield services, and general trade have fallen on hard times.

Members of Congress will each make $77,400 a year with the recent COLA—cost-of-living adjustment—and that does not include any "honoraria," which fees we may receive for traveling about the country in order to share our insights and thoughts with various groups that may wish to hear from us.

Yes, we are very fortunate. Indeed we are a privileged few.

The President's proposal would increase the basic salary to $89,500 at a time when there are nearly 22,000 people unable to find work in my home State. This body will have to grapple with funding reductions in programs which will surely affect some of these people, and I can see no possible or remote circumstance to justify any present increase in our rate of pay.

I have not heard from a single constituent who thinks our pay should be raised, but I have heard from a very vigorous—and vocal—crew who think rather strongly and clearly that it should not.

We are elected here to represent the will of the people. We ask them to suffer through budget cuts in worthwhile programs to help us see this Nation through hard times—to bring the massive Federal budget deficit under control. We make many hard decisions that affect their daily lives. We should also make the hard ones affecting our own.

When I ran for this office the first time, my opponent said of my rather modest net worth, "If that's all he's got, we shouldn't elect him to anything." But we, each of us here, know there are people standing in line for each of our jobs—lusting for them, in fact. Good people do run. They always will. Willing candidates for judicial or executive positions are not lacking. Nor will they ever be. Let us not further divide ourselves from those we govern. We don't need the concept of "ruler and ruled." Those we represent sure do understand what we are up to. So do I.

It should not be said of us that we lack the courage or the strength of will to make those hard decisions affecting our own lives and pocketbooks. It should be said that we personally were and are willing to do our part.

Mr. BINGAMAN. Mr. President, I rise today in strong support of Senate Joint Resolution 30, disapproving of the Presidential recommendations on pay raises for executive level employees, including Members of Congress.

The Commission on Executive, Legislative and Judicial Salaries originally recommended sweeping pay raises for all executive level employees, including an increase in congressional salaries from $77,400 to $135,000. In a statement I made December 17, 1986, I urged the President to reject this proposal, for I felt such raises were unconscionable in light of the massive Federal budget deficit. The President subsequently revised the Commission's recommendations downward.

However, in the fiscal year 1988 budget, the President still recommended substantial pay increases, including a $12,100 raise for Members of Congress. These pay increases are requested despite the fact that in the same budget, the President asks for massive cuts in Federal funding for education, health services, and other important domestic programs. At a time when many people in this country are suffering from economic hardships stemming from the twin forces of a $220 billion budget deficit and a $170 billion trade deficit, such pay increases for executive level employees are unjustifiable.

Although the pay levels for Members and certain executive and judicial personnel are far below those of comparable positions in the private sector, any consideration of the subject should, at the very least, be discussed in the context of tighter restrictions on honoraria for members.

Thank you Mr. President.

Mr. GLENN. Mr. President, very briefly to summarize, I shall not try to go through all the things we had in the couple of hours of debate earlier in the day.

I do not want to see us become an elitist body. I want to keep this body open for people of more average means if they can run. I had hoped to be able to take this, by the commission process, out of the political arena, but we are in the process of putting it back in.

There will, in fact, always be people willing to serve in the Congress, but we do not want just anybody; we want qualified people, we want the best, we want the best who are willing to serve. If they can make far more outside, those numbers are dwindling. We want this place to be open to all walks of life, not just the millionaires.

I hope the Members as they vote tonight—and I know every Senator has pretty well made up his mind about how he or she is going to vote. But I think for the good of this country, we should think of the long term, not just of the political expediency of the moment, and make the Nation's needs as to the kind of people we have here the basis of their vote.

The total package we are talking about here, the Commission recommended an increase for everyone—the judiciary, the executive, and the Congress—of $77 million. The congressional part of that is only $6.5 million. I would say if we encourage just a few more good people to run, it is worth it in the long run because, just as we find in business, you get what you pay for. If we get talented people in there to make those decisions, we are going to save far more. I urge that we make a nay vote on this amendment.

I think we will save more in the long run if we raise salaries in the other branches of Government, also, the executive and judiciary branches of Government. Having good people in there, the ones who administer the laws we pass, how they administer and the efficiency with which they administer them, is crucial. I think the President has made a reasonable decision. I urge a "no" vote.

Mr. President, I yield such time as I have remaining to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I have already expressed myself on this proposal. I am not going to take more time. I yield back my time. I think everybody knows how he wants to vote.

The PRESIDING OFFICER. The clerk will read the joint resolution by title.

The assistant legislative clerk read as follows:

A Senate joint resolution (S.J. Res. 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from California [Mr. CRANSTON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

On this vote, the Senator from Alaska [Mr. STEVENS] is paired with the Senator from Wyoming [Mr. WALLOP].

If present and voting, the Senator from Alaska would would vote "nay" and the Senator from Wyoming would vote "yea."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce, that, if present and voting, the Senator from Missouri [Mr. BOND], the Senator from Oregon [Mr. HATFIELD], and the Senator from Indiana [Mr. QUAYLE] would each vote "yea."

The result was announced—yeas 88, nays 6, as follows:

[Rollcall Vote No. 9 Leg.]

YEAS—88

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

NAYS—6

Breaux	Glenn	Stafford
Evans	Kennedy	Weicker

NOT VOTING—6

Bond	Hatfield	Stevens
Cranston	Quayle	Wallop

So the joint resolution (S.J. Res. 34) was passed, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

(Later the following occurred:)

Mr. BIDEN. Mr. President, I ask unanimous consent that a vote cast on rollcall vote No. 9 by me which I originally voted "aye" then I voted "no" be changed back to "aye." It will not change the outcome of the vote. I was mistaken in my understanding of the nature of the motion. I intend to vote "aye" in favor of Senator THURMOND'S vote which was vote No. 9. I want to change it from "no" to "aye" in favor of Mr. THURMOND.

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

Mr. BIDEN. I thank the Chair and I thank my colleagues.

(The foregoing vote has been changed to reflect the above order.)

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

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

The motion to lay on the table was agreed to.

EMERGENCY FOOD AND SHELTER PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of House Joint Resolution 102, which the clerk will now state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency.

The Senate proceeded to consider the joint resolution which had been reported from the Committee on Appropriations with amendments, as follows:

(The parts of the joint resolution intended to be inserted are printed in italic.)

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is transferred, out of funds previously appropriated, for the fiscal year ending September 30, 1987, namely:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

Of the funds included under this head in the Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1987, and made available by Public Laws 99-500 and 99-591, $7,475,000 are rescinded.

EMERGENCY FOOD AND SHELTER PROGRAM

(BY TRANSFER)

For an additional amount for the "Emergency Food and Shelter Program", $50,000,000, which shall be derived by transfer from the Federal Emergency Management Agency appropriation "Disaster relief".

DEPARTMENT OF AGRICULTURE

FOOD AND NUTRITION SERVICE

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

(Disapproval of Deferral)

The Congress disapproves the proposed deferral D87-33, in the amount of $28,559,000, relating to the Department of Agriculture, Food and Nutrition Service, Temporary Emergency Food Assistance Program, as set forth in the message of January 28, 1987, which was transmitted to the Congress by the President. The disapproval shall be effective upon enactment into law of this Joint Resolution and the amount of the proposed deferral disapproved herein shall be made available for obligation.

Mr. BYRD. Mr. President, I wonder if we could ascertain at this time how many amendments are going to be called up to this resolution, whether or not we can get the time agreements on them, and how many rollcall votes will be requested.

The distinguished Republican leader and I have been discussing the matter. We would hope that we could wrap up the action on this in a relatively short period.

The distinguished Senator from New Mexico, I believe, had indicated he would like a rollcall vote on a waiver.

Mr. DOLE. I think the Senator from North Carolina wishes time. It will not take long to debate.

Mr. BYRD. Mr. President, I yield to any Senator who wishes the floor.

Mr. CHILES. Mr. President, I say to the majority leader it is my feeling that this does breach our budget totals and therefore would have to have a waiver.

I intend to move to waiver the Budget Act for this provision and if the Senator from North Carolina wants a rollcall vote on that then that will take time.

Mr. BYRD. Mr. President, the Senator from North Carolina wants a rollcall vote?

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

Mr. BYRD. I am happy to yield to the distinguished chairman.

Mr. STENNIS. Mr. President, this is from the Appropriations Committee, of course. We had the meeting this morning. These matters were passed and some amendments were on it. But I think that it will be fairly briefly explained and considered and voted on. We favor such a course.

Mr. PROXMIRE is here and very familiar with the major part of the money figures in the bill. I am going to call on him to take the lead on that and explain it.

We will certainly cooperate to get the measure voted on as soon as we can.

Mr. BYRD. Mr. President, I thank the chairman and also thank the chairman for calling the committee together today and getting action by the committee on an expedited basis.

So there will be a rollcall vote then on the waiver. A rollcall vote was requested by Mr. HELMS.

Mr. DOLE. If the majority leader will yield, I think the distinguished Senator from New Hampshire [Mr. HUMPHREY] will have an amendment, and he will be willing to have 10 minutes equally divided on the amendment.

Mr. HUMPHREY. Maximum of 10 minutes and no rollcall vote will be necessary in view of the vote was taken on the same issue, providing there will be a tabling motion.

Mr. BYRD. It will be done by voice vote.

Mr. HUMPHREY. Providing there not be a tabling motion.

Mr. DOLE. Just an-up-or-down——

Mr. BYRD. Ten minutes on the amendment and with a vote on the amendment, not tabled.

Mr. HUMPHREY. Voice vote is sufficient given the vote to sustain it.

Mr. BYRD. Of course, I hesitate to lock the Senate into a voice vote. We do not know what the voice vote is going to be. We do not know what the result of that would be.

Mr. HUMPHREY. That is true. Presumably it would carry.

Mr. DOLE. It is the same one we just had.

Mr. HUMPHREY. It is the same language.

Mr. BYRD. Yes, we have voted on this before. The Senator is entitled to another shot at it if he wants, but does he want a voice vote? Is that what he wants?

Mr. DOLE. Yes.

Mr. HUMPHREY. Will the Senator yield?

Mr. BYRD. Could we get the 10 minutes limitation on the amendment now?

Mr. President, I make that request.

Mr. MURKOWSKI. Mr. President, I advise the majority leader it is my intent to offer an amendment to include veterans in the homeless bill. I have discussed it briefly with the chairman of the Appropriations Committee, and I hope that consideration can be given to including veterans specifically in that. The admendment is being drafted at this time.

Mr. BYRD. Very well. I thank the Senator.

Mr. President, I ask unanimous consent that the amendment by Mr. HUMPHREY be limited to 10 minutes to be equally divided in the usual form and that no amendment to the amendment be in order.

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

Mr. HUMPHREY. Mr. President, reserving the right to object, I want to make it clear I do not anticipate there be a rollcall vote. It depends on who happens to be present in the Chamber. It is possible the amendment might be voted down by a voice vote. At this point before the Chair rules, I want to request a rollcall.

Mr. BYRD. The Senator has that right.

Mr. DOMENICI. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMENICI. We are only agreeing on that vote, nothing else?

The PRESIDING OFFICER. The Senator is correct.

Without objection, it is so ordered.

Mr. BYRD. Is there another amendment we might seek a time agreement on?

Mr. GRAMM. Mr. President, will the distinguished leader yield?

Mr. BYRD. Yes.

Mr. GRAMM. I am concerned about the method of funding proposed here, since we are transferring money out of an emergency fund for disaster relief, without any guarantee from the Lord that there is going to be a commensurate reduction in disasters.

So, I am looking at the possibility of offering an amendment to find a more reasonable way of paying for the housing program that you envision.

I certainly want to reserve the right to offer that amendment.

Mr. BYRD. Very well.

Mr. President, I will yield the floor.

We do have a time agreement on the amendment by Mr. HUMPHREY.

Mr. MURKOWSKI. Mr. President, I will be willing to enter into a time agreement. I am not aware whether the chairman of the Appropriations Committee will accept my amendment or not. But I am willing to enter into it.

Mr. BYRD. Suppose we try to develop a time agreement on that while I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, one more word to the floor leader, now the time I believe can be carried forward, though. We normally agree on that as long as it is being said they may offer an amendment here to change the whole course, the whole story about how to handle the money and the way to get it, an improvement.

Mr. BYRD. I thank the able chairman for his willingness to enter into time agreements. But for the moment, perhaps we will just proceed; then we will be able to make some decisions.

Mr. STENNIS. That will be very good.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, as the distinguished chairman of the Appropriations Committee, Senator STENNIS, has indicated, I will make a very short 3-minute explanation of the bill and then I understand the Senator from Florida has a statement.

Mr. President, this resolution was reported from the Senate Appropriations Committee shortly before noon today. Its basic purpose is to transfer $50 million from the Disaster Relief Program into the Emergency Food and Shelter Program. Its intent is to alleviate the hardships being faced by the Nation's homeless because of this cruel winter.

The resolution as reported includes two basic changes in the legislation as it was passed by the House on Tuesday of this week. First, the resolution rescinds $7,475,000 in disaster relief funds to make up a shortfall in outlays that would occur under the House-passed resolution.

The shortfall occurs because disaster relief funds outlay at a rate of about 87 percent while the Emergency Food and Shelter Program outlays at a 100-percent rate. Without the rescission recommended by your committee the resolution would thus be subject to points of order under sections 302 and 311 of the Budget Act by increasing outlays above current levels, which already exceed the ceilings set by the budget resolution.

The resolution also contains language disapproving the deferral of $28 million of the $50 million appropriated in fiscal year 1987 for the Temporary Emergency Food Assistance Program. This language was proposed by Senator BURDICK in response to the fact that such a deferral was recently approved by the Office of Management and Budget. The House report on this resolution included language objecting to the deferral, which at that time had only been proposed but not finally approved. To put it another way, at the time the House acted there was no deferral in front of it to be disapproved. If there had been, it is quite likely the resolution language inserted by your committee would have been endorsed by the House.

Mr. President, there has been some concern that the resolution, by transferring funds from the Disaster Relief Program, is making a phony cut. Although I have some sympathy with the argument, I think it is premature.

At the beginning of this year $180 million was carried into the Disaster Relief Program from funds appropriated in fiscal year 1986, a very large surplus. Now it may be that all of the $227 million currently in the disaster relief fund will be needed in the current fiscal year. Or it may be that even with the $50 million transfer being proposed here today, there will be more than enough money to deal with disasters occurring through the end of this fiscal year.

Basically we are trying to predict what will occur because of natural disasters—acts of God—and anyone who tells you he can predict that with any certainty whatsoever is just dead wrong.

If more money is needed in the Disaster Relief Program because of unforeseen events, then we will have to appropriate that money in a supplemental bill and find a suitable offset elsewhere. But let's not compound our already substantial problems by making assumptions based on sheer guesswork.

Mr. President, these funds are badly needed to feed and house the homeless. I hope that we can act quickly to approve the resolution so that these most deprived members of our society will not have to suffer any more than is necessary.

Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point

of order will be considered as waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield the floor.

(By request of Mr. RUDMAN, the following statement was ordered to be printed in the RECORD:)

● Mr. HATFIELD. Mr. President, I concur with our chairman's remarks. This measure is necessary to provide additional funding for assistance to the Nation's homeless. The plight of these people is evident to us all, and I think it is quite appropriate that we take this action.

Mr. President, the committee is also recommending that we disapprove the President's deferral of funds for the Temporary Emergency Food Assistance Program. Despite district and appeals court rulings that deferrals made pursuant to the Budget Act are unconstitutional, this administration continues to impound funds for programs it opposes. The committee recommends we move swiftly to disapprove this particular deferral, and reinstate funding for the "TEFAP" program, which is strongly supported on both sides of the aisle in both Houses of Congress.

I want to emphasize that the joint resolution is deficit-neutral. That is, the additional spending that will occur in fiscal year 1987 as a result of the transfer of $50 million from disaster relief to emergency food and shelter is offset by a further rescission of disaster relief funds. In fact, CBO tells us that adoption of this resolution with the amendments recommended by the committee will reduce fiscal year 1987 outlays by $3,250.

Mr. President, I urge the adoption of the joint resolution.●

Mr. GORE. Mr. President, I rise to enthusiastically support the amendment adopted in committee to overturn the administration's deferral of funds in the Temporary Emergency Food Assistance Program [TEFAP].

I was dismayed to learn of the administration's insensitivity in seeking to delay funds to State governments appropriated under TEFAP. Such actions disrupt the system for distributing the abundant supplies of stored commodities from warehouses to families in need of assistance—and shatter public trust in our national commitments.

As we know, the Supreme Court is now considering the larger constitutional issue of deferrals. But whether or not the administration's action turns out to be legal, it could not come at a worse time for the homeless and destitute. More than 20 million Americans go to bed hungry some part of each month, according to the Second Harvest National Food Bank Network—if they have a place to sleep. Meanwhile, Federal warehouses are overflowing with surplus commodities, costing taxpayers an estimated $10 to $12 billion in storage and handling. As our farmers suffer for want of a market, poor Americans starve for want of food. The Food Assistance Program to distribute supplemental food is designed to resolve that irony.

The proposed $28 million deferral may seem like a small sum by budget standards. But that money could go a long way. In 1981, Congress determined that such funds were needed to assist and encourage States to participate in helping distribute Government-owned surplus food to the poor. In Tennessee, more than 125,000 households with over 725,000 individuals must use this program for food supplements. In nearly half these homes, the program is the major food supply.

In response to the administration's action, the Director of Commodity Distribution for the Tennessee Department of Agriculture has already ordered county and local officials to shut down TEFAP activities day after tomorrow. All orders for commodities after January 31, 1987, have been canceled.

According to the Community Nutrition Institute:

> The shortage of TEFAP funds this year is already beginning to be felt in several States. Many did not receive their second quarter fiscal year 1987 letters of credit at the end of December, and others received substantially less money than they anticipated or budgeted. The administration is not requesting any funds for TEFAP in fiscal year 1988.

Mr. President, the deferral of the TEFAP appropriations is wrong and I ask my colleagues to support overturning the deferral by supporting the committee's amendment, which is part of this bill.

Mr. CHILES. Mr. President, as we discuss this bill, some background information is needed on the budget implications. I want to be clear, however, that I personally support this needed legislation, and the budgetary implications can be dealt with.

As reported by the Appropriations Committee this morning, this bill transfers money from disaster relief to FEMA's Homeless Program and rescinds a little more to keep outlays down.

Unfortunately, we have a problem here. This transfer and reduction in disaster relief is not a lasting and durable offset. We all know, however, that if disasters occur, we must provide the dollars necessary to help the victims. I am not a weatherman, but I hear we have another snowstorm on the way. If Washington becomes a disaster area—although some would argue it already is—because of snow, we are not going to say "sorry, but we don't have the money."

The disaster relief account has three different types of money: New authorizations, unobligated balances, and recaptured obligations from disasters which were, in effect, overfunded in preliminary estimates. CBO estimates that this account will have a 1987 total of $380 million, composed of new funding of $120 million, unobligated balances of $185 million, and estimated recaptures of $75 million.

Cash on hand, however, is currently only $300 million, because recaptures come in toward the end of the fiscal year. Since obligations generally are made early or in the middle of the fiscal year, this means that raiding the disaster relief account for $57 million brings the disaster relief account below what CBO estimates we need for the year.

The House, in fact, has explicitly said that they intend to make up any shortfalls for disaster relief through supplementals. But this merely puts off addressing the budget issue.

And we know we are going to have to cross this bridge someday. Last year, we spent $519 million for disaster relief. Current CBO estimates say that the $300 million will just get us through this year, if it is not cut today.

Let me repeat, this bill takes $57 million out of the disaster relief fund without replenishing that fund. Nothing that I have seen would lead me to believe that disasters are any less likely to take place. Further, nothing leads me to believe that the Congress will be any less likely to respond to those disasters with relief in the same fashion as before, and appropriate more funds as needed.

The $50 million transfer and $7 million rescission is not deficit neutral. This $57 million creates a future funding requirement. We must score it as such. The Budget Committee has a long history of scoring possible later requirements. This is consistent with past practice.

Mr. President, I ask unanimous consent to have printed in the RECORD the scoring of House Joint Resolution 102.

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

CONGRESSIONAL ACTION TO DATE: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Enacted in previous session	1,078,269	1,007,938
Conference agreements ratified by both Houses	−4	−4
Congressional action to date	1,078,265	1,007,934
H.J. Res. 102, as reported by Senate	−8	0
Possible later requirements:		
Special milk [1]	6	3
Veterans compensation [1]	173	.....
Readjustment benefits [1]	9	.....
Federal unemployment benefits and allowances [1]	33	33
Family social services [1]	110	.....
Medical facilities guarantee and loan fund [1]	5	4
Coast Guard retired pay [1]	3	3

CONGRESSIONAL ACTION TO DATE: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED—Continued

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Civilian agency pay raises [1]	358	373
Disaster Relief Fund [2]	58	50
Total PLR's	755	466
Total current level	1,079,012	1,008,400
Budget resolution, S. Con. Res. 120	1,093,350	995,000
Over (+)/under (−) budget resolution	−14,338	+13,400

[1] CBO estimates of entitlements and other mandatory programs which will need the additional funding shown here.
[2] SBC estimate of required later funding as shown here.

302(b) ANALYSIS: DEFICIENCIES AND SUPPLEMENTALS: HOMELESS SUPPLEMENTAL—H.J. RES. 102—SENATE REPORTED

[In millions of dollars]

	Fiscal year 1987	
	Budget authority	Outlays
Enacted in previous session	1,741.3	797.1
H.J. Res. 102, as reported by Senate	(7.5)	0
Possible later requirements:		
Civilian agency pay raises [1]	358.0	373.0
Disaster Relief Fund [2]	57.5	50.0
Total PLR's	415.5	423.0
Total subcommittee spending	2,149.3	1,220.1
Senate appropriations 302(b)	6,500.0	1,200.0
Over (+)/under (−) 302(b) allocation	−4,350.7	+20.1

[1]CBO estimates of entitlements and other mandatory programs which will need the additional funding shown here.
[2]SBC estimate of required later funding as shown here.

Note: Totals may not add due to rounding.

Mr. CHILES. Mr. President, As I stated on the floor of the Senate earlier this month, the total budget outlays set forth in the most recent concurrent budget resolution have already been exceeded.

Consequently, since this bill would result in increased outlays, it is subject to a point of order under section 311(a) of the Budget Act.

In addition, the bill provides new outlays in excess of those remaining in the allocation of outlays in the Appropriations Committee's report under section 302(b) of the Budget Act. As a result, this bill would also be subject to a point of order under section 302(f) of the Budget Act.

However, the Budget Act is not a prison. It is a framework for us to make sure our deficit reduction needs are not ignored.

However, the Budget Act allows these points of order to be waived if three-fifths of the Senate agree that such a waiver is in our national interest.

I personally have no reservations about supporting more help for our Nation's homeless. I can see the need for this emergency funding by just walking the streets in Washington. This help has been a long time coming. The food and housing needs of our Nation's homeless are immediate. We must quickly provide this assistance for the critical winter period. Unemployment has radically increased the need for soup kitchens, food banks, and emergency shelters, and this money is essential.

I want us to do it the right way. I think to do that I have to objectively report to the Senate on the budget issues that we have exceeded our targets already and that, therefore, a new appropriation is subject to the point of order. And, rather than play games with the budget, I think we should confront the question squarely and waive the Budget Act for this pressing national need.

We are talking about a small amount of money, especially in the concept of the budget. Rather than create some precedent of saying anytime we can find a pool of money that we can dip into and we can get into that pool and know that it is a pool that you have to replenish at a later time, I think we ought to do it in the front door and say we are going to put it to the Senate to see whether the Senate will waive the act. Again, I am going to support that.

To that end, I move pursuant to section 904(b) of the Budget Act that sections 302(f) and 311(a) of the Budget Act be waived with respect to the consideration of House Joint Resolution 102 as reported by the Committee on Appropiations.

I yield to my distinguished ranking member, Senator DOMENICI. I would say a part of my warning to keep this thing where we are operating with true figures is a result of the kind of leadership that he gave on the Budget Committee of never trying to fool the Senate and always trying to see that we dealt the way the act required us to deal.

I yield to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank my friend for yielding.

Mr. President, before I address this issue for just a few moments—and I know everyone wants to get out of here, I want to establish a little bit of record on this issue. I think you will understand why shortly.

I say to my friend, the chairman of the Budget Committee, that you have moved to waive the Budget Act, and I assume you will ask that we vote on that shortly, as soon as we can; is that right?

Mr. CHILES. Yes.

Mr. DOMENICI. Mr. President, first of all, let me say that the Senator is moving to waive because he believes that, if the Parliamentarian were asked, the Parliamentarian would say that this bill is subject to a point of order. Let me make sure the Senate knows why I know that. Because the Parliamentarian, on this issue, will do what the chairman of the Budget Committee suggests, because that is the precedent, and the distinguished chairman has told me that it is his view that the bill is subject to a point of order. So let us establish that that is how it would happen.

But, strangely enough, I want the RECORD to reflect that if I were chairman, as I was last year, the result would be the opposite on this issue. It would not be subject to a point of order.

Now, I do not want anyone to think that I was right and Senator CHILES is wrong. I just would like you to know why we have an issue here, and it may come back in the next 4 or 5 months to haunt us. Therefore, I am going to support the waiver, and let me tell you why right now.

I am going to support it because I do not believe there is anything to waive and, consequently, I do not think the waiver sets a precedent. That is just my statement. But everyone should know that is why I am doing it.

Now, let me tell you why as a matter of substance. If you take the bill that we are going to vote on and ask the Congressional Budget Office: "In the normal way to score appropriation bills, is this bill deficit neutral?" They will say, "yes." The reason they will say yes is because it does rescind or cancel enough budget authority of a program that is already appropriated to pick up the outlays to pay for this added $50 million for FEMA for aid to homeless people.

Now, what the Senator from Florida is saying is that he is almost certain that it is somewhat of a sham. He believes we are going to put the $50 million back in later because we took it out of the disaster relief fund which we are really going to need, and that is why we appropriated it.

Well, I regret to say that his conclusion that this transfer is not a lasting savings, it is not durable, may be 99.99 percent right. I do not pick and choose that way, because I do not know which savings when we cancel a program or rescind funding are going to be called lasting, durable, and permanent, and which are not.

And since it would be subject to a point of order later on when Congress replenishes the disaster relief fund, I would choose not to do anything about it on budget grounds. I would not make the point of order, because when Congress tries to replenish funding for disaster relief we would indeed be violating section 311 of the Budget Act and spending more than is allowed.

On the other hand, I am going to vote "aye" with the full understanding that it does not establish any precedent. I do not want to vote "no," just to be honest with you. I think we ought to get on with it. If we want to pass this legislation, let's go ahead and do it and save our budget issues for

the time later on if, and when, Congress must replenish funding for disaster relief activities.

I want to compliment the distinguished Senator from Florida, and the Senate tonight because we are acknowledging the deficit, that we are already over the fiscal year 1987 outlay ceiling and therefore no new spending fits within the fiscal year 1987 budget. I think that is a real accomplishment because I do not think the House is there yet. They are scoring only budget authority I think, and they are not sure we broke the budget yet although everyone knows we are over the budget ceiling by $13.4 billion in outlays.

So I think at least we are establishing the precedent that we know are over. So that is the position we are in tonight.

Let me say something to my friends who are pushing this measure. First of all, there are a lot of people in the Senate on both sides of the aisle, including this Senator, who are working on the homeless issue. There is another $500 million bill coming along in House. Frankly, I want to tell the Senate that this $50 million is not an emergency. It will not be used immediately. There is $70 million appropriated, and we have not fully spent it. But nobody can resist voting for this. It passed the House yesterday so that while the President was giving his State of the Union Address some could say they will spend $50 million for the homeless under a program that is already working pretty well. FEMA's help for the homeless is working.

But really the history is that the House wanted to pass it, and now the Senate wants to pass it. We want to send it to the President, right around the time of the State of the Union Address to sort of prove that we are a little more for the homeless than somebody else, and maybe even a little more than the President.

But I do not think we will spend this money for quite a while. In a few weeks we will have another emergency measure. Frankly, it is about to pass the House, and it has another $70 million for this same FEMA Program, and nobody wants to even give credit for this $50 million as I understand it. It has become sort of strange situation. But we are probably going to run the bill on through.

I hope these funds are spent wisely if it ever gets spent because it is as good an expenditure for the homeless as there is around. It buys pots, kettles, food, and blankets for the people running the actual homeless shelters.

Having said this I hope we will vote by voice or otherwise on the waiver. But I want it understood that I do not really believe there is anything to waive yet. Later on when we try to replenish the disaster relief fund there will be something to waive.

I yield the floor.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, first, let me commend the distinguished chairman of the Budget Committee, the Senator from Florida, for making the point that I think is obvious to everybody; that is, we all know there is not enough money in the disaster relief fund to pay for the disasters that are likely to occur this year. Even if we did nothing, even if we did not take the money out, the chances are that we are going to be back before the fiscal year is over voting to put money into this account.

The problem is you can vote to take money out of the disaster account, you can make the whole process deficit neutral, and meet the point of order requirement as the distinguished Senator from New Mexico said, but unless you can get the Lord to sign onto the bill to reduce the disasters, you are just perpetrating a fraud on the American people and our commitment to balance the budget.

So I want to commend the distinguished Senator from Florida for proposing the legitimate way to do this if you want to do it, which is simply to say that now we are going to come along and waive the Budget Act, claim that because this is such a high priority item it is more important than our commitment to balance the budget. That is what the waiver says.

I agree with the distinguished Senator from New Mexico to a point. But that point ends pretty quickly. This is not an irrelevant vote. This is the first in a long line of votes we are going to have in this Congress which tests whether or not we were shooting with real bullets when we adopted the Gramm-Rudman-Hollings law. What we are voting on here is whether we are going to perpetrate a fraud by taking money out of an account set up for disasters—which in all probability is deficient already—knowing it will have to be replenished, or simply waive the act itself by saying that this is of such high priority that it is more important than balancing the budget.

The point I would like to make, Mr. President, is there is another alternative. There is a better alternative if you really believe that this $50 million is so vitally important. The newest figures that we have show that we have already provided $70 million of funds for emergency food and shelter programs, and only $3 million have been spent. Perhaps we ought to have a resolution demanding that the other $67 million be spent. We could do that within the requirements of Gramm-Rudman. Why do we not do that?

Or you know we are actually spending a total of 1 trillion and 16 billion dollars this year. Surely somewhere in that $1.016 trillion there is $50 million that is not as important as helping people out on the streets.

So I submit to my colleagues that while I seldom differ from the distinguished Senator from New Mexico I strongly differ with him on this subject. As he pointed out, even as we speak, another $100 million bill for the same purpose is on its way. Did we say when we adopted Gramm-Rudman we wanted to balance the budget except for the homeless? Will it be next week that we want to balance the budget except for national defense? Do we want to balance the budget except for the Contras? Do we want to balance the budget except for the farmer, except for the veteran, except for every special interest group in the country that has some claim on the Federal Treasury, and that appeals to us in the name of compassion?

Quite frankly, I think the budget ought to be compassionate, but I never get confused about one thing. Compassion is what I do with my money. It is not what I do with the taxpayers' money. That says nothing about how compassionate I am. What I am willing to vote somebody else's money for says nothing about my compassion. What I do with my own money says something about my compassion, not what I would like to do with yours.

We may be talking about the compassion of the Government here. But we are not talking about the compassion of 100 Members of the U.S. Senate. Our compassion is measured by what we do with our own money.

I submit, Mr. President, that while the hour is late and we all want to go home, what is $50 million, or 50 cents a taxpayer? I will tell you what it is. In this 100th Congress it is the first test of whether or not we are going to live up to a commitment we made which in large part said we were going to set out a budget, and we were going to try to live by it. We have not quite made it, but we set out a procedure, in which we make the commitment that if we had breached the budget and somebody came along with a great idea to spend money that we would have to take the money away from other other purpose.

We do have the procedure of a 60-vote margin to waive a point of order. But I submit to my colleagues that while this cause that we are debating here may be important, does anybody here really believe that in a $1.016 trillion budget that we cannot find a real $50 million to take away from some lower priority item to spend for this? I submit we can. In fact, we can take $50 million right out of the emergency food-shelter program because we have $67 million sitting there we already appropriated for exactly this purpose that has not been spent.

Does anybody here really believe that the winter is not going to be over

before this money is spent? Does anybody here really believe that the snow will still be out there on the streets when this program is set up and this money spent?

We are going to be in the springtime. The birds will be in the trees. People will be fighting for the park benches with the cherryblossoms blooming before one cent of this money is spent.

What is the issue here? The issue is this: Can you come up with an issue that is so appealing politically that right out of the chute on the first vote of the 100th Congress the Congress said, "Well, balancing the budget is very important, but it is not as important as the homeless." And then next week, "It is not as important as * * *" and I could go on and rattle off a thousand things.

I submit there is a solution to this problem. I am not proposing an amendment, I could offer an amendment here, but I am not trying to cramp the process. The President has proposed four rescissions that total $54 million. I am not saying those are the ones we ought to pick. But surely with the collective wisdom of this body we can come up with $50 million, out of $1.016 trillion in the budget, that is not being spent on as high a priority item as the poor folks who are out in the streets.

So I urge my colleagues, do not be suckered by the siren song that this is just a little sin, that this is just a little breach of the agreement we made, because the next time when we make this argument people are going to say, "Wait a minute, are you saying that the homeless people are more important than the American farmer? Last week for the homeless people, when we already had $67 million we were not spending, you waived the Budget Act. You said that was more important than balancing the budget. Is that more important than the American farmer, the veteran, than small business, than fighting world communism?"

My point is there is no end to it if we start and there is no reason to start.

If we refuse to do this, in 20 minutes we can all come back, transfer $50 million from one of thousands of accounts, pay for this program, even though we all know the money is not going to be spent in time for the winter, and then everybody can go home and feel good about it. Then we will stay within the budget and I will vote for it, any reasonable rescission from any program that you can show is a lower priority than the people who are sleeping out in the snow. I will vote for it. But do not take the money out of an account that does not have enough money already. Do not waive the Budget Act saying that this is something more important than balancing the budget. If the alternative were no aid to the homeless versus waiving the Budget Act, then I think the argument would be strong.

But that is not the alternative. The alternative is taking the money away from some other use.

Mr. PROXMIRE. Will the Senator yield?

Mr. GRAMM. I will yield in just a moment. Let me make a final point.

Even in the most humble American home tonight, if Johnny was running down the steps and fell and broke his arm, they would come up with a place to take the money out of to pay to have the arm fixed. Every household in America would be able to do that. Surely in a trillion-dollar budget, in the Government of the world's greatest Nation, at a time when we all know we owe $2 trillion, surely we can come up with $50 million from some minor account to pay for homes for the homeless and the street people. I think anybody who argues that we cannot is simply not being realistic. But more importantly, it is really saying that we do not want to fool with this trying to balance the budget thing.

The first little test that comes along, we want to say, "This is unimportant. This is a small item. There are provisions for these emergencies."

The point is there is no emergency. We have $1.016 trillion of programs out there. I urge my colleagues to resist this siren's song. There is no end to it. If I thought this was going to be the last one of the year instead of the first one of the year I would be willing to look the other way and pretend this is not important. But this is the first, it is not the last. Please reject this. Affirm our commitment to control spending. Force those who want to spend money on this worthy, noble cause, a cause of compassion, to have compassion for the people who do the work and pay the taxes and pull the wagon and pay the debts, refusing to waive the Budget Act or to take money out of accounts that will have to be put back later. Cut something that is real and fund the program, if you want to do it. Or mandate that the money we already have be spent. But do not do this thing. I yield the floor.

Mr. PROXMIRE. Will the Senator yield?

Mr. GRAMM. I have yielded the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senator from Texas is always very persuasive and eloquent. He has a marvelous mind and is one of the real assets of the Senate. I agree with him we should not waive the the Budget Act. On the other hand, the Senator said we could take this $50 million if we wanted to do so from any one of the thousands of accounts. He has not mentioned which one we should take it from. I can tell you if we take it from any accounts, we will have a long debate here. The committee has decided to take it from a specific account where we had a $170 million carryover. We did not spend it last year. It is in that account. We felt the logical thing to do, if we wanted to spend $50 million for the homeless, was to take it from an account which was in surplus last year and which had a big carryover.

If the Senator has a better suggestion, we would like to hear it. There are thousands of accounts and a $1 trillion budget. I agree there are probably areas we can take it from. But I assure you whatever area we pick, whether it is national defense or health, whatever it is, you will get debate.

If the Senator feels there is a better account, I would like to hear what it is.

Mr. GRAMM. Will the Senator yield?

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, my good friend alluded to my remarks, and I would like to respond. I do not want to make a mountain out of a molehill, but I suggest that my good friend from Texas, who Senator PROXMIRE commended so highly, is in fact, a little early in his reference. This is not the time to give the kind of speech he gave because that is not the issue.

Let me say to my friend, I believe the Senator from New Mexico has enough credibility to tell you that the appropriations chose an account from which to rescind funds sufficient to offset the outlays associated with the $50 million transfer. As a matter of fact, that is more effort than the House gave. The distinguished Senator from Wisconsin is worried about breaking the budget. He rescinded funds from an appropriated account in order to spend it on the FEMA Emergency Food and Shelter Program.

If you do not want to vote for this $50 million transfer for the homeless because you think there is enough money available, as the distinguished Senator from Texas has said, or for any other reason, then just vote no. Everybody will understand and you can state your reason here. If the reason is you want to say it breaks the budget, then say that and vote no.

But, as a matter of fact, in my opinion it does not break the budget.

The appropriators made a choice and are telling us, "If you want to spend $50 million for the homeless, we choose to rescind funds from the disaster relief account."

Under the Budget Act, I am not going to second guess when we replenish that account, as the Senator from Texas says we are going to have to do. He says we have not yet controlled God so we are going to have to provide disaster relief.

Let me tell you, the disaster fund is somewhat of a guess anyway. But let me suggest that when you replenish it, if you do, and let us say that happened tomorrow, his speech is in order. He is absolutely right. You have unequivocally added $50 million to the budget deficit.

But I am telling you that is not the issue here tonight.

My friend from Texas may say it is, and he may suspect that we are going to have a whole batch of these when supplementals come before us, and some will say they do not break the budget. If you rescind funding from some account with each supplemental, you will, sooner or later, get to a point where you have to replenish some of the canceled accounts. At that point, you had better be ready to vote that the budget has been broken; the totals that you have committed not to exceed are gone. And that may be a reason to vote no tonight. It may be a reason because you may say that you are going to vote for disaster relief and therefore, you ought not to spend this money.

I just do not want this RECORD to reflect that the Senator from New Mexico is suggesting that the first item out of the box, as my friend from Texas says, breaks the budget. If I do not want to spend this money, I will vote nay. But I do not think we ought to use the budget as an excuse tonight, because it should not be. It just absolutely should not be.

Mr. GRAMM. Mr. President, I do not want, as the distinguished Senator from North Carolina would say, to keep dragging this dead cat back and forth across the table. But I want to remind my colleagues what is being proposed here.

The distinguished Senator from New Mexico is saying, as I understand him—and I hope he will correct me if I am wrong—that rather than taking money out of the disaster account, which the distinguished Senator from Florida says will have to be replenished in all probability, given—though I know it would come as a shock to our constituents—that we lack the ability to control acts of God, let us go ahead and be honest and waive the Budget Act. The problem with that approach is that then, in fact, we are waiving the Budget Act and bypassing our commitment to reduce the deficit.

I think you can slice it any way you want to get down to it, but we are setting up a procedure whereby we are going to spend $50 million more than we committed to spend and we are not going to offset it anywhere. We should not take funds from the disaster account out of a $1.016 trillion budget to offset this proposed expenditure; I think that is a poor choice. I also think the choice of waiving the Budget Act is poor because of exactly the reason the Senator from New Mexico argues. But at least, if we take the money out of disaster relief and we later this year do not have enough money there, we will at least have to debate whether or not to transfer funds from somewhere else to replenish it.

In fact, if I felt we had an agreement that if we are wrong in second-guessing disasters and that if, in fact, we needed the money, we would at that point take it out of some other account, I would be less inclined to oppose this proposal. But the proposal is made by the Senator from New Mexico that we do not bother with the offset because it is probably not valid, meaning we will end up waiving the Budget Act some day, let us not wait until some day, let us do it today; let us do it immediately.

The distinguished Senator says the alternative is a long debate and I am planning to leave town tonight, so I am concerned about a long debate. But I really do not believe the American people are concerned about a long debate. I think they are a lot more concerned about balancing the budget than they are whether we get out of here early Thursday night or not. I am willing to have a long debate.

The Senator asked me to suggest some proposals. I looked at some. I thought at one point about harassing everybody by proposing to cut congressional franking. I mentioned earlier that the President has proposed a set of rescissions that meet the target. Those rescissions relate to an agriculture research building in Illinois, and EDA and National Oceanographic and Atmospheric Administration, and UDAG.

I am not saying those are right, but let me make a point to the distinguished chairman: This is not my bill. My point is this: The people who want to spend money have an obligation under the Budget Act to tell us where it is coming from. I can make all kinds of suggestions. I am not saying they are the right ones. But I did not bring this bill to the floor.

The point I want to make is, and I shall not speak on this subject again, No. 1, if you vote to waive the Budget Act, we are not going to come back and revisit this issue again. You have let this horse out of the barn. There will not be another vote, there will not be another choice, $50 million is gone. You have set a precedent that will be repeated on this floor over and over again, that the homeless were important enough that you waived the Budget Act, why not national security? Why not the farmer? Why not every other group that will make exactly the same arguments and appeals that we have heard tonight?

So I think, in order of reasonableness, that the most reasonable thing to do is to say no to each of the proposals and require the proponents to come up with a real offset that does not count on the Lord cooperating with us in terms of disasters. That is the first preference.

The second preference is to do the offset and if the Lord does not cooperate, then we come back and take the money away from another use. The least desirable course is to waive the Budget Act. I urge my colleagues not to do it.

We all see the street people. We all know public awareness is heightened on this issue. But there is nothing unique about this issue. There are a thousand and one other good ways to spend money and we will be right back here again citing this as precedent.

I urge my colleagues, vote down waiving the point of order. Vote down this alternative which, as the Senator from Florida has pointed out, is simply putting off a decision. That is better than waiving the Budget Act, in my opinion, because we at least get to debate it sometime in the future.

The best solution is to vote this down. We could even come back and deal with this next week, find a real offset where money that would have been spent will not be spent.

I remind my colleagues of this point again: We are hearing the words that this is so timely that it has to be done tonight. I am willing to stay to do it tonight. But I remind my colleagues, we have $70 million appropriated from last year for emergency food and shelter programs. Only $3 million has been spent. Why do we not mandate that the $67 million be spent over the weekend and then let us come back on Monday or Tuesday and do this thing right? I urge my colleagues to view this to be the important issue that it is.

Mr. President, I yield the floor.

Mr. ROCKEFELLER assumed the chair.

Mr. DOMENICI. Mr. President, I want to say one last thing. Actually, I have told the Senate what I think about this situation, but I just want to repeat one thing. On the budget issue, my friend from Texas, just does not think the savings that are recommended here are going to hold up. But budgetwise, the savings are made when the funds are rescinded.

The reason I think this is not the issue—the Senator from Texas thinks it is. I do not. On anything you would propose for rescission or termination or reduction that is currently appropriated, the same argument could be made: Wait a couple of months and it could be appropriated again. And that

is true. But that is no reason to say that this is the vote of the century in terms of breaking the budget, because there is no budget being broken here as I see it. I think I have explained it, and I think CBO would say there is no breaking of the budget.

The Senator from Texas thinks disaster relief is not a durable saving, but somebody could say that anything you try to save money on is not durable.

What if we cut the franking money for Congress tonight? It would take almost everything we have available. The Senator from Texas said he thought of that. We could go through that. Would not the argument be that that is a saving? He would say it is a very legitimate saving.

I could get up and say, we are going to spend it in about 2 or 3 weeks and we probably would. But I do not think that is a very solid reason. The reason, as I see it, is either you are for this bill tonight or you are not, and the waiver does not mean very much.

That is why I am going to support it. In fact, I do not think it means anything.

Mr. GRAMM. Mr. President, the distinguished Senator made a statement that, despite the fact that I said I would not speak again, I am going to have to answer.

Mr. CHILES. That is the third time.

Mr. GRAMM. The distinguished Senator makes a good point, that if you are willing to remove funding from disaster relief, this will score by CBO and will be deficit neutral. I have not argued that that is not the case. In fact, I have said tonight that if you do that and you are willing, when the funds are needed, to take it away from somebody else, I do not have an objection to it. But the Senator's argument does not apply to the motion to waive the Budget Act. To say that what has been proposed will score even though it is probably not legitimate and therefore we ought to waive the Budget Act is a non sequitur of the worst sort.

If you agree with the distinguished Senator from New Mexico, then you should vote not to waive the Budget Act and accept the decision to take money out of disaster relief. And then we will worry about that money not being there when it is needed, and at that point we will have this debate again.

Were it done that way then it would not be something about which I could get up and make a budget argument. I do not think it is the way to do it. It is not the way I would like to do it, but if that is what we decide to do, then we have lived within the requirements of Gramm-Rudman. But then, when the disaster money is needed, we will have to take it away from somebody else or waive the Budget Act. If that is what we want to do, I do not think it is good policy, but it does not violate the letter or spirit of Gramm-Rudman.

But having said that, then to say, "Well, it is probably not legitimate, go ahead and waive the Budget Act," that in no way follows and therefore I urge my colleagues to vote down this budget waiver. If you are determined to spend the money and do not want to take it away from a real account, take it out of disaster relief and then when the money is needed for disaster relief, we will rush in here on a Thursday or Friday night, people will say, "We don't want to have a debate over this thing because we have to have the money," but at that point we will have to have the debate. But if you follow the recommendations of the Senator from New Mexico, there never will be a debate. Money will be spent. The horse will be out of the barn.

The PRESIDING OFFICER. Is there further debate?

The Senator from North Carolina.

Mr. HELMS. Mr. President, this has been a constructive and instructive debate. I thoroughly agree with the Senator from Texas and I certainly not only agree with the able chairman from Florida, Mr. CHILES, I commend him for laying it out like it is. Now, let me tell you something. This morning in the Agriculture Committee we were dealing with this very subject, a $400 million cap on disaster relief. And practically every Senator on the Agriculture Committee has a little project, a little commodity, a little extra extension of disaster aid. Now, anybody who believes that that $400 million cap is going to stand in the Agriculture Committee, I have some swamp-land down in North Carolina on sale.

Now, as far as I am concerned, we need to discipline ourselves and understand that there is going to be a recorded vote on every budget waiver motion in this Congress. Earlier today I sent a letter to the distinguished minority leader, Mr. DOLE, making it clear that I wanted that to happen and that I should be protected.

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

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

UNITED STATES SENATE,
Washington, DC, January 29, 1987.

Hon. ROBERT DOLE,
Minority Leader, U.S. Senate, the Capitol, Washington, DC.

DEAR BOB: Given the deficit problems and the prospect of legislation to raise revenues, I do not think it is a good idea for us to waive provisions of the Budget Act routinely and without roll call votes. Therefore, I ask that you not agree to waive the Budget Act on any legislation during the 100th Congress, including H.J. Res. 102 this afternoon, unless there is a roll call vote on such a waiver.

I appreciate you protecting me on this matter.

Kindest personal regards.

Sincerely,

JESSE.

Mr. GRAMM. 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. Is there further debate?

Mr. CHILES. Mr. President, I will not take but just one moment and I know everybody is ready to vote. The only thing I want to say is it was the understanding and feeling of the chairman of the Budget Committee that we had, one, breached our targets in outlays and that to legitimately score this, which is within the province, as the Senator from New Mexico said, of the Budget Committee, we would have to say that we were tapping a fund that would later have to be replaced. The House acknowledged that. I think most of us acknowledged that.

I do not like one of our first acts to be moving to waive the Budget Act, which I believe in very strongly. But I would rather do that than try to do something by the back door that is false. We are talking about a program that we think is important for the Nation. If we look at this budget, we know we are about $10, $12, or $14 billion over now. We are talking about $50 million here.

My feeling is that the question is clear. If you want to see this money appropriated, you are going to have to move this waiver or this program is going to fall.

Now, maybe there will be an offset after that. If there is, you can think of something, fine. But other than that, I think we have to do that. I would rather do it through the front door than to try to do something in any other way.

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

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON] and the Senator from Ohio [Mr. METZENBAUM] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Oregon [Mr. HATFIELD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Indiana [Mr. QUAYLE], the Senator from Alaska [Mr. STEVENS], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

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

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

The result was announced—yeas 67, nays 22, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—67

Adams	Durenberger	Nunn
Baucus	Evans	Packwood
Biden	Ford	Pell
Bingaman	Fowler	Pryor
Boren	Glenn	Reid
Boschwitz	Gore	Riegle
Bradley	Graham	Rockefeller
Breaux	Harkin	Roth
Bumpers	Heinz	Sanford
Burdick	Inouye	Sarbanes
Byrd	Johnston	Sasser
Chafee	Kennedy	Shelby
Chiles	Kerry	Simon
Cochran	Lautenberg	Simpson
Cohen	Leahy	Specter
Conrad	Levin	Stafford
D'Amato	Matsunaga	Stennis
Danforth	McClure	Trible
Daschle	McConnell	Weicker
DeConcini	Melcher	Wilson
Dodd	Mikulski	Wirth
Dole	Mitchell	
Domenici	Moynihan	

NAYS—22

Exon	Hollings	Proxmire
Garn	Humphrey	Rudman
Gramm	Kassebaum	Symms
Grassley	Kasten	Thurmond
Hatch	Lugar	Warner
Hecht	McCain	Zorinsky
Heflin	Nickles	
Helms	Pressler	

NOT VOTING—11

Armstrong	Dixon	Quayle
Bentsen	Hatfield	Stevens
Bond	Metzenbaum	Wallop
Cranston	Murkowski	

The PRESIDING OFFICER. On this vote, the yeas are 67, the nays are 22, three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. BYRD. Mr. President, I will yield if someone wishes to move to reconsider. Does anyone wish to do that?

Mr. President, I would like to inquire as to whether or not we might proceed with a voice vote on the amendment by Mr. HUMPHREY. We have already had a vote on it this afternoon. There is no point of going through that rollcall again. Then, if we could, proceed to final passage, voice vote and final passage.

Mr. KASTEN. I intend to ask for the yeas and nays on final passage.

Mr. BYRD. Then could we do this: Could we get at time agreement, may I ask the distinguished Republican leader—I have not suggested this to him; we have not had time—if we could get the amendment by Mr. HUMPHREY agreed to of 5 minutes, equally divided, or some such, and if nobody seeks a rollcall, which I hope will be the case, then go immediately to final passage and vote.

Mr. DOLE. If the majority leader would yield, I understand there is an amendment by Senator MURKOWSKI. I do not know where he is.

Mr. BYRD. Mr. President, may we have order in the Senate?

Mr. DOLE. As I understand it, the distinguished Senator from Alaska, Senator MURKOWSKI, has an amendment.

The PRESIDING OFFICER (Mr. KERRY). The Senate is not in order. Senators please remove their conversations from the well.

Mr. BYRD. Mr. President, I know the Chair is doing its best to get order in the Senate, but we are not going to expedite business unless we do have order in the Senate.

May we have order in the Senate, Mr. President?

The PRESIDING OFFICER. Conversations will please be taken to the cloakrooms. The Senate is not in order. Senators in the aisle will please cease conversations. The Senate is not in order.

The minority leader.

Mr. DOLE. Mr. President, if the majority leader will yield, I would just say that the Senator from Alaska has an amendment which would provide that $5 million of this money will go to homeless veterans. I do not know if the amendment has been cleared.

Mr. PROXMIRE. Will the minority leader yield?

Mr. DOLE. The majority leader has the floor.

Mr. BYRD. I yield the floor.

Mr. PROXMIRE. Mr. President, I might say to my good friend, I am very strongly opposed to that amendment. We have a bill that is pending in the Banking Committee which is going to be introduced next week, with hearings on it in February and a markup a few weeks later and it will be coming to the floor. We will have had hearings then and we will know exactly what we are doing. This is an important proposal that the Senator from Alaska is making. So I hope it will not be offered here.

He is here now.

Mr. BYRD. Mr. President, could we proceed with the Humphrey amendment while we are thinking about the other one?

AMENDMENT NO. 7

(Purpose: Disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government)

Mr. HUMPHREY. 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 New Hampshire [Mr. HUMPHREY] proposes an amendment numbered 7.

Mr. HUMPHREY. 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 the joint resolution add the following new section:

SEC. . The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

The PRESIDING OFFICER. The Senate will be in order. Senators will please take their seats and remove their conversations to the cloakroom. The Senate is not in order and we will not proceed until the Senate is in order.

The Senate is not in order. Senators are asked to please cease their conversations so that the Senator from New Hampshire may proceed.

The Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

Mr. President, this is another resolution of disapproval of the pay raise. It is indeed the very same resolution, word for word, which was adopted about an hour ago by the Senate on a vote of 87 to 7. I am offering it now as an amendment to this bill as a means, I hope, of forcing a vote in the House on a resolution of disapproval.

The difficulty with relying exclusively on the freestanding resolution which we adopted an hour ago is that obviously the House is under no compulsion whatever to pass a resolution of its own. However, by amending this bill the Senate does so with the same language that will require or at least instigate a voice vote in the House on how to deal with this particular amendment when it arrives. The issue has been debated thoroughly enough. Senators have already expressed their opinions on it. I do not see any need to debate it further. But it is simply nothing more or less than the amendment adopted an hour ago overwhelmingly word for word.

The PRESIDING OFFICER. Has all time been yielded back?

Mr. HUMPHREY. I yield back the time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from New Hampshire [Mr. HUMPHREY].

The amendment (No. 7) was agreed to.

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

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, can we get some understanding now as to whether or not the amendment by Mr. MURKOWSKI is going to be called up?

If so, can we get a time agreement on it, a brief one?

Mr. MURKOWSKI. Mr. President, I feel that possibly it could take 10 minutes.

Mr. BYRD. Equally divided?

Mr. MURKOWSKI. I would be willing to pursue that.

Mr. BYRD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes to be equally divided on the amendment by Mr. MURKOWSKI.

Mr. PROXMIRE. Mr. President, can we make that 12 minutes with 6 minutes on each side?

Mr. BYRD. Twelve minutes equally divided.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BYRD. Mr. President, is there going to be request for a rollcall vote?

Mr. MURKOWSKI. Mr. President, I assume. I do not know whether we will accept the amendment or not.

Mr. PROXMIRE. Mr. President, the amendment will not be accepted.

Mr. MURKOWSKI. Then I would ask for a rollcall vote.

Mr. BYRD. Mr. President, are there any other amendments? If not, can we go immediately upon the disposition of this amendment to final passage? Does any Senator ask for a rollcall vote on final passage?

Mr. KASTEN. I do.

Mr. BYRD. Can we have 10-minute votes on each of these two? The Senators are here. I ask unanimous consent that on each of the two rollcall votes, if they are ordered, that they be each limited to 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KASTEN. Parliamentary inquiry: Is a rollcall vote now ordered on final passage of the homeless bill?

The PRESIDING OFFICER. It is not.

Mr. KASTEN. I ask for a rollcall vote on final passage of the homeless bill.

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

The yeas and nays were ordered.

Mr. KASTEN. I thank the Chair.

Mr. LAUTENBERG. Mr. President, are we now scheduled as I understand it for two rollcall votes?

Mr. BYRD. Yes.

Mr. KASTEN. Is it possible that we can carry the session over until tomorrow when we can have plenty of time to debate? Can we make our decisions when we can have as many rollcall votes as we like as opposed to carrying on this evening?

Mr. BYRD. Mr. President, I know the situation that the distinguished Senator is in. He has 4,000 of his constituents in town tonight. He and Senator BRADLEY have to be there. I recognize that. But I think we can finish this, and when the second rollcall vote begins, the Senator can vote and leave. I do not think Senators here want to come in tomorrow when we are so close to finishing this evening. I say that with the highest respect and regard for the Senator's problem.

Mr. LAUTENBERG. I appreciate the interest and concern of the majority leader. How soon will it be before the first of these votes?

Mr. BYRD. The first vote will occur in no more than 12 minutes, and maybe some of that time will be used up.

Mr. LAUTENBERG. Will there be an immediate vote without further debate on the second issue?

Mr. BYRD. The Senator is correct. I thank the Senator.

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

AMENDMENT NO. 9

(Purpose: To provide the Veterans' Administration with authority to contract for psychiatric residential treatment for certain chronically mentally ill veterans)

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration. Joining me as cosponsors are Senators THURMOND, SPECTER, GRASSLEY, SIMPSON, PRESSLER, D'AMATO, and DOMENICI.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself, Mr. THURMOND, Mr. SPECTER, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. D'AMATO, and Mr. DOMENICI, proposes an amendment numbered 9.

Mr. MURKOWSKI. 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 2, strike out line 13, and insert in lieu thereof the following: appropriation "Disaster relief": *Provided*, That of such amount $5,000,000 shall be transferred to the Veterans' Administration medical care account to be available for the purpose of section 2 of this joint resolution.

TREATMENT AND REHABILITATION FOR CHRONICALLY MENTALLY ILL VETERANS

SEC. 2. (a) Subchapter II of chapter 17 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 620C. Community-based psychiatric residential treatment for chronically mentally ill veterans

"(a) For the purposes of this section:

"(1) The term 'case management' included the coordination and facilitation of all services furnished to a veteran by the Veterans' Administration, either directly or through a contract, including, but not limited to, screening, assessment of needs, planning, referral (including referral for services to be furnished by either the Veterans' Administration or another entity), monitoring, reassessment, and followup.

"(2) The term 'contract facility' means any facility which has been awarded a contract under subsection (b)(1) of this section.

"(3) The term 'eligible veteran' means a veteran who, at the time of referral to a contract facility—

"(A) is being furnished hospital, domiciliary, or nursing home care by the Administrator for a chronic mental illness disability;

"(B) is homeless and has a chronic mental illness disability; or

"(C) is a veteran described in section 612(a)(1)(B) of this title and has a chronic mental illness disability.

"(b)(1) The Administrator, in furnishing hospital, nursing home, and domiciliary care and medical and rehabilitative services under this chapter, may contract for care and treatment and rehabilitative services in halfway houses, therapeutic communities, psychiatric residential treatment centers, and other community based treatment facilities for eligible veterans suffering from chronic mental illness disabilities.

"(2) Before furnishing such care and services to any veteran through a contract facility, the Administrator shall approve (in accordance with criteria which the Administrator shall prescribe by regulation) the quality and effectiveness of the program operated by such facility for the purpose for which such veteran is to be furnished such care and services.

"(c) In the case of each eligible veteran provided care and services under this section, the Administrator shall designate a Veterans' Administration health-care employee to provide case management services.

"(d) In furnishing care and services under this section, the Administrator shall accord priority for such care and services in the following order:

"(1) To any veteran for a service-connected chronic mental illness disability.

"(2) To any veteran with a disability rated as service-connected.

"(3) To any veteran for a non-service-connected disability, if the veteran is unable to defray the expenses of necessary care as determined under section 622(a)(1) of this title.

"(e) The Administrator may provide in-kind assistance (through the services of Veterans' Administration employees and the sharing of other Veterans' Administration resources) to a contract facility under this section. Any such in-kind assistance shall be provided under a contract between the Veterans' Administration and the contract facility. The Administrator may provide such assistance only for use solely in the furnishing of appropriate services under this section and only if, under such contract, the Veterans' Administration receives reimbursement for the full cost of such assistance, including the cost of services and supplies and normal depreciation and amortization of equipment. Such reimbursement may be made by reduction in the charges to the United States or by payment to the United States. Any funds received through such reimbursement shall be credited to funds allotted to the Veterans' Administration facility that provided the assistance.

"(f) Not later than 3 years after the date of enactment of this section, the Administrator shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the experience under this section. The report shall include the Administrator's evaluation and findings regarding—

"(1) the quality of care furnished to participating veterans through contract facilities;

"(2) any health advantages that may result from furnishing such care and services to veterans in such contract facilities rather than in inpatient facilities over which the Administrator has direct jurisdiction;

"(3) the effectiveness of the use of contract facilities under this section in enabling the participating veterans to live outside of Veterans' Administration inpatient facilities and to achieve independence in living and functioning in their communities;

"(4) the health advantages and cost effectiveness of the use of contract facilities under this section to furnish shelter and health care to homeless veterans who are suffering from chronic mental illness disabilities;

"(5) the cost-effectiveness of furnishing such care through contract facilities under this section, including the effect on the average daily census in the Veterans' Administration hospitals, nursing homes, and domiciliary facilities participating in the program (taking into account whether the beds previously occupied by the participating veterans were subsequently occupied by other eligible veterans or remained unoccupied) and the effect on the numbers of Veterans' Administration staff employed at such facilities; and

"(6) any plans for administrative action, and any recommendations for legislation, that the Administrator considers appropriate to include in such report."

(b) The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 622B the following new item:

"620C. Community-based psychiatric residential treatment for chronically mentally ill veterans.".

(c) Any contract authority or other spending authority granted by this section shall be limited to $5,000,000.

Mr. MURKOWSKI. Mr. President, as ranking minority member of the Veterans' Affairs Committee, I am offering an amendment to House Joint Resolution 102, the homeless bill, that would earmark $5 million of the transfer for the housing and treatment of homeless and certain other chronically mentally ill veterans.

I believe strongly that we cannot ignore the plight of the homeless, many of whom are suffering from chronic mental illness. It appears, Mr. President, that many of these homeless individuals are veterans.

My amendment is basically the text of a provision of legislation that has passed the Senate on two separate occasions, but was rejected by the House. The provision would have clearly provided authority for the Veterans' Administration to contract for psychiatric residential treatment in halfway houses and other community-based facilities. This authority specified that veterans who are being furnished VA hospital, nursing home, or domiciliary care could be provided psychiatric residential treatment at VA expense, if it is determined to be medically appropriate and in the best interests of the veteran. The House refused to accept this provision.

My amendment this evening would add to the category of eligibles for this treatment, homeless veterans with chronic mental illness.

The VA is the largest single provider of care for long-term-psychiatric patients in the United States. Nearly one-third of the VA's inpatient population, 34 percent of the VA's nursing home care population, and over 60 percent of the VA's domiciliary patient population have psychiatric diagnoses.

According to testimony presented today before a Senate Subcommittee on the Homeless, by Paul Egan, deputy director, National Legislative Commission of the American Legion:

It is a commonly understood fact that mental illness accounts for a substantial portion of the homeless population. It is further understood that deinstitutionalization of the mentally ill is a leading cause of homelessness.

I do not think there are accurate statistics to reflect the actual numbers of homeless veterans. However, estimates range between 250,000 and 3 million homeless individuals.

Mr. President, my amendment would provide a timely clarification of existing programmatic authority and funds to treat and house chronically mentally ill veterans who are homeless, as well as those who are institutionalized and would be potential homeless veterans, should they be discharged without the provision of community residential and treatment support.

In September 1985, the VA's inspector general found that the primary reason why some chronically mentally ill veterans are not discharged is a lack of appropriate alternatives.

There is a high probability that some of this veteran population, when discharged, will either return to the VA hospital or be added to the numbers of homeless.

Many of today's homeless veterans are remaining victims of the well-meant, but disastrous efforts to deinstitutionalize vast numbers of chronically mentally ill patients during the 1950's and 1960's. A main reason for this failure was a lack of structured community residential and treatment support.

Mr. President, I believe that Dr. Paul Errera, the VA's Director of Mental Health and Behavioral Sciences has designed a pilot program to carry out the intent of this legislation.

This program will only be available in a limited area in the Northeastern United States. I think we are indebted to him for his help and support in the development of my original legislation. This amendment would show strong congressional support for expanding this very worthwhile effort nationwide and to target its benefits to include homeless veterans.

Mr. President, as I indicated, the amendment has passed the Senate on two occasions and today I am adding homeless veterans to those eligible for this important health care service. I urge the support of my colleagues.

I would be happy to respond to any questions concerning this amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin.

Mr. STENNIS. Mr. President, may we have quiet in the Chamber so we can hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order.

Mr. PROXMIRE. Mr. President, every Member of the Senate certainly wants to provide as much assistance to homeless veterans as we possibly can. We should do this, however, in an orderly way as well as a prompt way.

The chairman of the Veterans' Affairs Committee, Mr. ALAN CRANSTON of California, cannot be here at the present time. This morning in a hearing before the Banking Committee, Senator CRANSTON, who is also chairman of the Subcommittee on Housing of the Banking Committee, said the following:

As chairman of the Senate Veterans' Committee I am deeply committed to ensuring America's response to those who have protected our freedom. I plan to introduce legislation next week to alleviate the tragedy of homelessness among veterans.

Among other things, this measure would require the VA, HUD, HHS, and DOD to determine the number of veterans who are homeless and what benefits they are entitled to.

Two, require the VA to increase its outreach assistance to homeless veterans to make sure they receive the health care, job counseling, and income maintenance for which they are eligible.

Three, authorize the VA to make new efforts such as in his home State of California to facilitate assistance to homeless veterans; and finally, provide for the VA under arrangements with veterans' organizations and other nonprofit private or public organizations, to transfer hard to sell houses in the agency's inventory of over 21,000 properties for repair and use primarily by homeless veterans and their families.

Mr. President, not only is this legislation going to be introduced next week, but hearings have been scheduled for next month. As Senator CRANSTON said, the markup will occur shortly after that. The legislation will come to the floor. It will come in proper order, having a record on it, and we will know what we are doing under those circumstances. While I have great respect for Senator MURKOWSKI, and I certainly want to support aid for the homeless veterans, it seems to me we should do this in the

most orderly way we can, with a record.

Finally, Mr. President, I would like to point out we have to consider also that the Murkowski amendment would create a separate and distinct class of homeless chronically ill veterans. Leaving aside the cost of such a program, I think it starts us down a slippery slope. If we create a separate veterans' class, how about homeless families or mentally ill citizens who have not served in the military? Should we have a homeless program for all these groups?

A last-minute amendment on the floor of the Senate is no way to attack the problem, especially an amendment to make significant changes in title 38 of the United States Code, and particularly at a time when the chairman of the Veterans' Committee has announced that he is going to introduce legislation in the next few days and we can act on it, as I say, in an orderly way.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, the Senator from Alaska certainly has the right to offer his amendment for the veterans. I do not know of any group which has more honest and rigid attention than the veterans, and they deserve every bit of it. These are very strong assurances that have been given. The Senator from Alaska should share in whatever is done about it but not in this bill.

Mr. PROXMIRE. Mr. President, I might point out that this is an emergency bill. The House, as was pointed out, rejected this amendment twice. The way to act is to let this emergency bill go ahead and then act, as I say, in an orderly way on the basis of what the distinguished chairman of the Veterans' Committee is proposing.

The PRESIDING OFFICER. Who yields time?

Mr. MURKOWSKI. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. MURKOWSKI. I thank the Chair.

I think my colleagues would agree, and my friend from Wisconsin and the chairman of the Appropriations Committee, that we have a crisis. The crisis is now. The crisis should include, appropriately, American veterans. Why wait? That is why we are here today. We are being told the homeless veteran can wait, wait until next week. This is an appropriate bill. This is a piece of legislation that addresses the homeless in the United States.

I would correct my friend from Wisconsin by reminding him the veterans of this country are a special class, a very special class. We can never repay our debt to our Nation's veterans. To exclude them from a provision that provides relief for the homeless I think is inappropriate. Obviously, it is in the national interest.

While I concur that my friend from California, the chairman of the Veterans' Affairs Committee, has the veterans' interests at heart as I do, the opportunity for the Senate to speak on this issue is now. The Senate has spoken on two previous instances in favor of the heart of this amendment, and it is appropriate that they do so now to include the homeless and provide $5 million to implement this important authority.

You can imagine the interpretation of the various veterans' organizations if this particular piece of legislation is not supported. It will appear that, indeed, the Senate is excluding the veterans of this country.

As a consequence of that, I think my colleagues would agree that as we consider the homeless of this country, we should also consider the needs of the veterans who are homeless.

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

The PRESIDING OFFICER. Is there a sufficient second?

Mr. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. BYRD. Mr. President, I am going to move to table this amendment. We have the assurance that there will be an opportunity soon to vote on this matter on the measure which will come from the committee that has jurisdiction. I hope the Senate will take my word for that and would wait until the committee has an opportunity to bring forth that matter, which the Senate will vote on. If that does not happen, I am going to be as unhappy as anybody.

Mr. PROXMIRE. Mr. President, I move to table the amendment and 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 Wisconsin. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. QUAYLE], the Senator from Vermont [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce, that the Senator from Missouri [Mr. BOND] is absent due to illness.

I further announce that, if present and voting, the Senator from Wyoming [Mr. WALLOP], would vote nay.

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

The result was announced—yeas 2, nays 82, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—2

Proxmire	Stennis

NAYS—82

Adams	Gore	Moynihan
Baucus	Graham	Murkowski
Biden	Gramm	Nickles
Bingaman	Grassley	Nunn
Boren	Harkin	Packwood
Boschwitz	Hatch	Pell
Breaux	Hecht	Pressler
Bumpers	Heflin	Pryor
Burdick	Heinz	Reid
Byrd	Helms	Riegle
Chafee	Hollings	Rockefeller
Chiles	Humphrey	Roth
Cochran	Inouye	Rudman
Cohen	Johnston	Sarbanes
Conrad	Kassebaum	Sasser
D'Amato	Kasten	Shelby
Danforth	Kennedy	Simon
Daschle	Kerry	Simpson
DeConcini	Leahy	Specter
Dodd	Levin	Symms
Dole	Lugar	Thurmond
Domenici	Matsunaga	Trible
Evans	McCain	Warner
Exon	McConnell	Wilson
Ford	Melcher	Wirth
Fowler	Metzenbaum	Zorinsky
Garn	Mikulski	
Glenn	Mitchell	

NOT VOTING—16

Armstrong	Durenberger	Stafford
Bentsen	Hatfield	Stevens
Bond	Lautenberg	Wallop
Bradley	McClure	Weicker
Cranston	Quayle	
Dixon	Sanford	

So the motion to lay on the table amendment No. 9 was rejected.

Mr. MURKOWSKI. Mr. President, due to the overwhelming support of my amendment, I will not ask for the yeas and nays on my amendment.

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

So the amendment (No. 9) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote by which the amendment was agreed to.

Mr. ROTH. 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 I may proceed for 1 minute.

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

Mr. BYRD. I thank the Chair.

UNANIMOUS-CONSENT REQUEST—ARMS CONTROL NEGOTIATIONS

Mr. BYRD. Mr. President, Senator DOLE and I and Senator BOREN are going to introduce a resolution on arms control negotiations with the Soviet Union. This has been cleared on both sides of the aisle, and the distinguished Republican leader and I will join in asking unanimous consent that a vote occur on this resolution on Monday at 4 o'clock p.m.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Very well. Mr. President, we will try again later.

EMERGENCY FOOD AND SHELTER PROGRAM

Mr. BYRD. Mr. President, there will be no more rollcall votes tonight. The Senate will not be in session tomorrow. The Senate will begin consideration of the highway bill on Monday at 1 o'clock p.m. There will be rollcall votes on Monday afternoon.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that Senator DOMENICI be added as a cosponsor of my amendment.

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

Mr. MURKOWSKI. I thank the Chair.

Mr. DECONCINI. Mr. President, the emergency food and shelter supplemental appropriation bill that is before the Senate today is not only an important piece of legislation in its own right, but it symbolizes a long-overdue shift in budget priorities already initiated by the 100th Congress. I applaud the leadership in the House and my distinguished Senate Appropriations Committee Chairman, JOHN STENNIS, for moving this humanitarian, timely piece of legislation to the floor of each House in record fashion. The fact that this bill has been marked up; passed the House; marked up and about to be passed in the Senate within 7 days is truly remarkable and reflects the seriousness with which the leadership in both Houses takes the "emergency" addressed in the bill.

Mr. President, I am sure that before this debate is over, we will hear from Senators who will chastise unfairly the majority party as being big spenders and for rolling out another domestic spending measure that will only worsen the deficit situation. Well, once those colleagues look behind the rhetoric and examine this bill, they will know that it does not affect the deficit, nor does it breach the Gramm-Rudman-Hollings deficit targets that are mandated by law. And, once they look beyond the rhetoric and examine the substance of the bill, they will know that the type of emergency situation that is directly addressed in this supplemental appropriation bill is exactly the type of "emergency" situation that should be addressed in supplemental appropriations bills. During our hearings on January 21 with OMB Director Miller, I recall Chairman STENNIS admonishing all of us that supplemental appropriation bills should only be for truly emergency situations and not for routine matters that could or should have been addressed in regular appropriation bills. Well, Mr. President, I know that Senator STENNIS agrees that this is one of those emergencies that should be the focus of supplemental appropriations measures and which is truly needed to tackle a critical national need right now.

Mr. President, I also would like to put this rather small but important emergency supplemental requirement in perspective by comparing it to some of the fiscal year 1987 supplemental appropriations that the President of the United States has requested in his January 1987 budget of the United States. For example, the State Department is requesting $59,750,000 in supplemental appropriations to help them, in part, restore some of the cuts that were imposed on the State Department in the continuing resolution only 3 months ago. Another $1,150,000,000 is being requested by the President for supplementals in a number of international security and multilateral foreign aid programs, including $261 million more for military foreign assistance. Overall, the President is requesting a total of over $4.5 billion for a number of defense, foreign aid, and domestic supplemental appropriation items, many of which may be very important. But as we pass this deficit neutral, $50 million emergency supplemental bill for the homeless, let's try to put it in the context of the $4.5 billion that we are being asked to provide down the road and not in the context of "just another spending bill."

Mr. President, anyone who has been in Washington, DC, over the last snowy week, whether it be standing at a bus stop or shoveling their driveways, or just running to the comfort of their homes, should stop for just a minute and think of what it must be like to have to sleep outdoors on the Washington streets. What it must be like to have only steaming street grates to call home when the temperatures dip below zero. And what it must be like to go hungry at the same time you are seeking shelter from the cold and snow. Let's do the right thing and pass this deficit-neutral emergency supplemental overwhelmingly and let the homeless of this Nation know that we care at least as much about them as we do about foreign aid; State Department staffing; and other Government agencies that are knocking at Congress' door for more and more money.

Mr. ADAMS. Mr. President, I would like to express my support for House Joint Resolution 102. We here in the Nation's Capital have just suffered the inconvenience of a serious winter storm. Many of us have waited hours for a subway, or been stuck in a traffic jam. But we at least have a warm house to go home to. We do not have to walk through the snow all night, or huddle under a bridge, or be turned away from a crowded shelter. This resolution seeks to address an immediate, desperate need. This is not a matter of political posturing or grandstanding. Millions of our fellow Americans are cold, hungry, and without shelter right now, in the dead of winter; and they need our help. I commend the leadership for responding swiftly and humanely to this crisis by moving this legislation quickly through the Senate.

I would also like to point out that this legislation only addresses the immediate crisis. The problem of homeless Americans is complex, and one that must be addressed on a comprehensive basis. In Seattle in my home State, there has been a serious crisis for many years, and existing resources are being stretched past the breaking point. It is time to move beyond emergency responses, and start putting in place long-term programs to deal with this crisis. It is a good sign that both the President and congressional leaders have put forth thoughtful proposals worthy of consideration, all of which propose to spend far more money than the $50 million asked for today. But the responsibility still lies with us to act, and act quickly so that programs may be put in place for next winter. Mr. President, I urge my colleagues to support this resolution; and I look forward to working further with all of you to tackle this terrible problem.

Mr. GORE. Mr. President, I want to rise to express my strong support for this bill. The emergency relief legislation before the Senate today does not include enough funding to solve the homelessness crisis in this country, and what funds are made available may not be soon enough for many homeless men and women who are facing one of the most bitter winters in memory in some cities. But while this emergency funding bill is not enough to meet the total need, it may actually keep some of the homeless

men, women, and children alive through this winter.

Here, and across the country, people are beginning to realize that we can't turn our backs any longer. Homelessness hasn't been this bad since the Great Depression—and it continues to get worse. Requests for emergency shelter increased by 25 percent last year, and are overwhelming local resources during this especially harsh winter in the East, the South, and elsewhere. That doesn't include the hundreds of thousands of the homeless too proud or too downtrodden to seek help.

Mr. President, last year I joined Senator MOYNIHAN in introducing the "Homeless Persons Survival Act." That action was, for me at least, largely an act of faith. The evidence concerning the dimension of the problem and potential solutions was hotly disputed.

So I set out to learn more about the problem in Tennessee. I sponsored a series of workshops across Tennessee last fall to determine the extent of homelessness in our State. And, just before Thanksgiving, we held a statewide workshop in Nashville.

The entire experience has been tremendously rewarding. I have never been so inspired by so many citizens' selfless determination to help their fellow beings. For everyone involved, the effort to eradicate homelessness has reaffirmed faith in the basic generosity and humanity of mankind.

Across Tennessee and the entire country, people simply refuse to give up. The challenge may be great, but the concern and determination are greater.

When I took up this issue last year, there were those who warned me that it was a no-win issue. Homelessness is vastly exaggerated, they said. And what homelessness does exist is mostly voluntary, and that problem will always be with us.

But after 6 months of studying this issue in Tennessee in particular, I can tell you that those critics were wrong on all counts. Addressing the problem of the homeless is not only good public policy, it is an effort that is well understood by people everywhere who know that the need is all too real.

For starters, I think we have managed to bury the myth that these people are bums, or homeless by choice. Surveys show that no more than one homeless person in 20 fits that pattern. The vast majority are out on the street because of forces that are beyond their control or too much for them to handle.

The profile that is emerging looks nothing like the traditional "Skid Row" stereotype. These people aren't urban hermits who have chosen to opt out of life. For the most part, they have somehow fallen through the cracks in our society.

Studies show, for example:

That 25 percent to 30 percent of the homeless are mentally ill. They belong in mental health hospitals or at community health centers, but the funds for those facilities have been cut back steadily over the past decade.

An even greater share—30 percent to 40 percent—are alcoholics or substance abusers. This is the most visible group, and perhaps the least helped. They could be cured, but most treatment centers won't take them in.

A growing portion of the homeless, nearly 30 percent, consists of single parents with young children—typically a mother and her kids fleeing domestic violence. Few shelters are equipped to handle these battered women and children for extended periods.

The ranks of the homeless also include a large number of teenaged runaways, unemployed workers, and recently released offenders. They are transient, displaced, out of touch. Together, they represent "the disappeared" of a democratic society.

Clearly, the principal cause of homelessness is the lack of affordable housing. None of our cities has enough public housing or low-cost private units to house all the families that need it. When I visited shelters for the homeless in Nashville last November, I was struck by the alarming number of children who have no place to go at night. As a society, we clearly have failed to provide the most basic right of all—the right to shelter. Low-income housing programs have been shortchanged far too long.

Other ideas will require a broader commitment. Illiteracy, for example, is one thing that holds the homeless back. Many of us take reading for granted, but for thousands of homeless people—and millions of other Americans—reading is a struggle. Illiteracy robs these people of the basic skills to function in our society. It will take years of better education and higher standards to turn the problem around.

Over the past half century, we have tried to weave a safety net that would catch the less fortunate who stumble. But in recent years, the safety net has frayed as we got cheap with our thread and fell asleep at the loom.

Shortly, Senator MOYNIHAN and I will reintroduce the Homeless Persons Survival Act. The new bill will be similar to the bill last year, recognizing significant progress that the Congress made in passing several key provisions of the bill late in the session last fall. Senator DOMENICI helped coordinate the amendment to the drug bill that gave us the opportunity to move ahead with several aspects of our omnibus bill.

We streamlined a process that has inexplicably prevented homeless people from receiving vital benefits designed to help that population—this mostly by eliminating the worst of the residency requirements.

And we made it possible for homeless people and others eligible for food stamps to use those modest payments to purchase economical hot meals at nonprofit feeding centers. And, we added the homeless to the targeted populations for job training assistance.

These were important and timely changes in current laws which have kept critical benefits from reaching those most in need. However, it is far from enough.

During my sessions on homelessness in Tennessee, I learned that we must deal with the linkage between corrections release programs and homeless ex-offenders, and the linkage between mental health institution release rules and homelessness among the mentally ill. And, as I mentioned before, we cannot begin to eliminate the structural nature of homelessness without considering the incidence of illiteracy.

We must add some new funding for the cities to begin adding to low-income housing stock—clearly the fundamental problem underlying homelessness.

And we must make major improvements in mental health services for the homeless with appropriate grants, and provide new resources for shelters. food distribution programs, and other services designed to prevent homelessness.

We are carefully finetuning our omnibus bill this year. We should also move to provide approximately $500 million for shelters, new mental health initiatives, and other services. This is the so-called Foley bill in the other body, where it has gotten off to a fast start.

But in the meantime, we must act immediately to get the funds in the bill before us today to local agencies to help provide emergency shelter, food, and medical care to homeless men, women, children, families. This is the very least we can do, and I urge my colleagues to support the bill.

Thank you.

Mr. McCAIN. Mr. President, yesterday I introduced legislation to ensure full funding for the Temporary Emergency Food Assistance Program, TEFAP, for the last three quarters of this fiscal year. My efforts were directed at the administration's proposed deferral of over $28 million of the $50 million Congress appropriated for the program in this fiscal year.

Inaugurated in 1981, TEFAP provides funding for the delivery of surplus foods—cheese, milk, rice and butter—to those who might otherwise go hungry. The program has enjoyed unequivocal support here in Congress. That support was again expressed yesterday when I introduced legislation to prohibit deferral of the TEFAP funds. There has been a groundswell

of support for this effort to overturn the deferral. Today, Senator BURDICK successfully offered the amendment to House Joint Resolution 102 during markup in the Appropriations Committee. I know that many of my colleagues join me in thanking the senior Senator from North Dakota for ensuring that our efforts were successful.

My objection stemmed from the cuts proposed in the TEFAP Program, and from the purpose for which those funds were to be used—pay raises for employees of the Department of Agriculture.

Mr. President, while I have opposed a congressional pay raise, I have no objection to pay raises for certain Government employees. I submit, however, that the case can be made that the hungry of America have a more pressing need for that $28 million than do Government employees. I am confident that a better source of funding for pay raises can be found in the Department of Agriculture's $55 billion budget.

In my home State of Arizona, about 275,000 people, 40 percent of them elderly, are served by the TEFAP Program. The program is available only to those at or below 150 percent of the poverty line. It brings food and sustenance to people in every town in Arizona, from Tucson and Phoenix to Queen Creek and Stanfield. I am pleased that our efforts here today have helped ensure that the TEFAP lifeline will not be severed.

In short, Mr. President, I believe we have an obligation to ensure this Government follows President Reagan's pledge that "We will never abandon those who, through no fault of their own, must have our help" I would like to commend Senator DANFORTH for his efforts on behalf of the TEFAP Program. I would also like to thank the sponsors of my bill, Senators DOLE, CHAFEE, MCCONNELL, and MITCHELL, and those who also cosponsored the resulting amendment, Senators COHEN, BOSCHWITZ, WILSON, DECONCINI, and FORD.

Mr. METZENBAUM. Mr. President, I rise to add my support for House Joint Resolution 102 to that of my colleagues in both House and Senate. The bill simply provides for a transfer of $50 million in funds already appropriated in the FEMA disaster relief account to the FEMA Emergency Food and Shelter Program. The purpose is to provide the National Board of Charitable Organizations with additional emergency funds for immediate distribution to the homeless and the hungry. No new budget authority is required.

Let me point out the obvious that homelessness to the homeless is both a disaster and an emergency.

Just 2 days ago, the President came before us and declared, "We will never abandon those who, through no fault of their own, must have our help." Who more than the homeless and the hungry need our help! Immediately!

We here are experiencing a severe winter; we complain about transportation, about waiting hours in freezing weather; about digging out of 2 feet of snow. I have trouble conceiving of survival on the streets day and night under such conditions.

Surely, the very least we owe our fellow Americans is shelter and food; not one person should be homeless or hungry in this great and resourceful Nation.

Mr. President, I support House Joint Resolution 102, and the amendment to reject the deferral by the administration of $28.6 million provided for State and local surplus food storage and distribution costs through the Department of Agriculture.

State and local agencies struggle valiantly with ever fewer resources. In my State of Ohio, the Columbus Mid-Ohio Food Bank distributes surplus food to the poor in a 10-county area. Without Federal assistance, the food bank, at best, can only distribute food to Franklin County food pantries, and people in rural counties will suffer.

In small ways, in mean-spirited ways, the Federal Government withdraws from its responsibility to our people, and continues to tighten the screws on the States, at the ultimate expense of the poor, the homeless, the hungry.

Mr. President, I want to believe that we will never abandon those who must have our help. I will make every effort to help the administration keep that pledge. To begin, I support House Joint Resolution 102 and the committee amendment.

Mr. COHEN. Mr. President, I would like to join with my colleagues in voicing support for the House Joint Resolution 102, which would transfer $50 million to the Emergency Food and Shelter Program of the Federal Emergency Management Agency from another Agency account. With prompt action by the Senate, and by those organizations which serve the homeless through the Emergency Food and Shelter Program, this transfer can save lives and ease suffering among the Nation's homeless. This assistance will be especially welcome during the months before warmer weather returns. I commend House Joint Resolution 102 to my colleagues and am confident that the Senate will today approve this measure.

While this measure is before the Senate, I would like to take the liberty of especially commending a provision incorporated into House Joint Resolution 102 by the Senate. The provision of which I speak is the disapproval the President's deferral of current fiscal year appropriations for the Temporary Emergency Food Assistance Program [TEFAP].

The TEFAP enables States to make the best possible use of surplus commodities held by the Federal Government—feeding our own needy citizens. Through this program, the Federal Government distributes to the States cheese, butter, and other foodstuffs. The States, in turn, distribute these foodstuffs to their low-income residents. The TEFAP also reduces the cost to the Federal Government for storage of surplus commodities.

In Maine, 11 Community Action programs hope during this fiscal year to distribute some 4.7 million pounds of commodities worth $3.7 million to more than 63,000 households throughout the State. One of Maine's quarterly distributions of TEFAP food is going forward this very week.

Last year, the Congress appropriated $50 million for fiscal year 1987 to help the States meet some of the costs, such as transportation and storage, of distributing TEFAP commodities to their low-income residents. At this point, more than $28 million of these funds remain unspent. Yesterday, the President notified the Congress of his intention to defer these funds in order to offset salary increases at the U.S. Department of Agriculture. That is, the President intends to spend the remaining TEFAP appropriations on USDA pay raises rather than on the distribution of surplus foodstuffs to the poor.

If the Congress allows the deferral of TEFAP funding to stand, the cheese, butter, dry milk and other foodstuffs given to needy Mainers this week will probably be the last they would receive through the TEFAP. The TEFAP in Maine, and the programs in many other States, I am certain, would abandon their plans for further commodity distributions. Low-income families would forgo food worth many times the amount of the deferred funds.

The Congress has rightfully challenged the administration's use of deferral power as an instrument of policy rather than merely of program administration. The deferral in question clearly goes beyond administration since it would effectively shut down the TEFAP in many States. Although the courts have now ruled twice that the provisions of the Budget Act under which the President has exercised powers of deferral are not constitutionally sound, TEFAP funding for the current fiscal year will remain deferred unless subsequent court action pertains to this specific program or the Congress acts to disapprove the deferral. The surest and fastest way to address this problem is for the Congress to respond directly to the President's deferral notice.

Because I feel strongly that the Temporary Emergency Food Assistance Program should continue, yesterday, I joined Senator MCCAIN and others in introducing a measure disap-

proving the deferral of TEFAP funding.

I am delighted that the Senate Appropriations Committee this morning also incorporated into the legislation now before the Senate language disapproving the deferral of TEFAP funding. I hope that the Senate will take this opportunity to overturn quickly the President's deferral of modest appropriations for the TEFAP which will help bring to needy Americans wholesome food—food which would otherwise go to waste in Federal storage facilities.

Mr. CRANSTON. Mr. President, I strongly support this bill that will be voted on later today. It is a downpayment on a solution to a problem of growing concern to most Americans: The fact that many thousands of our fellow citizens are forced to live on the streets, without adequate food and without shelter.

I have just chaired a hearing in which the Senate Housing Subcommittee took a rather comprehensive look at the nature and size of this problem. Witnesses included mayors from cities in different regions of the country, people who have operated shelters for the homeless, representatives of national organizations that are working on the problems of homeless people, representatives of executive branch agencies, and representatives of veterans' organizations.

The consistent message is that this is a national crisis that demands a national response.

The U.S. Conference of Mayors finds that, in city after city across the country, the problem has grown markedly worse in the last year. They estimate that "24 percent of the demand for emergency shelter goes unmet."

Although every dimension of the problem is disturbing, I am particularly alarmed that a rapidly growing number of homeless people are families with children and that many are mentally ill people who are not being given adequate services.

As chairman of the Veterans' Affairs Committee, I am also deeply concerned by reports that veterans are a disproportionately large part of the homeless population—40 percent according to American Legion estimates. I have heard reports that in Los Angeles it may be as high as 50 percent.

Several days ago, I had an opportunity to visit the shelter here in Washington that is operated by the Community for Creative Non-Violence. As Mitch Snyder introduced me to one resident after another, I was deeply moved as I met people there who were intelligent and had been productive citizens but who had recently fallen on hard times—people who, in some cases, had jobs but simply could not find affordable housing.

City officials have found that the problem is caused by a lack of affordable housing for low-income people, unemployment and other employment-related problems, mental illness and the lack of services needed by mentally ill people and an array of other problems that relate to shortcomings in public policy.

The size and growth of this problem is a darkening shadow of shame across the streets of America.

It is a problem we must understand so that as a nation we can do what we can to ease this suffering, which is there for all to see.

The hearing I held this morning and our action now on this urgent appropriation should be the kick-off here in the Senate for a serious action agenda on the problem of homelessness.

This additional $50 million for the Emergency Food and Shelter Program will provide extra help that is needed now. The Senate should pass this measure promptly so it can go quickly to the President's desk.

But other steps are in the works.

The Senate Banking Committee will bring a housing bill to the Senate floor early in this session—we have had no housing bill for the last 3 years. The committee intends to include assistance for the homeless in that bill. I am looking forward to working with Senator DIXON to draft a sound provision. Committee action on the bill is scheduled for March 3, and I will bring it to the Senate floor as soon as possible thereafter.

I intend to work with other members of the Senate leadership to ensure that the problem of the homeless is addressed promptly and comprehensively.

As chairman of the Senate Veterans' Affairs Committee, I am deeply committed to ensuring that America responds compassionately to the needs of those who defended our country's freedom. I plan to introduce legislation next week to alleviate the tragedy of homelessness among veterans. Among other things, this measure would:

Require the VA, HUD, HHS, and DOD to determine the number and service periods of veterans who are homeless and what VA benefits these veterans are entitled to;

Require the VA to increase its outreach efforts to homeless veterans to ensure that they receive the health care, job counselling, and income maintenance support for which they are eligible;

Authorize the VA to take new efforts—such as those I understand have been developed at some VA facilities in my home State of California—to facilitate employees who wish to volunteer their time and energy to provide assistance to homeless veterans; and

Provide for the VA, under arrangements with veterans organizations and other nonprofit private or public organizations, to transfer hard-to-sell houses from the agency's inventory of over 21,000 properties for repair and use primarily for homeless veterans and their families.

Much needs to be done. Much can be done. We must work on a bipartisan basis, with cooperation between the Congress and the White House.

I will work to make sure that legislative action is responsible and will make a real difference for the people on America's streets. And I will do what I can to make sure that promises made on this issue are promises kept.

This is a good first step. I urge my colleagues to take it quickly.

Mr. BURDICK. Mr. President, I am pleased that the Senate is taking up this emergency legislation in such an expedited manner. There is no doubt that we need to have this additional assistance for the homeless people of our country.

I want you to know that I am intimately aware of the plight of the homeless people. Just recently, I spent the night at a homeless shelter in my State and I can tell you that any assistance that we can provide these people is not too much. I talked with these people, slept with them, and had breakfast with them in the morning. They are hungry, they are cold, and they are alone. They need our compassion and our funding. What hit me most about the experience, is that while I was leaving, they were not. I am going home. They had no place to go.

Mr. President, I hope that this measure will pass without delay, and that the President will approve the measure so that the assistance can be made available immediately.

Mr. President, I further want to draw to my colleagues' attention the provision in this bill which I inserted just this morning which will overturn a deferral of $28,559,000 that the President has proposed for the Temporary Emergency Food Assistance Program. This deferral represents 57 percent of that program's total funding, and I would like to explain to my colleagues exactly what this drastic cut in funding means for each and every State.

TEFAP provides funding for the intrastate storage and distribution of USDA donated commodities. Under this program, assistance may be provided to cover the costs incurred by charitable institutions, food banks, hunger centers, soup kitchens, and similar nonprofit eligible recipient agencies providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

The allocation of funds to the States is based upon a formula which considers the State's unemployment level

and the number of persons with incomes below the poverty level.

This proposed deferral of 57 percent of the funding for this year means that the States are going to have to eliminate the program. Without the Federal funding, they cannot afford to administer the program. The result would be that the millions of individuals now receiving benefits under this program would be cut off. In my State alone, Mr. Chairman, we are providing these commodities to 93,000 individuals every month.

A great many people, especially the elderly and marginal income families, depend on this program to supplement their diets. It would be a big mistake to cut them off.

It would be a double mistake because the commodities used are in surplus and if they are not donated to this program, they will be left to sit in storage, go unused, incur storage costs for the Government, and possibly get discarded in the end.

What is so aggravating, Mr. Chairman, is that before we even received the deferral message, the States were told by the Department of Agriculture that their funding for this program had been cut and that they were to plan accordingly. As a result, many States are putting holds on their shipments of commodities for March because they don't know if they'll have the money to get the food to the people who need it. It is absolutely ridiculous.

The confusion and disruption that this deferral causes cannot be underestimated. The effect of the deferral is to reduce the second quarter allocation by at least 25 percent. This leaves the States no time to make alternate provisions for this quarter, or for the remainder of the fiscal year.

Many States have already ordered foods, made delivery and distribution arrangements, and informed local distribution sites of the foods to be received during this second quarter. This was done by States with the understanding that Federal funding would be available to cover the costs incurred. Without any forewarning, USDA is now withholding Federal funding necessary to complete the commitments previously made by the States.

So you see, this is no way to run a Federal program, and it is fundamentally unfair to do this to the States at this time. Congress cannot afford to wait to deal with this deferral. That is why I inserted this provision to overturn the deferral and I hope my colleagues will support me in this effort.

Mr. DODD. Mr. President, I rise in strong support of House Joint Resolution 102, a joint resolution to provide an additional $50 million for the Emergency Food and Shelter Program of the Federal Emergency Management Agency [FEMA]. The funds will be made immediately available by transfer for the fiscal year ending September 30, 1987, from FEMA's disaster relief account into the Emergency Food and Shelter Program.

The bill contains no new budget authority. Rather, it is a transfer of previously appropriated funds for disaster relief programs.

The point here is this: disaster has already struck for homeless Americans. Every day that we wait and argue about the nature of the disaster, it simply grows more tragic in our midst.

There are at least 350,000 homeless Americans—possibly as many as 3 million. Twenty-eight percent of the homeless population is families with children—and that figure is rising. During 1986, the demand for assisted housing by low-income households in our cities increased by an average of 40 percent. Over the last 5 years, decent, affordable housing for low and moderate income households decreased in most of those same cities. Twenty-four percent of those seeking just temporary shelter are denied it.

My home State of Connecticut has been blessed with great prosperity. We have worked for it. We are proud of it. And yet, in the midst of Connecticut's growth and prosperity there is vast deprivation. In October of 1983, Connecticut's Gov. William A. O'Neill appointed a task force to provide leadership to insure that the needs of the homeless are met. They have done a tremendous job, producing among other things an action plan to address the needs of the homeless in Connecticut. As that report outlines in great detail, the needs of the homeless in Connecticut alone are formidable. In fact, the Connecticut Coalition for the Homeless, a Statewide advocacy group, estimates that there are over 25,000 homeless people in the State; 25,000 homeless human beings in one of the most prosperous States in our Nation.

It is beyond time that the whole Congress and the administration—especially—set their priorities straight and work with our States, local governments, direct providers, organizational providers and others to end homelessness in America. Until now, as far as the homeless are concerned, our priorities here in Washington have been way out of line. We must begin to reach the homeless this winter, their time of greatest need. The passage of House Joint Resolution 102 here today will be a critical first step in setting things aright.

But make no mistake. House Joint Resolution 102 is in no way an alternative to, or a substitute for, the comprehensive legislation represented in H.R. 558, legislation supported by House Speaker WRIGHT and introduced in the other body. That important legislation calls for a $500 million program to provide for the emergency needs of the homeless and to establish provisions which would help the homeless permanently improve their lives. I applaud our colleagues in the other body for their bold strokes. And I pledge my utmost support for their efforts. I also pledge my time and energy toward a bipartisan Senate goal of crafting comprehensive legislation for the homeless.

The passage of House Joint Resolution 102 today is simply the signal that our work has, at long last, begun.

FDR once said that the "test of our progress is not whether we add to the abundance of those who have too much; it is whether we provide enough for those who have too little." I submit that those are words that we should heed today as proudly as we heeded them 50 years ago. Times have changed, I am the first to admit. But times have not changed so much that we have forgotten that when one suffers, we all suffer.

Homeless Americans need—and deserve—prompt, effective, and compassionate action on the part of Congress. Until now, our response has been embitteringly too little. Let us act before our response is callously too late.

Mr. KERRY. Mr. President, I rise in support of House Joint Resolution 102, legislation which would transfer funds from the Disaster Relief Program of the Federal Emergency Management Agency [FEMA] to the Emergency Food and Shelter Program. The need for additional homeless funds is immediate and widespread.

Mr. President, we have a crisis in homelessness and the visions are all around us. One only has to go two blocks from where we stand today to see the vivid impact and effect of this crisis. What most of us characterize as home sweet home is drastically different for those on the streets. Instead of warm beds and glowing fires, the homeless find warmth and shelter on steam grates and in cold desolate buildings. The nature and character of the homeless population has changed as the numbers have increased. The victims today represent a diverse population ranging from families with children, to the elderly, to the recently unemployed, to the mentally and physically disabled.

This resolution will not provide money to fund fancy hotels or expensive apartment buildings. Rather, the resolution will provide additional resources to a program that works. Since its inception 4 years ago, FEMA's Emergency Food and Shelter Program has provided more than 55 million nights of shelter and more than 250 million meals for the homeless. The transfer of funds we approve today will be channeled through FEMA to a national board of charitable organizations such as the United Way, the Salvation Army, the National Conference

of Catholic Charities, the Council of Jewish Federations, and the American Red Cross. In turn, the national board distributes the money on the basis of unemployment and poverty to hundreds of local boards throughout the country.

Homelessness is growing at a rate we have not seen since the Great Depression. The causes of the crisis we face today are varied, but there is no doubt that some of the blame rests with the Federal Government. Recent cutbacks in funds for low-income programs for job training, food stamps, and health care benefits, coupled with the crisis in housing availability and affordability have meant a swell in the ranks of those forced to assume the role of street people. A recent article in the Washington Post noted that homelessness in the Washington, DC, area alone had increased by more than 500 percent in the last year.

Mr. President, the emergency funding resolution that we are considering today is certainly not a panacea for the problems of homelessness and should not be viewed as such. The very need for this resolution today raises serious questions and concerns that Congress must seek to address in the near future as we begin discussions on comprehensive homeless legislation. The resolution will, however, provide some temporary relief to the homeless during a period that can be especially brutal to those on the streets.

In a Nation that prides itself on high standards and humanitarian tradition we cannot turn our backs on those who need our help the most. I support this resolution and urge my colleagues to pass it expeditiously.

Mr. COCHRAN. Mr. President, this morning the Appropriations Committee amended and reported House Joint Resolution 102, the emergency supplemental for the Emergency Food and Shelter Program of the Federal Emergency Management Agency [FEMA]. This resolution includes a provision disapproving the proposed deferral (D87-33) in the amount of $28,559,000 relating to the Temporary Emergency Food Assistance Program [TEFAP].

Funds for TEFAP are administered by the Food and Nutrition Service of the Department of Agriculture through grants to State agencies which operate commodity distribution programs. Allocation of the funds to States is based on a formula which considers the States' unemployment rates and the number of persons with incomes below the poverty level.

In fiscal year 1985, almost a billion dollars' worth of surplus commodities were distributed to assist needy individuals. Donations continued in fiscal 1986. Precise levels of commodities made available for distribution depend upon the availability of surplus commodities and requirements regarding displacement. Over $56,800,000 was used in fiscal year 1985 to help State and local authorities with the storage and distribution costs of providing surplus commodities to needy individuals; $50,000,000 was appropriated for fiscal year 1986 and was allocated to the States for their use.

For fiscal year 1987, $50,000,000, the full authorized level, was again appropriated and included in the continuing resolution. However, just yesterday a message was sent to Congress proposing deferral of all unobligated TEFAP funds as of January 5, 1987. Mr. President, deferral of these funds will cause widespread disruption in the Temporary Emergency Food Assistance Program, and most States will be forced to curtail or discontinue the distribution of the much needed surplus agricultural commodities to the hungry and homeless. By taking action to overturn this deferral now, States will be able to proceed with their programs without disruption.

In view of the need to provide emergency food, clothing and shelter assistance, I urge my colleagues to support this supplemental resolution and the disapproval of this proposed deferral.

Mr. DOLE. Mr. President, we are considering a very important and timely amendment, S. 341, reported out of the Agriculture Committee today. I commend Senator BOREN for his efforts intended to make technical changes to the Mattingly disaster payment legislation enacted during the 99th session.

This legislation is of interest to many farmers in Kansas, as well as Oklahoma and other States. It would ensure that producers of the 1987 crop of winter wheat would be eligible to apply for disaster payments and would extend the signup deadline from January 31 to February 28, 1987.

Last year, farmers across the Nation experienced some of the worst natural disasters in years. In some cases the floods and droughts were the worst in centuries. In one area of southwest Kansas, farmers received up to 35 inches of rain within a 2-week period. Many have still not been able to plant their wheat crop, normally done in the fall, and are desperately seeking a way to participate in the 1987 wheat program. Without some type of assistance, thousands of farmers in Kansas alone, could be forced out of farming.

Mr. BINGAMAN. Mr. President, I rise to support House Joint Resolution 102, a resolution authorizing the transfer of $50 million to the Federal Emergency Management Agency's [FEMA] Emergency Food and Shelter Program.

The transfer is of money already appropriated to FEMA for disaster relief. According to the House Appropriations Committee report, the transfer will not disrupt the disaster relief program, as sufficient unobligated balances are already on hand.

The transfer will, though, address a serious problem facing our society. The number of homeless is growing and the need for additional assistance in the winter months is obvious. Congress appropriated $70 million for the Emergency Food and Shelter Program for fiscal year 1987. This amount has not been enough, which is why we seek this transfer for an additional $50 million. This past week's snow storm has certainly reminded us of the conditions that mother nature can bring in the winter. But we have been fortunate; we have a home to sleep in at night. The individuals that this money will help sleep on the streets. We cannot allow this to continue.

Mr. President, my State especially has been hard hit by an increasing number of homeless New Mexicans. A declining State economy has contributed to this. According to State figures, collective employment in copper, potash, coal, molybdenum, and uranium production in New Mexico dropped 60 percent between 1980 and 1985. Employment in oil and gas extraction has declined nearly 40 percent since 1981, and in 1986 fell over 25 percent. Unemployment continues to rise; it is expected to climb to 10.6 percent this year.

Continuing to grow is New Mexico's poor which has increased 30 percent since 1980. According to a report commissioned by the New Mexico State Legislature and completed in December 1986, one in every seven New Mexican families lives below the poverty level. In fact, it documented that the overwhelming majority of New Mexicans are unserved by New Mexico's welfare programs. For example only one-fifth of the poor in New Mexico are receiving AFDC benefits of those that are eligible.

Perhaps even more critical is the lack of low-income housing. In Albuquerque, the public housing authority reports that as many as 2,000 people are on its waiting list for public-subsidized housing, yet a 15-percent vacancy rate exists for private housing in the city. The major obstacle to becoming a homeowner remains an inability to afford adequate housing.

Mr. President, we do our part to help address the homeless problem by redirecting these much needed funds. New Mexico now receives $540,975 from the Emergency Food and Shelter Program. The New Mexico State Legislature's report on the homeless provides recommendations that I believe deserve serious study. I will vote in favor of this resolution because its a positive step forward. I urge my colleagues to also join me.

Thank you, Mr. President.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the ques-

tion is on the engrossment of the amendments and the third reading of the joint resolution.

The amendments were ordered to be engrossed and the joint resolution be read a third time.

The joint resolution was read the third time.

Mr. BYRD. Mr. President, I have had it called to my attention that I said there will be no more rollcall votes tonight. I meant following this rollcall vote.

The PRESIDING OFFICER. The yeas and nays have been ordered. The question is on final passage of the joint resolution. The clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD. I announce that the Senator from Texas [Mr. BENTSEN], the Senator from New Jersey [Mr. BRADLEY], the Senator from California [Mr. CRANSTON], the Senator from Illinois [Mr. DIXON], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from North Carolina [Mr. SANFORD] are necessarily absent.

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

Mr. SIMPSON. I announce that the Senator from Colorado [Mr. ARMSTRONG], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Oregon [Mr. HATFIELD], the Senator from Arizona [Mr. MCCAIN], the Senator from Idaho [Mr. MCCLURE], the Senator from Indiana [Mr. QUAYLE], the Senator from Utah [Mr. STAFFORD], the Senator from Alaska [Mr. STEVENS], the Senator from Wyoming [Mr. WALLOP], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

On this vote, the Senator from Wyoming [Mr. WALLOP] is paired with the Senator from Minnesota [Mr. DURENBERGER].

If present and voting, the Senator from Wyoming would vote nay and the Senator from Minnesota would vote "yea."

I further announce that the Senator from Missouri [Mr. BOND] is absent due to illness.

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

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

The result was announced—yeas 78, nays 5, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—78

Adams	Chafee	Dole
Baucus	Chiles	Domenici
Biden	Cochran	Evans
Bingaman	Cohen	Exon
Boren	Conrad	Ford
Boschwitz	D'Amato	Fowler
Breaux	Danforth	Garn
Bumpers	Daschle	Glenn
Burdick	DeConcini	Gore
Byrd	Dodd	Graham
Grassley	Matsunaga	Riegle
Harkin	McConnell	Rockefeller
Hatch	Melcher	Roth
Hecht	Metzenbaum	Sarbanes
Heflin	Mikulski	Sasser
Heinz	Mitchell	Shelby
Hollings	Moynihan	Simon
Inouye	Murkowski	Simpson
Johnston	Nickles	Specter
Kassebaum	Nunn	Stennis
Kasten	Packwood	Thurmond
Kennedy	Pell	Trible
Kerry	Pressler	Warner
Leahy	Proxmire	Wilson
Levin	Pryor	Wirth
Lugar	Reid	Zorinsky

NAYS—5

Gramm	Humphrey	Symms
Helms	Rudman	

NOT VOTING—17

Armstrong	Durenberger	Sanford
Bentsen	Hatfield	Stafford
Bond	Lautenberg	Stevens
Bradley	McCain	Wallop
Cranston	McClure	Weicker
Dixon	Quayle	

So the joint resolution (H.J. Res. 102) was passed.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I have cleared the following requests with the able Republican leader.

ORDER TO PLACE S. RES. 94 ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the resolution, Senate Resolution 94, concerning arms control negotiations with the Soviet Union, which I introduced on behalf of myself, Mr. DOLE, and Mr. BOREN, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 10 minutes and that Senators be permitted to speak therein for not to exceed 2 minutes each.

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

MENTAL HEALTH

Mr. BYRD. Mr. President, it gives me great pleasure to announce that our esteemed colleague from Texas, Senator BENTSEN, is being honored by the Mental Health Association of Texas tomorrow. The occasion is the grand opening of the association's Austin Centre in Austin, TX.

In the 16 years that I have worked with Senator BENTSEN, I have become well aware of his dedication to improving the quality of life for every American, especially the less fortunate and the mentally and physically impaired.

It is fitting and appropriate that the association has chosen to honor our colleague from Texas who has so actively assisted it in meeting its goals of promoting mental health and improving the care and treatment of persons with mental illness.

He was the cosponsor of the Mental Health Act, and in 1984, he wrote the legislation that provides block grant moneys to the mentally ill—the largest single source of funds available to the States for this purpose.

And he has been particularly active in improving the quality of life for the children of the United States. As a member of the Senate Finance Committee he has been a leader in providing for children with special health care needs and he helped broaden access of children to Medicaid.

During a time of fiscal restraint and retrenchment, Senator BENTSEN has set priorities and has sought to protect the most vulnerable citizens of our great land.

I congratulate Senator BENTSEN, and compliment the Mental Health Association of Texas for recognizing and appreciating his contributions. I am pleased to call this honor to the attention of my colleagues.

TRIBUTES TO SENATORS ON FUNDING RESOLUTION FOR HOMELESS

Mr. BYRD. Mr. President, I express my appreciation and admiration to the distinguished Senator from Mississippi [Mr. STENNIS], the chairman of the Appropriations Committee, and to the distinguished Senator from Wisconsin [Mr. PROXMIRE] on their magnificent work in calling the committee together today, reporting out the emergency resolution dealing with the homeless and bringing it to a final vote on the floor this evening.

They are at their post of duty as always and the Senate is in their debt.

Mr. STENNIS. Mr. President, I certainly thank the Senator for his fine and generous words. We all owe a debt to him and to the others who worked on this bill. It is an important matter and grave questions were involved and important votes were taken.

As far as this bill is concerned, we will certainly followup on it and discharge whatever other added duties there may be to bring it to a head.

I commend and thank the Senator from Kansas, too, for the work he did.

Thank you both.

Mr. BYRD. Mr. President, I also include in my deserved accolades the name of the distinguished Senator from New Hampshire [Mr. RUDMAN], who on the other side of the aisle acted with an equal ability and with his support it was made possible that the Senate could take this measure up today and pass it.

I express thanks, also, to the able Republican leader because without his support we could not have brought the

resolution up today, and the 1-day rule would have given us a problem. Without that understanding and support of Mr. DOLE and of Mr. WEICKER, also, on the other side of the aisle, the Senate would not have completed action on this measure today.

Mr. STENNIS. I think real legislative good will come from today's work. It may not look fully that way now, but it will in time.

Mr. DOLE. Mr. President, I want to thank the distinguished majority leader and the distinguished chairman of the Appropriations Committee and Members on both sides for their cooperation. There were more votes than I anticipated, but that happens from time to time. But there is still some incentive because, as I understand, there will not be a session tomorrow. So, even though it is a bit later than some might have liked this evening, they will not be around tomorrow. So, I thank the distinguished majority leader for pressing ahead.

As I have indicated, I am certainly going to try to cooperate with the majority leader to keep the calendar clean, keep this legislation moving, because I am one, as I think we all are, who would like to finish our business by October 1. I do not know whether it will be easy every day but, as long as we can, we want to keep pushing.

I congratulate the distinguished majority leader for his efforts so far.

I understand also that there will be a request to the majority leader by the Senator from Oklahoma, Senator BOREN, to bring up a bill. I am advised that has been cleared on this side. My colleague from Kansas may wish to engage in a colloquy with the Senator from Oklahoma.

Mr. BYRD. I thank the distinguished Republican leader. He has given to the majority leader every consideration and all the support that I could have expected and hoped for. He said that he would do this. He has kept his commitment. Obviously, we all know that there will be times when the Republican leader will have problems of his own, and I understand that. But he is committed to getting on with the business of the Senate, keeping the calendar as clear as we can, and hopefully getting out of here by the 1st of October so that Senators can then go back to their home States and talk with their people. So, I thank him.

AGRICULTURE EMERGENCY ASSISTANCE ACT OF 1987

Mr. BYRD. Mr. President, the measure to which the Republican leader referred was S. 341. This is a bill, as I understand it, that was reported by the Committee on Agriculture today. The leader on the other side has said it is clear on his side of the aisle.

I ask unanimous consent that the Senate proceed to the consideration of S. 341.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 341) to provide emergency assistance to certain agriculture producers, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture, Nutrition, and Forestry, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SECTION 1. SHORT TITLE.

This act may be cited as the "Agricultural Emergency Assistance Act of 1987".

SEC. 2. PAYMENTS FOR 1987 CROP OF WHEAT.

Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Laws 99-500 and 99-591), (hereinafter in this Act referred to as "the section") is amended—

(1) in subsection (a)(2), by inserting "or the 1987 crop of wheat" after "peanuts";

(2) in subsection (a)(5)(A), by striking out "The" the first time it appears and inserting in lieu thereof "With respect to the 1986 crops, the";

(3) in subsection (a)(5), by adding at the end thereof the following new subparagraph:

"(C) With respect to the 1987 crop of wheat, the loss of production of the eligible producer shall be the quantity of wheat that eligible producers on a farm are prevented from planting to such commodity of other nonconserving crops due to drought, excessive heat, floods, hail, or excessive moisture in 1986. Such loss of production of the eligible producer for such crop shall be determined by multiplying (i) 50 percent of the farm program payment yield established from the crop, by (ii) the acreage for which prevented planted credit is approved by the Secretary. The acreage determined under clause (ii) plus the acreage of wheat planted to harvest shall not exceed in 1987 permitted acreage determined for the crop.";

(4) in subsection (a)(8)(A), by inserting "(or, in the case of the 1987 crop of wheat, the 1987 farm program payment yield for such crop)" after "of the commodity";

(5) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

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

"(B) Applications for payments with respect to the 1987 crop of wheat must be filed on or before February 28, 1987. The applicant for such payments must have agreed to participate in the 1987 wheat program on or before such date."

SEC. 3. PAYMENT DEADLINES.

The section is amended—

(1) in subsection (a)(1), by inserting "or than March 15, 1987, whichever is later" after "producer"; and

(2) in subsection (d)(3), by inserting "or than March 15, 1987, whichever is later" before the period at the end thereof.

SEC. 4. PAYMENTS FOR HAY AND STRAW.

The section is amended—

(1) in subsection (c)(1), by inserting "(including hay and straw that was harvested in 1986, stored on a field, and removed from the field by a flood)" after "commercial crops";

(2) in subsection (d)(2) (as amended by section 2(5)), by adding at the end thereof the following new subparagraph:

"(C) Applications for payments with respect to hay and straw referred to in subsection (c)(1) must be filed on or before February 28, 1987.";

(3) in subsection (e), by adding at the end thereof the following new paragraph:

"(3) With respect to losses of hay and straw referred to in subsection (c)(1)—

"(A) the total amount of payments made to all producers may not exceed $1,000,000; and

"(B) the total amount of payments made to an individual producer may not exceed $20,000.".

SEC. 5. EMERGENCY CONSERVATION PROGRAM.

Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended—

(1) by redesignating section 406 as section 407; and

(2) by inserting after section 405 the following new section:

"SEC. 406. The Secretary of Agriculture shall take such action as is necessary to assure that agricultural producers are provided sufficient time to complete emergency measures to rehabilitate farmland damaged by wind erosion, floods, or other natural disasters under the emergency conservation program established under this title. In taking such action, the Secretary shall consider the time of year the disaster occurred, the time of year the emergency measures were begun, and the extent of the damage caused by the disasters.".

SEC. 6. REPORT ON ADJUSTMENT OF LOAN RATES DUE TO QUALITY LOSSES.

(a) IN GENERAL.—Not later than February 17, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes the cost of establishing loan rates for each of the 1986 crops of feed grains, upland cotton, and soybeans on the basis of the average quality of such crop produced on a farm during the 1984 and 1985 crop years if the Secretary determines that the quality of the crop produced on the farm was reduced as the result of drought, excessive heat, floods, hail, or excessive moisture in 1986.

(b) COST ANALYSIS.—In preparing the report required under subsection (a), the Secretary shall include—

(1) a statement of the total amount of budget outlays included in the budget submitted by the President under section 1105 of title 31, United States Code, for fiscal year 1988 for the production adjustment and price support programs for each of the 1986 crops of feed grains, upland cotton, and soybeans; and

(2) an estimate of the cost of conducting the programs if loan rates are established in accordance with subsection (a) (with the same set of economic assumptions used to calculate the cost of the program under paragraph (1)).

SEC. 7. REPORT ON QUALITY LOSSES FOR PROGRAM CROPS AND FREEZE CONDITIONS.

Not later than April 1, 1987, the Secretary of Agriculture shall submit to the Commit-

tee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, with respect to the program established in the section, a report that describes—

(1) the method and cost of making adjustments in the actual production on a farm of a crop of a program crop to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986, including—

(A) a description of the method the Secretary would utilize to make the adjustments;

(B) a statement of the total amount of disaster payments under the program for the 1986 crop;

(C) a statement of the total amount of the reduction of the payments as the result of the payment limitation contained in subsection (e)(1) of the section (taking into account the other limitations contained in the program); and

(D) an estimate of the cost of making the adjustments inaccordance the method described in subparagraph (A) (taking into account the other limitations contained in the program); and

(2) the effect of making payments available to eligible producers under the program for losses of production due to freeze conditions in 1986, with special emphasis on losses to producers of tree crops.

SEC. 8. TECHNICAL AMENDMENT.

The first sentence of the section is amended by inserting "or other law" before the first comma.

Mr. BOREN. Mr. President, I thank the distinguished majority leader and the distinguished Republican leader for arranging to bring this bill up for consideration tonight.

This is an emergency measure. It was passed out of the Agriculture Committee today on a unanimous vote. It relates to disaster payments for very hard-pressed farmers in the midsection of the country. My colleagues will remember that last year, when we passed the emergency disaster assistance to help those farmers who were the victims of drought and flood, we intended to help all of the farmers who were affected last year.

Inadvertently, the bill last year was written in a manner that protected only those farmers who were unable to harvest last year. It did not provide protection for those farmers who were unable to plant. And, as growing seasons are different in different parts of the country, there were a number of farmers, particularly in the States of Kansas, Oklahoma, and Texas, who, because of the severe flooding, were unable to plant their crops, their wheat crops, for the following year. So they have suffered severe damage.

This would simply alter the eligibility standard to reflect the intent of the Senate last year to make sure that both those farmers that were prevented from harvesting and those farmers who were prevented from planting as a result of natural disaster would be covered.

There is an additional problem in certain areas of the country that is not fully and completely addressed by this bill.

In the State of Kansas, for example, and potentially in some areas of Oklahoma, there may have been some farmers who either planted by nontraditional means, went to the extra expense of having airplanes flown in to do planting, or turned to plant some other crop. They now need a waiver from the Secretary of Agriculture. He has discretionary authority to grant it, and to allow them to receive disaster assistance because of additional costs they have incurred and to not penalize them in their loss of base if they happen to plant a different crop. So they need to be protected in two ways: If they went to the additional expense of nontraditional planting, they should be covered by disaster help; or, if they planted a different crop, they should receive a waiver so they do not lose their normal full base participation, let us say, in the wheat crop where they have been able to plant as normal and had not been interferred with because of floods.

We discussed this matter with some of our colleagues, particularly Members WHITTAKER and others from Kansas, on the House side. We are very hopeful that will be addressed. Both Senators from Kansas and I have discussed this. I am very sympathetic to their situation. I hope the Secretary will issue a waiver. If he does not, as this bill goes through the process as the author of this particular legislation, I will certainly support in conference and otherwise in the legislative process some provisions that would take care of the needed waiver if it is not done under a discretionary basis by the Secretary as we hope it will be.

We are hopeful we can go ahead and act on this bill tonight because if we do not the Department will not have received a message that they should plan on expanding their categories of eligibility. I think that is very important because they start distributing the $400 million appropriated last year. They will receive a message from us this week that makes it clear that we want to cover those farmers who were prevented from planting as well as those farmers who were prevented from harvesting.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I want to thank the Senator from Oklahoma, Mr. BOREN, for really explaining in such an eloquent way the importance of this legislation. The Republican leader, Mr. DOLE, and I have a shared concern about the southeast area of Kansas in particular where there was extraordinary damage done because of planting, and the importance of the waiver for yield reductions really applies there because of the planting of spring wheat. It is a rather unique concern of this particular area, but the entire bill is very important, too. A lot of work has been done by the Agriculture Committee, and it is our hope that through this process, as Senator BOREN has explained, the House will be able to address—and in conference—this particular concern. The Secretary of Agriculture has at his discretion the ability to waive the yield reductions as it is. But I do not think he will use this authority. Perhaps now it may be addressed by statute. So I hope that this can be given some special focus as it moves over to the House, and in conference.

Mr. BOREN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. I thank my colleague from Kansas, Senator KASSEBAUM, and my colleague, Senator DOLE, the distinguished Republican leader, for their understanding of this matter, and for their understanding of the need to press ahead tonight to get something enacted on the part of the Senate to send a message to the Department, and I also understand the need to expand the scope of this provision. I will certainly work to do so.

The risk that we run of not taking any action tonight is that we might not help all farmers who were unable to plant in normal fashion being passed over and not being covered by the disaster assistance as we all intended last year.

So I think taking this action tonight is extremely important. I appreciate their understanding of that. There are many hardpressed farmers in Kansas, Oklahoma, Texas, and a few other States who will certainly be benefited by this action.

I hope we can as we have stated complete the process as the matter goes through the House and likely to conference, and address the waiver issue as well if the Secretary does not use the discretion that we hope he will use to grant the waiver.

But I want to thank all concerned, the leadership of the Agriculture Committee, as well as the distinguished majority leader, Senator BYRD, and the leadership on both sides for being sensitive to the needs of these farmers and moving this along so quickly on an emergency basis. I think it demonstrates that the Senate truly can move especially when there are farmers that need our help on an emergency basis.

Mr. DOLE. Mr. President, will the Senator from Oklahoma yield?

Mr. BOREN. I am happy to yield.

Mr. DOLE. I will take 30 seconds to underscore the comments made by both the Senator from Oklahoma and my distinguished colleague from Kansas, Senator KASSEBAUM. I assume it may be added on the House side. It may be in conference and there will not be any problem. But I am advised

that there are some farmers in southeast Kansas, as Senator KASSEBAUM indicated, who will be denied certain benefits unless the waiver is obtained.

I would also urge Secretary Lyng, and others, that if the House should decide just to take this bill to help other farmers, he might use his discretionary authority to take care of the remainder.

Mr. BOREN. Mr. President, I share that concern. I again thank all of my colleagues who were part of this effort to move very speedily on an emergency basis on this matter.

Mr. President, I yield the floor.

Mr. LEAHY. Mr. President, the Agricultural Emergency Assistance Act of 1987 was originally introduced by Senator BOREN and is designed to correct some omissions in the disaster assistance package that we adopted last fall. This matter requires our urgent attention since the current deadline for making disaster assistance applications is January 31.

The first omission in last year's Disaster Payment Program relates to wheat producers who were prevented from planting their 1987 crop in late 1986 because of flooding and other related disasters.

We intended to cover both spring and fall planted wheat in that disaster assistance legislation. However, the law did not technically include producers of the 1987 winter wheat crop which was planted in the fall of 1986.

This bill will correct that technical error and require the Secretary of Agriculture to make disaster payments to all wheat producers who were prevented in 1986 from planting the 1987 wheat crop in time to assure normal crop production. Producers will have to apply for this assistance by February 28, 1987. To be eligible for this assistance the producers must agree to participate in the 1987 wheat program.

During the markup on this emergency assistance bill Senator PRYOR raised an amendment to address another problem with last year's Disaster Payment Program. Under the provisions enacted last fall producers are covered only if there was a reduction in farm production of more than 50 percent. That approach works well for most crops, but not for cotton.

The value of cotton is seriously reduced by moisture even though the total production of the farm may not be adversely affected. For example, 5,000 pounds of moisture damaged cotton might only be worth a fraction of the value of 5,000 pounds of cotton not affected by flooding.

In order to move this emergency legislation along, Senator PRYOR agreed to withhold his amendment. Instead, the Agriculture Committee agreed to an amendment by Senator BOREN which mandates cost information from the Department of Agriculture on this important issue.

The bill requires the Secretary of Agriculture to provide cost estimates by February 17 regarding the extension of disaster relief to cotton, feed grain, and soybean producers seriously harmed when the value of such crops was drastically reduced by flooding and other related moisture problems. The committee will thus be in a position to address this matter promptly.

Another report from the Department is due April 1, 1987. This report must address related disaster issues such as quality losses caused by severe freezes to tree crops in 1986 and quality losses to program crops.

The committee believes it is important to look into all these issues in order to provide adequate and equitable protection to farmers.

Senator MELCHER offered an amendment, approved by the committee, that deals with another disaster problem affecting 1986 crops. Serious flooding in Montana, South Dakota, North Dakota, and other States swept away hay and straw that had already been harvested in 1986.

The amount of assistance needed to aid these farmers is relatively small because not that many farmers were affected. Nonetheless, the impact of this flooding on those farm families would be devastating without this disaster relief.

Within the $400 million previously transferred to the Commodity Credit Corporation for purposes of making disaster payments this bill places an overall cap of $1 million to address these flooding disasters.

This amendment also sets a maximum of $20,000 that could be provided to any individual producer of hay and straw thus affected. In the event that applications for such losses total more than $1 million it is expected that the Department of Agriculture will follow its normal procedures to prorate the amount of assistance provided to individual producers.

Finally, during the committee's markup, an issue arose regarding which producers are eligible to receive disaster payments under section 633 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, as included in Public Laws 99-500 and 99-591. I ask unanimous consent that a memorandum clarifying this issue, signed by the general counsel of the Department of Agriculture, and dated January 29, 1987, be printed in the CONGRESSIONAL RECORD.

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

[Memorandum]

January 29, 1987.

For: John Frydenlund, Director, Congressional Relations.

From: Christopher Hicks, General Counsel.

Subject: 1986 Disaster Program.

Eric Mondres of your office requested clarification of which producers are eligible to receive disaster payments pursuant to section 633 of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987, as included in Public Laws 99-500 and 99-591.

Section 633(a)(2) provides that disaster payments are available to producers of the 1986 crops of wheat, feed grains, upland cotton, rice, soybeans, sugar beets and sugar cane who, among other requirements, are "in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessible heat, floods, hail or excessive moisture which occurred in 1986."

Accordingly, eligible producers of these crops must be in those counties in which such conditions occurred during calendar year 1986.

Section 633(b)(1) provides that disaster payments are available "to producers of non-program crops, in counties in which producers became eligible subsequent to July 1, 1986, to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessive heat, flood, hail, or excessive moisture" and who also meet the other requirements of section 633.

Although the specified disaster may have occurred prior to July 1, 1986, producers of these crops must be in those counties in which producers were designated as eligible for disaster emergency loans after July 1, 1986.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the committee amendment in the nature of a substitute was agreed to.

Mr. DOLE. 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 question is on the engrossment and the third reading of the bill.

The bill (S. 341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 341

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 "Agricultural Emergency Assistance Act of 1987".

SEC. 2 PAYMENTS FOR 1987 CROP OF WHEAT

Section 633(B) of the Agriculture, Rural Development, and Related Agencies Appropriations Act, 1987 (Public Laws 99-500 and 99-591), (hereinafter in this Act referred to as "the section") is amended—

(1) in subsection (a)(2), by inserting "or the 1987 crop of wheat" after "peanuts";

(2) in subsection (a)(5)(A), by striking out "The" the first time it appears and inserting in lieu thereof "With respect to the 1986 crops, the";

(3) in subsection (a)(5), by adding at the end thereof the following new subparagraph:

"(C) With respect to the 1987 crop of wheat, the loss of production of the eligible producer shall be the quantity of wheat that eligible producers on a farm are prevented from planting to such commodity or other nonconserving crops due to drought, excessive heat, floods, hail, or excessive moisture in 1986. Such loss of production of the eligible producer for such crop shall be determined by multiplying (i) 50 percent of the farm program payment yield established for the crop, by (ii) the acreage for which prevented planted credit is approved by the Secretary. The acreage determined under clause (ii) plus the acreage of wheat planted to harvest shall not exceed the 1987 permitted acreage determined for the crop.";

(4) in subsection (a)(8)(A), by inserting "(or, in the case of the 1987 crop of wheat, the 1987 farm program payment yield for such crop)" after "of the commodity";

(5) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation;

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

"(B) Applications for payments with respect to the 1987 crop of wheat must be filed on or before February 28, 1987. The applicant for such payments must have agreed to participate in the 1987 wheat program on or before such date.".

SEC. 3. PAYMENT DEADLINES.

The section is amended—

(1) in subsection (a)(1), by inserting "or than March 15, 1987, whichever is later" after "producer"; and

(2) in subsection (d)(3), by inserting "or than March 15, 1987, whichever is later" before the period at the end thereof.

SEC. 4. PAYMENTS FOR HAY AND STRAW.

The section is amended—

(1) in subsection (c)(1), by inserting "(including hay and straw that was harvested in 1986, stored on a field, and removed from the field by a flood)" after "commercial crops";

(2) in subsection (d)(2) (as amended by section 2(5)), by adding at the end thereof the following new subparagraph:

"(C) Applications for payments with respect to hay and straw referred to in subsection (c)(1) must be filed on or before February 28, 1987.";

(3) in subsection (e), by adding at the end thereof the following new paragraph:

"(3) With respect to losses of hay and straw referred to in subsection (c)(1)—

"(A) the total amount of payments made to all producers may not exceed $1,000,000; and

"(B) the total amount of payments made to an individual producer may not exceed $20,000.".

SEC. 5. EMERGENCY CONSERVATION PROGRAM.

Title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.) is amended—

(1) by redesignating section 406 as section 407; and

(2) by inserting after section 405 the following new section:

"SEC. 406. The Secretary of Agriculture shall take such action as is necessary to assure that agricultural producers are provided sufficient time to complete emergency measures to rehabilitate farmland damaged by wind erosion, floods, or other natural disasters under the emergency conservation program established under this title. In taking such action, the Secretary shall consider the time of year the disaster occurred, the time of year the emergency measures were begun, and the extent of the damage caused by the disasters.".

SEC. 6. REPORT ON ADJUSTMENT OF LOAN RATES DUE TO QUALITY LOSSES.

(a) IN GENERAL.—Not later than February 17, 1987, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report that describes the cost of establishing loan rates for each of the 1986 crops of feed grains, upland cotton, and soybeans on the basis of the average quality of such crop produced on a farm during the 1984 and 1985 crop years if the Secretary determines that the quality of the crop produced on the farm was reduced as the result of drought, excessive heat, floods, hail, or excessive moisture in 1986.

(b) COST ANALYSIS.—In preparing the report required under subsection (a), the Secretary shall include—

(1) a statement of the total amount of budget outlays included in the budget submitted by the President under section 1105 of title 31, United States Code, for fiscal year 1988 for the production adjustment and price support programs for each of the 1986 crops of feed grains, upland cotton, and soybeans; and

(2) an estimate of the cost of conducting the programs if loan rates are established in accordance with subsection (a) (with the same set of economic assumptions used to calculate the cost of the program under paragraph (1)).

SEC. 7. REPORT ON QUALITY LOSSES FOR PROGRAM CROPS AND FREEZE CONDITIONS.

Not later than April 1, 1987, the Secretary of Agriculture shall submit to the Committee of Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, with respect to the program established in the section, a report that describes—

(1) the method and cost of making adjustments in the actual production on a farm of a crop of a program crop to reflect any reduction in the quality of the crop caused by drought, excessive heat, floods, hail, or excessive moisture in 1986, including—

(A) a description of the method the Secretary would utilize to make the adjustments;

(B) a statement of the total amount of disaster payments under the program for the 1986 crop;

(C) a statement of the total amount of the reduction of the payments as the result of the payment limitation contained in subsection (e)(1) of the section (taking into account the other limitations contained in the program); and

(D) an estimate of the cost of making the adjustments in accordance the method described in subparagraph (A) (taking into account the other limitations contained in the program); and

(2) the effect of making payments available to eligible producers under the program for losses of production due to freeze conditions in 1986, with special emphasis on losses to producers of tree crops.

SEC. 8. TECHNICAL AMENDMENT.

The first sentence of the section is amended by inserting "or other law" before the first comma.

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

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

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that morning business be extended for 2 minutes.

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

REPRESENTATIVE CHAPPELL RECEIVES MINUTE MAN AWARD

Mr. BYRD. Mr. President, I should like to call to the attention of my colleagues that last evening, the Reserve Officers Association of the United States, at its 1987 national council mid-winter banquet, presented the distinguished chairman of the House Defense Appropriations Subcommittee with the 1987 Minute Man of the Year Award. This award is presented annually by the ROA to the citizen who has contributed most to national security in these times.

Mr. President, previous recipients of the ROA's annual Minute Man of the Year Award include Presidents Ford and Reagan, Senators STENNIS, Jackson, THURMOND, NUNN, and STEVENS and Representatives Vinson, Rivers, Sikes, Hébert, McCormack, Laird, Albert, Mahon, MONTGOMERY, and others.

Our distinguished colleague from Florida deserves our congratulations for this well-deserved recognition as ROA's Minute Man of the Year.

Representative CHAPPELL, who served as a naval aviator during World War II, and retired as a captain in 1983, has spent nearly all of his adult life in public service. He has long had a deep concern and has worked hard for a stronger, more effective, and efficient national defense. More recently, Representative CHAPPELL has exerted strong leadership to this end as chairman of the Defense Subcommittee of the House Committee on Appropriations.

Mr. President, I again offer my congratulations to the distinguished House Appropriations Defense Subcommittee chairman, Mr. CHAPPELL.

I ask unanimous consent to have printed in the RECORD the introductory remarks of ROA's national president, Col. Ralph T. Carlson, USAFR, at last evening's presentation of the Minute Man of the Year Award, along with two letters of congratulations and a list of previous recipients of ROA's annual Minute Man of the Year Award.

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

REMARKS OF COL. RALPH T. CARLSON

Representative Chappell's close association with the military spans more than four decades, from his World War II service as a navy aviator, participation in the Reserve and retirement as a navy captain, to his current position as chairman of the House Appropriations Defense Subcommittee.

As the ranking majority subcommittee member and now the chairman, he has demonstrated his strong advocacy of military readiness from a position of great responsibility.

Without Representative Chappell's leadership, this year's Department of Defense budget would not have provided the readiness that our Nation expects and requires.

Of particular interest to ROA has been his support for the Reserve components.

He sponsored the bill that created the position of Assistant Secretary of Defense for Reserve Affairs. Due to his efforts the Naval Reserve has been maintained at an effective strength level during recent years.

Representative Chappell's strong leadership has insured that essential funding for the Reserve has over the years survived the long and arduous congressional appropriations process, and become law.

We applaud the statesmanship he has exhibited in the Congress, and we are honored to recognize him at this time.

Will Representative Chappell please join me for the presentation of our Minute Man of the Year award. . . . One of my most pleasant responsibilities as national president of ROA is to make this presentation.

I also want to take this opportunity to read aloud two letters of congratulations from two of your friends.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, January 27, 1987.

Hon. BILL CHAPPELL, Jr.,
Chairman, Subcommittee on Defense, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Congratulations on your receipt of the 1987 "Minute Man of the Year" award from the Reserve Officers Association of the United States.

Your strong leadership over the years and especially most recently as Chairman of the Defense Subcommittee of the House Committee on Appropriations has substantially strengthened Guard and Reserve programs.

Your dedication and long association with a strong national defense has been evident since your service as a naval aviator in World War II.

Again, congratulations on this well-deserved recognition as ROA's "Minute Man of the Year."

With warm regards, I am
Sincerely yours,

ROBERT C. BYRD.

U.S. SENATE,
Washington, DC, January 28, 1987.

Hon. BILL CHAPPELL, Jr., M.C.,
Fourth Florida District, Rayburn House Office Building, Washington, DC.

DEAR BILL: Congratulations to you on this special day as you receive The Minuteman Award from the Reserve Officers Association (ROA) honoring your dedication to America's national security.

I share the Reserve Officers Association's sense of pride in your accomplishments. It is an honor to serve with Bill Chappell in the Congress, and I look forward to a long partnership.

With warm regards,
Sincerely,

BOB GRAHAM,
U.S. Senator.

PREVIOUS RECIPIENTS OF ROA'S ANNUAL MINUTE MAN OF THE YEAR AWARD

1958—Brig. Gen. David Sarnoff.
1959—Senator Richard B. Russell.
1960—Colonel Bryce N. Harlow.
1961—The Honorable Hugh M. Milton, II.
1962—The Honorable Carl Vinson.
1963—The Honorable Dennis Chavez (posthumously).
1964—The Honorable Margaret Chase Smith.
1965—The Honorable L. Mendel Rivers.
1966—The Honorable John C. Stennis.
1967—The Honorable Robert L.F. Sikes.
1968—The Honorable F. Edward Hébert.
1968—Francis Cardinal Spellman (posthumously).
1969—The Honorable John W. McCormack.
1970—The Honorable Melvin L. Laird.
1971—The Honorable Strom Thurmond.
1972—The Honorable Carl Albert.
1973—The Honorable Henry M. (Scoop) Jackson.
1974—The Honorable George H. Mahon.
1975—The Honorable Gerald R. Ford.
1976—The Honorable John L. McClellan.
1977—The Honorable Bob Wilson.
1978—The Honorable Charles E. Bennett.
1979—The Honorable Milton R. Young.
1980—The Honorable Samuel S. Stratton.
1981—The Honorable John Goodwin Tower.
1982—The Honorable G.V. (Sonny) Montgomery.
1983—President Ronald W. Reagan.
1984—The Honorable Sam Nunn.
1985—The Honorable William L. Dickinson.
1986—The Honorable Ted Stevens.

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 received today are printed at the end of the Senate proceedings.)

ECONOMIC REPORT OF THE PRESIDENT—MESSAGE FROM THE PRESIDENT—PM 14

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Joint Economic Committee:

To the Congress of the United States:

For 6 years, my Administration has pursued policies to promote sustained, noninflationary growth and greater opportunity for all Americans. We have put in place policies that are in the long-term best interest of the Nation, policies that rely on the inherent vigor of our economy and its ability to allocate resources efficiently and generate economic growth. Taming the Federal Government's propensity to overtax, overspend, and overregulate has been a major element of these policies.

THE CURRENT EXPANSION

Our market-oriented policies have paid off. The economic expansion is now in its fifth year, and the growth rate of the gross national product, adjusted for inflation, should accelerate to 3.2 percent in 1987. By October, the current expansion will become the longest peacetime expansion of the postwar era.

Since the beginning of this expansion, the economy has created more than 12 million new jobs. In each of the past 2 years, the percentage of the working-age population with jobs was the highest on record. Although I am encouraged by the fall in the overall unemployment rate to 6.6 percent in December 1986, I will not be satisfied until all Americans who want to work can find a job.

Our efforts to reduce taxes and inflation and to eliminate excessive regulation have created a favorable climate for investing in new plant and equipment. Business fixed investment set records as a share of real gross national product in 1984 and 1985, and remains high by historical standards.

Despite the economy's tremendous gains in employment and production, inflation has remained below or near 4 percent for the past 5 years and, in 1986, declined to its lowest rate in 25 years. Although last year's low inflation rate in part reflected the substantial decline in energy prices during 1986, we expect inflation in 1987 to continue at the moderate pace experienced during the first 3 years of the expansion. The financial markets have acknowledged our progress in reducing inflation from its double-digit levels, and interest rates declined during 1986, reaching their lowest levels in 9 years. To sustain these developments, the Federal Reserve should continue to pursue monetary and credit policies that serve the joint goals of growth and price stability.

In short, since 1982, we have avoided the economic problems that plagued our recent past—accelerating inflation, rising interest rates, and severe recessions. Production and employment have grown significantly, while inflation has remained low and interest rates have declined. This expansion already has achieved substantial progress toward our long-term goals of

sustainable economic growth and price stability.

THE ECONOMIC ROLE OF GOVERNMENT

Government should play a limited role in the economy. The Federal Government should encourage a stable economy in which people can make informed decisions. It should not make those decisions for them, nor should it arbitrarily distort economic choices by the way it taxes or regulates productive activity. It should not and cannot continue to spend excessively, abuse its power to tax, and borrow to live beyond its means.

The Federal Government should provide certain goods and services, public in nature and national in scope, that private firms cannot effectively provide—but it should not try to provide public goods and services that State or local governments can provide more efficiently. When government removes decisions from individuals and private firms, incentives to produce become dulled and distorted; growth, productivity, and employment suffer. Therefore, to the greatest extent possible, the Federal Government should foster responsible individual action and should rely on the initiative of the private sector.

TAX REFORM

My 1984 State of the Union Message set tax reform as a national priority. After more than 2 years of bipartisan effort, we achieved our goal last fall when I signed into law the Tax Reform Act of 1986. Tax reform broadens the personal and corporate income tax bases and substantially reduces tax rates. These changes benefit Americans in at least three ways.

First, by reducing marginal tax rates, tax reform enhances incentives to work, save, and invest. Second, by reducing disparities in tax rates on income from alternative capital investments, tax reform encourages more efficient deployment of investment funds. Investment decisions will now reflect the productive merits of an activity more than its tax consequences, leading to a more efficient allocation of resources, higher growth, and more jobs. Finally, tax reform makes the tax system more equitable. The simpler, lower rate structure will make compliance easier and tax avoidance less attractive. Americans will know that everyone is now paying his or her fair share and is not hiding income behind loopholes or in unproductive shelters. Tax reform will especially benefit millions of working poor by removing them from the Federal income tax rolls.

REMAINING CHALLENGES OF ECONOMIC POLICY

We have successfully reformed the Tax Code, controlled inflation, and reduced Government intervention in the economy. The result has been an expansion of production and employment, now in its fifth year, which we fully expect will continue with greater strength in 1987. Although much has been accomplished, we must and will address the remaining challenges confronting the economy. We must continue to reduce the Federal budget deficit through spending restraint. We must reduce the trade deficit, while avoiding protectionism. We must strengthen America's productivity and competitiveness in the world economy. And we must reform our costly, inefficient, and unfair agricultural programs.

CONTROL FEDERAL SPENDING

For the first time since 1973, Federal spending in 1987 will fall in real terms. As a result, the Federal budget deficit will decline from its 1986 level by nearly $50 billion. My budget for 1988 continues this process by meeting the Gramm-Rudman-Hollings defict target of $108 billion.

Deficit reduction must continue and must be achieved by restraining the growth of Federal spending—not by raising taxes, which would reduce growth and opportunity. Large and persistent Federal deficits shift the burden of paying for current government spending to future generations. Deficit reduction achieved through spending restraint is essential if we are to preserve the substantial benefits of tax rate reduction and Tax Code reform; it is also essential for reducing our international payments imbalances. Finally, spending on many programs exceeds the amounts necessary to provide essential Federal services in a cost-effective manner.

Besides exercising spending restraint, we must reform the budget process to build a check on the Federal Government's power to overtax and overspend. I support a constitutional amendment providing for a balanced peacetime budget, and I ask the Congress to give the President the same power that 43 Governors have—the power to veto individual line items in appropriations measures.

MAINTAIN FREE AND FAIR TRADE

One of the principal challenges remaining for the U.S. economy is to reduce our trade deficit. However, we cannot accomplish this, or make American firms more competitive, by resorting to protectionism. Protectionism is antigrowth. It would make us less competitive, not more. It would create jobs. It would hurt most Americans in the interest of helping a few. It would invite retaliation by our trading partners. In the long run, protectionism would trap us in those areas of our economy where we are relatively weak, instead of allowing growth in areas where we are relatively strong.

We cannot gain from protectionism. But we can gain by working steadfastly to eliminate unfair trading practices and to open markets around the world. This year, I will continue to press to open foreign markets and to oppose vigorously unfair trading practices wherever they may exist. In addition, I will ask the Congress to renew the President's negotiating authority for the Uruguay Round under the General Agreement on Tariffs and Trade. These talks offer an important and promising opportunity to liberalize trade in areas critical to the United States; trade in services, protection of intellectual property rights, fair rules governing international investment, and world trade in agricultural products.

More remains to be done to end our trade deficit. We must sustain world economic growth, increase productivity, and restrain government spending. For U.S. exports to grow, the economies of our trading partners must grow. Therefore, it is essential that our trading partners enact policies that will promote internally generated economic growth. At the Tokyo Economic Summit last year, the leaders of the seven largest industrial countries continued efforts, begun at the Versailles Economic Summit in 1982, to increase international coordination of economic policies. We must also continue to encourage developing countries to adopt policy reforms to promote growth and restore creditworthiness.

Here in the United States, we must restrain government spending. Our trade deficit in goods and services reflects that, over the past several years, we have spent more than we have produced—and we have spent too much because of the profligacy of the Federal Government. As the Congress reveiws my proposed 1988 budget, it should remember that a vote for more government spending is a vote against correcting our trade deficit.

STRENGTHEN PRODUCTIVITY AND COMPETITIVENESS

We must work to improve our international competitiveness through greater productivity growth. The depreciation of the dollar since early 1985 has done much to restore our competitiveness. However, we do not want to rely on exchange-rate movements alone. Productivity growth provides the means by which we can strengthen our competitiveness while increasing income and opportunity. Since 1981, U.S. manufacturing productivity has grown at a rate 46 percent faster than the postwar average. This is a solid accomplishment, but still more remains to be done. We must encourage continued productivity growth in manufacturing and in other sectors of our economy.

One way to strengthen our global competitiveness is to free American producers from unnecessary regulation. My administration has sought to deregulate industries in which increased competition will provide greater benefits to consumers and produc-

ers. It has also streamlined the Federal Government's regulatory structure. Americans have benefited significantly from the deregulation of airlines, financial services, railroads, and trucking. I will resist any attempt to reregulate these industries. Our economy will benefit further if we eliminate natural gas price controls, remaining trucking regulations, and unnecessary labor market restrictions. Also, without compromising the Nation's air quality, we should eliminate the bias that exists in current air pollution regulations against cleaner and more efficient new factories and power facilities. Where regulation is necessary, its costs should be balanced against its benefits to ensure that regulatory efforts are applied where they do the most good and to avoid placing American firms at a competitive disadvantage in the world marketplace.

Privatization shifts the production of goods and services from government ownership to the private sector. Privatization can also improve American competitiveness because private firms can produce better quality goods and services, and deliver them to consumers at lower cost, than can government. For these reasons, Americans benefit when government steps aside. Like deregulation and federalism, privatization embodies my Administration's belief that the Federal Government should minimize its interference in the marketplace and in local governance. We must return more government activities to the competitive marketplace by selling or transferring government-owned businesses. In 1986, the Congress authorized the Department of Transportation to sell Conrail in a public offering, which we hope will take place this year. Other businesses suitable for privatization include the Naval Petroleum Reserves, the Alaska Power Administration, and Amtrak.

REFORM AGRICULTURAL POLICIES

Another high priority in 1987 must be to reform our agricultural programs. Besides costing taxpayers $34 billion this year alone, these programs divert land, labor, and other resources from their most productive uses. Most farm programs are costly and unfair because they give literally millions of dollars to relatively few individuals and corporations while many family farmers—who are those most often in need—receive little. In the process, farm programs raise the prices of many food items for all Americans, rich and poor.

Farm income support should not be linked to production through direct subsidies or propped-up prices for agricultural products. My administration will seek a market-oriented reform package with two goals: gradually separating farm income support from farm production, and focusing that income support on those family farmers who need it most.

CONCLUSION

The economic policies of my administration have created greater economic freedom and opportunity for men and women, private firms, and State and local governments to pursue their own interests and make their own decisions. These policies have produced a sustained economic expansion with low inflation, lower tax rates and a simpler Tax Code, the unshackling of industries from regulation, a surge in investment spending, and more than 12 million new jobs.

The American people demand a sound, productive, growing economy. Therefore, I shall continue to pursue policies to encourage growth, reduce the Federal budget deficit, correct the trade deficit, and strengthen the competitiveness of American producers. The American people will not tolerate a replay of the failed economic policies of the past. Therefore, I shall resist proposals to adopt any economic policy that abandons the accomplishments of tax reform, stymies growth, fuels inflation, perpetuates needless government interference in the marketplace, or fosters protectionism. With the help and cooperation of the Congress, we can sustain and strengthen the current economic expansion, and preserve and extend the economic achievements of the past 6 years.

RONALD REAGAN.

JANUARY 29, 1987.

PRESIDENTIAL APPROVAL

A message from the President of the United States announced that on January 28, 1987, he had approved and signed the following enrolled joint resolution:

S.J. Res. 24. Joint resolution to designate January 28, 1987, as "National Challenger Center Day" to honor the crew of the space shuttle *Challenger*.

MESSAGES FROM THE HOUSE

At 2:41 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 12. A concurrent resolution to allow another member of the Committee on Rules and Administration of the Senate to serve on the Joint Committee of Congress on the Library in place of the chairman of the committee.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STENNIS, from the Committee on Appropriations, with amendments:

H.J. Res. 102. A joint resolution making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency (Rept. No. 100-5).

By Mr. CHILES, from the Committee on the Budget, without amendment:

S. Res. 83. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 382, the Urban Mass Transportation Act of 1987.

S. Res. 85. A resolution waiving section 303(a) of the Congressional Budget Act of 1974 for the consideration of S. 387.

By Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 341. A bill to provide emergency assistance to certain agricultural producers and for other purposes.

By Mr. BYRD (for Mr. FORD), from the Committee on Rules and Administration, without amendment.

S. Res. 95. An original resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. NUNN, from the Committee on Armed Services:

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres, 521-30-4808FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, 433-58-0993FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, 378-28-6898FR, U.S. 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. James P. McCarthy, 288-28-9866FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., 314-30-4967FR, U.S. Air Force.

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. MOYNIHAN:

S. 409. A bill to extend the authorization of appropriations for emergency substance abuse treatment and rehabilitation programs under part C of title XIX of the Public Health Service Act, and to extend authorization for grants for drug law enforcement programs under the Anti-Drug Abuse Act of 1986 through 1991; to the Committee on Labor and Human Resources.

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. MELCHER, and Mr. BOSCHWITZ):

S. 410. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 411. A bill to authorize appropriations for the purpose of carrying out the National Violent Crime Program for fiscal year 1988 and for other purposes; to the Committee on the Judiciary.

S. 412. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

S. 413. A bill to require States to assure prisoners have training in a marketable job and basic literacy before releasing them on parole; to the Committee on the Judiciary.

S. 414. A bill to authorize incarceration in Federal prisons of convicts sentenced to life imprisonment under the habitual criminal statute of a State; to the Committee on the Judiciary.

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

S. 415. A bill to enhance the security interests of the United States by ensuring that the United States does not exceed the numerical sublimits contained in the SALT II Treaty as long as the Soviet Union does likewise; to the Committee on Armed Services.

By Mr. ROTH (for himself, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. SYMMS, Mr. QUAYLE, and Mr. DANFORTH):

S. 416. A bill to provide for a two-year budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has thirty days of continuous session to report or be discharged.

By Mr. SASSER (for himself, Mr. GORE, and Mr. HOLLINGS);

S. 417. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to disability benefits, the adversarial involvement of any representative of the Department of Health and Human Services, or any State agency involved; to the Committee on Finance.

By Mr. WALLOP:

S. 418. A bill to amend the Tax Reform Act of 1986 to restore the preferential treatment for capital gains, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. BOSCHWITZ, Mr. PELL, Mr. FORD, and Mr. LAUTENBERG):

S. 419. A bill to require specific congressional authorizations for certain sales, exports, leases, and loans of defense articles, and for other purposes; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. PELL):

S. 420. A bill to initiate a United States strategy, and to further multilateral action, in response to the problems of global warming; to the Committee on Governmental Affairs.

By Mr. KERRY:

S. 421. A bill for the relief of Richard F. Walsh; to the Committee on Armed Services.

By Mr. BRADLEY (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. RIEGLE, Mr. DURENBURGER, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 422. A bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women; to the Committee on Finance.

By Mr. KERRY:

S. 423. A bill for the relief of Kil Joon Yu Callahan; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 424. A bill to require the President to make available for obligation certain funds appropriated for the temporary emergency food assistance program; to the Committee on the Budget and the Committee on Appropriations, jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986.

By Mr. MOYNIHAN:

S. 425. A bill for the relief of Sukhjit Kuldip Singh Saund; to the Committee on the Judiciary.

By Mr. PELL:

S. 426. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SIMON (for himself, Mr. DIXON, and Mr. RIEGLE):

S.J. Res. 39. A joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. GRASSLEY:

S. Res. 92. A resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. PELL, Mr. BYRD, Mr. MOYNIHAN, Mr. MATSUNAGA, Mr. WEICKER, Mr. LEVIN, Mr. BIDEN, Mr. MELCHER, Mr. METZENBAUM, Mr. HEINZ, Mr. SARBANES, and Mr. SPECTER):

S. Res. 93. A resolution expressing the sense of the Senate regarding future funding of Amtrak; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD (for himself, Mr. DOLE, and Mr. BOREN):

S. Res. 94. A resolution concerning arms control negotiations with the Soviet Union.

By Mr. BYRD (for Mr. FORD) from the Committee on Rules and Administration:

S. Res. 95. A resolution providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library; from the Committee on Rules and Administration; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN:

S. 409. A bill to extend the authorization of appropriations for emergency substance abuse treatment and rehabilitation programs under part C of title XIX of the Public Health Service Act, and to extend authorization for grants for drug law enforcement programs under the Antidrug Abuse Act of 1986, through 1991; to the Committee on Labor and Human Resources.

REAUTHORIZATION OF LAW ENFORCEMENT AND TREATMENT SECTIONS OF ANTIDRUG ABUSE ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce a bill S. 409 which would reauthorize the components of the Antidrug Abuse Act of 1986—the treatment and State and local law enforcement grants—which were based on a bill I introduced on the 1st day of the 99th Congress, S. 15.

During the waning hours of the 99th Congress, I worked closely with my colleagues on both sides of the aisle, and with Members of the House of Representatives, to include these two critical programs into the final drug abuse bill. Therefore, I was pleased when both Houses adopted these provisions, and the President signed the comprehensive drug abuse bill into law.

In brief, the act provides approximately $170 million for treatment and rehabilitation programs, and provides $230 million for State and local governments to use for efforts to apprehend, prosecute, and incarcerate drug offenders.

Because these programs are so important in the fight against drug abuse, I believe that they need to be extended for longer than the currently authorized period of time. We need to show the Nation that we are committed to more than a onetime infusion of money; rather the Congress is committed to waging the war on drugs until it is won.

The bill I am introducing today will extend the emergency treatment and rehabilitation funds from 1987 through 1991. The State and local law enforcement grants, now authorized until 1989, will be also extended through 1991.

Adoption of these measures will signal to this country that our concern about drug abuse transcends the preelection hype which critics claim inspired the enactment of the antidrug abuse bill of 1986. The Congress cannot and will not rest until the goal of a drug-free nation is realized.

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

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

S. 409

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) Section 1921(a) of the Public Health Service Act is amended—

(1) by striking out "fiscal year 1987" in the first sentence and inserting in lieu thereof "each of the fiscal years 1987, 1988, 1989, 1990, and 1991"; and

(2) by striking out "fiscal year 1987" in the second sentence and inserting in lieu thereof "any fiscal year".

(b) Section 1921(b)(4) of such Act is amended by striking out "fiscal year 1987" and inserting in lieu thereof "each fiscal year".

(c) Section 1001(a)(6) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by—

(1) striking out "and" after "fiscal year 1988,"; and

(2) inserting "$230,000,000 for fiscal year 1990, and $230,000,000 for fiscal year 1991," after "$230,000,000 for fiscal year 1989,".●

By Mr. LEAHY (for himself, Mr. LUGAR, Mr. MELCHER, and Mr. BOSCHWITZ):

S. 410. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy; to the Committee on Agriculture, Nutrition, and Forestry.

EXTENSION OF DATE FOR REPORT OF THE NATIONAL COMMISSION ON DAIRY POLICY

● Mr. LEAHY. Mr. President, the bill I am introducing will extend by 1 year the scheduled date of a report to Congress from the National Commission on Dairy Policy. The extension is necessary because of delays in the appointment of Commission members.

The National Commission on Dairy Policy was established by the Food Security Act of 1985, Public Law 99-198. The Commission is required under the act to submit a report to Congress and the Secretary of Agriculture. The report, based on an extensive study of the dairy industry, will contain findings and recommendations with respect to the future operation of the Federal Milk Price Support Program.

The Commission's work is very important for the future of the dairy industry. Unfortunately, the 18 commissioners—all of them milk producers—were not appointed by the Secretary of Agriculture until the late fall of 1986, and the Commission has met only twice.

The time remaining to Commission to prepare a report is unrealistically short. Accordingly, this bill will extend the reporting requirement to March 31, 1988.

Mr. President, this bill is supported by dairy industry organizations and, I am told, by the U.S. Department of Agriculture. I urge my colleagues to support the bill.

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. 410

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

SECTION 1. EXTENSION OF DATE FOR REPORT OF NATIONAL COMMISSION ON DAIRY POLICY.

Section 143(c) of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking out "1987" and inserting in lieu thereof "1988".●

By Mr. SPECTER:

S. 411. A bill to authorize appropriations for the purpose of carrying out the National Violent Crime Program for fiscal year 1988 and for other purpose; to the Committee on the Judiciary.

S. 412. A bill to provide for capital punishment for murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

S. 413. A bill to require States to assure prisoners have training in a marketable job and basic literacy before releasing them on parole; to the Committee on the Judiciary.

S. 414. A bill to authorize incarceration in Federal prisons of convicts sentenced to life imprisonment under the habitual criminal statue of a State; to the Committee on the Judiciary.

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

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

S. 415. A bill to enhance the security interests of the United States by ensuring that the United States does not exceed the numerical sublimits contained in the SALT II Treaty as long as the Soviet Union does likewise; to the Committee on Armed Services.

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

By Mr. ROTH (for himself, Mr. DOMENICI, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. SYMMS, Mr. QUAYLE, and Mr. DANFORTH):

S. 416. A bill to provide for a 2-year budget cycle, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

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

By Mr. SASSER (for himself, Mr. GORE, and Mr. HOLLINGS):

S. 417. A bill to amend titles II and XVI of the Social Security Act to prohibit, in hearings relating to disability benefits, the adversarial involvement of any representative of the Department of Health and Human Services, or any State agency involved; to the Committee on Finance.

SOCIAL SECURITY DISABILITY SYSTEM

Mr. SASSER. Mr. President, I am introducing a bill today which will put an end to an injustice in our Social Security disability system. This injustice is the result of an "experimental" program started nearly 4 years ago by the Social Security Administration.

I am referring to the Social Security Administration's representation project [SSARP]. The Social Security Administration initiated this experimental project on October 12, 1982. It continues today in four offices of hearings and appeals across the country: Baltimore, MD; Pasadena, CA; Columbia, SC; and Kingsport, TN.

In a nutshell, the project allows the Social Security Administration to hire full-time attorneys and support staff to oppose the disability claims of individuals at the hearing level of adjudication.

The bill I am introducing terminates the representation project. And so doing, it puts an end to the unfair treatment of people who must go through disability hearings under this adversarial program.

I am pleased that Senator GORE and Senator HOLLINGS have joined me as original cosponsors of this bill. I am also pleased that Representative BOUCHER from Virginia is introducing identical legislation today in the House of Representatives.

The representation project was started back in 1982 with the goal of improving efficiency in hearing Social Security disability claims. That is certainly a commendable goal.

Yet, the program has been unsuccessful in achieving that goal. In fact, the exact opposite has occurred. The time spent handling hearings is much longer at those Offices of Hearings and Appeals where representation projects are in place.

For example, during the project's first 2 years, the average time spent processing cases at these Offices of Hearings and Appeals increased 41 days. At all Offices of Hearings and Appeals, during the same 2 years, the average processing time increased only 1 day.

In my native State of Tennessee, the Kingsport Office of Hearings and Appeals has witnessed a dramatic decline in efficency as a result of the representation project. Before the project began in 1982, the Kingsport OHA ranked 13th out of 24 offices in region IV in average case processing time. By

June 1983, the Kingsport office ranked 22d out of 24 region IV offices.

The project has produced delays throughout the disability hearing process. There are delays between the request for a hearing and the hearing. There are delays in the hearing itself. After a decision is finally reached, more cases are being referred to the appeals council for review.

Clearly, the timeliness and expeditiousness of these hearings has declined. If there is any benefit to the Government, it is that the Government is able to delay its payment of benefits to deserving claimants. Frankly, though, I don't think we can consider this a legitimate benefit.

More important than the program's proven inefficiency is the fact that the representation project has proven to be grossly unfair to disability claimants. Although the project was touted as nonadversarial, it has proven to be very adversarial from the outset. Disability claimants are pitted against lawyers well-versed in such proceedings. The Social Security Administration pays these lawyers. One can only expect them, as SSA employees, to argue the agency's case against disability claimants.

A Government attorney from the Pasadena project has affirmed the adversarial nature of his job. Speaking before the Los Angeles County Bar Association, he stated flatly that he considered his job as representing the position of the administration to deny benefits.

As a result of this system, many deserving individuals have had their disability claims unfairly contested. Some have seen their benefits senselessly delayed by the actions of these Government representatives.

For example, I have been told of the case of a 52-year-old mentally impaired woman with degenerative disc disease. An SSA representative needlessly appealed this woman's favorable claim decision—delaying her benefits for 4 months. Another case involves a 19-year-old man with an IQ of 63 and neurological damage impeding his ability to concentrate and remember. This young man's favorable disability decision was appealed and his benefits were delayed for 9 months.

Mr. President, such tragic stories are being repeated every day that the representation project continues to operate. It is time now to stop this cruel experiment on our disabled citizens. We must return the disability hearings in these four offices to a level of fairness and impartiality that all claimants deserve.

I am pleased that the Courts have taken action recently to terminate the Representation Project. Judge Glen M. Williams of the U.S. District Court for the Western District of Virginia ruled the project unconstitutional on July 16, 1986. In his decision, Judge Williams writes and I quote:

> This experimental administrative program has been improperly implemented from the beginning.* * * It was advertised to be nonadversarial but has been adversarial from the beginning.* * * It has not achieved its goal of aiding in the development of cases * * * at worst, it has tended to cause the Administrative Law Judges to rely upon SSA representatives to the detriment of claimants.

Judge Williams concludes:

> The entire concept is in violation of the fundamental principles of procedural due process as prescribed by the fifth amendment and as determined by the courts to be applicable in Social Security cases.

I commend Judge Williams on this just and eloquent decision. Unfortunately, the administration has appealed Judge Williams' decision and has been granted a stay of execution until the appeals court reaches a decision in the case.

The House of Representatives passed legislation terminating the project in 1986. I offered a similar measure, S. 1944, in the Senate in 1985. However, the Senate failed to complete action on this legislation in the 99th Congress.

My bill prohibits the use of SSA representatives at any level of disability determination in which there is a face-to-face meeting between the Social Security Administration or contracted State agency and an individual claimant.

Citizens have every right to expect that they will be treated fairly by those administering the Social Security Administration's Disability Program. This bill will help ensure that the disability determination process is fair to all persons bringing claims.

We cannot allow this abuse of administrative power to continue unabated. This bill guarantees that our Nation's disabled persons will not face immense and often insurmountable obstacles as they pursue their lawful entitlements.

By Mr. WALLOP:

S. 418. A bill to amend the Tax Reform Act of 1986 to restore the preferential treatment for capital gains, and for other purposes; to the Committee on Finance.

TAX REFORM ACT

● Mr. WALLOP. Mr. President, today I introduce a bill to correct what I believe is the most grievous, although not the only, error of our tax reform effort. My bill creates a capital gains exclusion of 60 percent effective December 31, 1986.

Mr. President, the repeal of the capital gains differential was a mistake. During the tax reform debates I was initially persuaded that the benefits resulting from low rates would offset the loss of the capital gains differential. At one time the goal of tax reform was to get rates so low that traditional tax incentives would be unnecessary. Economic choices would be made without concern for tax ramifications. As the marginal rates rose, so did the degree of our failure at true tax reform, and the need for a capital gains differential became more and more clear. When combined with the State tax systems that piggyback the Federal system, the tax burden on capital gains increased by almost 200 percent.

In addition, because of the rate structure and the 33-percent blip, we increased the maximum tax rate applicable to capital gains from 20 to 33 percent. The decision to realize capital gains, unlike wages or salaries, is effected by the marginal rate, and economic decisions should not be controlled by a taxpayer's position on the 33-percent blip.

The 1986 Tax Act dramatically increases the cost of capital. This impedes our industries trying to compete in overseas markets, hampers the productivity of our work force, thus lowering their standard of living, and penalizes risk taking. The livestock industry, a business which is very capital intensive is dramatically affected by the increase in tax rates. This industry can compete on world markets if given a chance. We have been working hard to reduce international trade barriers against American agriculture and yet we enacted a tax law which penalizes agricultural operations. Under the 1986 Tax Act safe, secure investments become preferable.

The capital gains incentive is the most important of the traditional savings incentives. It encourages investment by individuals, the sole source of capital and of creative new concepts. More importantly the capital gains exclusion prevents, in part, the double taxation of savings, and the taxation on inflation gains resulting from Government policies. Again, the capital gains exclusion has been important to ranching operations where in many cases the sole economic benefit from years of operations is from the value of the ranch. Taxation without a capital gains exclusion results in serious discrimination against agriculture.

Congress repealed the capital gains differential ostensibly for revenue. This is a fabulous example of the silly results that the quest for revenue neutrality got us. The substantial lowering of capital gains rates in 1978 and 1981 resulted in an increase in revenue to the Treasury. Tax revenues from capital gains increased by 138 percent. So the lessons of history show that if we decrease the capital gain tax we receive more revenue, at least for the range of tax percentages with which we were dealing. Apparently this is because investors are less inhibited, the market is freer, and the incentives for

risk taking results in more investment and more profit.

I become more and more concerned with Congress' inability to learn, indeed even remember, history. I'm not talking ancient history, but history which we lived through, history that many of us made. Failure to note the lessons of our predecessors can be attributed to simplemindedness; failure to recall lessons we have taught ourselves can only be ascribed to ignorance. During our tax reform effort last year we were told that by increasing the capital gains tax we would raise money. Obviously this revenue estimate was founded on the politics of tax reform rather than economic policy and historic evidence. The revenue impact of tax on capital needs closer study and explanation.

This year we are determined to address trade. The capital gains differential is important to the entrepreneurs and investors which hold the key to solving America's trade imbalance. According to the international accounting firm, Arthur Andersen, 11 industrialized and Pacific Basin countries, including Japan and West Germany, exempt long-term capital gains from taxation. Nine such countries impose no tax on capital gains at all. If savings rates are to be improved, and if entrepreneurial risk taking is to be encouraged, we cannot tax dollars saved at a higher rate than dollars spent. Competitiveness, the newly ordained watchword of this Congress, cannot be addressed without examining the tax incentives to produce, to be innovative, and to create jobs and opportunities for our people. Indeed, we need look no further than the Tax Reform Act for a number of ways to improve competitiveness.

Mr. President, today I call for careful and realistic study of the revenue impact of reviving the capital gains differential. Thereafter I urge early enactment of such a differential and then we must seek stability in the law so that our taxpayers can get on with the business of life, rather than the business of paying taxes.

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. 418

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

SECTION 1. RESTORATION OF CAPITAL GAINS DEDUCTION FOR TAXPAYERS OTHER THAN CORPORATIONS.

(a) IN GENERAL.—Sections 301 and 302 of the Tax Reform Act of 1986 are hereby repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 163(d)(4) of such Code (defining net investment income) is amended by adding at the end thereof the following new paragraph:

"(F) NET CAPITAL GAINS EXCLUDED FROM GROSS INCOME.—The net gain described in subparagraph (B)(ii) shall be reduced by the amount of any deduction under section 1202(a) allocable to such gain."

(2) Section 170(e)(1) of such Code (relating to certain contributions of ordinary income and capital gain property) is amended by striking out "40 percent (28/46 in the case of a corporation)" and inserting in lieu thereof "40 percent (14/34 in the case of a corporation)".

SEC. 2. CAPITAL GAINS RATE FOR CORPORATIONS REDUCED TO 14 PERCENT.

(a) IN GENERAL.—Section 311 of the Tax Reform Act of 1986 is hereby repealed.

(b) CORPORATE RATE REDUCED TO 14 PERCENT.—Section 1201 of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended to read as follows:

"SEC. 1201. ALTERNATIVE TAX FOR CORPORATIONS.

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by sections 11, 511, and 831 (a) or (b), there is hereby imposed a tax (if such tax is less than the tax imposed by such sections) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the amount of the net capital gain, at the rates and in the manner as if this subsection had not been enacted, plus

"(2) a tax of 14 percent of the net capital gain.

"(b) CROSS REFERENCES.—

"For computation of the alternative tax—

"(1) in the case of life insurance companies, see section 801(a)(2),

"(2) in the case of regulated investment companies and their shareholders, see section 852(b)(3) (A) and (D), and

"(3) in the case of real estate investment trusts, see section 857(b)(3)(A)."

(c) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) of the Internal Revenue Code of 1986 is amended by striking out "72 percent" and inserting in lieu thereof "86 percent".

(2) Subparagraph (D)(iv) of section 593(b)(2) of such Code is amended by striking out "15/46" each place it appears and inserting in lieu thereof "2%4".

(3) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking out "28 percent" and inserting in lieu thereof "14 percent".

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

(b) APPLICATION OF INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered as if the provisions of (and the amendments made by) sections 301, 302, and 311 of the Tax Reform Act of 1986 had not been enacted.

(c) REVOCATIONS OF ELECTIONS UNDER SECTION 631(a).—A taxpayer may rescind any revocation of an election made pursuant to section 311(d)(2) of the Tax Reform Act of 1986. Such revocation and rescission shall not be taken into account for purposes of section 631(a) of the Internal Revenue Code of 1986.●

By Mr. BIDEN (for himself and Mr. PELL):

S. 420. A bill to initiate a United States strategy, and to further multilateral action, in response to the problem of global warming; to the Committee on Governmental Affairs.

GLOBAL CLIMATE PROTECTION ACT

● Mr. BIDEN. Mr. President, it is a sad truth of human affairs that however well we as individuals may anticipate dangers in the distant future, and however severe those dangers may be, our public policies—even with responsive democratic government—seldom take serious account of consequences on a time horizon stretching beyond the next election.

This Nation's perilous economic situation amply demonstrates the point. For 6 years, an administration policy of reflation through massive government borrowing has contributed to a sustained, if uneven, recovery—and has therefore proven politically as well as economically expedient. Unfortunately, the negative effects of an accumulating national and international debt, while slow to manifest themselves, may eventually prove ruinous. Future administrations and future Congresses will be left to cope—while cursing this generation's lack of economic foresight and responsibility.

THE OUTLINES OF A POTENTIAL CATASTROPHE

But deferral to future generations may simply not be possible with certain problems relating to the environment in which we live. In an age when mankind's numbers and activities are so extensive as to affect the planetary conditions that have been the very basis of human life, the cost of irresponsibility could be survival itself.

Environmental problems are interrelated. Only now, for example, are we beginning to understand, and address, the potentially far reaching environmental consequences of a rate of tropical deforestation by which mankind is annually eliminating from the Earth's surface a forest area the size of West Virginia. We do not yet know the full implications of this trend. What we do know is that tropical forests, while covering only 7 percent of the Earth, serve as an important source of oxygen in our atmosphere, that they provide sanctuary to approximately half the animal species now living, and that the current rate of destruction would, if perpetuated, nearly erase tropical forests from the face of our planet during the 21st century. Accordingly, last fall I was pleased to support H.R. 2957, the tropical deforestation legislation by which Congress manifested at least one fortunate exception to our generally weak institutional capacity for foresight. In this regard, I pay special tribute to the fine work done on that legislation by my colleague from Delaware, Senator ROTH, and by the distinguished ranking member of the Foreign Relations Committee, Senator PELL.

But a related problem as yet unaddressed, and at least as ominous as tropical deforestation, is "global warming"—a term, though seemingly esoteric, that could, as time passes, come to signify an environmental disaster second only to nuclear war.

Scientists now predict that, by the middle of the next century, accumulated emissions of certain made-made pollutants—carbon dioxide, chlorofluorocarbons [CFC's], and other trace gases—could, through the so-called greenhouse effect, raise the average temperature on Earth by 3 to 8 degrees. In terms of human comfort, this temperature change may seem merely inconvenient—and, for some persons, even welcome. But the effects would not be. Life on this planet exists only under highly specialized circumstances, occurring within a band of a few thousand feet above and below the Earth's surface. Similarly, all life exists within a very narrow range of temperatures and under specialized atmospheric and climatic conditions. Indeed, so special are these circumstances that even a small rise in temperature could disrupt the entire complicated environment that has nurtured life as we know it.

For man, a central element in this equation is the delicate dependency of food production on weather. Within living memory, such shifts in weather patterns as the recent drought in Africa, El Nino in the Southern Hemisphere, and the North American dust bowls of the 1930's have devastated agriculture, producing enormous human suffering. Yet global warming, should scientific fears be realized in the decades immediately ahead, would produce climatic changes far more extensive and disastrous.

In the United States, agriculture is particularly vulnerable to climatic change. Across the surface of the planet, any global warming would be uneven—less near the oceans, with a greater temperature rise in the middle of continents. For the North American Farm Belt, situated in midcontinent, global warming could mean a new and permanent Dust Bowl.

Scientists predict also that global warming would mean temperature increases more rapid near the poles than at the Equator. This would mean a partial melting of the polar ice caps and of glaciers at the higher latitudes. Water released from these ice concentrations would raise sea levels up to 4 to 5 feet, producing widespread coastal flooding. Should this occur, mankind could—within the lifetimes of many now alive—witness a sudden alteration in global geography unlike any change in recorded history.

Over the longer term, the consequences of global warming, while less certain, are even more ominous. A 1985 report of the distinguished multinational Scientific Committee on Problems of the Environment, after detailing the climatic effects in the midterm, went on to ask whether any subsequent equilibrium would permit man's continued existence on Earth. The answer: "we don't know."

THE RANGE OF UNCERTAINTY

At present, amidst the considerable uncertainty surrounding the global warming theory, some cause for optimism may be found in evidence running counter to the direst predictions. Under the postulated "green-house effect," man-made pollutants rise into the atmosphere and prevent heat from escaping to space. Yet for all of the carbon dioxide, methane, and CFC's released into the atmosphere since the Industrial Revolution, temperatures in the northern latitudes, including the United States, have actually declined slightly during the last half-century.

No scientist, however, disputes the validity of the "green-house" theory, nor is there doubt that the level of carbon dioxide in the atmosphere is steadily increasing. Moreover, while the northern latitudes have cooled marginally in recent decades, the Southern Hemisphere has warmed steadily. Scientists theorize that warming in the Northern Hemisphere may simply have been postponed by an increased cloudiness that has temporarily—but only temporarily—offset the "greenhouse effect."

Such uncertainty means that we cannot cite as evidence of global warming such simple statistics as the fact that, in our Nation's Capital, 3 of the 10 hottest years in the century have occurred in the 1980's. Weather patterns in any specific year in a particular area are too unpredictable to provide evidence for a long-term trend. Nor can we say with any certainty that the recent drought in the Southern United States is an early and already observable result of the global warming phenomenon.

What we can say is that this drought, the most severe since record-keeping began, is the kind of climatic change that global warming would cause. It is a relatively mild and deeply sobering example of just what global warming would mean, should it occur. We would thus prudently regard this current, limited disaster as a potential harbinger deserving of serious heed.

Global warming, should it occur in accord with the direst predictions, would be a catastrophe of Biblical proportions for the entire world. The human activities that could bring it about—the inefficient burning of fossil fuels, the atmospheric release of CFC's, the destruction of tropical forests—are occurring right now. And unless these activities are changed in the next few years—through sharply stepped up energy conservation, restrictions on CFC emissions, and preservation of tropical forests—a disastrous and irreversible warming could become inevitable. As a major producer of atmospheric pollutants and as a major potential victim of global warming, the United States has a profound responsibility and interest in moving promptly to address—and lead others to address—the global warming question.

A LEGISLATIVE START TOWARD A NATIONAL STRATEGY

Toward that end, at the close of the 99th Congress, I drafted and introduced—on behalf of myself, Senator PELL, and Senator Mathias—legislation that would codify the process of developing an effective American response to the threat posed by global warming. I take note of comprehensive hearings conducted last summer by Senator CHAFEE's Subcommittee on Environmental Pollution, which did much to underscore the seriousness of the problem. And I note also a concurrent resolution introduced 1 year ago by Senator GORE, which pointed to the need for cooperative international research with respect to the greenhouse effect. I believe, however, that there is now need for formal legislation to bring about a concerted governmental response. The bill—which I reintroduce today—is short and self-explanatory. Its effect is to create a top-level executive branch task force—a Task Force on the Global Climate—to develop, in the next 12 months, a Government-wide strategy to assess the threat raised by global warming and to respond to that threat by national and multinational means.

Underscoring the international dimension of the problem, the legislation designates as chairman of the task force the Secretary of State, who bears primary responsibility within the Government for the conduct of international environmental affairs. The task force mandate, in addition to conducting further study of all phenomena associated with global warming, is to develop "specific recommendations for cooperative action to be undertaken with other nations." Three months following its completion, the President would submit the strategy to Congress with specific recommendations for further legislative action.

I am aware that some members of the Committee on Environment and Public Works have requested that the Environmental Protection Agency conduct two studies related to the greenhouse effect—one on environmental effects, the other on needed policy changes. This legislation would be consistent with that initiative, in that it mandates the Administrator of EPA to serve as the vice chairman and executive director of the Government task force.

The legislation also takes account of multilateral efforts already underway through the International Geosphere-

Biosphere Program, under the sponsorship of the International Council of Scientific Unions, the membership of which includes the scientific academies of 71 nations, as well as international scientific organizations in all fields of physical and biological science.

Under a plan approved by the union's assembly earlier this month, 4 years of preparation and planning will now precede a major multilateral activity—analogous to the geophysical year of 1957-58—to be conducted in the early 1990's. This effort has received pledges from the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, and the National Science Foundationn, the head of each of which would be a member of the task force created by this legislation.

Because the participation of such diverse and separate agencies in multilateral activities related to global warming can be expected to increase steadily, the legislation would direct the President to appoint an Ambassador-at-Large to coordinate and lead such participation. Operationally, this high-level official would also, on a practical basis, usually represent the Secretary of State in the workings of the Task Force on the Global Climate. One duty of this Ambassador-at-Large would be to seek early designation, within the United Nations system, of an "International Year of Global Climate Protection." The designation of an International Year of the Greenhouse Effect was originally proposed by Senator GORE in his concurrent resolution, and this legislation would mandate carrying that good idea formally into the international arena.

Finally, the legislation calls upon the President to give high priority to global warming on the agenda of United States-Soviet relations. As the world's major consumers of fossil fuels, the superpowers are the largest producers of the atmospheric emissions that could produce global warming. And with vast continental agricultural belts in the northerly latitudes, both are especially vulnerable to the climatic shifts that could result. Both nations, consequently, have a powerful obligation and interest in the global warming question.

Some months ago, Senators PELL and LUGAR demonstrated considerable vision, I believe, in offering a Senate resolution, later unanimously adopted, calling upon the two superpowers to join in leading a cooperative multilateral effort to achieve the World Health Organization goal of universal child immunization by the year 1990. The subject of global warming holds comparable potential and need for effective superpower cooperation.

At their Geneva summit, President Reagan told Secretary General Gorbachev "that if we had an invasion from Mars, both sides would put aside our differences." While not an extraterrestrial threat, global warming could prove no less dangerous. Even though decades away, the most serious consequences of global warming could prove unavoidable unless we act now to prevent them. Our failure to show foresight when the dangers are clearly discernible would be an unforgivable dereliction of duty to our children and all mankind not yet born.

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

S. 420

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 Global Climate Protection Act of 1987".

SECTION 1. FINDINGS.

Congress finds that—

(a) there exists compelling evidence that manmade pollution—the release of carbon dioxide, chloroflourocarbons, and other trace gases into the atmosphere—may be producing a long term and substantial increase in the average temperature on Earth, a phenomenon known as global warming through the greenhouse effect;

(b) by early in the next century, this increase in Earth temperature could—

(1) so alter global weather patterns as to have disastrous effect on existing agricultural production and on the habitability of large portions of the Earth; and

(2) cause thermal expansion of the oceans and partial melting of the polar ice caps, resulting in rising sea levels and widespread coastal flooding around the world;

(c) while the effects of the greenhouse effect may not be felt until the next century, ongoing pollution may be contributing now to an irreversible process, making timely action imperative if the climate is to be preserved;

(d) the global nature of this problem will require vigorous efforts to achieve international cooperation aimed at minimizing and responding to climate change; and

(e) effective international cooperation will require United States leadership, which will depend upon early arrival at, and implementation of, a coordinated national strategy.

SEC. 2. TASK FORCE ON THE GLOBAL CLIMATE.

(a) ESTABLISHMENT.—The President shall establish a Task Force on the Global Climate.

(b) PURPOSE.—The Task Force on the Global Climate shall be mandated to determine and supervise the research necessary for a coordinated national strategy on the global climate, to develop such a strategy, and to initiate implementation of such strategy domestically and in the international arena.

(c) COMPOSITION.—The task force shall include—

(1) the Secretary of State, who shall serve as Chairman;

(2) the Administrator of the Environmental Protection Agency, who shall serve as Vice Chairman and Executive Director for Research;

(3) the Chairman of the National Science Foundation;

(4) the President of the National Academy of Sciences;

(5) the Administrator of the National Aeronautics and Space Administration;

(6) the Administrator of the National Oceanic and Atmospheric Administration;

(7) the Administrator of the Agency for International Development; and

(8) the heads of other appropriate Government agencies, and other persons knowledgeable about the problems of global warming, as the Chairman and Vice Chairman may determine.

(d) ADVISORY ROLE.—The chairmen and ranking minority members of the Committee on Foreign Relations and the Committee on Environment and Public Works in the Senate and the Committee on Foreign Affairs and the Committee on Energy and Commerce in the House of Representatives shall serve as advisors to the task force.

(e) TASK FORCE REPORT.—Not later than twelve months after the date of enactment, the task force shall develop and transmit to the President a United States Strategy on the Global Climate, which shall include—

(1) a full analysis of the global warming phenomenon, including its environmental and health consequences; and

(2) a comprehensive strategy, including the policy changes, further research, and cooperative actions with other nations that would be required to stabilize domestic and international emissions of atmospheric pollutants at safe levels.

SEC. 3. REPORT TO CONGRESS.

Not later than three months after receipt of the United States Strategy on the Global Climate, the President shall submit such Strategy to the Speaker of the House of Representatives and the chairmen of the Senate Committee on Foreign Relations and the Senate Committee on Environment and Public Works, together with recommendations for further legislative action.

SEC. 4. AMBASSADOR AT LARGE.

To coordinate and lead the participation of United States government agencies in various multilateral activities relating to global warming, including United States participation in planning for the International Geosphere-Biosphere Program scheduled for the early 1990's, the President shall appoint an ambassador at large, who shall also represent the Secretary of State in the operations of the Task Force on the Global Climate.

SEC. 5. INTERNATIONAL YEAR OF GLOBAL CLIMATE PROTECTION.

In order to focus international attention and concern on the problem of global warming, and to foster further work on multilateral treaties aimed at protecting the global climate, the Secretary of State shall undertake all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

SEC. 6. CLIMATE PROTECTION AND UNITED STATES-SOVIET RELATIONS.

In recognition of the respective leadership roles of the United States and the Soviet Union in the international arena, and of their joint role as the world's two major producers of atmosphere pollutants, Congress urges that the President accord the problem of climate protection a high priority on the agenda of United States-Soviet relations.●

By Mr. BIDEN (for himself, Mr. BOSCHWITZ, Mr. PELL, Mr. FORD, and Mr. LAUTENBERG):

S. 419. A bill to require specific congressional authorization for certain sales, exports, leases, and loans of de-

fense articles, and for other purposes; to the Committee on Foreign Relations.

ARMS EXPORT REFORM ACT OF 1987

● Mr. BIDEN. Mr. President, last September in the closing weeks of the 99th Congress and with the cosponsorship of Senators PELL and BOSCHWITZ in the Senate and Congressman MEL LEVINE and others in the House, I introduced legislation entitled the Arms Export Reform Act. While recognizing that time would not allow its consideration before adjournment, I wished to make the text available to my colleagues and to the public for analysis and discussion. Today, again in cooperation with Congressman LEVINE and with cosponsorship in this body by Senators PELL, BOSCHWITZ, LAUTENBERG, and FORD, I reintroduce the bill.

In so doing, Mr. President, I wish to emphasize the purpose of this legislation. In discussing the bill in recent weeks, some commentators have placed it in the context of the current Iran arms transfer controversy, predicting that Congress would be inclined toward rapid enactment of this legislation as a remedial reponse to the administration's flawed policy of covert arms transfers to the Khomeini regime. That is neither the purpose—nor would it be the effect—of this bill.

To be sure, certain amendments to arms export legislation may arise from the administration's actions to skirt the requirements of existing law in pursuing its covert Iran policy. But this legislation—the Arms Export Reform Act of 1987—is not designed to rectify those problems, but rather to correct deficiencies in the Arms Export Control Act of two kinds. First, it would redress a significant executive-legislative imbalance in the shaping of arms transfer decisions—an imbalance created by the Supreme Court's far-reaching Chadha decision, which had the effect of undercutting many existing procedures long established in law. Second, it would draw upon years of practical experience in order to streamline procedures under the act—by focusing congressional review only on those proposed transfers likely to prove controversial.

THE PRE-CHADHA SYSTEM

Mr. President, only under the rarest circumstances could we expect a decision of the Supreme Court of the United States to have a direct and significant bearing on the conduct of the foreign policy of the United States. But in 1983 precisely that occurred when the Court rendered its famous Chadha decision, which held unconstitutional the legislative veto procedure which had been written into numerous laws of a wide variety.

One such statute—a most significant one—was the Arms Export Control Act. Under the complex provisions of that law, a procedure had been established enabling Congress to receive advance notification of significant U.S. arms transfers to foreign nations and to disapprove such transfers by the mechanism of a concurrent resolution. The act stipulated three thresholds beyond which a sale is subject to congressional disapproval: $14 million for major defense equipment (meaning sophisticated weapons or hardware); $50 million for any defense article or service; and $200 million for design and construction projects.

Disapproval by concurrent resolution meant if a majority in both Chambers opposed a sale, the sale would not transpire. Conversely, a President would prevail in executing a proposed arms sale if he could win a majority in either Chamber—enough, that is, to prevent the passage of a concurrent resolution.

As it happened, no proposed arms transfer was ever blocked by Congress using that mechanism. But the very existence of the procedure did ensure that any administration would give careful consideration to the support or opposition a contemplated sale might encounter in Congress. On several occasions, the reality of congressional authority in the arms sales area has caused proposals to be modified or abandoned, the latter having occurred most recently in the case of a contemplated sale to Jordan.

THE CURRENT SYSTEM

Last year, pursuant to an initiative by Senator CRANSTON, Congress took certain legislative steps to adapt the Arms Export Control Act to the ruling in Chadha. The Cranston bill revised the act to provide that Congress could disapprove a sale by means of joint resolution—a procedure obviously constitutional, even in view of the Chadha decision, because a joint resolution represents the fresh enactment of a full new law. The continued process of congressional notification, combined with the expedited legislative procedure stipulated by the Arms Export Control Act, meant that Congress would still be certain of the opportunity to review all proposed sales and, in the event of a controversial sale, to express its will promptly.

Unfortunately, events in the fall of 1986 surrounding a major arms sale to Saudi Arabia showed the weakness of the post-Chadha system. Originally envisaged as a multibillion-dollar deal, the sale was whittled down, in anticipation of congressional opposition, to a level of $354 million, and then reduced again to a level of $265 million in deference to congressional concern about the transfer of Stinger missiles. The final outcome was nonetheless most extraordinary and disturbing: a massive, intensely controversial arms sale to Saudi Arabia survived on the basis of support from one-sixth of the House of Representatives and one-third plus one in the Senate.

A BETTER SYSTEM

Mr. President, I believe strongly that the major foreign policy business of the United States must be conducted on the basis of far stronger support from the Congress. If a President's tools of leadership and persuasion cannot prevail—to the extent of winning majority congressional support on a fundamental issue—there is sound reason for reconsideration of the policy. This principle applies to aid to the Nicaraguan Contras, and it applies to high-technology arms transfers to Saudi Arabia.

It is to prevent any recurrence of the sharp deviation from that principle, such as we have experienced in the case of the Saudi sale, that I introduced—and am today reintroducing—the Arms Export Reform Act. We have on occasion seen an unholy alliance between U.S. arms manufacturers anxious to increase sales and administrations anxious to appease regional client-states. This legislation would restore the checks and balances needed to prevent the casual distribution abroad of front-line U.S. weapons. Ideally, it will induce in the executive branch sufficient foresight and prudent consideration of arms sales that Congress will seldom move to exercise the powers of prevention that the legislation provides.

Cosponsors of this legislation are Senators PELL, BOSCHWITZ, FORD, and LAUTENBERG; while, in the House, companion legislation is being introduced by Congressman MEL LEVINE, along with more than two dozen cosponsors. I wish to note with special appreciation, however, the contribution of Senator PELL, then the Foreign Relations Committee's distinguished ranking member and now its chairman, who worked very ably with me in shaping the content of this bill.

The legislation would build on the Arms Export Control Act, amending the act in two significant ways, both fully harmonious with—and indeed designed to uphold—the act's original spirit and intent.

SALES SUBJECT TO DISAPPROVAL

A new criterion. The first change concerns the definition of sales which shall be subject to congressional consideration. The Arms Export Control Act, in both its original and current form, has defined such sales according to the monetary thresholds I cited earlier: $14 million for major defense equipment; $50 million for any defense article or service; and $200 million for design and construction projects. Any contemplated sale above these levels had required formal notification to Congress, which may then act to disprove.

Under the revised system embodied in our bill, Congress would continue to receive notification of all sales above these thresholds and would thereby

continue to monitor the overall flow of U.S. arms transfers. What would change, however, is the criterion governing which U.S. sales shall be subject to congressional action. A decade of experience with the Arms Export Control Act has demonstrated that congressional concern about a proposed arms deal has never been triggered by the dollar amount per se. Rather, congressional challenges of sales have occurred because of the sensitivity—the quality and technological sophistication—of the weapons to be transferred. In short, we have been interested in jets, not hangar and runway construction; in AWACS, not routine radar equipment; in tanks, not trucks and jeeps; in warships, not harbor dredging and port facilities.

Accordingly, the revised law would, for all sales of nonsensitive weapons and equipment, completely eliminate the congressional review process and all attendant delay, leaving in place only the notification requirement for sales above the three thresholds. But, meanwhile, the new law would require that all sales of sensitive weaponry, in any dollar amount, be subject to congressional review and action.

The legislation we are introducing today would provide for absolutely no change in the favored standing of sales to nations in the first category. It would, moreover, add to that category any "country which is a party to the Camp David accords or an agreement based on such accords," which at this point means Israel and Egypt. As expanded, this category could be described as consisting of nations with which we are formally allied and those that are traditionally the major recipients of American military aid. Because a very clear consensus underlies U.S. arms transfers to each and all of these nations, the law would continue to reflect a presumption in favor of such transfers, which would remain subject only to a joint resolution of disapproval.

What could change, under this new legislation, is the procedure governing the sale of highly sophisticated weaponry to all other nations. For them, a new procedure would be established, requiring affirmative congressional action to approve any major sale. This would mean that there would not be—as there should not be—a presumption in favor of any such transfer. Instead, the proposed transfer of front-line U.S. arms would have to obtain a majority of support in both Houses—rather than a mere one-third plus one in either House, as in the current system. There would, however, be a stipulation allowing the President to by-pass the need for such congressional approval if he certified, and detailed the existence of, an emergency requiring a sale in the vital national security interests of the United States.

COMPARING THE ORIGINAL, CURRENT, AND PROPOSED SYSTEMS

In response to any charge that such legislation would bring Congress into the role of micromanaging U.S. arms sales policy, let me emphasize that in fact the reverse is true. This legislation would ease present requirements on the legislative and executive branches while focusing energy and attention on those sales that truly should be decided upon jointly—sales involving sensitive, front-line weapons and equipment.

As to congressional notification, proposed sales above the threshold levels would be subject to the smoothly operating information procedures now in effect, allowing Congress to stay abreast of the flow of U.S. arms transfers.

As to the treatment of noncontroversial sales, which Congress has, heretofore, dealt with through inaction, the proposed system would offer substantial improvement. In the case of nonsensitive items, the new law would free the sale to proceed automatically, with neither congressional review nor delay, regardless of the dollar amount. Similarly, in the case of sensitive equipment going to allies and key arms aid recipients, no congressional action would be required, since the current mechanism—a joint resolution of disapproval—would remain in effect. Only in the case of sensitive equipment going to other nations would the procedure become somewhat more demanding—but only slightly so, since the executive branch and Congress could easily package noncontroversial sales for routine congressional approval, either by resolution or by ad hoc amendment to regular legislation. A provision for expedited procedure would guarantee prompt congressional consideration.

Here, parenthetically, I must take note of an administration letter, circulated to all Senators and Congressmen in an effort to oppose this bill, which claims that had this legislation been in effect during 1986, Congress would have been burdened by the requirement of considering some 39 resolutions of approval. The truth, however, is that this would simply not have been the case because of the packaging procedure I have described.

Finally, as to the treatment of controversial sales, the proposed system would, as always, provide for a vote, but with an approval standard much closer to the original system—and to what is reasonable—than the post-Chadha system under which we are now operating. Whereas the current system allows the President to implement his proposal with the bare support of merely one-third plus one in either House, the original system required that he obtain a full majority of support in at least one House. The proposed system, in only slight contrast to the original pre-Chadha system, would require that the President gain majority support in both Houses.

Let me summarize what I believe to be the virtues of this new system:

First, this legislation completely removes all nonsensitive sales from the system of congressional control.

Second, sales of sensitive weaponry to countries in the consensus category will require, as now, no affirmative action.

Third, those sales which will now require affirmative action, but which are noncontroversial, can be easily packaged and approved as routinely as noncontroversial political appointments or military promotion lists.

Finally, a controversial sale of sensitive equipment will, as always, result in a debate and a vote—but one requiring that the President obtain not a mere one-third-plus-one in one House, but a majority in both Houses.

The cosponsors of this legislation believe that this standard represents precisely the degree of congressional support that should underlie any major foreign policy decision, and that this system represents precisely the way Congress and the executive branch should interact in shaping American foreign policy.

Mr. President, trusting that many of my colleagues will agree, I now—on behalf of my Senate cosponsors and in conjunction with Congressman MEL LEVINE and other House cosponsors—introduce the Arms Export Reform Act of 1987 in anticipation that the Foreign Relations Committee will hold hearings on this legislation in the near future. If enacted, this legislation would repair the damage done to the original Arms Export Control Act by the Chadha decision; it would focus the arms transfer review process where it belongs—on our most sensitive, sophisticated weaponry; and it would establish an approval standard which the Constitution implies and which time has shown to be wise: affirmative congressional concurrence in major foreign policy decisions.

Mr. President, I ask unanimous consent that the text of the Arms Export Reform Act of 1987 be inserted in the RECORD.

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

S. 419

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 "Arms Export Reform Act of 1987".

SEC. 2. (a) Notwithstanding any other provision of law, in the case of—

(1) any letter of offer to sell under the Arms Export Control Act,

(2) any application by a person (other than with regard to a sale under section 21

or 22 of the Arms Export Control Act) for a license for the export of, or

(3) any agreement involving the lease under chapter 6 of the Arms Export Control Act, or the loan under chapter 2 of part II of the Foreign Assistance Act of 1961, to any foreign country or international organization for a period of one year or longer of,

any item described in subsection (d), before such letter of offer of license is issued or before such agreement is entered into or renewed, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a numbered certification containing—

(A) in the case of a letter of offer to sell, the information described in section 36(b)(1) of the Arms Export Control Act and section 36(b)(2) of such Act, as redesignated by section 3(a)(2) of this Act,

(B) in the case of a license for export (other than with regard to a sale under section 21 or 22 of such Act), the information described in section 36(c) of such Act, as amended by section 3(b)(1) of this Act, and

(C) in the case of such an agreement, the information described in section 62(a) of such Act unless section 62(b) of such Act applies, without regard to the dollar amount of such sale, export, lease, or loan.

(b) Notwithstanding any other provision of law and except as provided in subsection (e)—

(1) no letter of offer may be issued under the Arms Export Control Act with respect to a proposed sale,

(2) no license may be issued under such Act with respect to a proposed export, and

(3) no lease may be made under chapter 6 of such Act and no loan may be made under chapter 2 of part II of the Foreign Assistance Act of 1961,

of any item described in subsection (d) to a country or international organization (other than a country or international organization described in subsection (c)) unless the Congress enacts a joint resolution or other provision of law authorizing such sale, export, lease, or loan, as the case may be.

(c) Except as provided in subsection (e), no such letter of offer or license may be issued and no such lease or loan may be made with respect to a proposed sale, export, lease, or loan, as the case may be, of any item described in subsection (d) to the North Atlantic Treaty Organization (NATO), any member country of such Organization, Japan, Australia, New Zealand, or any country which is a party to the Camp David Accords or an agreement based on such Accords, if the Congress within fifteen calendar days after receiving the appropriate certification enacts a joint resolution prohibiting the proposed sale, export, lease, or loan, as the case may be.

(d) The items referred to in subsections (b) and (c) are those items of types and classes currently used or to be used by the Armed Forces of the United States (other than the Army National Guard or the Air National Guard or a Reserve component of an Armed Force of the United States) or produced solely for export, as follows:

(1) turbine-powered military aircraft; rockets; missiles; anti-aircraft artillery; and all associated control, target acquisition and electronic warfare equipment and software;

(2) all versions of helicopters designed or equipped for combat operations;

(3) main battle tanks and nuclear-capable artillery; and

(4) submarines, aircraft carriers, battleships, cruisers, frigates, destroyers, and auxiliary warships.

(e) The requirements of subsections (b) and (c) shall not apply if the President states in his certification that an emergency exists which requires the proposed sale, export, lease, or loan, as the case may be, in the vital national security interests of the United States. If the President so states, he shall set forth in the certification a detailed justification for his determination, including a description of the emergency circumstances which necessitate the immediate issuance of the letter of offer or license for export or lease or loan and a discussion of the vital national security interests involved.

(f)(1) Except as otherwise provided in this paragraph and paragraph (3), any joint resolution under subsection (b) or (c) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976. For purposes of consideration of a joint resolution under subsection (c)(1), the motion to discharge provided for in section 601(b)(3)(A) of such Act may be made at the end of 5 calendar days after the resolution is introduced. If a joint resolution under subsection (b) deals with more than one certification, the references in section 601(b)(3)(A) of such Act to a resolution with respect to the same certification shall be deemed to be a reference to a joint resolution which relates to all of those certifications.

(2) For the purpose of expediting the consideration and adoption of joint resolutions under subsections (b) and (c), a motion to proceed in the House of Representatives to the consideration of any such resolution after it has been reported by the Committee on Foreign Affairs shall be highly privileged.

(3) If the text of a joint resolution under subsection (b) contains more than one section, amendments which would strike out one of those sections shall be in order, but amendments which would add an additional section shall not be in order.

(4)(A) The joint resolution required by subsection (b) is a joint resolution the text of which consists only of one or more sections, each of which reads as follows: "The proposed to described in the certification submitted pursuant to section 2(a) of the Arms Export Reform Act of 1986 which was received by the Congress on (Transmittal number) is authorized.", with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

(B) The joint resolution required by subsection (c) is a joint resolution the text of which consists of only one section, which reads as follows: "That the proposed to described in the certification submitted pursuant to section 2(a) of the Arms Export Reform Act of 1986 which was received by the Congress on (Transmittal number) is not authorized.", with the appropriate activity, whether sale, export, lease, or loan, and the appropriate country or international organization, date, and transmittal number inserted.

SEC. 3. (a) Section 36(b) of the Arms Export Control Act is amended—

(1) by striking out the last two sentences of paragraph (1) and by striking out paragraphs (2) and (3); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) Section 36(c) of such Act is amended—

(1) by striking out "(c)(1)" and inserting in lieu thereof "(c)"; and

(2) by striking out paragraphs (2) and (3).

(c)(1) Section 62(a) of such Act is amended by striking out "Not less than 30 days before" and inserting in lieu thereof "Before".

(2) Section 63 of such Act is repealed.

(3) Section 64 of such Act is redesignated as section 63.

SEC. 4. The provisions of this Act shall apply with respect to any letter of offer or license for export issued, or any lease or loan made, after the date of enactment of this Act.●

By Mr. BRADLEY (for himself, Mr. KENNEDY, Mr. CHAFEE, Mr. RIEGLE, Mr. DURENBERGER, Mr. MATSUNAGA, and Mr. ROCKEFELLER):

S. 422. A bill to amend title XIX of the Social Security Act to permit States to provide Medicaid benefits to additional poor children and pregnant women; to the Committee on Finance.

MEDICAID INFANT MORTALITY AMENDMENTS

● Mr. BRADLEY. Mr. President, I rise today to introduce the Medicaid Infant Mortality Amendments of 1987. The purpose of the legislation is to amend title XIX of the Social Security Act to give States the option of providing health care coverage for pregnant women and infants between 100 percent and 185 percent of proverty; and to expand health care coverage for young poor children.

Mr. President, in the last Congress my colleagues and I succeeded in passing legislation which gave States the option of providing health care coverage to pregnant women and young children up to the Federal poverty line. This was a momentous step in the battle against infant mortality. However, it was only a first step. Even if all States choose to cover this group up to the Federal poverty level, over one-third of the pregnant women and their infants in this country would remain uncovered. Most of these women have incomes which fall between the Federal poverty level and 185 percent of the Federal poverty level. This means that even if a family of three has an income of only $12,000, they have no Medicaid coverage at all. Since complete maternity care costs anywhere from $4,000 to over $5,000, these uninsured women do not have the financial resources to pay for care on an out-of-pocket basis.

One of the ways that we judge progress in a society is the health of its people—particularly through such indicators as life expectancy and infant mortality. In our Nation, where health care is one of the fastest growing industries, it is appalling that the United States ranks behind most other industrialized nations in infant mortality rate. At our current rate of progress, the United States has little chance of meeting the Surgeon Gener-

al's goal of reducing the infant mortality rate to 9 per 1,000 live births by 1990.

In my home State of New Jersey, the infant mortality rate is 10.9 per 1,000 births, slightly worse than the national average. An infant born in Newark has no better chance of survival past the first year of life than an infant born in Costa Rica. The preventable death of an infant or young child is tragic anywhere. In a country such as ours with its proud history of caring for the poor and underserved, we should be making use of our resources to do better.

Even more appalling than the high rate of infant mortality in our Nation is the shocking discrepancy among different segments of our population. The infant mortality rates for whites is 9.4 per 1,000 births, but it is 19.2 for blacks. In New Jersey, the discrepancy between whites and blacks is even worse than this national average, with an infant mortality rate for blacks—19.4 per 1,000 births—nearly double that for whites—9.3 per 1,000 births.

Mr. President, in recent years we have seen a serious decline in the progress we have been making in reducing the rate off infant mortality. This rate would be even higher if this country did not have some of the most advanced medical technology available for treating low-birth-weight babies. While it is fortunate we have this technology, Mr. President, I would rather see these machines get rusty from disuse because we are providing the kind of prenatal care which avoids the birth of underdeveloped babies. Further, neonatal intensive care costs are tremendous. Currently, just 1 day in a newborn intensive care unit costs from $1,000 to $1,200.

Mr. President, the Institute of Medicine has determined that the most critical first step we can take to address infant mortality is to expand access to early prenatal care and services for infants in the first year of life. They concluded that quality prenatal care could reduce the incidence of low birth weight by 15 percent among white infants and 12 percent black infants. Furthermore, they found that this approach is extremely cost-effective. For every $1 spent on prenatal care, $3 would be saved over the first year of the infant's life.

Mr. President, the health problems of poor children are particularly serious. Because they are significantly more likely to start life sick—predominantly because of low-birth-weight problems—and because of the conditions under which they live, poor children are more likely to suffer from a range of problems. These include: elevated blood lead levels, greater and more serious hearing and vision problems, more severe cases of chronic illness, and higher rates of chronic mental illness. Many of these problems, if detected early, can be avoided. It costs approximately $350 a year for a child to have full preventive healthcare services, while 1 day in the hospital for an untreated illness costs at least $600.

Mr. President, it is for this reason that I am proposing that we increase Medicaid coverage not only for pregnant mothers and infants but also for young children. My bill would do three important things for young children: it would require those States which do not already do so to extend Medicaid coverage to children ages 6, 7, and 8 on a year-by-year basis for those children whose family incomes do not exceed AFDC standards; it would give States the option of accelerating the currently existing year-by-year phase-in of children up to age 5 whose family incomes are between AFDC standards and the Federal poverty level; and it would give States the option of covering these children on a year-by-year basis up to age 8.

My esteemed colleague, Mr. WAXMAN, who chairs the House Subcommittee on Health and the Environment, is today introducing a companion bill in the House of Representatives. Mr. WAXMAN's leadership on behalf of adequate attention to children's health issues is well known, and I am proud to be joining with him in this effort.

Mr. President, we frequently talk about the chain of problems facing our poor. This bill affords an entry point. Inadequate prenatal care contributes to the incidence of low-birth-weight infants. These low-birth-weight infants, if they survive, experience a range of health problems. If these health problems go unresolved, they contribute to school difficulties and failure. Children who do poorly in school are more likely to become dropouts and join the ranks of the unemployed. And, in turn, these unemployed, undereducated and welfare-dependent individuals are more likely to become teen parents and fail to secure prenatal care. Thus, the cycle continues unabated.

Mr. President, if ever there was a place to intervene, this is it. We can have an impact on our citizens, giving them a chance to be the best they can be from the very beginning. We can no longer afford, in dollar costs or human costs, not to extend prenatal care and health services to pregnant women, infants, and young children. I strongly urge my colleagues to support this bill.●

● Mr. KENNEDY. Mr. President, I am pleased to join with Senator BRADLEY, Senator RIEGLE, and other colleagues in introducing this legislation. Few items on our agenda in Congress are more important than the need to do more and deal with the Nation's shockingly high level of infant mortality. The United States now ranks 17th in the world in the infant death rate, behind Singapore and Hong Kong. Unless we do more to increase access to health care for poor mothers and infants, we will lose this war.

We made progress last year in expanding Medicaid coverage for the poor. This new legislation will build on our efforts of last year, and bring us closer to our ultimate goals of an infant mortality rate that is the lowest in the world.

THE PROBLEM

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 and their families.

Low birth weight is largely preventable—and at relatively low cost. Early prenatal care can reduce the number of such infants by two-thirds. The Institute of Medicine has estimated that for every dollar 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 low-income mothers and children are denied that care because they have no health insurance. Thirty-six percent of America's 9 million poor women and 30 percent of America's 5 million near-poor women of childbearing age were completely uninsured in 1984. One-third of all poor children and 29 percent of all near-poor children under age 18 were also uninsured.

The Medicaid Program should be our first line of attack in bringing insurance and prenatal care to poor children. But Medicaid covers less than half of the Nation's poor, a precipitous decline since 1976. Many States still deny Medicaid coverage to children living in families with income below the State poverty level if they live in two-parent families. Many physicians will not even see Medicaid patients because of extremely low reimbursement rates.

ACTION IN 1986

Some progress was made last year through Medicaid reforms that permit States, at their option, to cover more poor pregnant women and children. We extended optional Medicaid coverage to 100 percent of the Federal poverty line for pregnant women and infants to age 1. Also as a State option, we extended Medicaid for children ages 1 through 4 up to the povery line on a phased-in basis through 1991. We need to build on that success and do

more to address a problem that still persists.

INITIATIVES IN 1987

The bill that we are introducing today will permit States to make major additional advances in Medicaid coverage. Pregnant women and infants up to age 1 with incomes up to 185 percent of the Federal poverty line will be eligible for Medicaid if a State exercises the option to cover them. The phased-in coverage passed last year will be made effective immediately and extended on a phased-in basis to children up to the age of 8.

NEXT STEPS

Medicaid is only part—albeit an important part—of our national effort. Some pregnant women who need service will not be eligible even when this legislation is passed. For others, statutory coverage is not enough: an aggressive outreach effort is needed. And even where coverage is available and outreach occurs, there are areas where private physicians are simply unwilling to serve Medicaid patients. Accordingly, I intend to introduce in the very near future an initiative under the Public Health Service Act that will provide additional resources to community health centers to conduct more effective outreach and treatment efforts for pregnant women and infants needing these essential services.

I look forward to speedy passage of both these important initiatives.●

● Mr. CHAFEE. Mr. President, I am pleased to join my colleague from New Jersey in introducing legislation designed to further our efforts to reduce the rate of infant deaths and illness in this country.

As a member of the Senate Finance Committee and the Subcommittee on Health one of my highest priorities has been to provide widespread and effective preventive health care for low-income children.

Since 1984, we have been slowly moving forward on this issue. In the Deficit Reduction Act of 1984 we were able to include a small expansion of the Medicaid Program to provide voluntary coverage to children up to the age of 5 in families with incomes below State eligibility standards and mandatory coverage of low-income women who were pregnant for the first time but were not eligible for Medicaid because they would not be eligible for AFDC benefits until the child was born. In the Consolidated Omnibus Budget Reconciliation Act 1985, we were able to extend prenatal care coverage to all pregnant women who were beneath the State income standards. Just last year, in the Omnibus Reconciliation Act of 1986, we included a provision to allow States to cover children up to age 5—on a staggered basis—and pregnant women up to the Federal poverty level even if those individuals were not eligible for the State AFDC Program.

The legislation we are introducing today would expand on our previous efforts. First, the legislation would accelerate the phase-in of children eligible under our provision in SOBRA. Second, it would require that all children up to age 6 who are below the State eligibility requirements for AFDC receive Medicaid benefits by October 1, 1988, those up to age 7 by October 1, 1989, and those up to age 8 by 1990.

The last provision of our proposal would allow States to extend Medicaid coverage to pregnant women and children up to age one who are below 185 percent of the Federal poverty level.

Infant mortality and low birth weight among babies are two of the most distressing problems facing our Nation.

Eleven babies die out of every 1,000 infants born in this country. Few events could be as tragic as the death of a baby or the birth of a child with birth defects that could have been prevented with proper prenatal care. The future of our Nation depends on our children and they deserve a better chance to be born healthy.

It has been estimated that half the birth defects which occur in this country could be prevented through proper prenatal care. Prenatal services can drastically reduce the frequency of low-birth-weight babies who are 40 times more likely than other infants to die within the first year and who tend to suffer a wide range of long-term health problems.

The legislation we are introducing today will improve the delivery of prenatal care and health services to low-income women and their children.

Think of the incalculable human cost which can be avoided if we improve the delivery of prenatal services. In purely economic terms, an average investment of $600 for routine prenatal services and counseling could save as much as $120,000 to $200,000 for extended neonatal intensive care and an average of $40,000 per year for 50 years for a disabled person in an institution.

The United States has one of the world's best programs for the treatment of low-birth-weight babies. Yet, we have a poor prevention program and our rate of low-birth-weight babies is higher than 11 other countries. According to the National Academy of Sciences, the rate could be cut by better than one-tenth through improved prenatal care. The Academy estimates a cost-benefit ratio of $3.38 saved in the first year of a child's life for $1 spent in prenatal care.

When infant mortality trends deteriorate as they have in the United States, we must step back and ask whether our health delivery system is adequate and effective. When the United States has poorer pregnancy outcomes than 11 other developed countries, we must ask why. When low birth weight is excessive among the poor, the poorly educated, and those that do not receive proper prenatal care, we must take action. Our bill is necessary in order to insure that the poor who do not currently receive proper health-care services have access to them.

Even during a time of fiscal restraint it is sound economic policy to invest in the health of our poor 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. RIEGLE. Mr. President, I am very pleased to join together with my colleagues from New Jersey [Mr. BRADLEY], my colleague from Massachusetts [Mr. KENNEDY], and my colleague from Rhode Island [Mr. CHAFEE], to introduce S. 422, the Medicaid Infant Mortality Amendments of 1987. For several years this Nation made significant progress toward reducing infant mortality and we became increasingly confident that we would meet the Surgeon General's goals for reducing needless infant deaths and low birth weight by the year 1990. Recently our progress has slowed, and in some aspects, reversed. Since 1981 the rate of reduction in infant mortality slowed significantly and, tragically, the rate of post-neonatal mortality—the death of infants between 28 days and 1 year—has risen.

The problem of infant mortality is an especially deep concern to me because Michigan has an exceptionally high infant mortality rate. My State has the highest rate of neonatal mortality for nonwhite infants—deaths before age 29 days. Children born in certain areas around Detroit have less chance of surviving their first year than babies born in Chile, Panama, Jamaica, or Costa Rica. Michigan has recently launched important new programs to combat infant mortality, but the severity of the problem in Michigan, and throughout the Nation, requires that we reexamine the maternal and child health-care programs at the Federal level.

Mr. President, the occurrence of needless infant deaths and low birth weight are problems for which we have known solutions. It is well documented that adequate prenatal care can substantially reduce the rate of infant mortality and the incidence of serious health problems and disabilities associated with low birth weight. With this knowledge, we must begin to make prenatal care accessible to all women. S. 422 is a vital first step in this direction.

This initiative allows States, at their option, to extend Medicaid coverage to pregnant women and infants up to age

1 with incomes up to 185 percent of the Federal poverty level. This legislation also requires States to phase in coverage—1 year at a time—of children up to age 8 whose family income is below AFDC standards. In addition, S. 422 allows States to cover older children, up to age 4 immediately and up to age 8 by yearly increments, when family income does not exceed the Federal poverty level.

These provisions represent a critically important investment in our children's future health and well-being. Recognizing that infant mortality and many serious child health disorders are among the most preventable problems we face, I urge my colleagues to join with us as cosponsors of S. 422.●

● Mr. DURENBERGER. Mr. President, I am proud to join my colleagues on both sides of the aisle today in introducing the Medicaid Infant Mortality Amendments of 1987.

Health care in America must be judged not only on its ability to cure sickness, but also on its capacity to keep people well. Nowhere is this more important than in the health of mothers and children. Preventive, primary health services for these individuals cannot only alleviate much suffering and illness, but also more than pay for itself over the long run by giving babies and young children a fighting chance to grow up healthy and productive.

In my years on the Senate Finance Committee's Health Subcommittee, I have worked hard to improve our Nation's health-care system, particularly to ensure that the Federal health programs, Medicare and Medicaid, provide their beneficiaries access to cost-effective, quality health care. And with the collaboration of my Senate colleagues, we have made some significant progress, especially for low-income pregnant women, babies, and young kids.

In the Omnibus Budget Reconciliation Act of 1986, I sponsored a provision, supported by the Southern Governors and National Governors Associations, the Children's Defense Fund, to name a few, that will allow States to offer immediate Medicaid coverage to pregnant women and infants, and Medicaid coverage to young children on a phased-in basis. I am pleased today to note that the State of Minnesota is planning to take advantage of this optional coverage, and I'm sure many other States will be following suit as well.

I also sponsored legislation with my colleague from Florida, Senator CHILES, that will set up a National Commission on Infant Mortality. I look forward to getting the Commission underway.

Today's legislation takes the next logical step in protecting the health and well-being of mothers and young children in this country. To give our children the chance to have better lives than we have had, we must assure that they have every chance when they enter this world, whether they are rich or poor. Paying up front for preventive, primary care for these individuals is one of the best investments we can make for the future of our society, and the return on that investment can be remarkable.●

By Mr. MOYNIHAN:

S. 425. A bill for the relief of Sukhjit Kuldip Singh Saund; to the Committee on the Judiciary.

RELIEF OF SUKHJIT KULDIP SINGH SAUND

● Mr. MOYNIHAN. Mr. President, I rise today to offer for a third time a private bill to grant permanent resident status to Mrs. Sukhjit Kuldip Singh Saund, a fine Indian woman who for more than 20 years ran the American Embassy commissary in New Delhi, India, including my 2 years as Ambassador. I do so with the encouragement and full support of Mr. Galen Stone, who served honorably as my Deputy Chief of Mission, and Mr. John Rieger, our able Administrative Officer in India.

Some facts: Mrs. Saund, or Mrs. Singh, as she was always known to us, last entered the United States on February 19, 1983, on a visitor's visa. Her current visa extension will expire on February 15 this year—just 2 weeks from now. She lives in Santa Monica, CA, with her niece as she no longer has any close relatives in India.

I should note, as well, that Mrs. Singh unsuccessfully applied for special immigrant status in 1985. Nevertheless, in my opinion, she is precisely the person for whom special immigrant status was intended: An honorably retired former employee of the U.S. Government abroad, who has performed faithful service. Indeed, her application was endorsed by our current Ambassador in New Delhi, John Gunther Dean. But regulations do not permit service with the American Community Support Association to qualify as Federal service, and thus special immigrant status. This regulation is currently under review, but any changes will come too late for Mrs. Singh. Her only remaining remedy is through private relief.

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

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

S. 425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Sukhjit Kuldip Singh Saund shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by the proper number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas which are made available to natives of the country of the alien's birth under section 202(e) of such Act.●

By Mr. PELL:

S. 426. A bill to provide limits in the tort system, and for other purposes; to the Committee on Commerce, Science, and Transportation.

LIABILITY INSURANCE REFORM ACT

● Mr. PELL. Mr. President, the affordability and availability of commercial liability insurance has become a major concern for both small business and the American consumer. Stories in the media abound indicating the widespread inability of businesses, professionals, families, and even some public agencies to obtain liability insurance at all or at affordable rates. Many of my constituents in Rhode Island have written or called me expressing their fears and outrage as the insurance crisis has escalated.

The impact of the liability crisis is pervasive throughout our society. Many businesses have found it necessary either to curtail products and services or to hike prices to meet rapidly increasing insurance rates. In some cases firms have actually been forced to close their doors because of the prohibitive costs of retaining liability insurance. Some municipal services have been threatened with elimination. Hospitals and medical services have cut back on some regular services and procedures in order to avoid potential lawsuits. The net result of these developments is that the taxpayer and the consumer end up shouldering the burden of the liability insurance crisis.

I believe the time has come for the Federal Government to step in on the side of the consumer and ensure that liability insurance is available and affordable for all who need it in our society. In my view reform is urgently needed in two areas: Reform of the tort system and reform of the insurance industry itself.

Erratic and exorbitant courtroom awards have driven up the cost of liability insurance for both businesses and individuals. Already a growing number of States have adopted ceilings on damage awards for pain and suffering. Last year alone damage caps of some sort were approved by 18 States according to a survey by the American Legislative Exchange Council. My legislation closely tracks these legislative initiatives already underway at the State level.

Specifically, my bill would cap pain and suffering awards at $250,000 and would mandate a staggered payment method for awards over $250,000 instead of the current lump-sum payment system.

In addition, my bill would place a schedule system on contingency fees. This scale would allow an attorney to receive 33⅓ percent of the first $250,000 of an award; 25 percent of the amount from $250,000 to $1 million; and 20 percent of the amount for awards over $1 million.

Placing dollar caps on the amount that can be recovered for pain and suffering and limiting attorneys fees is only part of the solution to the problem. Equally important, in my view, is the need for basic reform of the insurance industry itself. I have been particularly troubled by widespread reports that the insurance industry has sought to manipulate the liability crisis to justify higher rates and dropping customers, and reports that a great deal of the recent escalation in insurance premiums is attributable to plain bad management in the industry.

My legislation would address this part of the problem by prohibiting the midterm cancellation of liability policies and requiring 90 days advance notice of nonrenewal of insurance. Second, this bill would require an insurer that chooses not to renew a client to demonstrate in writing that the client has undergone a material change in the level of risk. It would also require a similar showing on the part of insurance companies where annual premium increases in excess of 10 percent are imposed.

The final section of my bill is the first attempt to utilize legislation in order to better inform the American public about the insurance crisis. I believe it is necessary to alert people to the fact that unnecessary litigation and exorbitant court awards have a hidden cost that is inevitably reflected in the price of goods and services. Accordingly, my bill would authorize the President to appoint an Advisory Council on Insurance Premium and Liability Awareness. The Advisory Council would consist of 12 members, 3 appointed by the President pro tempore of the Senate—with the advice of the minority and majority leaders—3 appointed by the Speaker of the House, and 6 public members appointed by the President. The following groups would be represented on the Advisory Council: The insurance industry, small business, municipalities, State governments and State insurance regulatory agencies, consumer groups, and the bar association or lawyer's groups.

While the primary objective of the Council would be to encourage people to settle disputes outside the court system, the Council would also make recommendations to Congress on the need for new legislation in the area of insurance regulation. Specifically included in the Council's mandate would be the examination of the need for reform of the so-called McCarran-Ferguson Act, which exempts the insurance industry from Federal regulation.

The time has come for the Federal Government to reform the tort system and to protect the public interest with closer regulation of the insurance industry. Constructive initiatives are already underway in many States, including my own State of Rhode Island, where Gov. Edward DiPrete has served as chairman of the National Governors' Association Task Force on Liability Insurance. Out of this experience Governor DiPrete has developed a comprehensive legislative package, including caps on pain and suffering awards and an interesting proposal to have punitive damage awards revert to the State treasury. The Rhode Island Chamber of Commerce Federation has made reform of the State's liability laws the No. 1 priority on its legislative agenda for 1987. I look forward to working closely with Governor DiPrete on this problem, and am hopeful that Rhode Island will enact comprehensive liability legislation in 1987.

The liability insurance crisis is an area where it is easy for lawmakers to temporize, but I believe the consequences of further delay will be deeply injurious to our national economy. Few initiatives would more vitally affect our competitiveness more than swift enactment of national liability legislation, and I strongly urge my colleagues to place this issue at the very top of their agenda for 1987.

Mr. President I ask unanimous consent that the full 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. 426

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 "Liability Insurance Reform Act of 1987".

TITLE I—TORT REFORM

APPLICABILITY

SEC. 101. The provisions of this title apply to any civil action against any person, in any State or Federal court, alleging negligence, strict or product liability, intentionally tortious conduct, or professional malpractice, in which damages for physical injury or physical or mental pain or suffering are sought.

(b) The provisions of this title shall preempt and supersede State law to the extent such law is inconsistent with the limitations on liability contained in this Act.

PERIODIC PAYMENTS

SEC. 102. (a) In any action to which the provisions of this title apply, if the court awards an individual future damages in excess of $500,000—

(1) 50 percent of such award may be made at one time and the payment of the remainder of such future damages shall be made in such amounts and at such intervals as determined by the court, over a scheduled period of time or over the estimated lifetime of such individual; and

(2) such payments shall be made until the total amount of such award is paid to such individual, except that if such individual dies prior to the date on which the final payment is to be made, the party obligated to make the payments shall make any additional payments to the heirs or assigns of such individual only if directed to do so by the court.

LIMITATION ON DAMAGES FOR NONECONOMIC LOSSES

SEC. 103. Notwithstanding any other provision of law, in any action to which the provisions of this title apply, the amount of damages for noneconomic losses resulting from the conduct of the judgment debtor shall not exceed $250,000.

LIMITATION ON CONTINGENCY FEE AGREEMENTS

SEC. 104. Except as provided in subsection (c), in any action to which the provisions of this title apply, and in which the plaintiff receives a settlement or an award of damages, the amount of the payment to the plaintiff's attorney or attorneys shall be determined pursuant to this subsection. If the total amount of the award or settlement is—

(1) not more than $250,000, the attorney's fee shall not exceed 33⅓ percent of such amount;

(2) more than $250,000 but less than $1,000,000, the attorney's fees shall not exceed 25 percent of such amount; or

(3) equal to or greater than $1,000,000, the attorney's fees shall not exceed 20 percent of such amount.

TITLE II—INSURANCE INDUSTRY REFORM

INSURANCE REQUIREMENTS

SEC. 201. No insurance company authorized to write insurance in any State, territory, or possession of the United States may write any such insurance unless such company—

(1) allows for the cancellation of an insurance policy providing liability insurance except at the end of the period for which such insurance was provided;

(2) provides written notice to a client having an insurance policy with such company, at least 90 days before the end of the term for which such insurance is provided, that such company will not renew such insurance policy;

(3) provides written notice to any client currently insured with such company that such company has determined not to renew the policy previously issued to such client, demonstrating that such client has undergone a material change in the level of risk; and

(4) provides written notice to all clients who will be allowed to renew their insurance policies if the company intends to increase the annual premium for such policy by an amount in excess of 10 percent. Such notice shall state the reasons for such an increase and shall be given at least 90 days prior to the end of the term for which the insurance is provided.

TITLE III—COUNCIL ON LIABILITY INSURANCE PREMIUMS

ESTABLISHMENT

SEC. 301. There is hereby established a National Citizens' Council to study liability insurance problems, hereinafter referred to as the "Council".

MEMBERSHIP

SEC. 302. (a) The Council shall be composed of 12 members appointed as follows:

(1) 3 members shall be appointed by the President pro tempore of the Senate on the advice of the Majority and Minority leaders of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives; and

(3) 6 members shall be appointed by the President from among individuals in the private sector.

(b) Members of the Council shall, to the extent possible, be chosen from among persons with a broad knowledge and understanding of the areas under the consideration and study of the Council and shall represent the insurance industry, small business, municipalities, State government, or State insurance regulatory agencies, consumer groups, and trial lawyers.

(c) Seven members of the Council shall constitute a quorum, but the Council may establish a lessor number as a quorum for the purpose of holding hearings, taking testimony, or receiving evidence.

(d) Members of the Council shall be appointed for the life of the Council.

(e) The Council shall select a Chairman from among its members who shall serve as Chairman for the life of the Council.

(f) A vacancy in the Council shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(g) The members of the Council shall be appointed within 60 days after the date of enactment of this Act.

(h) The President shall provide that the members of the Council will have their first meeting within 90 days after the date of enactment of this Act at a time and place determined by the President.

COMPENSATION AND ADMINISTRATION

SEC. 303. (a) Members of the Council shall serve without compensation, except that each member shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(b) The Council shall appoint a staff director who shall be paid at a rate not to exceed the rate of basic pay provided for level V of the Executive Schedule pursuant to section 5316 of title 5, United States Code.

(c) The Council is authorized to appoint and fix the compensation, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, of up to five such additional personnel as the Chairman finds necessary to carry out the purposes of this Act. Such personnel shall be compensated at a rate not to exceed a rate equal to the maximum rate for GS-18 of the General Schedule under section 5332 of title 5, United States Code.

POWERS

SEC. 304. (a) The Council may procure temporary or intermittent services under section 3109(b) of title 5, United States Code, at a rate of pay not to exceed the rate of basic pay for GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(b) The Council is authorized to procure supplies, services, and property, and make contracts, in any fiscal year, only to such extent or in such amounts as are provided in appropriation Acts.

(c) The Council is authorized to enter into agreements with the General Services Administration for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman and the Administrator of General Services.

(d) The Council may use the United States mails in the same manner and under the same conditions as apply to other departments and agencies of the United States.

(e) The Council, or on the authorization of the Council, any subcommittee thereof, may, for the purpose of carrying out its functions and duties, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Council, or such subcommittee, may deem advisable. Subpenas may be issued under the signature of the Chairman or Vice Chairman, or any duly designated member, and may be served by any person designated by the Chairman, the Vice Chairman, or such member.

DUTIES OF THE COUNCIL

SEC. 305. (a) The Council shall—

(1) examine the area of liability insurance generally, including insurance industry reform and the need for further reforms in the law relating to tort claims, and

(2) make recommendations to the Congress on the need for new legislation governing liability insurance, specifically including the need for legislation to amend section 2(b) of the Act entitled "An Act to express the intent of Congress with reference to the regulation of the business of insurance" (15 U.S.C. 1012), commonly known as the McCarran-Ferguson Act.

(b) The Council shall seek the cooperation, advice, and assistance from both private and government agencies and organizations, including consumer groups, insurance industry advisory panels, and academic departments engaged in the study of laws and regulations related to insurance.

(c) The Council, in carrying out the purposes of this Act and to assist in implementing this Act, may delegate authority to State advisory commissions.

(d) Within one year after the first meeting of the Council, such Council shall submit to the President and each House of the Congress a comprehensive written report, containing the findings of the Council and incorporating their specific recommendations.

TERMINATION

SEC. 306. The Council shall terminate on the date 60 days after the date such Council submits its final report pursuant to section 305.

AUTHORIZATION OF APPROPRIATIONS

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.●

By Mr. SIMON (for himself, Mr. DIXON, and Mr. RIEGLE):

S.J. Res. 39. Joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day"; to the Committee on the Judiciary.

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, I am pleased today to introduce a joint resolution, along with my colleagues, Senator DIXON and Senator RIEGLE, proclaiming February 16, 1987, to be "Lithuanian Independence Day." This will mark the 69th anniversary of the establishment of the Independent Democratic Republic of Lithuania.

Lithuanian independence came to an abrupt halt in June 1940. More than 300,000 Red army troops marched into Lithuania, and snuffed out the free state of Lithuania. Since then, the brave Lithuanian people have been subjected to ethnic dilution, forced russification, and a host of social, political, and religious acts of persecution. Lithuanians are prisoners in their native land.

The United States does not recognize the illegal Soviet occupation of Lithuania. We expect the Soviet Union to abide by its treaty commitments, especially the Helsinki Final Act which commits all parties to respect basic human rights and the principle of self-determination.

The Lithuanian people have endured much hardship since 1940. It is only fitting that the United States honor their struggle by commemorating the day of Lithuanian freedom and independence. I ask my colleagues to join with me in sponsoring this resolution, and I hope that you will speak in support of Lithuanian freedom on February 16.●

● Mr. RIEGLE. Mr. President, I am pleased to join my colleagues from Illinois, Senator SIMON and Senator DIXON, in introducing this resolution declaring February 16, 1987, Lithuanian Independence Day.

This year marks the 69th anniversary of the day on which Lithuania became an independent nation. In commemorating this important date, we recall the remarkable accomplishments made by the Lithuanian people in the social, economic, and cultural life of their country, during its 22 years of independence.

Tragically, the life of this independent nation was cut short by the Soviet invasion in 1940. Since that time, the struggle for freedom in Lithuania has been ongoing. In the words of Herdrick Smith, author of the best seller "The Russians," the Lithuanian nationalist movement is "one of the strongest in the Soviet Union."

Today's resistance movement, led by Lithuanians who have lived their entire lives under Soviet oppression, is no less dedicated to restoring freedom to Lithuania than it was when led by those who grew up during the years of independence. For the passage of time can never make the unacceptable acceptable. The sacrifices endured by

those who fought before them inspires this generation of Lithuanians to continue to fight for the freedom only their parents have known.

I urge my colleagues to join in expressing their solidarity with the Lithuanian people by supporting this important resolution. In marking the anniversary of Lithuania's independence, we reassure the Lithuanian people that all Americans are with them in their fight against Soviet oppression, and that we, too, are committed to seeing Lithuanian restored to its rightful place among the free and independent nations of the world.●

ADDITIONAL COSPONSORS

S. 6

At the request of Mr. CRANSTON, the names of the Senator from New Mexico [Mr. BINGAMAN], and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 6, a bill to amend title 38, United States Code, to improve various aspects of Veterans' Administration health-care programs, to provide certain new categories of persons with eligibility for readjustment counseling from the Veterans' Administration and to postpone the transition period for the Vet Center Program, to authorize the establishment of a pilot program for the furnishing of noninstitutional care to certain veterans, and to increase the per diem rates paid to States for providing care to veterans in State homes; and to prohibit the excessing of certain Veterans' Administration properties; and to promote greater emphasis of affiliated health-professional training institutions on geriatric training and research, and for other purposes.

S. 33

At the request of Mr. MOYNIHAN, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 33, a bill entitled the "Social Security Trust Funds Management Act of 1987."

S. 69

At the request of Mr. TRIBLE, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 85

At the request of Mr. JOHNSTON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 245

At the request of Mr. BENTSEN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 245, a bill to provide for the reimbursement of States for advance construction of highways.

S. 248

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Arkansas [Mr. PRYOR], the Senator from Vermont [Mr. LEAHY], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 264

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 264, a bill to amend the Internal Revenue Code of 1986 to deny status as a tax-exempt organization, and as charitable contribution recipient, for organizations which perform, finance, or provide facilities for abortions.

S. 267

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 267, a bill to limit the uses of funds under the Legal Services Corporation Act to provide legal assistance with respect to any proceeding or litigation which relates to abortion.

S. 272

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 272, a bill to require certain individuals who perform abortions to obtain informed co-consent.

S. 273

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 273, a bill to require certain individuals who perform abortions to obtain informed consent.

S. 274

At the request of Mr. HUMPHREY, the name of the Senator from Idaho [Mr. MCCLURE] was added as a cosponsor of S. 274, a bill to restrict the use of Federal funds available to the Bureau of Prisons to perform abortions.

S. 320

At the request of Mr. PELL, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponor of S. 320, a bill to authorize the Secretary of Education to make grants to local educational agencies for dropout prevention and reentry demonstration projects.

S. 374

At the request of Mr. BINGAMAN, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of S. 374, a bill to promote economic competitiveness in the United States, and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the name of the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATOR JOINT RESOLUTION 9

At the request of Mr. SARBANES, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Joint Resolution 9, a joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Oregon [Mr. PACKWOOD], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 30

At the request of Mr. WILSON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 30, a joint resolution to disapprove the proposed pay raise for Members of Congress.

SENATE JOINT RESOLUTION 38

At the request of Mr. DOLE, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of Senate Joint Resolution 38, a joint resolution proposing an amendment to the Constitution of the United States to allow the President to veto items of appropriation.

SENATE RESOLUTION 46

At the request of Mr. DOLE, the names of the Senator from North Carolina [Mr. HELMS], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of Senate Resolution 46, a resolution expressing the sense of the Senate regarding tax rates.

SENATE RESOLUTION 92—TO EXPRESS THE SENSE OF THE SENATE REGARDING THE REJECTION OF THE ADMINISTRATION'S RECOMMENDATION TO ELIMINATE THE EXCISE TAX EXEMPTION FOR ALCOHOL FUELS

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 92

Whereas 300 million bushels of grain were used to produce ethanol in 1986, thereby adding $860 million to farm income and saving $500 million in federal farm program costs,

Whereas ethanol provides the most environmentally benign octane enhancer available,

Whereas the ethanol industry is experiencing increased competitive pressures due to the recent oil price slumps, and

Whereas the Nation cannot afford the increased dependence on foreign energy supplies that would result from a crippled ethanol industry: Now, therefore be it

Resolved, That it is the sense of the Senate that the President's recommendation in his 1988 Federal Budget proposal to repeal the partial excise tax exemption for alcohol fuels should be rejected by the Congress.

Mr. GRASSLEY. Mr. President, today I rise to introduce a sense-of-the-Senate resolution in support of the partial excise tax exemption for alcohol fuels. A similar resolution was introduced in the House by Congresswoman VIRGINIA SMITH. This resolution is in response to a recommendation being made by the administration for fiscal year 1988 to repeal the current 6 cents per gallon Federal excise tax exemption for ethanol-blended fuels.

If the administration's recommendation were implemented it would cause severe damage to our ethanol fuel industry. In addition, such action would be counterproductive to our country's goal of achieving more energy independence for economic and national security reasons.

The administration cites some possible modest revenue increases by eliminating this exemption. I question whether any real significant additional income will be produced by this action. First, there will be a direct impact on revenues as there will be less ethanol to be taxed because consumption and production will drop. Second, there will be less corn consumed by the ethanol industry and therefore, a direct increase in the cost of our farm programs. Third, there will be a cost to the environment as alcohol fuels are replaced by less clean burning fuels. Fourth, there will be a definite cost to the economy as jobs are lost in agriculture and the ethanol industry because of decreased ethanol production and lower commodity prices.

Congress recognized the dangers of this administration proposal by not including it in the tax reform package passed last year. The General Accounting Office in its 1984 report, the "Importance and Impact of Federal Alcohol Fuel Tax Incentives," determined that continued incentives were justifiable, based on a careful evaluation of all the costs and benefits involved in such a policy.

Last year alone, over 300 million bushels of grain were purchased by the ethanol industry, saving the Government $500 million in lower farm program costs and increasing farm income by an estimated $860 million. In addition, in 1986, domestically produced fuel ethanol "backed out" over 500 million dollars' worth of imported crude oil.

It is very clear that now, during a time of large trade deficits and severe problems in agriculture, is no time to be cutting the throat of such an important industry. I strongly encourage my colleagues to join me in this sense-of-the-Senate resolution and support agriculture, the ethanol industry, and our own country's long-term interests.

SENATE RESOLUTION 93—TO EXPRESS THE SENSE OF THE SENATE REGARDING FUTURE FUNDING OF AMTRAK

Mr. LAUTENBERG (for himself, Mr. PELL, Mr. BYRD, Mr. MOYNIHAN, Mr. MATSUNAGA, Mr. WEICKER, Mr. LEVIN, Mr. BIDEN, Mr. MELCHER, Mr. METZENBAUM, Mr. HEINZ, Mr. SARBANES, and Mr. SPECTER) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 93

Whereas Amtrak, the National Railroad Passenger Corporation, was established by the United States Congress in 1971 to assume operation of rail passenger services in this country;

Whereas Amtrak now operates 300 trains daily over a 23,000 mile route system, and also owns and controls the high speed Northeast Corridor rail line between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak has and will continue to reduce its dependence on federal funding which has declined from $896.3 million in fiscal year 1981 to $602 million in fiscal year 1986, a reduction of 33 percent;

Whereas Amtrak covers an increasing percentage of its total costs from its own revenues, and the revenue-to-cost ratio has improved from 48 percent in fiscal year 1981 to 62 percent in fiscal year 1986 and a projected 64 percent in 1987;

Whereas Amtrak revenues in fiscal year 1986 were $861.4 million, an increase of 4.3 percent over 1985, which resulted from increases in transportation, real estate, mail and express, and corporate development revenues over fiscal year 1985;

Whereas Amtrak provided transportation for more than 20.3 million people in fiscal year 1986, and 10.8 million of those travelers rode trains in Amtrak's Northeast Corridor between Washington, D.C., and Boston, Massachusetts;

Whereas Amtrak generated more than 5 billion passenger miles in fiscal year 1986 for the first time in its 15 year history, and the ratio of passenger miles per train mile (an indicator of the number of passengers riding the average train one mile) increased from 159.3 in fiscal year 1985 to 172.2 in fiscal year 1986, reflecting the increased density of passengers on Amtrak trains;

Whereas Amtrak is an ongoing business and any drastic reduction in public support, or the elimination of federal funds, would force the corporation into bankruptcy and threaten the end of rail passenger service across the country;

Whereas the federal, and state governments have invested heavily to modernize Amtrak facilities, purchase new rolling stock, and upgrade the high speed Northeast Corridor, which raised the value of Amtrak's net assets to over $3 billion, all of which would have to be sold at scrap value if rail passenger service were eliminated;

Whereas over 20,000 Amtrak employees in 44 states would become unemployed if the corporation received no public funds and was forced into bankruptcy;

Whereas termination of rail passenger service would trigger $2.1 billion in Amtrak liability to pay labor protection to affected employees, and if Amtrak is rendered insolvent, labor would turn to the United States Government for payment of these claims;

Whereas an Amtrak shut down of the Northeast Corridor would drastically increase the cost, and disrupt the provision of daily commuter service by New Jersey Transit, the Southeastern Pennsylvania Transportation Administration, the Maryland Department of Transportation, and the Massachusetts Bay Transit Authority, for the approximately 175,000 people per day who use these carriers over Amtrak owned and operated rail lines in Washington, D.C., Maryland, Pennsylvania, New Jersey, New York, and Massachusetts;

Whereas the shutdown of the Northeast Corridor would disrupt freight service provided by Conrail and other carriers on the corridor, which serve numerous businesses including General Motors, Ford, Chrysler, Dupont, General Foods, and General Electric;

Whereas Amtrak carries more than twice as many passengers between and among the Northeast Corridor stations of New York, Newark, Philadelphia, Wilmington, Baltimore, and Washington, than all airlines combined, and over one-third of all air and rail passengers daily between Washington, D.C., and New York alone;

Whereas a shutdown of intercity rail service in the Northeast Corridor would strain already busy and overcrowded airports along the Atlantic seaboard;

Whereas Amtrak provides needed transportation for lower income and elderly travelers (36 percent of all long haul passengers have family incomes below $20,000, 58 percent have family incomes below $30,000, 36 percent are 55 years of age or older, and 18 percent are over 65 years of age);

Whereas both Amtrak's labor and management workers have made efforts to improve productivity, and as such, Amtrak will be the first railroad in this country to operate its trains nationwide under totally revised and modernized work rules;

Whereas all major industrialized Western nations have taken pride in establishing rail service and publicly funding their passenger systems;

Whereas Congress has consistently supported a balanced national transportation network, including the financial support of various modes of transportation, making this country the most mobile in the world and making travel available to persons of all income levels;

Whereas part of this balanced transportation system established by Congress has included the provision of intercity rail passenger service; and

Whereas Congress has voted numerous times to authorize and to appropriate sufficient funds to operate a national rail passenger system and has rejected efforts to

eliminate federal funding for Amtrak: Now, therefore, be it

Resolved, That it is the sense of the United States Senate that the President is requested to—

(1) support funding for Amtrak at a level that will enable it to continue to operate a national railway system and to continue the progress that has been made to improve its financial performances and service levels; and

(2) direct the Secretary of Transportation and the Administrator of the Federal Railroad Administration to work closely with Amtrak management to—

(A) identify areas and assist in implementing changes that will further lower Amtrak's dependence on public funding without adversely affecting service; and

(B) insure that safety is given the highest priority possible as part of managements responsibility to provide rail passenger service.

SEC. 2. The clerk of the United States Senate shall transmit a copy of this resolution to the President with the request that the President further transmit copies of this resolution to the Secretary of Transportation and the Administrator of the Federal Railroad Administration.

● Mr. LAUTENBERG. Mr. President, today I am submitting a resolution concerning the future funding of Amtrak. This resolution expresses the sense of the Senate opposing the proposed sale of Amtrak's assets, and reaffirming the importance of Amtrak to our national transportation network. I am pleased to be joined in introducing this resolution by Senators BYRD, PELL, MOYNIHAN, MATSUNAGA, WEICKER, LEVIN, BIDEN, MELCHER, HEINZ, SARBANES, METZENBAUM, and SPECTER.

The President has again proposed the elimination of Federal funding for Amtrak. Further, he has proposed the sale of Amtrak's Northeast corridor assets, to generate $1 billion in revenues for the Federal Government.

Mr. President, such a sale would amount to nothing more than a fire sale. The Federal Government has invested over $2 billion in capital improvements to the Northeast corridor. Further, loss of Amtrak would trigger another $2 billion in labor protection costs.

This administration has repeatedly sought to dismantle Amtrak. Congress has repeatedly rejected those efforts. This resolution sends a signal to the administration that this attempt will be turned away as well.

Amtrak has continued to become more efficient, and less dependent on Federal subsidies. Since 1981, those subsidies have decreased by 33 percent, from $893 million to a level of $602 million for fiscal year 1987. In this same time period, Amtrak's revenue-to-cost ratio has steadily improved, now reaching 62 percent.

Amtrak has achieved new records in ridership, passenger miles per train mile, revenues, and ontime performance. Amtrak now serves 43 States, 500 stations, and almost 21 million passengers annually.

Amtrak is not a luxury. It is a vital component of a sound, balanced national transportation network. In the Northeast corridor, Amtrak carried 10.8 million passengers last year. Without Amtrak, the Northeast region of our country would become paralyzed.

In order to handle the daily commuters coming to Washington from New York, there would have to be at least 38 additional flights into Washington National Airport. I do not think that any of us in this body think that National Airport could handle that sort of increase in volume.

Mr. President, Amtrak has strived to improve its operations. It has made tremendous strides in bettering its financial situation, and reducing its need for subsidy. This resolution urges the Secretary of Transportation and Administrator of the Federal Railroad Administration to work with Amtrak to continue this trend, without sacrificing safety and efficiency. As chairman of the Appropriations Transportation Subcommittee, I will work toward this goal.

We can work to reduce the subsidies to Amtrak. But to eliminate funding altogether, and conduct a fire sale of Amtrak's assets would be a major mistake. I urge my colleagues to join me in opposing any such efforts.●

● Mr. WEICKER. Mr. President, as a member of the Transportation Subcommittee which authorized the creation of Amtrak in 1970, I have long been committed to maintaining a national railroad passenger system. I strongly oppose the administration's continuing proposal to derail Amtrak and I will oppose any cuts in Amtrak funding which would lead to the breakdown of rail passenger service in this country. I believe that rail passenger service is an essential component of a balanced, energy efficient, national transportation system, which is designed to meet our diverse transportation needs.

Mr. President, while Amtrak's funding levels have declined in the past 6 years, its revenue-to-cost ratio has increased from 48 percent in 1981 to 62 percent in 1986. With continued funding, Amtrak will be able to cover an increasing percentage of its total costs. Without continued funding, the railroad will most likely fall into bankruptcy.

Congress has kept Amtrak in business in the past and must continue to do so now. This country relies on decent passenger service and the private sector proved in the 1960's that it could not handle this responsibility. Because the private sector defaulted on passenger service, it is unwise to take this transportation service out of the hands of the Government.

I have always maintained that not only must Congress continue to subsidize Amtrak, it must also provide the needed funding for capital improvements. Congress has been unwilling to do this in the past, and as a result, Amtrak has been constantly treading water. This is an issue that needs to be addressed in the 100th Congress and not the issue of selling Amtrak.●

● Mr. MOYNIHAN. Mr. President, I rise to join Senators LAUTENBERG, BYRD, PELL, and others as an original cosponsor of Senate Resolution 93.

Mr. President, our country is one built upon the foundation of a sound and far-reaching system of transportation. For many years the main arteries of communication, travel, and transportation of goods were the railroads. The rapid extension of the Nation's boundaries during the 19th century could not have been accomplished without our railways, and they have remained vital to our commercial activities.

Amtrak serves 43 States, runs 300 trains daily over nearly 23,000 miles of track, and last year carried over 20 million passengers. In the extremely crowded Boston to Washington transportation corridor Amtrak carries fully one-third of all air and rail travelers.

This year, again, the fiscal year 1988 budget calls for termination of support for Amtrak, and the sale of its assets.

I urge my colleagues to oppose such proposals.

Amtrak's operations are vital to residents of New York State. Forty percent of Amtrak's passengers enter or leave New York, and the corporation spends approximately $70 million per year on salaries to New York residents and purchase of goods and services from New York businesses.

Amtrak's management has recognized the need to become more cost efficient, and is providing increasingly efficient service. Between 1981 and 1986 its revenue-to-cost ratio rose from 48 to 62 percent, and its 1986 revenues, $861.4 million, represented an increase of 4.3 percent over the previous year. Amtrak offers a viable alternative to air travel, and is used by large numbers of lower income and elderly travelers—58 percent of its users have family incomes below $30,000, and 36 percent of long-haul travelers are over 55 years of age.

Finally, the financial consequences of terminating Amtrak service are prohibitive. If rail service were eliminated and Amtrak pushed into receivership, its assets, now worth over $3 billion, would be sold at fire-sale prices, over 20,000 employees would be put out of work, and $2.1 billion in liability for labor protection costs would be assumed by the Federal Government.

This resolution will send a clear signal to the administration that, while we will not stand for the dismemberment of one of the important components of our national transportation network, we encourage the implementation of changes to allow the corporation to continue to improve service while decreasing its dependence on Federal funding for operating costs.●

SENATE RESOLUTION 94—CONCERNING ARMS CONTROL NEGOTIATIONS WITH THE SOVIET UNION

Mr. BYRD (for himself, Mr. DOLE, and Mr. BOREN) submitted the following resolution; which was placed on the calendar:

S. RES. 94

Whereas the reduction and control of nuclear weapons arsenals through mutual, equitable, balanced, verifiable, and stabilizing treaties between the United States and the Soviet Union are a matter of the highest priority and should be pursued vigorously, without regard for partisan considerations;

Whereas the United States and the Soviet Union have been negotiating a full range of nuclear arms issues under discussion at Geneva and in other fora, and a number of detailed proposals have been tabled;

Whereas President Ronald Reagan and General Secretary Mikhail Gorbachev have engaged in serious discussion and negotiations on arms reduction matters twice in the last 16 months, and have both expressed their resolve to build upon the results of the negotiations thus far engaged in;

Whereas the pace of technological change and strategic modernization will be a factor in the prospects for the successful negotiation of future arms reduction agreements;

Whereas the Congress, the American people, and America's allies and friends overwhelmingly support the vigorous continuation of efforts by President Reagan to pursue a negotiated resolution of the major issues in contention with the Soviet Union: Now, therefore, be it

Resolved, That the Senate hereby—

(1) expresses its full support for the commitment by the President to achieve mutual, equitable, balanced, verifiable and stabilizing nuclear arms reduction agreements with the Soviet Union which serve to meet the national security interests of the United States and its allies;

(2) encourages both nations to use determined and creative diplomacy at the Geneva negotiations to resolve their remaining differences;

(3) cautions the Soviet Union against pursuing strategies designed to exploit American domestic politics or to divide the United States from its allies in an effort to secure advantages on arms reduction matters, and rejects the concept of reaching agreements for agreement's sake.

(4) urges the Soviet Union not to condition progress on all arms control matters to the satisfaction of its negotiating position on issues relating to strategic defense technologies;

(5) declares that an important obstacle to the achievement of acceptable arms control agreements with the Soviet Union has been its violations of existing agreements, and calls upon it to take steps to rectify its violations of such agreements and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, U.S.S.R., since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty;

(6) urges the President to closely consult with America's allies and the Senate in the construction of sound arms reduction agreements, so as to build the greatest possible understanding and consensus in the event that the Senate is asked to provide its advice and consent to the ratification of such agreements.

SENATE RESOLUTION 95—ORIGINAL RESOLUTION REPORTED PROVIDING FOR SENATE MEMBERS OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BYRD (for Mr. FORD), from the Committee on Rules and Administration, reported the following original resolution; which was considered and agreed to:

S. RES. 95

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress;

Joint Committee on Printing: Mr. FORD of Kentucky, Mr. DECONCINI of Arizona, Mr. GORE of Tennessee, Mr. STEVENS of Alaska, and Mr. HATFIELD of Oregon.

Joint Committee of Congress on the Library: Mr. PELL of Rhode Island, Mr. DECONCINI of Arizona, Mr. MOYNIHAN of New York, Mr. HATFIELD of Oregon, and Mr. STEVENS of Alaska.

AMENDMENTS SUBMITTED

DISAPPROVING CERTAIN PAY RAISES FOR FEDERAL OFFICERS AND EMPLOYEES

WEICKER AMENDMENT NO. 5

Mr. WEICKER proposed an amendment to the joint resolution (S.J. Res. 34) disapproving the recommendations of the President relating to rates of pay of certain officers and employees of the Federal Government; as follows:

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

That (a) the recommendations of the President relating to the following rates of pay, as included, pursuant to section 225(h) of the Federal Salary Act of 1967, in the budget transmitted to Congress for the fiscal year ending September 30, 1988, are disapproved and shall not take effect:

(1) the rates of pay for Senators, Members of the House of Representatives (including the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives.

(2) The rates of pay under the Executive Schedule pursuant to subchapter II of chapter 53 of title 5, United States Code.

(3) The rates of pay for positions referred to in the table set out in subsection (b).

(b) Effective on the first day of the first applicable pay period that begins on or after February 4, 1987, the annual rate of pay for a position referred to in the following table shall be the amount specified in the table opposite that position:

Position	*Annual rate of pay*
Vice President of the United States	$154,000
Position in level I of the Executive Schedule	140,800
Position in level II of the Executive Schedule	120,000
Position in level III of the Executive Schedule	114,400
Position in level IV of the Executive Schedule	105,600
Position in level V of the Executive Schedule	96,800
Speaker of the House of Representatives	154,000
The President Pro Tempore of the Senate, Majority Leader and Minority Leader of the Senate, and Majority Leader and Minority Leader of the House of Representatives	140,800
Senators, Members of the House of Representatives, Delegates to the House of Representatives, the Resident Commissioner from Puerto Rico and the Comptroller General	120,000
Director of the Congressional Budget Office, Deputy Comptroller General of the United States, Librarian of Congress, and the Architect of the Capitol	114,400
Deputy Director of the Congressional Budget Office, Public Printer, General Counsel of the General Accounting Office, Deputy Librarian of Congress, and the Assistant Architect of the Capitol	105,600
Chief Justice of the United States Supreme Court	154,000
Associate Justice of the United States Supreme Court	145,200
Judges: Circuit Court of Appeals	120,000
Court of Military Appeals	120,000
United States District Courts	114,400
Court of International Trade	114,400
Tax Court of the United States	114,400
United States Claims Court	114,400
Special Trial Judges of the Tax Court	114,400
Bankruptcy Judges	105,600
Director of the Administrative Office of the United States Courts	114,400
Deputy Director of the Administrative Office of the United States Courts	105,600
United States Magistrates (full-time) (maximum)	96,800

SEC. 2. (a) For the purposes of this section—

(1) "honorarium" means a payment of money or anything of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for the purposes of this section any actual and necessary travel expenses, incurred by the Member, and spouse or an aide to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such ex-

penses to the extent that such expenses are not paid or reimbursed;

(2) "Member" means a United States Senator, a Member of the House of Representatives, a Delegate to the House of Representatives, or the Resident Commissioner from Puerto Rico; and

(3) "travel expenses" means with respect to a Member, and spouse or an aide, the cost of transportation, and the cost of lodging and meals while away from his or her residence or the metropolitan area of Washington, District of Columbia.

(b) Notwithstanding any other provision of law, on and after the date of enactment of this Act, a Member shall not accept honoraria.

(c) Section 908 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 31-1) is repealed.

WILSON (AND OTHERS) AMENDMENT NO. 6

Mr. WILSON (for himself, Mr. WARNER, and Mr. GRAMM) proposed an amendment to the joint resolution (S.J. Res. 34) supra; as follows:

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

The recommendations of the President relating to rates of pay for Senators, members of the House of Representatives (including Delegates and the Resident Commissioner from Puerto Rico), the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives, as included (pursuant to section 225(h) of the Federal Salary Act of 1967) in the budget transmitted to the Congress for fiscal year 1988, are disapproved and shall not take effect.

EMERGENCY ASSISTANCE FOR THE HOMELESS

HUMPHREY AMENDMENT NO. 7

Mr. HUMPHREY proposed an amendment to the joint resolution (H.J. Res. 102) making emergency additional funds available by transfer for the fiscal year ending September 30, 1987, for the Emergency Food and Shelter Program of the Federal Emergency Management Agency; as follows:

At the end of the joint resolution add the following new section:

SEC. . The recommendations of the President relating to rates of pay for offices and positions within the purview of section 225(f) of the Federal Salary Act of 1967, as included (pursuant to section 225(h) of such Act) in the budget transmitted to the Congress for fiscal year 1988, are disapproved.

URBAN MASS TRANSPORTATION AUTHORIZATION ACT

CRANSTON (AND OTHERS) AMENDMENT NO. 8

(Ordered to lie on the table.)

Mr. CRANSTON (for himself, Mr. STAFFORD, Mr. RIEGLE, Mr. SIMON, Mr. KERRY, and Mr. WEICKER) submitted an amendment intended to be proposed by them to the bill (S. 382) to amend and extend the authorization for the Urban Mass Transportation Act of 1964; as follows:

At the appropriate place in the bill, insert the following new section:

NONDISCRIMINATION AGAINST HANDICAPPED INDIVIDUALS

SEC. . Section 16 of the Urban Mass Transportation Act of 1964 is amended by adding at the end the following new subsections:

"(c)(1) No provision or part of a provision of the regulations promulgated under subsection (d) of this section shall be implemented or enforced in such a way as to—

"(A) limit the category of handicapped individuals to whom the provision of services is required under certain circumstances by such regulation to individuals who, by reason of handicap, are physically, as distinguished from mentally, unable to use bus systems designed for use by the general public; or

"(B) provide for a limit on the amount of the expenditures which a recipient is required to make during any specified period in order to comply with such regulations.

"(2) As used in this subsection, the term 'recipient' means a recipient of Federal financial assistance under this Act or under any provision of law referred to in section 165(b) of the Federal-Aid Highway Act of 1973.

"(f) An individual aggrieved by a violation of a provision of (1) subsection (a) of this section, (2) a regulation promulgated under subsection (d) of this section, or (3) section 165(b) of the Federal-Aid Highway Act of 1973, may bring an action, under the same terms and conditions applicable to actions to enforce section 504 of the Rehabilitation Act of 1973, in any United States district court or other court of competent jurisdiction to enforce compliance with such provision of law or regulation.".

Mr. CRANSTON. Mr. President, I am today submitting on behalf of myself and Senators STAFFORD, RIEGLE, SIMON, KERRY, and WEICKER an amendment to S. 382, the proposed Urban Mass Transportation Authorization Act of 1987, to help protect the rights of disabled and elderly individuals under the law to mass transit services. This amendment is necessary in order to provide for more effective enforcement of the transportation rights of disabled individuals and to correct two glaring defects in the regulations prescribed by the Department of Transportation on May 23, 1986, pursuant to section 317(c) of the Surface Transportation Assistance Act of 1982, legislation which I authored along with my good friend from Michigan [Mr. RIEGLE].

At an appropriate time we will propose this legislation as an amendment to the highway bill, H.R. 2, after that measure has been amended to incorporate the provisions of S. 382.

The amendment we are submitting would, if enacted, contribute substantially to the Congress' ongoing efforts to remove the physical and attitudinal barriers that too often frustrate the desire of disabled individuals to participate fully in our society and be as productive as possible.

Mr. President, last year the Senate, and the Congress as a whole, acted swiftly and effectively and in a bipartisan way to enact Public Law 99-435, the Air Carrier Access Act, which was signed into law on October 2, 1986. That legislation, authored by the distinguished minority leader, Mr. DOLE, of which I am pleased to be a principal cosponsor, along with the very able majority leader, Mr. BYRD, and others—was needed in order to fill a serious void in the transportation rights of disabled persons, relating to nondiscrimination in air travel, that had been created by the ruling of the Supreme Court in the case of Department of Transportation versus Paralyzed Veterans of America decided on June 27, 1986. In the same spirit, I seek the help of my colleagues in correcting certain very serious deficiencies that now exist in the Department of Transportation [DOT] regulations that were required by our 1982 legislation to be promulgated in order to provide for more effective mass transit services for disabled and elderly individuals.

Specifically, our measure would:

First, eliminate an unauthorized limitation that the administration has placed on the level of effort that a transit operator in receipt of Federal financial assistance may be required to make in carrying out its obligations under the law to individuals with disabilities.

Second, eliminate the totally arbitrary and unauthorized exclusion of mentally disabled persons from the coverage of the regulations.

Third, expressly provide that disabled individuals aggrieved by violations of the regulations or of the statutes which the regulations implement would have a private right of action to enforce their rights in court.

BACKGROUND

Mr. President, through three major statutory provisions, Congress has long sought to eliminate discrimination against disabled persons in the provision of mass transit services and, thus, to help ensure that these individuals' needs for such services are met. In 1970, Congress amended the Urban Mass Transportation Act of 1964 to add section 16(a), which reads as follows:

It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the

programs under this Act) should contain provisions implementing this policy.

Three years later, Congress enacted in section 165(b) of the Federal-Aid Highway Act of 1973 [FAHA] a similarly worded provision applicable to mass transit programs receiving funding through provisions of that act.

In that same year, Congress enacted section 504 of the Rehabilitation Act of 1973, of which I was a principal author along with Senator STAFFORD, who joins with me today as well, and former Senators Randolph, Javits, and Williams, to prohibit discrimination against handicapped persons in all federally assisted programs and activities.

In that same act, provisions that Senator STAFFORD and I also wrote were enacted to establish the Architectural and Transportation Barriers Compliance Board which was charged with, among other things, ensuring compliance with accessibility standards in the design, construction, and leasing of Federal or federally assisted buildings and facilities; investigating alternative approaches to architectural, transportation, and attitudinal barriers; and proposing legislative and administrative recommendations to the President and Congress to eliminate such barriers.

In the 1978 amendments, we succeeded in enlarging the membership of the Board to include 11 members of the general public, 5 of whom must be handicapped individuals; strengthening the Board's ability to bring actions to enforce compliance with accessibility standards; and expanding the ATBCB's functions to include, in part, ensuring the accessibility of public conveyances and providing technical assistance related to architectural, transportation, and communication barriers.

Also in 1978, Senator STAFFORD joined me in authoring section 505 of the Rehabililtation Act to provide for more effective implementation of individual rights under title V of the Rehabilitation Act. Specifically, section 505(a)(2) makes the remedies, procedures, and rights in title VI of the Civil Rights Act of 1964 available for violations of section 504. Section 505(b) further specifies that, in any action to enforce or change a violation of title V of the Rehabilitation Act, the court may award the prevailing party, other than the United States, a reasonable attorney's fee.

In 1979, DOT prescribed strong, comprehensive regulations designed to eliminate barriers excluding may disabled persons from access to mass transit services. However, in 1981 in the case of *American Public Transit Association* v. *Lewis*, 556 F.2d 1271, the U.S. Court of Appeals for the District of Columbia held that the antidiscrimination requirements of section 504 did not provide a sufficient statutory foundation for the corrective efforts that the 1979 regulations required. The court remanded the regulations to DOT to consider whether UMTA section 16(a) and FAHA section 165(b) supported the regulations, but the Department simply concluded that they did not.

In the place of the 1979 regulations, DOT in 1981 prescribed a regulatory scheme that made no specific demands upon transit operators. These 1981 regulations required only that federally assisted transit systems provide certification that they were making some special efforts to meet the needs of disabled and elderly persons.

In response, Senators, WILLIAMS, SARBANES, RIEGLE, DODD, and I, as members of the Banking, Housing, and Urban Affairs Committee, requested the General Accounting Office to conduct a survey of the operations of transit systems under the 1981 rules. The results were most discouraging and showed extensive deficiencies in the provision of accessibile transit services to disabled persons.

Based on the findings in the GAO's April 15, 1982, report, Senator RIEGLE and I pursued legislation to require the promulgation of more meaningful regulations. The resulting provision, first adopted by the Senate on December 26, 1982, and ultimately enacted on January 6, 1983, as section 317(c) of the Surface Transportation Assistance Act of 1982, specifically required the Secretary of Transportation, in carrying out section 504 of the Rehabilitation Act, section 16(a) of UMTA, and section 165(b) of FAHA, to promulgate regulations "establishing * * * minimum criteria for the provision of transportation services to handicapped and elderly individuals * * *."

Pursuant to this requirement, the proposed regulations, which appeared in the September 8, 1983, issue of the Federal Register, specified certain proposed criteria for handicapped transportation services.

Briefly, the regulations specified four means by which transit systems could provide transportation services: First, special services systems, often referred to as "paratransit" services, specifically for disabled persons, which utilize vans and other small vehicles for taxilike services; second, accessible scheduled bus systems; third, on-call accessible bus service, which entails the use of accessible buses on regularly scheduled runs only in response to specific requests; and fourth, mixed systems combining aspects of the first three.

However, the proposal also stated that no transit system would "be required, in order to meet [the minimum criteria] * * *, to expend in any fiscal year an amount exceeding" a specified level—either 7.1 percent of its average annual Federal assistance or 3 percent of its average annual operating budget.

In a December 8, 1983, letter to the Secretary of Transportation, Senator RIEGLE and I expressed our strong disagreement with the concept of such a required-cost limitation as being inconsistent with the requirement for minimum criteria. We emphasized to the Secretary the fact that these regulations were not premised exclusively on section 504, but were also supported by UMTA section 16(a) and FAHA section 165(b) and, very importantly, by the "minimum criteria" requirement in section 317(c) of the Surface Transportation Assistance Act.

Nevertheless, the final regulations, which were prescribed on May 23, 1986, contain a limitation on expenditures that may be required—3 percent of the transit system's annual average operating costs—in providing services to disabled persons. In other words, even if a transit system's facilities do not comply with the Secretary's own minimum criteria for providing accessibility, that system need do no more if it is spending a certain amount for this purpose.

Also, the final regulations expressly discriminated against mentally disabled persons by excluding them from being covered—based on their mental impairment—by the regulation's requirement for special services although the proposed regulations had failed even to hint at such a discriminatory provision. The proposed regulations would have specified that all who are unable by reason of handicap to use the transportation services provided for the general public would be eligible to use the special services that the transit operator makes available. The final regulation, however, expressly provides special services eligibility only to "persons who, by reason of handicap, are physically unable to use" the transit system's regular bus service. Nothing in the various statutes involved, or in any of their legislative histories, as far as I am aware, warrants this blatant discrimination. And it is a return to the dark ages of this country's misunderstanding and neglect of the needs of mentally disabled persons.

DISCUSSION

Mr. President, as I have noted, our legislation would eliminate these two defects in the DOT regulations and provide for more effective enforcement of the rights of disabled persons by providing them with a right of action for violations of their rights under and the provisions of UMTA section 16(a), FAHA section 165(b), and the regulations under section 317(c) of Surface Transportation Assistance Act. Such a right already exists under current law for a violation of section 504 of the Rehabilitation Act.

LIMITATION ON REQUIRED COSTS

As I have noted, despite the explicit requirement under section 317(c) for the regulations thereunder to specify "minimum criteria for the provision of transportation services to handicapped and elderly individuals," the final regulations provide that no transit system may be required to spend in any given year any more than an amount equal to 3 percent of its annual average operating costs. For this purpose, annual average operating costs consist of a 3-year average—that is, the average of the operating costs, as reported to the Urban Mass Transit Administration under section 15 of the UMTA, that the transit system reasonably expects to incur in the current fiscal year and that it did incur in the previous 2 fiscal years. Countable expenditures may include capital, operating, administrative, and personnel-training costs.

This limitation on required expenditures is nowhere authorized in—and is in my view clearly inconsistent with—the legislation requiring "minimum criteria." It is tantamount to the provision of an unauthorized exemption, of indefinite or possibly permanent duration, to any transit system which, by reason of past neglect of the needs of disabled persons or its current selection of cost-inefficient means of compliance, does not meet the otherwise applicable service criteria.

Mr. President, in our December 8, 1983, letter, Senator RIEGLE and I expressed to the Secretary of Transportation our objections to her including in the regulations any provision allowing for noncompliance with the minimum criteria for an indefinite period or permanently. In our letter, we addressed the issue, which had been raised in the Notice of Proposed Rulemaking, that the court of appeals decision in the APTA case may require that the regulations incorporate a cost-limiting feature because they implement, in part, section 504 of the Rehabilitation Act. We emphasized to the Secretary the fact that these regulations were not premised exclusively on section 504, but were also supported by UMTA section 16(a) and FAHA section 165(b) and, very importantly, by the "minimum criteria" requirement in section 317(c) of the Surface Transportation Assistance Act.

I want to bring to the attention of all Members that the removal of the cost cap would not entail onerous burdens for transit authorities in meeting the criteria specified in the regulations. In fact, the regulatory impact analysis prepared by DOT in connection with the promulgation of the regulations shows that transit authorities should generally be able to meet the criteria without exceeding the 3-percent level.

In preparing the regulatory impact analysis, DOT conducted a case study of the costs of the existing services for disable persons in seven cities and estimated the cost of adjusting present service levels in order to comply with the performance criteria in the regulations. In each case, DOT's estimate of the annual costs of compliance were less than both the current level of spending on elderly and handicapped services as well as the 3-percent limit.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point a table presenting these DOT data.

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

TABLE 1.—ANNUAL COSTS IN CASE STUDY SYSTEMS ADJUSTED TO MEET THE SERVICE CRITERIA

[In thousands of 1983 dollars except as noted]

City	Current costs	Estimated compliance costs	3.0 percent limit
Cleveland (1982)	3,900	3,119	3,189
Pittsburgh (1982–83)	2,793	2,698	3,906)
Seattle	1,218	1,200	3,200
Kansas City, MO (1982–83)	1,079	555	783
Akron, OH	1,145	242	247
Hampton, VA (1982–83)	93	103	162
Brockton, MA (1982–83)	585	245	150

Mr. CRANSTON. Mr. President, although the improper restriction in the regulation on eligibility—excluding mentally handicapped persons—undoubtedly tends to result in understatement of compliance costs, I would note that, on the other hand, the DOT analysis pointed out that its figures "potentially overstate actual compliance cost[s]".

The DOT Regulatory Impact Analysis also set forth a model analysis of projected annual costs nationwide for specialized handicapped transportation services and accessible bus service in cities of different sizes. According to DOT, the results of this analysis show that in each category of city size, the gross annual costs of bus accessibility meeting the regulation's performance criteria are far less than the 3-percent limit. Likewise, according to DOT, for all but the category of the smallest cities, at least one alternative option—paratransit services or so-called user-side subsidy, that is, vouchers for taxi service—exists for meeting the performance criteria.

Mr. President, I ask unanimous consent that a table presenting data from this study be printed in the RECORD at this point.

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

TABLE II.—ANNUAL COSTS OF COMPLIANCE FOR SYSTEMS IN AVERAGE-SIZED CITIES NATIONWIDE

[In thousands of 1983 dollars]

City size	Paratransit	User-side subsidy taxi	50 percent lift-bus	3.0 percent limit
Less than 250,000	247	92	35	61
250,000 to 500,000	393	126	160	193
500,000 to 1,000,000	515	155	300	506
Over 1 million [1]	1,016	196	960	2,408

[1] The computer model excluded the costs for New York, Chicago, Los Angeles, Philadelphia, San Francisco, and Boston, because, according to DOT, these cities are so much larger than the other cities with populations of over 1 million.

Mr. CRANSTON. Mr. President, I wish to note one further set of projections in the Department of Transportation's own regulatory impact analysis which show that the costs of compliance would not be unduly burdensome. These data show what the nationwide total costs of compliance, expressed in terms of the 30-year present value of such costs in 1983 dollars, would be as follows for two major alternative means of compliance compared with the 3-percent limit; 50 percent lift-bus service, $690 million; paratransit services, $980 million; and the 3-percent cost limit, $2.37 billion.

According to these projections, compliance costs nationally would be as little as one-half or one-third of the 3-percent limit.

Taking all of the foregoing costs analyses into account—and allowing for any increased costs involved in appropriately restoring special-services eligibility to persons with mental disabilities—it seems very clear that removing the limit on required costs would not result in excessive costs for transit authorities.

The question may well be asked: If transit systems should be able to comply with the minimum criteria without exceeding the so-called 3-percent cap, why is it important for the Congress to nullify the cap?

First, the data in the regulatory impact analysis pertain to certain specific cities and to average costs. There are likely to be some transit systems which may find it necessary to exceed the cap in some years in order to comply. That should not mean that disabled individuals need not be served adequately in those years.

Second, it must be kept in mind that the regulations afford transit systems the discretion to choose among three basic methods of compliance—paratransit services, accessible lift-equipped buses, and on-call accessible buses—and, according to the regulatory impact analysis, the paratransit approach is generally substantially more expensive. Consequently, the concern exists that some systems may choose to spend 3 percent of their average annual operating budgets on paratransit services each year—regardless of whether doing so provides sufficient capacity to meet the needs of dis-

abled individuals in their cities—and decline forever to make any of their buses accessible. In such situations, many individuals in wheelchairs could often lack any means of public transportation.

Third, in the cases of transit authorities which are spending at or near, or in excess of, the 3-percent level on services for disabled individuals, the existence of that limit would provide no incentive to ensure that the services provided are efficient or are otherwise effective in serving a maximum number of disabled individuals. Once the need to comply is out of the picture, so is the need to attain as great a degree of compliance as is possible.

Fourth, in a year in which a transit system is making a major acquisition of new equipment or including accessibility features in station remodeling projects, it may reach the 3-percent limit while providing little or nothing in the way of actual transportation services to disabled persons in that year.

ELIMINATION OF SPECIAL SERVICES ELIGIBILITY FOR MENTALLY HANDICAPPED PERSONS

Mr. President, in a provision which was not contained in the proposed regulation and which is unprecedented in Federal law, as well as totally inappropriate, the final version of the regulations excluded from eligibility for paratransit services persons who are incapable, solely by reason of mental disability, of using regular bus services. The final version of the regulations defined the term "special service system" in pertinent part as "a transportation system specifically designed to serve the needs of persons who, by reason of handicap, are physically unable to use bus systems designed for use by the general public." (Section 27.5 of title 49, Code of Federal Regulations.) Similarly, the minimum service criteria for special service systems and on-call accessible bus service limit the eligibility requirements to "persons who, by reason of handicap, are physically unable to use the recipient's bus service for the general public." (Section 27.95(b)(1) and (c)(3)(i) of title 49, CFR.)

Not only are persons who are unable solely by reason of mental handicap to use regular bus service, such as some severely or profoundly retarded individuals, denied the advantage of being included in the eligibility criteria, but the regulations further provide that transit systems' costs of meeting these persons' needs through special services must be disallowed in calculating whether the 3-percent cost limit is met. Thus, the regulation actually discourages expenditures to meet these individuals' needs.

Mr. President, this abandonment of seriously mentally handicapped persons is an outrage that calls out for swift congressional action to nullify it.

Such efforts were made in both Houses during the final days of the 99th Congress. On October 17, 1986, the House adopted an amendment proposed by Congressman YOUNG to S. 2890, a Federal court-naming measure, expressly to provide coverage for mentally handicapped persons and passed the bill, but it died in the Senate. On October 18, the Senate agreed to a similar amendment proposed by Senator STAFFORD to S. 2125, an emergency relief projects bill, and passed the bill but the House took no action on it. Thus, because of the severe time constraints and the parliamentary complexities that were confronted at that time, legislation overturning this discrimination did not succeed.

We must prevail on this issue at this point. Our Nation's most seriously mentally impaired and retarded citizens must not continue to suffer this extreme form of discrimination—ironically, in the very context of the implementation of antidiscrimination laws—at the hands of the Federal Government.

Therefore, Mr. President, our amendment would nullify the provisions of the regulations which exclude mental disability from their scope.

PRIVATE RIGHT OF ACTION

Finally, our amendment would provide individuals with a private right of action to seek enforcement of their rights when those individuals are aggrieved by violations of section 16(a) of UMTA, section 165(b) of FAHA, or the regulations promulgated under section 317(c) of the Surface Transportation Assistance Act.

Under current law, disabled persons have a private right of action to remedy violations of section 504 of the Rehabilitation Act of 1973, but courts have not concluded that a private right of action exists under the other provisions cited. Our amendment would expressly clarify that that right uniformly exists for the enforcement of all of them.

Mr. President, I believe very strongly that the implementation of the rights of disabled individuals to mass transportation facilities and services, first enunciated by the Congress in 1970 in UMTA section 16(a) and reiterated over the years, should not be entrusted exclusively to the efforts and discretion of the administration. This is especially true in the case of an administration which, in 1981, so clearly demonstrated its disinclination to strive for the effective implementation of these rights when it promulgated the criteria-less regulations to which Congress responded in 1982; which kept the Congress and disabled Americans waiting nearly 3½ years for the promulgation of the current regulations; and which, as I have earlier noted, showed such disregard for the transportation needs of mentally disabled persons.

Moreover, enforcement through judicial remedies can more readily be adapted to fit local circumstances in an appropriate way than can the administrative remedy of a cutoff of Federal assistance, which no one wants to bring about.

CONCLUSION

Mr. President, it has now been nearly 17 years since Congress proclaimed in section 16(a) of the Urban Mass Transportation Act of 1964 that it is "national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services." Substantial progress has been made, obviously, but it is still too often the case that disabled persons lack the access to transportation services that they need in order to live as independently and productively as possible. It is time we gave greater meaning to the Congress' 1970 declaration of handicapped rights, and we can do so in a substantial way in this legislation.

Mr. President, I am delighted that 25 national organizations representing and serving disabled persons are strongly supporting the amendment. I ask unanimous consent, Mr. President, that their letter to all Senators, including a list of these organizations, be printed in the RECORD following my statement.

I urge all of my colleagues to give this legislation their careful consideration and, ultimately, their support.

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

CONSORTIUM FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES,
January 28, 1987.

DEAR SENATOR: The following members of the Consortium for Citizens with Developmental Disabilities (CCDD) urge you to support Senator Cranston's amendment to the "Urban Mass Transportation Authorization Act of 1987" in order to promote transportation services for people with disabilities. Senator Cranston's amendment will eliminate substantial barriers to transportation resulting from the implementation of a flawed Department of Transportation rule regarding federally-assisted mass transportation services for people with disabilities.

On May 23, 1986, the Department of Transportation published a final rule intended to carry out civil rights provisions of the Urban Mass Transit Act, which prohibits discrimination on the basis of handicap in federally-assisted programs. The rule requires recipients of financial assistance from the Department of Transportation for urban mass transportation to establish programs to provide services to persons with disabilities. It establishes useful national service criteria, but places a stringent limit on the amount of money a recipient must spend to meet these criteria.

As written, the rule blatantly discriminates against persons with mental disabilities. Such individuals are specifically excluded from eligibility for special transportation services, such as dial-a-ride or taxi voucher services. In effect, the regulations differentiate by type of disability in deter-

mining service eligibility, which is a clear violation of the Section 504 nondiscrimination provision. The Department of Transportation is not justified in making this distinction, which will adversely affect millions of people with disabilities.

The rule also permits federally-assisted transit authorities to spend a maximum percentage (3%) of their operating budgets on services to individuals with disabilities to demonstrate compliance, whether or not that expenditure results in sufficient accessible transit services. The Department of Transportation lacks authority to implement such a cost cap. It undermines the value of national service criteria and allows federally-assisted transit providers to make only token efforts to meet the transportation needs of people with disabilities.

A "private right of action" provision is needed to clarify the rights of persons with disabilities provided under the Urban Mass Transit Act regarding actions against recipients in order to make judicially enforceable the right to accessible transportation services.

The CCDD fully supports Senator Cranston's amendment to clarify the intent of Congress that recipients of federal assistance not discriminate against persons with mental disabilities or impose limitations on spending to meet the transportation needs of people with disabilities. We believe that passage of this amendment will eliminate these harmful provisions in the rule, while maintaining valuable national service criteria and compliance guidelines. Additionally, CCDD endorses the inclusion of "private right of action" for persons with disabilities to assure their ability to pursue transit services as guaranteed under the Urban Mass Transit Act.

The CCDD would sincerely appreciate your support in promoting access to transportation services for people with disabilities. This is a matter of great urgency. Implementation of the Department of Transportation's rule directly affects the lives of the 36 million Americans with disabilities and, for many, jeopardizes their access to transportation. Without full access to transportation, these individuals are impeded in their efforts to pursue employment, education, and social opportunities.

We hope you can support us on this important issue.

American Foundation for the Blind.
American Occupational Therapy Association.
American Speech-Language-Hearing Association.
Association for the Education of Rehabilitation Facility Personnel.
Association for Retarded Citizens/US.
Conference of Educational Administrators Serving the Deaf.
Convention of American Instructors of the Deaf.
Disability Rights Education Defense Fund.
Epilepsy Foundation of America.
Mental Health Law Project.
National Alliance for the Mentally Ill.
National Association of Developmental Disabilities Councils.
National Association of Private Residentail Facilities for the Mentally Retarded.
National Association of Protection and Advocacy Systems.
National Association of State Mental Retardation Program Directors.
National Council on Rehabilitation Education.
National Easter Seal Society.
National Head Injury Foundation.
National Industries for the Severely Handicapped.
National Mental Health Association.
National Recreation and Parks Association.
National Rehabilitation Association.
Paralyzed Veterans of America.
The Association for Persons with Severe Handicaps.
United Cerebral Palsy Associations, Inc.

EMERGENCY ASSISTANCE FOR THE HOMELESS

MURKOWSKI (AND OTHERS) AMENDMENT NO. 9

Mr. MURKOWSKI (for himself, Mr. THURMOND, Mr. SIMPSON, Mr. GRASSLEY, Mr. SPECTER, Mr. PRESSLER, Mr. D'AMATO, and Mr. DOMENICI) proposed an amendment to the joint resolution (H.J. Res. 102), supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on the status of American foreign food assistance programs in relation to agricultural trade. The hearing will be held on Thursday, February 5, 1987, at 10 a.m. in room SR-332. Senator MELCHER will preside. For further information please contact David Voight at 224-2644.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold field hearings on February 9, 10, and 11 in Minneapolis, MN; Bismark, ND; Omaha, NE; Underwood, IA; and Garretson, SD. For further information please contact Leslie Dach of the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, January 29, 1987, at 1:30 p.m., on pending committee business.

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

SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

Mr. GLENN. Mr. President, I ask unanimous consent that the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition be authorized to meet during the session of the Senate on Thursday, January 29, 1987, at 3:30 p.m., to hold closed hearings.

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

ADDITIONAL STATEMENTS

SOVIET SALT VIOLATIONS—SOVIET BREAK OUT FROM ARMS CONTROL

● Mr. SYMMS. Mr. President, I submit for the RECORD a recent study entitled "The Death of Arms Control: Soviet SALT Break Out," by David S. Sullivan. The Sullivan study will be a chapter in the forthcoming book entitled "The Global Struggle Over Peace: The Arms Control Dilemma," edited by Dr. William Kintner. Dr. Kintner is a distinguished professor emeritus of international relations at the University of Pennsylvania, where he taught for many years, after three other long and equally distinguished careers. His first career was as a combat tested military officer in two wars, then as a CIA officer, and then as U.S. Ambassador to Thailand during the end of the Vietnam war.

The Kintner book will be published soon by the Washington Institute for Values in Public Policy.

The Sullivan study contains valuable information important for the impending Senate deliberations on arms control. It has been cleared for publication by the Central Intelligence Agency.

The Sullivan study contains:

The most complete summary of Presidentially confirmed Soviet SALT and other arms control violations;

The only systematic analysis available of the military implications of the Soviet SALT violations, which goes beyond the mere summary assertions of the Joint Chiefs of Staff;

The evidence that the Soviets are already exceeding the most important SALT II sublimit, are probably covertly over a second SALT II sublimit, and are about to exceed the third SALT II sublimit, as well as being increasingly over the main SALT II overall ceiling on missiles, and bombers with their 22 confirmed SALT II violations;

Some recently declassified CIA judgments about the impact of Soviet camouflage, concealment, and deception in shrouding Soviet violations in the arms control arena;

A description of the Soviet offensive first strike capability, and the emerging Soviet nationwide ABM capability resulting from the Soviet SALT violations.

The most complete and detailed explanation available in the unclassified domain of Soviet violations of the Threshold Test Ban Treaty, resulting

in significant contributions to the Soviet first strike capability;

And finally, an analysis of how Marxist-Leninist ideology is the principal obstacle to arms control.

The Sullivan study contains more details which are important contributions to the Senate's arms control debates. For example, the Soviets told U.S. START negotiators in Geneva in late 1983 that they intended to exceed all three of the SALT II sublimits on MIRV'd missiles and ALCM-equipped long-range bombers. Now the Soviets are doing just that—for example, they have just launched two more ballistic missile submarines, which will put the Soviets over one SALT II sublimit within 2 to 3 months.

Moreover, President Reagan was told by Soviet Communist Party General Secretary Gorbachev in Iceland in October 1986 that the heavily camouflaged and concealed Soviet SS-24 railmobile MIRV'd ICBM was operationally deployed even then. This Soviet admission is conclusive evidence of SS-24 operational deployment. Intelligence reports from the press indicate that the Soviets have already exceeded another SALT II sublimit by deploying at least five heavily camouflaged and concealed railmobile SS-24 MIRV'd ICBM's. President Reagan reportedly informed Congress of his concern about the effects of Soviet camouflage and concealment. He wrote recently that the inherent mobility and transportability of the SS-25 and SS-24 made it likely that the Soviets will try to deploy more launchers for these systems even more covertly than we are aware of today. The Soviets thereby could avoid compensatory dismantlement of other MIRV'd ICBM's. This potential is particularly significant with regard to the 10 warhead SS-24. President Reagan thus recently informed Congress that the Soviets would probably deploy more SS-24 railmobile MIRV'd ICBM's, and even more covertly, in an attempt to further violate SALT II.

The CIA has stated recently that: "We can not exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS-24, a railmobile MIRV'd ICBM, may have left their place of final assembly and may therefore be accountable under SALT II." This CIA judgment has been confirmed as accurate by Soviet General Secretary Gorbachev's admission of SS-24 deployment, by recent evidence of SS-24 deployment from U.S. national technical means of SALT verification, and by President Reagan's suspicion that the Soviets would try to deploy even more camouflaged SS-24 railmobile MIRV'd ICBM's even more covertly than they are already doing. And this Soviet SS-24 deployment had already occurred at least by early October 1986, over 1½ months before the United States exceeded a SALT II sublimit on November 28, 1986.

Finally, CIA believes that covert, undetectable, deployment of long-range ALCM's on 300 intercontinental Backfire bombers could be attractive to the Soviets in a SALT II breakout environment. I believe that the Soviets are already breaking out of SALT I and II. President Reagan has confirmed 5 Soviet violations of the SALT I interim agreement, 9 Soviet violations of the SALT I ABM Treaty, and 22 Soviet violations of the SALT II Treaty. This pattern of Soviet SALT violations has been expanding, clearly indicating Soviet breakout from SALT.

In sum, the Soviets are confirmed by their own admission to be already over the 820 SALT II sublimit on MIRV'd ICBM's, and by their detected deployment of more than 5 camouflaged SS-24 railmobile MIRV'd ICBM's. The Soviets clearly intend to exceed within 2 to 3 months the SALT II sublimit of 1,200 MIRV'd ICBM's and MIRV'd SLBM's, by their launch of 2 more ballistic missile submarines, which would exceed this sublimit. And the Soviets are also already over the 1,320 SALT II sublimit on MIRV'd missiles and bombers equipped with ALCM's, with their covert breakout deployment of long-range AS-115 ALCM's on 300 intercontinental Backfire bombers.

All these deployments in violation of the three SALT II sublimits were clearly intended since the Soviets announced their intentions to the United States in late 1983. Indeed, these deployment have almost certainly been intended since late 1974.

Therefore, the Soviets have already exceeded the most important SALT II sublimit, are committed to exceed soon a second SALT II sublimit, and are covertly exceeding the third SALT II sublimit, and this is all part of Soviet SALT breakout. Those who advocate a United States return to compliance with the SALT II sublimits are asking that the United States comply with SALT II sublimits that the Soviets exceeded or were committed to exceeding before November 28, 1986. This would be nothing but U.S. unilateral disarmament. I would vote to sustain President Reagan's threatened veto of legislation codifying SALT II sublimits.

The arms control process and the Soviet violations of the SALT treaties have allowed the Soviets to achieve overwhelming strategic superiority, while the United States has practiced unilateral disarmament and appeasement. At least eight times since 1982, President Reagan himself has acknowledged Soviet strategic superiority.

Mr. President, President Reagan himself realized that the arms control process has allowed the Soviet Union to achieve overwhelming strategic superiority over the United States. President Reagan himself stated this as early as May 9, 1982:

So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict U.S. defense programs, and in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige.

The Defense Department agreed in stating:

Current Soviet policy on arms agreements is dominated by their attempts to derive unilateral advantage from arms negotiations and agreements, by accepting only arrangements that permit continued Soviet increases in military strength while using the negotiation process to inhibit Western increases in military strength * * *. The Soviet Union regards arms negotiations as arenas of political conflict in which important military advantages can be gained or lost. The Soviet leadership does not think in terms of mutuality or perceived arms control negotiations as a means of reducing arms. They attempt at every turn to achieve strategic advantage.

And the CIA agreed in stating on June 25, 1985, that:

Soviet leaders view arms control policy as an important factor in advancing their strategy of achieving strategic advantage. Moscow has long believed that arms control must first and foremost protect the capabilities of Soviet military forces relative to their opponents.

The Sullivan study provides important evidence to support all of these conclusions, and I ask that it be printed in the RECORD for the benefit of my colleagues.

The study follows:

THE DEATH OF ARMS CONTROL: SOVIET SALT BREAK OUT

(By David S. Sullivan)

In the wake of the October, 1986, Reykjavik Summit, where Soviet Leader Gorbachev described the discussions as "heated" and "sharp", American leaders are finally beginning to realize that the Soviets have killed arms control as a means of preserving international security. This is because American leaders are beginning to recognize that the Soviets have long been "Breaking Out" of the Strategic Arms Limitation Talks [SALT] Treaties since SALT I was signed as long ago as 1972. The two fundamental US arms control objectives of 1969, when SALT negotiations first began, have not been achieved. Indeed, we are now in precisely the situation that the SALT treaties and negotiation process was supposed to prevent. The Soviets now have the capability for a first strike attack on most US deterent, retaliatory forces, while at the same time being able to defend with Anti-Ballistic Missiles an increasing proportion of their nation against the small percentage of US deterrent forces that might survive their first strike and execute a retaliatory attack. The Soviets are about to have operational a nationwide ABM defense. The net result of Soviet offensive and defensive SALT Break Out is not just the death of arms control, but much more ominous, the imminent demise of nuclear deterence itself. The Soviets are rapidly approaching the capability of being able to engage in "nuclear blackmail." As Ronald Reagan stated in 1964: "We are at war with the most dangerous enemy that

has ever faced mankind." This assessment is even more true today.

At the Reykjavik Summit there was Soviet nuclear blackmail already subtlely in evidence. Soviet Leader Gorbachev threatened to conduct international relations under the rule of "law by the fist", meaning the Soviet fist. Gorbachev also mentioned "unpredictable, serious consequences" in future US-Soviet relations if the US did not acquiesce in the Soviet demands. Finally, Gorbachev's characterization of President Reagan before the Summit as a liar regarding Daniloff, and his explicit comparison of the President to a "madman", were also unprecedented and provocative. Gorbachev stated that the US must "accept the realities" of Soviet strategic supremacy, and he implicitly referred to a Soviet "break out" superiority.

The Soviets are now confirmed to be violating in significant ways every important existing arms control treaty. The essential results of the Soviet SALT Break Out violations are their first strike offensive capability and their emerging nationwide ABM defense. The US must now take proportionate responses. As President Reagan stated in June, 1986, in regard to his strategic modernization programs, "We come to one of those unique crossroads of history where nations decide their fate * * * our choices are clear."

THE MAIN SOVIET SALT BREAK OUT VIOLATIONS

SALT I Interim Offensive Agreement: SS-19 MIRVed ICBM deployment resulted in a five-fold increase in Soviet first strike counterforce capability.

SALT II Treaty: Excess fractionation of SS-18 MIRVed ICBM, deployment of SS-24 rail mobile MIRVed ICBM, deployment of road mobile SS-25 covertly MIRVed ICBM, testing of the even heavier throwweight follow-on to the super heavy SS-18, all further enhance Soviet first strike, counterforce capability.

SALT I ABM Treaty: Deployment of the 9 Pechora-Krasnoyarsk Class ABM Battle Management Radars providing overlapping, massively redundant coverage, together with massive deployment of 3 types of camouflaged, mobile ABM-capable SAMs, and mass production of ABM-3 mobile ABMs, give the Soviets an impending nationwide ABM capability.

America is now witnessing the Soviet SALT Break Out deployment of illegal new mobile ICBMs, carrying illegal new MIRVed warheads, defended by an illegal nationwide ABM system using illegal ABM Battle Management Radars and illegal mobile ABM and illegal, mobile ABM-capable interceptor missiles and radars. The net result of these Soviet SALT Break Out violations is a Soviet first strike offensive capability, and a nationwide ABM defense. (See the Annex to this study for a complete listing of the Soviet violations confirmed by President Reagan, together with an evaluation of their military implications.

As Defense Secretary Weinberger stated on December 11, 1986: "The Soviets have regularly violated some of the most important SALT II provisions. Their ultimate hypocrisy is their recent statement that they will 'continue to observe SALT II's limits,' with their atheistic hands piously raised, proclaiming another Soviet lie."

WISELY ABANDONING SALT I AND SALT II

President Reagan has wisely decided to abandon US unilateral compliance with the expired SALT I and SALT II agreements, and he should withdraw from the SALT I ABM Treaty as well. A recent poll shows that 70 percent of the American people support his decision to abandon the SALT II Treaty. The President's decision was based upon the fact that the Soviets were ignoring all three criteria for his "interim restraint" SALT compliance policy:

1. The Soviets should make tangible negotiating progress on a new arms control treaty in Geneva;

2. The Soviets should reverse their SALT Break Out violations;

3. The Soviets should reverse their threatening strategic and military buildup.

The Soviets have totally ignored each of these three Presidential criteria, so President Reagan was fully justified in his belated decision to abandon SALT I and SALT II. The Soviets have refused to agree to progress in the Geneva negotiations on an equitable, realistic basis, have not even acknowledged their ever widening pattern of SALT Break Out violations, and are ever increasing their ICBM, IRBM, SLBM, bomber, cruise missile, warhead, and ABM gaps over the US.

The Soviets are now engaged only in arms control negotiations by propaganda: Gorbachev's duplicitous offensive nuclear weapons reductions proposals while the Soviet offensive buildup continues relentlessly in violation of SALT I and II; and Gorbachev's duplicitous nuclear test ban moratorium proposals, while the Soviet violations of two existing nuclear test ban treaties continue relentlessly.

The Soviets are deploying scores of illegal SS-25 and now SS-24 ICBMs each year. The Soviets are 75 to 600 missiles and bombers above the number they had when SALT II was signed in 1979. Since 1978, there have been over 20 Soviet violations of the 150 kiloton threshold of the 1974 Threshold Test Ban Treaty, and since 1965 there have been over 30 unambiguous Soviet violations of the 1963 Limited or Atmospheric Test Ban Treaty. (1)

NEED TO WITHDRAW FROM SALT I ABM TREATY

President Reagan is now confronted with the final decision required by Soviet SALT Break Out violations—US withdrawal from the SALT I ABM Treaty. In agreeing to the 1972 SALT I package of the ABM Treaty and the Interim Offensive Agreement, the US gave up a potent ABM capability for defending ICBMs, in exchange for no constraints at all on Soviet offensive programs. Pre-existing Soviet ICBM and SLBM deployment plans were actually codified in the SALT I Interim Agreement. The US thus gave up an advantage in ABMs for worse than nothing, a huge Soviet buildup in the very first strike, counterforce capability that our ABM was designed to thwart. The Soviets also reversed the relative US-Soviet positions in ABM development in the years after SALT I, and now they have deployed 31 large ABM radars, compared to a maximum of only 12 only planned by the US in 1969, more than double the most ambitious US ABM program. In retrospect, SALT I was clearly detrimental to US national security interests. And SALT II merely again codified the ongoing Soviet first strike, counterforce buildup.

Since SALT began in 1969, the Soviets have added over 10,000 nuclear warheads to their arsenal. In the same period, the US has scrapped over 8,000 warheads deployed, and 12,000 more planned were cancelled.

Dr. Henry Kissinger finally conceded to a shocked NATO Brussels Conference on September 1, 1979 that: "The amazing phenomenon about which historians will ponder is that all this [dramatic growth of the Soviet strategic power since 1963] has happened without the US attempting to make any significant effort to rectify that state of affairs . . . It cannot have occurred often in history that it was considered an advantageous military doctrine to make your own country deliberately vulnerable."

SOVIET IDEOLOGY: WAR PREPARATION

Indeed, American leaders are finally beginning to ask this fundamental question about the prospects for arms control: Why should the Soviet Union be willing to reduce their nuclear weapons at all, when nuclear weapons are their most important means for becoming and remaining a super power?

An even more significant factor explaining the death of arms control is emerging into the consciousness of American leaders: Soviet Marxist-Leninist ideology is totally incompatible with arms control. But this has long been an obvious obstacle to arms control to those familiar with Marxism-Leninism. Just a few examples can be cited. The 6th World Congress of the Communist International published this Resolution in 1928: "The peace policy of the Proletarian State. . . is merely a more advantageous form of fighting Capitalism."

In 1969, just as SALT negotiations began, the journal of the Soviet General Staff (the key body involved in Soviet arms control policy) *Military Thought*, stated: "Strengthening of its defenses is now the foremost political function of the Soviet State . . . never before has the internal life of the country been subordinated to a *war* so deeply and thoroughly as at the present time."

Military Thought added in 1971: In fact, a [i.e. Marxist-Leninist] nation's diplomatic activity becomes a part of those non-military means of policy implementation which . . . are contained within the concept of the content of *war*."

Clearly, to Soviet leaders steeped in Marxism-Leninism, diplomacy and arms control negotiations are a fundamental element of war preparations, which is avowedly the main function of the Soviet State.

The fundamental Soviet war preparation strategy underlying their Marxist-Leninist ideological approach to arms control was discerned as long ago as 1958 by three eminent Americans. Former Secretary of State Dean Acheson recognized in 1959 that: "In the present century the Soviet State has perfected the use of negotiations . . . as a method of warfare."

Dr. Herbert Dinerstein, wrote propheticaly in the January 1958 edition of *Foreign Affairs:* "If they [the Soviets] should acquire such preponderant military strength, they would have policy alternatives even more attractive than the initiation of nuclear war. By flaunting presumably invincible strength, the Soviet Union could compel piecemeal capitulation of the democracies. This prospect must indeed seem glittering to Soviet leaders."

And as the late President John F. Kennedy accurately predicted in the 1960 Presidential "Missile Gap" Campaign: "Their [Soviet] missile power will be the shield from behind which they will slowly but surely advance—through Sputnik diplomacy, limited brush-fire wars, indirect non-overt aggression, intimidation and subversion, internal revolution, increased prestige or influence, and the vicious blackmail of our allies. The periphery of the Free World will slowly be nibbled away."

Thus Kennedy recognized that the fundamental Soviet strategy in international relations was one of nuclear blackmail.

President Reagan also seemed to recognize the Soviet war preparation, ideological approach to arms control earlier in his Administration, when he stated on March 31, 1983 that: "The chances for real arms control depend on restoring the military balance. We know that the ideology of the Soviet leaders does not permit them to leave any Western weakness unprobed, any vacuum of power unfilled. It would seem that to them negotiation is only another form of struggle.

And President Reagan correctly stated on January 29, 1981 at his first news conference as President: They [the Soviets] have openly and publicly declared that the only morality they recognize is what will further their cause, meaning they reserve unto themselves the right to commit any crime, to lie, to cheat, in order to attain that."

He added on March 8, 1983: ". . . they are the focus of evil in the modern world."

President Reagan also stated on May 9, 1982, that: "So far, the Soviet Union has used arms control negotiations primarily as an instrument to restrict US defense programs and, in conjunction with their own arms buildup, as a means to enhance Soviet power and prestige."

Thus President Reagan has shown that he is aware of the ideological basis for the Soviet approach to arms control. It remains only for the State Department to recognize this reality.

U.S. SALT OBJECTIVES: NO SOVIET FIRST STRIKE OR NATIONWIDE ABM CAPABILITY

When the Strategic Arms Limitation Treaty (SALT) talks began in 1969, the United States had two fundamental objectives: (1) preventing the Soviets from deploying an offensive first strike capability; (2) and preventing the Soviets from deploying a nationwide Anti-Ballistic Missile defense.

These two objectives were integrally linked in the Preambles to the 1972 SALT I ABM Treaty, the 1972 SALT I Interim Agreement on Offensive Weapons, and the 1979 SALT II Treaty. Evidence for this assessment is clear. Senator Henry Jackson said this in 1972 about the primary US objective in SALT I—to preserve the survivability of US strategic forces: "The intent of the SALT I Agreements is to enhance our security by enhancing the survivability of our deterrent."

And Article I of the ABM Treaty, the most important provision, prohibits a nationwide ABM defense, or even the base for a nationwide ABM defense.

But the US has completely failed to achieve our two fundamental SALT objectives, after almost two decades of the SALT negotiating process. This US failure results from the clear facts that the Soviets now have a first strike offensive capability, and they are about to have a nationwide ABM defense. Thus supreme United States national security interests should require America to withdraw from the 1972 SALT I ABM Treaty, rather than to pledge to Soviet Dictator Gorbachev to abide by this failed and violated treaty for another seven years. Indeed, the US has already decided to cease its unilateral compliance with the expired SALT I Interim Agreement and the expired, unratified SALT II Treaty, because of systematic Soviet violations of both. The same rationale applies even more clearly to the SALT I ABM Treaty—Soviet violations of the ABM Treaty are conclusive and point to deployment of the prohibited nationwide ABM defense, and the failure of arms control to prevent a Soviet offensive first strike capability requires US withdrawal from unilateral compliance with not only the SALT I Interim Agreement and the SALT II Treaty, but also with the SALT I ABM Treaty.

The US should withdraw from the ABM Treaty partly because of the following US Unilateral Statement to the SALT I ABM Treaty, of May 9, 1972, expressing American policy: "The US Delegation believes that an objective of the follow-on [i.e. SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces . . . If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, US supreme national interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty."

But the Soviets now have deployed a first strike counterforce offensive capability which threatens the survivability of our deterrent retaliatory forces, according to authoritative Administration statements. The Soviet first strike capability stems from their confirmed violations of SALT I and II—especially the MIRVed SS-19 ICBM deployment, excess fractionation on their MIRVed SS-18 ICBM, and deployment of their rail mobile, MIRVed SS-24 ICBM. Moreover, after 14 years of negotiations on offensive weapons constraints, there are not permanent, or even interim limitations on Soviet offensive forces; the SALT I Interim Offensive Agreement expired in 1977 and the fatally flawed SALT II Treaty was never ratified and expired in 1985. Therefore, under the two conditions of the 1972 US Unilateral Statement, US supreme national interests require US withdrawal from the ABM Treaty.

There is another criterion available to judge the failure of the SALT process. Under the "Brooke Amendment" to the Senate resolution of approval of SALT I in 1972, the Senate itself stated that SALT I and the SALT II negotiations would be based upon: "The preservation of longstanding US policy that neither the Soviet Union or the United States should seek unilateral advantage by developing a first strike potential."

The "Brooke Amendment" thus posited that the success of SALT I and SALT II depended upon the prevention of a Soviet first strike potential.

But according to authoritative Administration statements, the Soviets have achieved a deployed first strike strategic offensive capability. President Reagan has correctly stated in January 1985 that: "Modern, accurate ICBMs carrying multiple nuclear warheads—if deployed in sufficiently large numbers relative to the size of an opponent's force structure, as the Soviets have done with their ICBM force—could be used in a rapid first strike to undercut an opponent's ability to retaliate effectively."

President Reagan's National Security Advisor also stated in January 1985 that: ". . . American land-based missiles have become even more vulnerable to Soviet first strike attack over the past few years."

And in President Reagan's May 1985 Victory in Europe Day speech, he also described the Soviet "first strike" capability, and alarmingly warned that the Soviet threat now emerging jeopardizes "deterrence itself."

In President Reagan's strategic modernization statement of June 3, 1986, he again stated that there is a: "Growing strategic imbalance between the US and the USSR . . . In calculating what they call the 'correlation of forces,' the Soviet political and military leadership are ever mindful of the state of the nuclear balance between the US and the Soviet Union . . . any weakening of our nuclear deterrent, leaving the Soviet Union with superior nuclear force . . . could invite the Soviet Union to rely on such an advantage . . . this loss in survivability of US strategic forces, coupled with the magnitude of the Soviet buildup, had begun to erode seriously the stability of the strategic balance."

Moreover, Admiral William Crowe, Chairman of the Joint Chiefs of Staff, testified to the Senate on June 19, 1986, that: "The strategic nuclear balance has shifted dramatically. The Soviets now enjoy superiority in ICBMs." ICBMs are the key element in a first strike capability, because they are highly accurate weapons capable of destroying hardened targets within only 30 minutes of flight time. The Soviets are acknowledged to have over a 6 to 1 advantage against U.S. hard targets in ICBM warheads. It is in starkest reality more like 8 or 10 to 1 Soviet first strike advantage. As Air Force Chief of Staff, General Larry Welch, confirmed on August 18, 1986: "The existing imbalance in hard target attack capabilities is very heavily in favor of the Soviets."

The CIA testified to the Senate on June 26, 1985, that: "The Soviets already have enough hard target-capable ICBM reentry vehicles today to attack all U.S. ICBM silos and launch control centers. . . In such an attack today, they would stand a good chance of destroying Minuteman silos."

Finally, a Reagan Administration arms control official warned on August 7, 1985 that: "The Soviet Union possesses a *tremendous* capability to launch a devastating *first strike* against the United States, and they are continuing to expand that capability."

In sum, it is clear that the Soviets have a first strike offensive capability. The significance of this conclusion is serious. Former Defense Secretary Melvin Laird stated on July 24, 1972, that: "If the Soviet Union goes forward with a program . . . which appears to be a concerted attempt to undermine the survivability of the Minuteman deterrent force, we would view this with great concern. In my view, such a program would be contrary to the intent of the agreements that have been arrived at in SALT [I] . . . I think the intent of this agreement would be violated."

What about the second SALT objective—preventing a Soviet nationwide ABM defense? This objective was integrally linked to preventing a Soviet first strike offensive capability. In November, 1985, Defense Secretary Weinberger testified to the Senate that the Soviets already have "some nationwide ABM capability." Of course, even a base for a nationwide ABM capability is banned by Article I of the ABM Treaty.

According to authoritative, official, unclassified US Intelligence estimates, the Soviet Moscow ABM system modernization and upgrade will be operational in 1987, as will the illegal Krasnoyarsk ABM Battle Management Radar. In fact, three more Pechora-Krasnoyarsk Class ABM Battle Management radars have just recently been discovered, making total of more than 9 large ABM Battle Management Radars in the Pechora-Krasnoyarsk Class alone. (Two more are expected to be discovered.) These three new radars reportedly provide triple coverage of the key Western approaches to the

USSR. Counting the Moscow and Hen House Class Radars, the Soviets now have over 31 large ABM Battle Management Radars, over twice as many as the US planned in 1969, at the height of our Safeguard ABM system ambitions. These numerous large ABM Battle Management Radars already comprise a prohibited base for a nationwide ABM defense, because they are the long lead-time element for a nationwide ABM defense.

There has thus been a complete reversal of roles between the US and the USSR since 1969 in ABM Battle Management Radars, the key long lead time element of a nationwide ABM defense system.

ABM interceptor missiles and small ABM engagement radars are necessary to be linked up with ABM Battle Management Radars in order to form a nationwide ABM system. Ideally, these components should be mobile, in order to enhance their survivability and increase their ability to extend defensive coverage to potential targets. The Soviets have four types of ABM and ABM-capable interceptor-radar systems, three of which are mobile, in mass production even today. These are the SAM-5, SAM-10, SAM-12, and ABM-3 interceptor and engagement radar ABM-capable or ABM systems. There are already over 2,500 ABM-capable SAM-5 intercepter-radar systems deployed around Moscow, around Krasnoyarsk, and nationwide, and the also ABM-capable SAM-10, SAM-12, and ABM-3 systems are mobile. There are reportedly over 2,000 semi-mobile and mobile SAM-10s already deployed nationwide. Both the ABM-capable SAM-10 and SAM-12 mobile systems will be widely deployed nationwide by next year, 1987, and the SAM-10 is already being deployed around Moscow and Krasnoyarsk. The SAM-12 will probably also be deployed around Moscow and Krasnoyarsk. The ABM-3 will also be widely deployed around Moscow and probably nationwide and be operational in 1987. So the Soviets probably already have over 4,600 ABM-capable launchers, to 0 for the U.S.

The engagement radars for these four ABM systems are reportedly being internetted with each other, and with both the large Pushkino and the Pechora-Krasnoyarsk Class ABM Battle Management Radars. In particular, the SAM-5 and the SAM-10 already deployed around Moscow are reportedly also already internetted with the Pushkino ABM radar, and also with the ABM-3 system. The SAM-12 is also expected to be deployed both around Moscow, and also around Krasnoyarsk, where there are already large numbers of SAM-5s. Thus the SAM-10 and SAM-12, all being deployed around Moscow, are being internetted with the SAM-5, which is already tied to the Pushkino ABM radar and the ABM-3 system. The ABM-3 mobile system is also expected to be deployed around the Krasnoyarsk ABM Battle Management Radar, joining the already deployed SAM-5 and SAM-10, and the expected SAM-12.

In sum, all four of these ABM and ABM-capable systems are being deployed around and internetted with the Moscow ABM, and this deployment and internetting will probably also occur around the Krasnoyarsk ABM Radar, all during 1987. These ABM deployments will connect the expanded and upgraded Moscow ABM system to the illegal Krasnoyarsk ABM system, making a nationwide Soviet ABM system. This nationwide ABM defense system will be supported by 31 large ABM Battle Management Radars, including more than 9 overlapping Pechora-Krasnoyarsk Class radars. Even before the recent discovery of the 3 new ABM radars, the Defense and State Department's White Paper on "Soviet Strategic Defense Programs" of October, 1985 long ago confirmed: "The aggregate of current Soviet ABM and ABM-related activities suggests that the USSR may be preparing an ABM defense of its national territory—precisely what the ABM Treaty was designed to prevent".

President Reagan stated on October 13, 1985, that "For some years now we have been aware that the Soviets have been developing a nationwide defense" in violation of the ABM Treaty. President Reagan understood the stakes involved in Soviet Break Out from the offensive and defensive constraints of SALT I and SALT II, when he stated in June, 1986: "We come to one of those unique crossroads of history where nations decide their fate. Our choices are clear." He means that the failure of arms control is finally being recognized at the highest levels of the American government. The Soviets are indeed Breaking Out of SALT. As long ago as May, 1969, at the very beginning of the SALT negotiations, US Chief SALT Negotiator Gerard Smith prophetically conceded that: "If either side is striving for or appears to be striving for an effective counterforce first strike capability, then there is no hope for strategic arms control."

And Defense Secretary Weinberger stated in November, 1985 that the US would have to add to its offensive forces in the event of Soviet ABM Treaty Break Out. We are already adding to our offensive and defensive forces due to Soviet Break Out from the SALT I Interim Offensive Agreement, and ABM Treaty, and the SALT II Treaty. As the Joint Chiefs of Staff stated to Congress in July: "Taken as a whole, these violations—SS-25, encryption, and the Krasnoyarsk ABM radar—give the Soviets definite Advantages. . ."

CONCLUSION: DEATH OF ARMS CONTROL

In conclusion, it would be a grave concession undermining world peace, American security, and strategic stability for the US to ever agree to extend our unilateral compliance with the ABM Treaty, especially after the start of Soviet ABM and offensive SALT Break Out. Instead, the US should withdraw from the ABM Treaty ourselves, not only because of Soviet nationwide ABM defense Break Out violations, but also because of the 14 year failure of the SALT negotiating process to prevent a Soviet first strike offensive capability jeopardizing American supreme national interests. The US may succomb to nuclear blackmail by the Soviets if we were to agree to extend our compliance with the ABM Treaty, against our supreme national interests. As Secretary of State Shultz correctly stated on May 14, 1984: "Arms control will simply not survive in conditions of inequality."

And as Dr. Zbigniew Brzezinski, former President Carter's National Security Advisor, stated correctly in 1984: "The time has come to lay to rest the expectation that arms control is the secret key to a more amicable American—Soviet relationship, or even to the enhancement of mutual security."

Defense Secretary Weinberger and other experts have stated that we are now in the precise situations the SALT process was supposed to prevent. We are vulnerable to a Soviet first strike, yet the ABM Treaty prevents us from deploying the same nationwide ABM defense that the Soviets are already deploying in violation of the ABM Treaty. There is thus really no useful arms control business left to contract with the Soviets, because their SALT negotiating duplicity and their treacherous SALT Break Out violations have enabled them to checkmate us strategically through arms control.

How can we negotiate with an adversary which is constantly striving to undermine strategic stability and the fundamental purposes of arms control? Afterall, military forces are only the reflection of political hostility. It is therefore futile to try to regulate or reduce military forces separately from their underlying political causes. But until we can convince Soviet leaders to abandon their Marxist-Leninist ideology, there can be no hope for arms control.

Perhaps in recognition of this fact, President Reagan stated profoundly on March 8, 1983, that: "The struggle now going on for the world will never be decided by bombs or rockets, by armies or military might. The real crisis we face today is a spiritual one; at root, it is a test of moral will and faith."

Will America have the moral will and faith to recognize that the Soviets have killed arms control by their SALT Break Out violations, and that the only way to preserve international security is by unilateral means, enhanced deterrence? Afterall, the U.S. was far safer from the Soviet threat of nuclear war during the 1945-1963 Cold War period when America relied on its unilateral efforts for deterrence.

The duplicitous history of Detente and SALT shows that the Cold War never ended for the Soviets. Thus the US must finally abandon its futile quest for security through arms control. We must instead seek security by the old fashioned method—through unilateral offensive deterrent deployment programs, and through our own nationwide Strategic Defense Initiative. We must regain security by the old fashioned method—we must earn it. Perhaps this is what President Reagan meant when he said we are at a crossroads of history where we have the choice to decide our nation's fate.

Winston Churchill warned gravely after World War II: "Sometimes in the past we have committed the folly of throwing away our arms. Under the mercy of Providence, and at great cost and sacrifice, we have been able to recreate them when the need arose. But if we abandon our nuclear deterrent, there will be no second chance. To abandon it now would be to abandon it forever."

ANNEX: PRESIDENTIALLY CONFIRMED SOVIET SALT BREAK OUT VIOLATIONS, AND THEIR MILITARY IMPLICATIONS

A. Presidentially confirmed expanding pattern of Soviet SALT II break out violations—Total of 22

I. SS-25 mobile ICBM—prohibited 2nd new type ICBM:

1. Development since about 1975;

2. Flight-testing (irreversible), since Febr. 1983;

3. Deplopyment since 1985—over 100 plus launchers, "direct violation";

4. Prohibited rapid-refire capability—doubles force;

5. RV-to-Throw-Weight ratio (and *doubling* of throwweight over old SS-13 ICBM)—probable covert SS-25 2 or 3 MIRV capability—"direct violation";

6. Encryption of telemetry, "direct violation".

II. SNDVs:

7. Strategic Nuclear Delivery Vehicle limit of 2,504—Soviets have long been at least 75 to over 600 SNDVs over the number only *they* had when SALT II was signed in 1979,

thus illustrating the fundamental inequality of SALT II. (2)

III. SS-N-23 SLBM:

8. Heavy Throw-Weight prohibited (conclusive evidence);

9. Development since about 1975;

10. Flight-testing (irreversible);

11. Deployment on Delta IV and III Class submarines;

12. Encryption of telemetry.

IV. Backfire intercontinental bomber:

13. Arctic basing, increasing intercontinental operating capability;

14. Probable refueling probe, increasing intercontinental operating capability;

15. Production of more than 30 Backfires per year for an estimated five years, making more than an estimated 12 extra Backfire bombers; (3)

V. CCD:

16. Expanding pattern of Camouflage, Concealment, and Deception (Maskirovka), deliberately impeding verification.

VI. Encryption:

17. Almost total encryption of ICBM and SLBM telemetry. (3A)

VII. Launcher-ICBM Missile Relationship:

18. Reported probable concealment of relationship between SS-24 missile and its mobile ICBM launchers, and concealment of the relationship between the SS-25 missile and its mobile ICBM launchers. (4)

VIII. SS-16:

19. Confirmed deployment of 50 to 200 banned SS-16 mobile ICBM launchers at Plesetsk test range, now reportedly probably being replaced by similar number of banned SS-25 mobile ICBM launchers. (5)

IX. Falsification of SALT II Data Exchange:

20. Operationally deployed SS-16 launchers not declared;

21.AS-3 Kangaroo long range air launched cruise missile range falsely declared to be less than 600 kilometers and not counted.

X. Excess MIRV fractionation:

22.SS-18 super heavy ICBM: NIE reportedly says SS-18 deployed with 14 warheads each, adding 1,232 warheads. (6)

Additionally, deployment of more than 5SS-24 railmobile MIRVed ICBM launchers in violation of SALT II sublimit of 820 MIRVed ICBM launchers, was reportedly confirmed to President Reagan at Iceland Summit on October 11, 1986, by Soviet Leader Gorbachev. Moreover, the Soviets are reportedly flight-testing the even heavier throwweight follow-on to the super heavy SS-18 ICBM, in violation of the SALT II absolute ceiling on SS-18 throwweight. This will certainly result in further excess MIRVing of the SS-18. The Soviets reportedly told the US arms negotiators in Geneva in late 1983 that they intended to exceed the SALT II sublimits of 820, 1200, and 1320, which they are now in the process of doing.

B. Presidentially confirmed expanding pattern of Soviet SALT I interim agreement break out violations—5 violations

1. Soviet deployment of the *Heavy* SS-19 ICBM and the Medium SS-17 ICBM to replace the light SS-11 ICBM was a circumvention defeating the object and purpose of the SALT I Interim Agreement. Article II of the Interim Agreement prohibited heavy ICBMs from replacing light ICBMs. This violation alone increased the Soviet first strike threat by a factor of 5.

2. Soviet deployment of modern SLBM submarines exceeding the limit of 740 SLBM launchers, without dismantling other ICBM or SLBM launchers, which the Soviets actually admitted was a violation.

3. Soviet Camouflage, Concealment, and Deception deliberately impeded verification.

4. Circumvention of SALT I by deploying SS-N-21 and SS-NX-24 long range cruise missiles on converted Y Class SLBM submarines, which "is a threat to US and Allied security similar to that of the original SSBN."(7)

5. "The US judges that Soviet use of former SS-7 ICBM facilities in support of the deployment and operation of the SS-25 mobile ICBM is a violation of the SALT I Interim Agreement."

As Defense Secretary Weinberger stated on December 11, 1986: "SALT I and SALT II have been largely irrelevant to the Soviet military buildup. Both agreements merely codified and authorized large increases."

C. Presidentially confirmed expanding pattern of Soviet SALT I ABM Treaty break out violations—9 violations

1. The siting, orientation, and capabilities of the Soviet Krasnoyarsk ABM Battle Management Radar "directly violates" 3 provisions of the SALT I ABM Treaty.

2. Over 100 ABM-mode tests of Soviet SAM-5, SAM-10, and SAM-12 Surface-to Air Missiles and radars are "highly probable" violations of the SALT I ABM Treaty. (8) Two high Soviet officials have even admitted that their SAMs have been tested and deployed with a prohibited ABM capability. The JCS state that the SAM-5, SAM-10, and SAM-12 have an ABM capability.

3. The Soviets "may be developing" and deploying a territorial, nationwide ABM defense, which violates the SALT I ban on developing even a "base" for the "nationwide defense." President Reagan has stated that "this is a serious cause for concern." The Secretary of Defense has testified that the "Soviets have some nationwide ABM capability" already.

4. The mobility of the ABM-3 system is a violation of the SALT I ABM Treaty.

5. Soviet rapid relocation without prior notification of an ABM radar, creating the Kamchatka ABM test range, and mobility of the ABM-3 radar, were "violations" of the ABM Treaty.

6. Continuing development of mobile "Flat Twin" ABM radars, from 1975 to the present, is a violation of the prohibition on developing and testing mobile ABMs. The Soviets are now mass producing the mobile ABM-3 system for rapid nationwide deployment.

7. Soviet ABM rapid reload capability for ABM launchers is a "serious cause for concern." The State and Defense Departments state that the Soviets "may" have a prohibited reloadable ABM system.

8. Soviet deliberate Camouflage, Concealment, and Deception activity impedes verification.

9. Confirmed Soviet falsification of the deactivation of ABM test range luanchers is a violation of the ABM Treaty Dismantling Procedures.

As Defense Secretary Weinberger stated on December 11, 1986, there has been: "The recent discovery of *three* new Soviet large phased-array radars of this type [i.e. The Pechora-Krasnoyarsk class]—a 50% increase in the number of such radars. These radars are essential components of any large ABM deployment . . . The deployment of such a large number of radars, and the pattern of their deployment, together with other Soviet ABM-related activities, suggest that the Soviet Union may be preparing a nationwide ABM defense in violation of the ABM Treaty. Such a development would have the gravest implications on the US-Soviet strategic balance. Nothing could be more dangerous to the security of the West and global stability than a unilateral Soviet deployment of a nationwide ABM system combined with its massive offensive missile capabilities. . ."

D. Presidentially confirmed expanding pattern of Soviet violations of nuclear test bans—Over 70 violations

1. About 40 atmospheric nuclear weapons tests, August through September 1961, in violation of the 1958 Mutual Test Ban Moratorium, including a 58 megaton shot.

2. Over 30 conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in violation of the 1963 Limited (or Atmospheric) Test Ban Treaty. (9)

3. Over 20 cases of Soviet underground nuclear weapons tests over the 150 kiloton threshold in "probable violation" of the 1974 Threshold Test Ban Treaty. (10) (See section L. to this annex for more detail.)

E. Presidentially confirmed expanding pattern of Soviet violations of biological and chemical weapons bans

1. "The Soviets have maintained an offensive bilogical warfare program and capability in direct violation of the 1972 Biological and Toxin Weapons Convention." The US has no defenses against this capability. The Sverdlovsk Anthrax Explosion of April 1979, killing several thousand Soviets, is direct evidence of this military capability.

There is also evidence of Soviet deception regarding the BW Convention. The Soviet Military Dictionary of 1978 stated: "Bacteriological Warfare is forbidden by international law and is condemned by all progressive mankind. " But in the Soviet Military Encyclopedia of 1982, the Soviets admitted that: "Achievements in biology and related sciences . . . have led to an increase in the effectiveness of biological agents as a means of conducting warfare, and to a qualitative re-examination of the very concept of 'biological weapons.' "

2. "Soviet involvement in the production, transfer, and use of chemical and toxic substances for hostile purposes in Southeast Asia and Afghanistan are direct violations of the 1925 Geneva Protocol." Tens of thousand of innocent men, women, and children suffered horrible deaths from these Soviet atrocities, which are also violations of the Genocide Convention.

F. Soviet violation of the Kennedy-Khrushchev Agreement

The Soviets are violating the 1962 Kennedy-Khrushchev Agreement prohibiting Soviet offensive weapons in Cuba, because of the reported presence of 4 or more TU-95 Bear intercontinental bombers, more than 40 nuclear delivery capable Mig-27 Flogger Fighter-bombers, several types of strategic submarines, over 200 nuclear delivery capable Mig-21 fighter-bombers, and the Soviet Combat Brigade. President Reagan, the CIA Director, the JCS Chairman, and the Under Secretary of Defense for Policy have all charged that the Soviets are violating the Agreement.

G. U.S. verification helps Soviet deception

SALT I and II prohibit *"deliberate* concealment measures which impede verification by National Technical Means."

CIA has stated the following new judgment about Soviet strategic Camouflage, Concealment, and Deception: "Since the SALT I Agreement of 1972, Soviet encryption and concealment activities have become

more extensive and disturbing . . . The Soviet program [of strategic Camouflage, Concealment, and Deception—Maskirovka] is extensive and pervasive . . . it makes detection of noncompliance considerably more difficult . . . much of the ambiguity [in US Intelligence about further Soviet SALT violations] is a direct result of data denial . . . these two Soviet activities [i.e. concealment and encryption, and deception] impede our ability to verify the Soviet Union's compliance with its political commitments to SALT II . . . Soviet deliberate [Camouflage, Concealment, and Deception] could also make it more difficult for the US to assess accurately the critical parameters of any future missile." (CIA unclassified memo "Overview of Soviet Data Denial," June 17, 1986.)

The 1968 Soviet Dictionary of Definitions of Military Terms defines "Maskirovka" as including the "creating of deliberate interference with technical means of reconnaissance." Thus Soviet Maskirovka is deliberate, and CIA admits that it impedes US National Technical Means of verification. It is therefore a SALT violation.

And as the noted intelligence expert, Dr. Angelo Codevilla, has correctly pointed out recently in Global Affairs (Summer, 1986): "They [the Soviets] have tested some of their high powered radars in a way that would damage our satellites, and are the world's leaders in electronic jamming that can render satellites useless." (11)

The purpose of Soviet Maskirovka, itself a SALT violation, is to cover and conceal further Soviet SALT violations. Thus Soviet Maskirovka SALT violations have been used for improving Soviet ability to use US verification mechanisms in order to cover perhaps even more serious but undetected Soviet SALT violations.

The US SALT verification process by National Technical Means has actually aided the Soviet strategic Maskirovka program, by assuring predictability of intelligence collection by the US, and more importantly, by providing US incentives for feedback to the Soviets that aides Soviet deception planners. Thus the Soviets use the US verification process to find out how much we know about their violations, when we know it, how accurately we know it, and most importantly, how strong our political will is to challenge their violations and try to enforce their compliance. When they can obtain this kind of feedback from the US on the success of their Maskirovka CCD program, Soviet deception planners are then able to devise even more effective Maskirovka measures to hide even more serious SALT violations. Indeed, the US verification process has effectively aided Soviet Maskirovka through the provision of feedback. The Soviet Maskirovka program plus US feedback on its successes has allowed the Soviets to plan programs effectively countering US national Technical Means of verification. As the President's arms control General Advisory Committee Report of October 10, 1984, correctly stated: "The expanding Soviet national concealment and deception program may have been a preparation or a cover for more extensive violations taking place now."

H. Realistic estimate of military effects of Soviet SALT II violations, based on Presidential reports and data (1)

Violation	SNDV's	Warheads
SS–25 mobile ICBM deployment (5)	[1] 400	
	[2] 200	
SS–25 covert 3 MIRV (2)		1,400
Confirmed SS–16 deployment (3)	200	200
SS–25's at Plesetsk	50	150
TU–95 Bear H	50	600
Intercontinental Backfire	399	900
Extra Backfires	12	36
Excess SS–18 fractionation (4)		1,232
SS–20 as covert ICBM (launcher used to launch SS–16)	200	200
Covert soft launch of old ICBM's stockpiled	820	820
Total	2,232	5,538
SNDV'S June 1979 SALT II signing Current warheads (2 more subs)	2,504	
		10,984
Total military effects	4,736	16,522

[1] 100 current, 200 by 1987, doubling by rapid refire.
[2] Plus equal number of non-SALT I dismantled SS–11's.

Note: Totals do not include 5 Soviet Blackjack bombers which could carry as many as 100 ALCMs (US had to count 4 B–1A bombers in SALT II in 1979.) Totals also do not count probably excess fractionation estimated on new SS–N–23 SLBM. (12)

The US Arms Control and Disarmament Agency has made the following new, unclassified verification judgment: "We cannot exclude the possibility, in the context of the SALT II Treaty, that several launchers for the SS–X–24, a rail mobile MIRVed ICBM, may have left their place of final assembly and may therefore be accountable under SALT II."

Thus the Soviets may now also be over the most important sublimit of SALT II, the sublimit of 820 MIRVed ICBMs. The Defense Department has stated that SS–24 deployment is expected "soon", and has stated: "The SS–X–24 deployment in a rail mobile mode could begin as early as late 1986 . . . Early preparations for the deployment of the SS–X–24 are already underway." The Soviets will probably deploy an initial increment of about 100 heavily camouflaged and concealed rail mobile SS–24s by 1987, which will carry 1,000 first strike warheads. The above totals do not count this SS–24 deployment. Soviet Leader Gorbachev reportedly confirmed on October 11, 1986 at the Iceland Summit, that at least 2 of the railmobile SS–24s were operational. US Intelligence has reportedly detected as many as five SS–24 MIRVed railmobile ICBM launchers already operationally deployed.

ACDA and CIA have also recently made the following additional unclassified verification judgment: "Prior to the sinking of the Soviet Yankee Class SSBN on October 6, 1986, the number of Soviet Strategic Nuclear Delivery Vehicles that are SALT II-accountable was larger than it was when the President, in 1984 and 1985, found the Soviets to be in violation of their obligation to abide by the numerical limits of SALT II. It was also larger than it was on May 27, 1986, when the President announced his new policy abandoning US unilateral compliance with SALT II, and larger than it was on August 5, 1986, when Senator McClure argued on the Senate floor against US unilateral SALT II compliance. Even when the 16 SLBMs carried on the Yankee Class submarine that recently sank are removed from the number of SALT II-accountable Soviet Strategic Nuclear Delivery Vehicles, the number remains greater than the 2,504 SNDVs recognized as permitted by SALT II."

The precise estimated number of Soviet SNDVs is difficult to determine due to Soviet CCD, and it is classified, but it is well above and increasingly above 2,504. Senator McClure estimated publicly on October 17, 1986, that the Soviets are 75 to 225 SNDVs over their allotted 2,504. Total Soviet SNDVs range between 2,579 and 2,729 or even 3,100. In contrast, the US SALT II-accountable SNDV total is only 1,753, according to official Defense Department sources during 1986. This is the lowest total since SALT began in 1969. The Soviets have deployed from 13,000 to 17,000 strategic nuclear intercontinental warheads, compared to only 9,200 for the US.

FOOTNOTES

(1) Soviet Maskirovka—Camouflage, Concealment, Deception—causes many US Intelligence uncertainties, which in turn require realistic and conservative estimates of Soviet strategic forces.

Moreover, there is reason to believe that Soviet Maskirovka is made even more effective by the partial blinding of US Intelligence caused by the space-launch standdown. The 1980 Reagan Administration CIA Transition Team Report reportedly stated: "The failure of a single launch in the early to mid-1980s could negate all of our capability for a particular type of collector for a protracted period of time. A failure of the space shuttle could be a disastor for the entire technical collection effort . . . any problem in the space shuttle could prevent the launch of the improved system on schedule, and since there is no back-up whatsoever, the US could be completely blinded with no overhead photoreconnaissance capability at all in the mid-1980s."

(13) There is good reason to believe that there is currently a US verification and reconnaissance crisis which is unprecedented, thereby blinding US Intelligence. Soviet Maskirovka and this reconnaissance crisis should cause the US to err on the high side in estimating Soviet forces, as a measure of caution. President Reagan reportedly informed Congress of his concern about the effects of Soviet Maskirovka and reconnaissance crisis. He wrote recently that given the extensive concealment associated with the SS–25 and SS–24 ICBM programs, and the inherent mobility and transportability of these systems, there is a probability that the Soviets will try to deploy additional launchers more covertly than we are aware of today. They thereby could avoid compensatory dismantlement of their MIRVed ICBMs. This potential is particularly significant with regard to the 10-warhead SS–24. but with the exception of USAF Intelligence, US Intelligence has an unbroken, scandalous 23-year record of significantly underestimating the quantity, quality, and budget of Soviet strategic forces.

(2) SS–25 RV to Throw-Weight ratio is a conclusive violation of SALT II. The purpose of the constraint violated is to prevent covert MIRVing. It is therefore reasonable to infer probable covert MIRVing of the SS–25. Moreover, the SS–25's throw-weight is twice that of the old, single warhead SS–13. The best explanation for this throw-weight doubling is also covert MIRVing. Finally, US Intelligence believes that the SS–25 will eventually be MIRVed anyway, projecting a MIRVed SS–25 follow-on which could already be covertly deployed. The current National Intelligence Estimate reportedly predicts that the Soviets will deploy ICBMs and SLBMs with more warheads than they have been tested with.(14)

(3) SS-16s disappeared from Plesetsk, but were not destroyed. We must assume that they are covertly deployed with SS-20 forces.

(4) The current National Intelligence Estimate reportedly states that the SS-18 is deployed with 14 warheads each.(15)

(5) The precise number of SS-25 mobile ICBM launchers is never known, due to Soviet concealment of all SS-25 mobile launchers and of the relationship between the SS-25 missile and its launcher, and is ever growing. A reasonable first increment of SS-25s deployed is 200 launchers, based on evidence of SS-16 mobile ICBM deployment. Many more than 200 SS-25s are likely.

As noted, the SS-24 rail mobile ICBM will be operational soon during 1986. About 100 of these launchers are likely as a first increment by 1987, but the US will never know how many SS-24s are deployed rail mobile, due to Soviet camouflage, concealment, and deception. A total of 700 SS-25s and SS-24s mobile ICBM launchers are projected by the current NIE to be deployed by about 1990. All of these mobile launchers have a rapid reload and refire capability, doubling the force.(16) Indeed, the FY 1988 Defense Posture Statement confirms on page 55 that the Soviets have "the ability to refire many of their missiles (ICBMs) and that reloading exercises and procurement of spares to support them" mean that the Soviets have a massive strategic reserve force.

I. Quantitative analysis of military effects of Soviet circumvention of SALT I interim agreement

Replacement of light SS-11 ICBM with heavy SS-19 and SS-17 ICBMs occurred between 1970 and 1983, but the SALT I Interim Agreement's Article II prohibits replacement of light ICBMs with heavy ICBMs. This was a circumvention of SALT I which defeated its object and purpose. A strong element of Soviet negotiating deception and operational deception was involved in this circumvention.

When SALT I was signed on May 26, 1972, the best US Intelligence estimate was that a "new small ICBM" would be deployed in converted SS-11 light ICBM silos and in "new small ICBM silos". The "new small ICBM" was estimated to be MIRVed, but only with 3 MIRVs. This conversion and deployment would have been within the provisions of SALT I. Only US Air Force Intelligence estimated that the "new small silos" would receive a new heavy, highly fractionated ICBM, which would also be retrofitted into converted SS-11 light ICBM silos. USAF Intelligence was right. The new SS-19 ICBM turned out to have 3 times the throw-weight of the SS-11; in fact, the SS-19's throw-weight was the same as the heavy SS-8 ICBM's.

The SS-19 also turned out to have 6 MIRVs, compared to the 3 estimated by most of US Intelligence, and compared to the single warhead SS-11. The somewhat smaller SS-17 ICBM and twice the throw-weight of the SS-11, and carred 4 MIRVed warheads. In sum, deployment of the heavy SS-19 and SS-17 ICBMs in circumvention of SALT I represented a growth of over five fold in the number of Soviet warheads in the SS-11 light ICBM force prior to SALT I: 2,760 accurate, high yield counterforce SS-19 and SS-17 warheads replaced 510 inaccurate SS-11 soft target warheads.(17)

The military effect of this massive circumvention of SALT I is calculated simply by subtracting from the actual SS-19/SS-17 warhead deployment of 2,760, the number of warheads estimated in May, 1972 on 510 3 MIRV "new small ICBM" replacements for the light SS-11, within the terms of SALT I. The result is that Soviet circumvention of SALT I yielded them 1,230 more MIRVed warheads than the US anticipated. This was the benefit of their deceptive circumvention.

SOVIET SALT I AND II VIOLATIONS ARE MILITARILY SIGNIFICANT

Dr. Angelo Codevilla has succinctly captured the essence of the contemporary problem with arms control today: "Under current agreements, the Soviets have achieved precisely the objectives that we had sought to prevent by entering into the agreements in the first place . . . no one can seriously argue that the Soviets will willingly abandon the capability to disarm and blackmail the United States." The Soviets achieved their offensive first strike capability and their emerging nationwide ABM capability under the guise of SALT I and SALT II and the ongoing arms control process. Their negotiating deception, camouflage, concealment, and deception, and their SALT violations all combined to enable the Soviets to achieve overall strategic superiority even with and despite arms control.

J. Realistic estimate of how Soviets are over the SALT III 820/1200/1320 MIRV/ALCM ceilings

Soviet MIRVed ICBM level	818
5 rail mobile MIRVed SS-24's	5
Probable covertly MIRVed SS-25's	100
MIRVed SLBM's	352
1 Delta IV and 1 Typhoon about to go on sea trials	36
Blackjacks with long range ALCM's	5
TU-95 Bear H with long range ALCM's	50
Backfires capable of carrying AS-3 (650 kms) or AS-15	300
TU-95G Bears equipped with long range AS-3's	100
Total	1,716

According to the Washington Times of January 19, 1987, the sea trials for the 4th Delta IV Submarine and the 5th Typhoon submarine could begin as early as March or April, 1987. These subs were reportedly launched in December, 1986. Their sea trials commencement will clearly put the Soviets over the SALT II sublimit of 1200 MIRVed/ICBM's/SLBM's. As noted, Soviet arms negotiators in late 1983 told us that the Soviets intended to exceed the SALT II sublimits of 820 MIRVed ICBM's, 1200 MIRVed ICBM's/SLBM's, and 1320 MIRV'D/ICBM's/SLBM's/heavy intercontinental bombers equiped with long range ALCM's. This is exactly what the Soviets are doing.

K. Soviet SALT I and SALT II deactivations and comments

SALT I:

209 SS-7 and SS-8 ICMB's, 1972-1982—Soviets doubly replaced old ICMB's with equal number of modern SLBM's plus 200 covert mobile SS-16 ICBM's; Soviets also have used old SS-7 support facilities to support new SS-25 mobile ICBM's, which is prohibited by SALT I Dismantling Procedures.

192 SLBM's on 12 Yankee Class SSBN's—Many of these Soviet submarines were converted to more lethal cruise missile carrier submarines.

SALT II:

72 SS-11 silos—The silos were not completely destroyed, as is required by SALT I ICBM Dismantling Procedures. This may be in preparation for the retrofit of the SS-24 MIRVed ICBM, which would further violate SALT II's MIRV ICBM ceiling of 820.(18)

21 Bison bombers—Some of these Soviet bombers are unflyable, but there are no agreed bomber dismantling procedures, so the Soviets should not get credit for the dismantling.(19)

As of July, 1986, Soviet SALT compensation dismantling has reportedly stopped.

TWENTY-FOUR SOVIET VIOLATIONS OF THE THRESHOLD TEST BAN TREATY

(By Senator James A. McClure)

The attached Defense Department chart indicates clearly that the Soviet Union has violated the 150 kiloton threshold on underground nuclear weapons testing of the Threshold Test Ban Treaty (TTBT.)

[Chart not reproducible for the RECORD.]

SOVIET LEGAL OBLIGATION

Even though the TTBT, signed in July, 1974, has not been ratified on either the US or the Soviet side, under international law both the US and the USSR are required to do nothing which would defeat its object and purpose, during the period when ratification is still pending. Moreover, in March, 1976, by US-Soviet mutual agreement the 150 kiloton threshold was put into effect as binding on each side. The Soviets have a clear legal obligation to comply with the 150 kiloton threshold. Thus even one Soviet test exceeding the 150 kiloton threshold would defeat the object and purpose of the TTBT, would violate it, and would be militarily irreversible.

THE SOVIET TTBT VIOLATIONS

Both this chart and this analysis, which have recently been updated, are unclassified, according to the Department of Defense and the Arms Control and Disarmament Agency. This is the most complete unclassified description of the official US Government verification assessment of Soviet TTBT violations. It was published in the CONGRESSIONAL RECORD and in another official US Senate document.

My distinguished colleague, Senator Jesse Helms, requested that the earlier version of this chart be briefed by David Sullivan to the Senate Foreign Relations Committee in open session in October, 1983, when the Committee was at that time considering whether to report out the TTBT to the full Senate. After this briefing, the motion to report the TTBT to the Senate Floor was defeated.

The chart shows that there have been 24 Soviet underground nuclear weapons tests since 1978 which are estimated to be above the 150 kiloton threshold, and therefore are violations of the TTBT. There is 95 percent confidence that several Soviet TTBT violations have occurred. Ten Soviet tests reportedly have been at 250 kilotons or above.

In June, 1983, Secretary of State Shultz testified to the Senate Foreign Relations Committee that the Soviets had recently tested a nuclear weapon about "double" the 150 kiloton threshold—at about 300 kilotons. The Defense Department chart indicates that since 1978, the Soviet Union has conducted 6 tests at the 300 kiloton level or higher—at a yield twice that allowed by the TTBT.

Indeed, one Soviet test was reportedly estimated to be over 315 kilotons, and it could have been over 600 kilotons. There is 100 percent confidence, which means certainly, that this test was a TTBT violation.

US METHODOLOGY CHANGES GIVE SOVIETS BENEFITS OF EVERY DOUBT

The US has for 12 years given the Soviet Union the benefit of every doubt or uncertainly in TTBT compliance. We have even gone so far as to change our estimating methodology four times since 1974, each time to favor the Soviets by reducing our estimates of their test yields, thereby making their violations under the previous method disappear. Despite this elasticity in US methodology, the Soviets have nevertheless continued to violate the TTBT. This chart shows only one methodology change, which occurred in early July 1977 and which was the most important, and the analysis describes a recent attempt to make a fifth change in Soviet favor.

THE CHART'S VERTICAL AXIS

The vertical axis of the chart is labeled "The Sliding Rulers," showing how the US changed its methodology in early July 1977 to favor the Soviets by making 2 violations disappear. The vertical axis measures "Body Waves" (Mb) from Soviet underground nuclear weapons tests at Shagan River (Semipalatinsk), in Central Asia. Body Waves are seismic shock waves which travel on a constant path through the earth's core. This axis is basically a Richter scale.

THE CHART'S HORIZONTAL AXIS

The horizontal axis is time—March 1976, when the TTBT 150 kiloton threshold went into effect, through 1985. The key point in time is late July 1977, when the Senate Foreign Relations Committee first had hearings on the TTBT. The most important methodology change occurred in early July 1977, in order to make 2 Soviet TTBT violations disappear before the hearings began.

THE HORIZONTAL BANDS ARE 150 KT THRESHOLDS

The horizontal bands represent US estimates of 150 kiloton thresholds, based upon various assumptions about the geological characteristics of the Soviet and US testing sites. The upper two bands represent Soviet 150 kiloton thresholds. The center band was the US-estimated Soviet 150 kiloton threshold until 2 Soviet violations began to appear in late 1976 and early 1977. The top band was the new Soviet 150 kiloton threshold, revised upwards in early July 1977 by the US to benefit the Soviets by making the 2 violations disappear. The higher band allows the Soviets even larger test yields. This band is still the current Soviet threshold using our established methodology. The lowest band is provided merely to illustrate another benefit of the doubt resolved in Soviet favor. It is the US 150 kiloton threshold. It is based upon the known geological characteristics of the US Nevada Test Site. We have allowed the Soviets progressively higher thresholds by making progressively more generous assumptions about the geological characteristics the Soviet Shagan River-Semipalatinsk test site.

THE SOVIET NUCLEAR TEST PLOTS

Each black dot on the chart represents a Soviet underground nuclear weapon test at Shagan-Semipalatinsk. This unclassified data was provided by the US National Earthquake Information Service, expressed in Body Waves. (Not all Soviet tests are plotted, in order to avoid cluttering the chart.)

THE EARLY JULY 1977 METHODOLOGY CHANGE

Note that according to the Pre-July 1977 Soviet 150 Kiloton Threshold band, there had been two Soviet tests higher than this threshold in late 1976-early 1977. These 2 Soviet violations necessitated the changed estimative methodology resulting in the raising of the threshold to the Post-July 1977 Soviet 150 Kiloton Threshold. Accordingly, after raising the threshold in Soviet favor to make these 2 violations disappear in early July, the CIA was then able to testify to the Senate Foreign Relations Committee later in July and August, 1977 that there had been no Soviet violations of the TTBT 150 kiloton threshold.

But in late 1978 and 1979, the Soviets again began exceeding even this raised threshold. Moreover, their new excesses were very large.

THE DOTTED LINE—DOUBLING OF SOVIET YIELDS

The dotted line on the chart differentiates tests which have twice the yield of each other. Tests above the dotted line are about twice the yield of tests below the dotted line. Because there are no anomalies except magnitude among Body Waves traveling along the same path through the earth's core, we know with high certainty that tests above the dotted line are twice the yield of tests below the dotted line. This relationship is sound, even though we have uncertainties about the absolute yields of tests.

Thus according to the dotted line, the Soviets doubled the yield of some of their tests in 1979 and thereafter, as compared to 1977. Therefore, if the two highest yields in the 1976-early 1977 period are now estimated to be about 150 kilotons in order for them to be in compliance with the TTBT, then the tests along the dotted line in 1979 and later have to be about 300 kilotons or more, twice the allowed yield.

No credence should be placed in the hypothesis that the Soviets may have cautiously tested at only one half the allowed yield, or at 75 kilotons, between July 1974, when the TTBT was signed, and March 1976, when the 150 kiloton threshold was mutually put into effect. This is because the US itself tested 12 times above 150 kilotons during this period, and the Soviets almost certainly knew this. Moreover, Soviet arms control compliance behavior has always been to exploit all loopholes to their fullest, and to go to the limits of allowed activities and beyond. They have never shown such presumed caution.

CIA ATTEMPTING NEW METHODOLOGY CHANGE TO AGAIN COVER-UP SOVIET VIOLATIONS

Just as the CIA made the 2 1976-early 1977 Soviet violations disappear by raising the Soviet threshold in early July 1977, the CIA is reportedly once again trying to make Soviet TTBT violations disappear. The CIA has reportedly been using a new estimative methodology since January 1986 which makes all but the 12 highest Soviet high yield tests disappear as violations, once again trying to raise the threshold in Soviet favor, for a fifth time.

REAFFIRMATION OF PRESIDENTIAL FINDINGS OF TTBT VIOLATIONS

But the new CIA methodology is inconsistent with other established methodologies and is not accepted by a majority of the Executive Branch components. The early July 1977 methodolgy remains the current one. While additional studies have been undertaken, their conclusions are incomplete and have not been agreed upon. President Reagan's February and December 1985 Reports to Congress that there have been 21 to 24 Soviet underground nuclear weapons tests which are likely to have violated the 150 kiloton limit of the TTBT have been reaffirmed.

ALL-SOURCE EVIDENCE CONFIRMS SOVIET TTBT VIOLATIONS

Soviet TTBT compliance is not solely a technical problem of analysis of teleseismic data. It is an all-source intelligence and verification problem. Far too much attention has been focused over the years upon the narrowly technical teleseismic evidence of Soviet tests. But other, non-seismic evidence and verification judgments about this evidence may be even more important. For example, one method using direct evidence from non-seismic National Technical Means of verification strongly supports the conclusion that there have been multiple Soviet TTBT violations at high yields. Another example is reported Soviet attempts to deceive US National Technical Means of TTBT verification into underestimating Soviet yields. This phenomenon also offers persuasive evidence of Soviet violations. Finally, even despite Soviet efforts at deception, on two widely separate occasions the Soviets have reportedly made statements which had the effect of confirming their violations, both as to yield magnitude and number of violations. This diplomatic evidence is the most persuasive.

MILITARY SIGNIFICANCE OF SOVIET TTBT VIOLATIONS

Why are the Soviets violating the TTBT? They have good reasons. The TTBT 150 kiloton threshold is militarily significant because it restricts testing the full yields and reliability of new Soviet MIRV warheads which could be used for a first strike capability. According to open sources, most new Soviet ICBM MIRV warheads are estimated to have yields in the 200 to 600 kiloton range. The ten Soviet tests over 250 kilotons therefore could have been scaled or even half yield tests of new warheads for the new 5th and 6th generation Soviet MIRVed ICBMs, such as the SS-24 and SS-X-26 follow-on for the SS-18, both of which are reportedly now being deployed.

The SS-X-26, in flight testing since Spring 1986, before SALT II dissolved, was reportedly recently successfully flight tested. SS-18 silos for it are already reportedly being converted. SALT II had an absolute ceiling on SS-18 follow-on ICBM Throw-Weight. The SS-X-26 follow-on to the SS-18 has even more Throw-Weight than the SS-18. The SS-X-26 reportedly will therefore carry even more warheads than the 14 carried on the super heavy SS-18, already in violation of SALT II. There may even have been several full yield tests at 500 or 600 kilotons of these new MIRV warheads for the new Soviet ICBMs.

In contrast, the US was severely handicapped in designing and testing warheads for the MX, Trident II, and ALCM by strict compliance with the 150 kiloton threshold. These warheads reportedly have never been tested for reliability at their full yields.

RATIFICATION OF TTBT-PNET IS APPEASEMENT

In sum, it would be an unprecedented exercise in appeasement of the Soviet Union for the US Senate to give its advice and consent for the President to ratify a TTBT which the Soviets are likely to be violating.

Moreover, the TTBT is integrally linked to its companion treaty, the Peaceful Nuclear Explosions Treaty (PNET). The PNET preamble contains language that the US and the USSR reaffirm "their adherance" to the 1963 Limited Test Ban Treaty (LTBT), and they reaffirm "their determi-

nation to observe strictly the provisions of these [TTBT and LTBT] international agreements." Beyond his reports of Soviet TTBT violations, President Reagan also reported in February and again in December 1985 that there have been over 30 unambiguous, conclusively confirmed cases of Soviet venting of nuclear radioactive debris beyond their borders from underground nuclear weapons tests, in clear violation of the 1963 Limited Test Ban Treaty. Indeed, reportedly over 50 percent of all Soviet underground nuclear weapons tests have either clearly, probably, or possibly vented radioactive debris beyond Soviet borders in violation of the LTBT.

Thus Senate advice and consent for Presidential ratification of the TTBT and PNET, with its false reaffirmation of Soviet compliance with the TTBT and LTBT, would be totally inconsistent with the likely violations of the TTBT and the conclusively known violations of the LTBT. Such Senate advice and consent would be completely hypocritical. It would also be a grave and dangerous act of American appeasement of the Soviet Union, completely undermining the integrity of the arms control process, and international stability and peace.

The TTBT has been verifiable since 1976. We have verified Soviet violations with high confidence. The problem is not verification, but enforcing Soviet compliance. While the CORRTEX method of direct yield measurement would be a more effective verification method, it will not be a panacea and even it would have uncertainties. Even if the Soviets agree to some form of CORRTEX on site direct measurement verification in the future, their past violations give them irreversible military advantages. These Soviet advantages can not be "grand fathered" away, made to disappear, or ignored.

Instead of asking for Senate advice and consent for his ratification of these two treaties, albeit with a reservation to be negotiated with the Soviets on more effective verification, President Reagan should withdraw these two treaties from the Senate so that he can completely renegotiate the verification and compliance provisions with the Soviets.

The Author, David S. Sullivan works for the United States Senate as principal national security advisor to several Republican Senators in leadership positions.

After a lengthy career at the Central Intelligence Agency where he analyzed Soviet strategy, nuclear force modernization, and foreign policy, Mr. Sullivan resigned from the Agency in 1978 to join the staff of a US Senator. In 1981, he accepted an appointment in the Reagan Administration as a senior official of the Arms Control and Disarmament Agency, but later returned to his present position on Capitol Hill to help implement the President's defense and foreign policies in Congress.

Mr. Sullivan was educated at Harvard University (BA cum laude 1965) and at Columbia University where he received a Masters Degree in International Affairs.

He is a Lt. Colonel in the United States Marine Corps Reserve and saw active service in the Vietnam War in Marine Combat Intelligence.

His previously published works number more than twenty six articles and books on national security and US foreign policy, and include Soviet Military Supremacy, The Bitter Fruit of SALT: A Record of Soviet Duplicity and The Fatal Flaws of SALT II.

He has been attacked 5 times by name in the Soviet press, and has been described in the US press as a "brilliant CIA Soviet analyst", as a "one man CIA," and as a "heroic freedom fighter."

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NO TO RAISE TAXES

● Mr. D'AMATO. Mr. President, one of the great accomplishments of the 99th Congress was enactment of the Tax Reform Act of 1986. In fact, it was one of the greatest legislative achievements to emerge from Congress in its 200-year history. It was a victory for Congress, it was a victory for the President, and, especially, it was a victory for the American people.

Thus, it seems a little odd to this Senator that, only months after enactment of the Tax Reform Act, it has become necessary to rise in its defense. What happened since last October? Tax reform is still in its infancy and already rumors are afloat that, if enacted, would turn tax reform on its head. What was a rare victory for Congress would turn to defeat, and the American people, in whose name we presumably act, would be the ultimate losers.

I rise today to dispel the rumors suggesting that we will increase taxes. I have heard that increasing taxes would somehow reduce the Federal deficit, or would do this, that, and other things. Wrong. Increasing taxes now not only would reverse the economic recovery of the past 6 years, but, above all, would raise serious questions about Congress' ability to hold to a promise. Consistency is essential to effective government. The American people have the right to expect Congress to hold to its promise to reduce taxes without delay.

I commend the distinguished Republican leader for his introduction of a resolution, Senate Resolution 46, expressing the sense of the Senate that the tax rates reduced by the Tax Reform Act of 1986 should not be increased. I urge my colleagues to do what is right for the country, to help us keep our word, to think of the American people: to lend your support to this legislation.●

THE WORLD COURT AND AID TO THE CONTRAS

● Mr. SIMON. Mr. President, I note that the Independent Commission on Respect for International Law, which I believe is connected in some way with the Institute for Policy Studies, issued a statement on July 15, regarding the World Court and aid to the Contras.

I just recently came across that statement. While the issue is no longer on the front pages—and, unfortunately, never was on the front pages long—it remains a fundamental error of U.S. policy.

The commission is chaired by Prof. Burns H. Weston of the College of Law at the University of Iowa, and the vice chairman is Dean Frederic L. Kirgis, Jr., of the School of Law at Washington and Lee University.

Another member of the commission is a former colleague of mine in the House, Father Robert F. Drinan, now

a professor of law at Georgetown University. The other members are:

Richard J. Barnet, Senior Fellow, Institute for Policy Studies, Washington, DC.

Richard B. Bilder, Professor of Law, University of Wisconsin, Madison, WI.

Roger S. Clark, Professor of Law, University of Miami, Coral Gables, FL.

Richard A. Falk, Professor of Law, Princeton University Center of International Studies, Princeton, NJ.

Thomas J. Farer, Professor of Law, University of New Mexico, Albuquerque, NM.

Michael J. Glennon, Professor of Law, University of Southern California, Davis, CA.

Richard B. Lillich, Professor of Law, University of Virginia, Charlottesville, VA.

Ved P. Nanda, Professor of Law, University of Denver, Denver, CO.

Jordan J. Paust, Professor of Law, University of Houston, Houston, TX.

Edith Brown Wiess, Professor of Law, Georgetown University Law Center, Washington, DC.

The United States has made a fundamental error in moving away from respect for the World Court. What this Nation and the world needs, clearly, is greater cooperation between nations, not less cooperation; greater respect for international law, not less respect. Yet, we're moving in the opposite direction.

I ask that the International Commission on Respect for International Law statement be inserted in the RECORD.

The statement follows:

STATEMENT OF MEMBERS OF THE INDEPENDENT COMMISSION ON RESPECT FOR INTERNATIONAL LAW ON THE WORLD COURT AND AID TO THE CONTRAS

On June 27, the International Court of Justice issued its decision in the case of *Nicaragua* v. *United States.* The World Court found a number of U.S. actions against Nicaragua, in particular the mining of Nicaraguan harbors and support of the "Contras," to be in violation of international law.

The Court decided most of the issues in the case by a very substantial 12-to-3 majority, with only the judges from Japan, the United Kingdom, and the United States dissenting (a Soviet judge did not participate). Indeed, the judges from Japan and the United Kingdom dissented primarily on technical grounds.

Suggestions that the Court's judgment was the result of political bias against the United States have little to no basis in fact. The World Court is comprised of some of the most distinguished jurists in the world, jurists whose personal integrity and professional commitment are generally beyond reproach. The majority are from countries which are Western-oriented or traditionally friendly toward the United States. The Court found overwhelmingly in favor of the United States in the *Iranian Hostages* case only six years ago.

Thus, while it is possible to disagree with the outcome of any judicial decision, the Court's decision in the Nicaragua case is responsible and credible. Indeed, the Court reaffirmed the right of collective self-defense in the event of an armed attack by one country against another. In addition it ruled in favor of the United States in certain key instances.

As a party to the United Nations Charter and the Statute of the International Court of Justice, the United States is legally bound to comply with the Court's decision. It is true that the United States might attempt to block a direct move to enforce the Court's judgment against it, since the formal enforcement mechanism is through the U.N. Security Council where the U.S. has a veto. But such an attempt would not make the judgment less legally binding. A failure by the United States to comply with the Court's decision would constitute a violation of its solemn treaty obligations to uphold it.

A United States failure to honor the World Court's decision also would damage U.S. short- and long-term foreign policy interests. Almost certainly, it would expose the United States to severe international criticism for failing to adhere to its treaty commitments, making the U.S. appear no different than other countries it has criticized on the same grounds. Additionally, it would risk diminishing respect among all nations for the International Court of Justice itself, an institution the United States has historically supported and used to its advantage. Perhaps most importantly, however, it would subvert the Administration's efforts to ensure in other settings (for example, when dealing with arms control, human rights, terrorism, or claims against American foreign investment) that other governments, including the Soviet Union, fulfill their obligations under international law. The legal principles affirmed by the Court—including condemnation of the aggressive use of force, coercive intervention, and violations of the humanitarian rules of armed conflict—clearly apply not only to the United States but to the Soviet Union and every other nation in the world as well.

In short, however much the Administration may wish to ignore the World Court's decision, this decision will not go away. It must be recognized as a serious matter with which our government must conscientiously deal.

This issue is raised immediately by legislation now pending before Congress that would authorize the administration to assist the "Contras" militarily, in clear violation of the court's judgment. In considering this legislation, it is incumbent upon Congress—and particularly the Senate, which has a special constitutional role with regard to treaties—to take the Court's judgment, and the solemn U.S. obligations arising from it, seriously into account. The treaty obligations requiring the U.S. to respect the World Court's judgment are binding as international law.

It would be most unfortunate if any decision on aid to the Contras were reached without a full discussion by both Congress and the public of the costs of such a decision both to our national honor and to our interest in respecting treaty commitments, judicial judgments and the rule of law. In a world that is every day menaced by terrorism and the threat of nuclear war, it is imperative that objective rules of international law shape State conduct. Adherence to the rule of law, a strong U.S. tradition, must not be forsaken.●

AFGHANISTAN: LETTERS FROM THE STATE OF CALIFORNIA

● Mr. HUMPHREY. Mr. President, last month the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of California, which I ask to have printed in the RECORD.

The letters follow:

DEAR SIR: I am writing to you, as Chairman of the Congressional Task Force on Afghanistan to express my concern over the atrocities being done to millions of innocent Afghans. In an article by Jeane-Francois Revel and Rosanne Klass in National Review (October 4, 1985), they tell of the inhumane extermination of helpless people who are being driven from their country. The Soviets are using barbaric, unthinkable means to kill. This mass execution now taking place is so severe that at least 30% of the Afghan population is either dead or in exile.

What is being done? When we read of the heinous Nazi crimes of World War II, we say "Never again." But it is happening in Afghanistan right now! Why isn't the U.S. Government taking a more active role in giving aid to Afghanistan? Why isn't the severity of this situation made known to the people? What can I do to help?

Sincerely,

STEVEN J. NIKSARIAN.

SHERMAN OAKS, CA, *October 24, 1986.*

DEAR MR. HUMPHREY: Words can not describe what is going on daily in Afghanistan nor the horror of my feelings.

Please, please do whatever you can to help stop this terror and murder.

Sincerely,

KATHRYN MANCUSO.

PASADENA, CA, *October 7, 1986.*●

LINE-ITEM VETO

● Mr. D'AMATO. Mr. President, I rise to express my support for a resolution introduced by the distinguished Republican leader to provide the President with line-item veto authority. This is neither a new proposal nor a novel idea. Looking back on its century-long history in this body, it has had its ups and downs to be sure. At times it has languished in committee. At other times it has been raised and unanimously endorsed by the House as a legitimate fiscal tool. Today, I believe that line-item veto is indeed an idea whose time has come: At no other time in the history of this Government has the Federal Government become such an institutional spendthrift, and so institutionally paralyzed

when it comes to restraining from passing wasteful spending bills.

Congress, for far too long, has enjoyed the luxury of a pay-as-you-go spending practice. For us it has become such a highly specialized art and so consuming that it is indeed a difficult habit to break. In 1980, however, the public mandate for reform could not have been louder or more clear. Nonetheless, America continues to feel the economic squeeze of our enormous Federal deficits because foes of fiscal restraint have found ways to circumvent what was intended to help correct the deficit problem: Gramm-Rudman. Gramm-Rudman was not enacted as a panacea, but as a threat of force if Congress could not act fiscally responsibly on its own. With deficits still looming large, eating away at more and more of our resources, the economic squeeze grows tighter. The only way out at this point, in my view, is to take drastic action.

Providing the President the authority to veto items of appropriations bills is a viable alternative. We have heard the arguments. We can continue the century-old debate surrounding this issue; we can continue to spend until we collapse under the weight of Federal deficits; or we can opt for an alternative that is proven to work. Line-item authority can be established by statute or by constitutional amendment. It can be tested or made permanent. However, it is much more important for the future of this Nation that we act quickly and come to an agreement on which course of action we should take.

I urge the Members of this Congress on both sides of the aisle to think seriously about this issue. At stake are future generations of Americans who, if we fail in this effort, must carry the burden of repaying for our mistakes. I urge the support of Senators for line-item veto.●

A SALUTE TO "HOME MEALS FOR SENIORS"

● Mr. RIEGLE. Mr. President, I rise to salute the Area Agency on Aging, region 1-B, which serves six counties in southeastern Michigan for its Home Meals for Seniors Program. On Christmas Day, 1986, this privately funded project provided and delivered over 1,000 special Christmas/Chanukah meals to senior citizens who would not otherwise have had a meal or a visit on that day. The meals were delivered by a corps of volunteers who willingly gave up part of their own holiday in order to ensure that these older persons would enjoy theirs.

Typical of those served by this program is Mrs. Miller, an 84-year-old homebound widow with no family. In 1986, for the first time in 3 years, Mrs. Miller, who has a severe heart condition, received a hot meal and a visitor on Christmas day.

Monday through Friday, in every year, hot meals are delivered to approximately 4,500 senior citizens in Livingston, Macomb, Monroe, Oakland, St. Clair, and Washtenaw Counties. But the weekday program, funded by the Federal Older Americans Act, State appropriations, and small donations from those who receive the food, simply cannot be stretched to cover holiday and weekend meals. Program participants who have no families must depend on neighbors for food or save portions of Friday's meal to get themselves through the weekends. To fill this gap, the Area Agency on Aging, region 1-B, decided to appeal to private citizens in the community for help.

Inspired by the successful New York City Meals-on-Wheels Program, Home Meals for Seniors is administered by AAA1-b with the cooperation of county nutrition service providers. It is supported by concerned individuals, corporations, and businesses whose goal is to make certain that the homebound elderly do not go hungry or feel friendless. Designed to supplement the existing hot meal service rather then substitute for the Government funded program, Home Meals for Seniors is an example of an effective partnership between the public and private sectors.

Each contribution of $4.75 provides one meal for an older person for whom this service may mean the difference between continued independence and institutionalization. Helping to maintain the elderly in their own homes where they are happiest and most comfortable is one of the major goals of the Area Agency on Aging 1-B. Home Meals for Seniors helps achieve this goal.

Considering that the Home Meals for Seniors project was just inaugurated in November 1986, their very successful efforts to improve the Christmas/Chanukah season for the area's elderly is especially remarkable. Their plans for 1987 include additional holiday meal deliveries as well as the eventual extension of hot meal delivery to include Saturdays and Sundays.

I applaud the achievements of the Area Agency on Aging 1-B together with the caring citizens and organizations of the community at large, and wish them continued success with their Home Meals for Seniors Program.●

STARS AND STRIPES FOREVER

● Mr. CHAFEE. Mr. President, on Saturday the 12-meter yacht *Stars and Stripes* will embark on an endeavor which is dear to me and my fellow Rhode Islanders: The winning back of the America's Cup. I want to wish skipper Dennis Conner and the *Stars and Stripes* crew the best of luck as they challenge Iain Murray and the *Kookaburra III.*

Skipper Conner was brilliant in outdueling 12 other challengers, winning the right to challenge the Aussies for the most prestigious prize in yacht racing. His experience and skill, and that of his crew, have won him the admiration of the sailing world. Now, Mr. Conner faces his most difficult task—bringing the America's Cup home. Saturday begins the best-of-seven series for the cup.

For years Americans defended the cup in Newport, RI. I know all Rhode Islanders are cheering for a *Stars and Stripes* victory and hoping that Newport will be selected as the site for future contests.

I urge all of my colleagues to join me in wishing good luck to Captain Conner and the *Stars and Stripes* crew. Mr. President, I ask that a series of articles which capture the true essence of the challenge be included in the RECORD after my statement. They were written by Angus Phillips, and appeared in the Washington Post over the past week. Let's all hope that the "Fremantle Doctor" is at Dennis Conner's back, and sweeps him to victory.

The material follows:

AN AMERICA'S CUP PRIMER

(By Angus Phillips)

FREMANTLE, AUSTRALIA, January 26.—Now that sailing is a big-time television sport, armchair experts will pop up all across America.

"Whatsamatta with Conner?" they'll ask. "Didn't he see that wind-shift?"

The only prerequisite for being an armchair expert is knowing a few facts and the basic terminology.

No one pays attention to the guy at the bar who says during the Super Bowl, "Why didn't the big fellow in the white jersey intercede?" They listen to the one who says, "L.T. shudda blitzed."

In the interest of fostering armchair expertise in advance of the America's Cup, this primer is offered on the basics of match-racing, with a separate glossary of yachting terms.

The first basic in sailing is the course.

America's Cup races are sailed on a 24½ nautical-mile course of eight legs. The boats go directly upwind, then downwind, upwind again, then sail off on a broad reach to the so-called "wing mark," which is about a mile off to the left, halfway up the course.

The two reaching legs bring the boats back down to the start, then they sail upwind, downwind and upwind to the finish.

A race takes just over 3 hours.

Upwind legs take about a half-hour, downwind legs about 20 minutes and the reaches 12 to 13 minutes each.

If the boats have a mainsail plus a big, balloon-like spinnaker up, they are going either downwind or reaching. If they have mainsail and smaller, flat headsail up, they are on an upwind leg.

THE START

Fifteen minutes before a race a gun sounds and flags go up on the committee boat, which is anchored at one end of the starting line. The flags signal the compass

course to the first buoy, 3½ miles directly upwind.

Since the wind changes day to day, the course varies, but most days it's about 210 degrees, or south-southwest.

Ten minutes before the start another gun sounds and the two boats enter the starting area from either end of the line.

For 10 minutes they engage in prestart maneuvering, the goal being to get over the line first, in the best position, just after the starting gun sounds. This maneuvering is irreverently called, "The mating dance of the lead-bottomed money-gobblers."

UPWING LEGS

No sailboat can go directly into the wind, but 12-meters can sail as close to directly upwind as any sailboat. Zig-zagging back and forth at an angle about 30 degrees off the wind, they work up the course to the windward mark.

Going upwind, the lead boat has an advantage because it can block the trailing boat's wind, or the skipper ahead can split off and take advantage of slight shifts in the wind direction while the boat behind gets second chance at these shifts.

Because there are four upwind legs, and only two downwind and two reaching legs, upwind performance is considered the most important attribute of a good 12-meter.

DOWNWIND LEGS

Once the boats round the wind-ward mark and head back downwind to the starting point, the trailing skipper can block the breeze from the boat ahead, as long as he's within four to six boat lengths. Further back, his wind shadow has little or no effect.

The shortest distance between the windward mark and the down-wind mark is a straight line, but the boats don't sail that way. They swing back and forth across the course, much the way they do going upwind, because they go faster at a slight angle to the wind than sailing directly downwind.

This is called jibing, The lighter the wind, the higher the angle to the wind the boats must sail to maintain boat speed on this leg.

REACHING

The two reaching legs are usually the fastest but dullest, because the course to the wing mark is a direct line, with no tacking or jibing required, and tactically there is little the trailing boat can do to attack.

But lately, with the invention of big "gennaker" sails for reaches instead of spinnakers, some boats perform better than others. New Zealand nearly overtook Stars & Stripes in their final race by steaming down to reaching legs under billowing gennaker.

MARK ROUNDINGS

The most action and drama in a race usually occurs at the mark roundings, when the boats change course around one of the buoys and head of on a new leg.

Mark roundings involve sail changes as the boats go from downwind to upwind or vice versa. Much can go wrong trying to douse a big spinnaker or hoist and set one at a mark.

If the boats are neck and neck approaching a mark rounding, the boat on the inside has the advantage, because the outside boat must give buoy room, or room to clear the mark.

The inside boat can get the lead by pushing the outside boat wide in the turn. Much of the strategy in a close race is to assure this inside overlap at the upcoming mark.

THE BOATS

Twelve-meter yachts were created as a class in the early 1900s as day racers for the wealthy. They were made of wood until the early 1970s, when aluminum construction was approved.

The class name refers to a complicated formula of length, weight, girth, sail area and hull shape that must tally up to 12 meters. The boats are about 65 feet long and weigh about 50,000 pounds.

Every boat has design advantages in certain areas that are offset by deficiencies in others. Dennis Conner's Stars & Stripes, for example, is a heavy boat that sacrifices maneuverability and light-air performance for straight-line, upwind speed.

Iain Murray's Kookaburra III is a more moderate design, which should be more maneuverable, better in light air but probably slightly less powerful upwind in a breeze.

THE RULES

Races are sailed under International Yacht Racing Union rules, which cover on-the-water situations. The legality of construction of the boats is certified by Lloyds Register of Shipping and the boats are measured by IYRU measures. Accusations of illegal racing tactics are heard by an international protest jury the same night as the race.

THE CUP

The America's Cup is a gaudy, knee-high silver ewer that was offered as a prize to the winner of a British sailboat race around the Isle of Wight in 1851. The schooner America joined a fleet of British boats for the race, won the Cup, and for the next 132 years the New York Yacht Club defended the prize successfully.

Alan Bond's Australia II ended what was regarded as the longest winning streak in sports in 1983, beating Conner's Liberty, 4–3.

THE PLAYERS

Each boat has a crew of 11. Three work at the front of the boat—a bowman, mastman and pitman; five work in the middle—two winch grinders, two jib trimmers and a mainsail trimmer; and three in the back—a navigator, tactician and helmsman (skipper).

THE SKIPPERS

Dennis Conner, 44, is in his fourth America's Cup. He was starting helmsman on Courageous in 1974 when it beat Southern Cross and was skipper of Freedom, which beat Australia in 1980, and Liberty, which lost to Australia II in 1983. He twice has won the Star world championship and once won an Olympic bronze medal.

Iain Murray, 28, is in his second Cup campaign. He was skipper of ill-fated Advance in 1983, then switched over and skippered Challenge 12, Australia II's trial horse, during the latter part of the Cup summer. He was seven times world Australian 18 skiff champion.

AMERICA'S CUP TERMS

Beating—Going upwind, at as close an angle as possible into the wind.

Boom—The 30-foot horizontal spar to which the bottom of the mainsail is fixed.

Covering—Tactic of blanketing the other boat's wind by positioning your boat directly upwind of your opponent.

Dirty air—Turbulent wind off the lead boat's sail, which affects the trailing boat's performance upwind. (On downwind legs, with the wind coming from astern, the trailing boat can dump dirty air on the lead boat.)

Fremantle Doctor—Predictable, afternoon sea breeze customary in Fremantle in the summer.

Gennaker—Cross between a spinnaker and a jib, used on reaching legs.

Grinders—Crewmen who operate winches to adjust the sails on orders from the trimmers.

Halyards—Lines used to hoist the sails.

Heavy air—20 knots or better.

Helm—Steering wheel.

Helmsman—Skipper.

Jib—The smaller headsail attached to the bow; used only on upwind legs.

Jibing—Tacking when the wind is coming from astern.

Leeward—Away from the wind.

Lift—A wind shift that draws the boat toward the destination.

Light air—Breeze under 14 knots.

Mainsail—The big sail that provides about 70 percent of a 12-meter's power.

Marks—Buoys around which the boats turn at the end of each leg.

Mast—The 90-foot vertical spar to which all sails are attached.

Moderate air—14 to 19 knots.

Navigator—Crewman who tracks location on the course and proximity of the turning marks.

Port—Left side of the boat, looking forward.

Reaching—Between running and beating, when the boats go fastest.

Rig—Mast and boom.

Rigging—Steel cables that hold the mast up.

Running—Going downwind under spinnaker.

Sheets—Lines used to trim the sails.

Slam dunk—A close-quarters tack in which the lead boat swerves directly in front of the trailing boat during upwind maneuvering.

Spinnaker—A colorful, billowing sail used on downwind legs.

Spinnaker pole—The removable spar that holds the leading edge of the spinnaker into the breeze.

Starboard—Right side, looking foward.

Tacking—Zig-zagging into the wind.

Tactician—Watches the other boat and advises the helmsman on tactical maneuvers to make.

Trimmers—Adjust the set of the sails, two to handle the jib, one to handle the mainsail.

Winches—Geared machinery to which the sheets are led; used to trim the sails.

Windward—Direction from which the wind is blowing.

[From the Washington Post, Jan. 20, 1987]

DEFENDERS WILL SAIL IN KOOKABURRA III

(By Angus Phillips)

FREMANTLE, AUSTRALIA, January 26.—To the surprise of no one, Royal Perth Yacht Club announced today the 1987 America's Cup defender will be Kookaburra III.

Skipper Iain Murray spent a day and a half testing the boat against Kookaburra II, to see if a new keel fitted on the older boat had made it faster. But in the end, he said, Kookaburra III was still quicker.

Murray now must ready his yacht for a best-of-seven series for sailing's top prize starting Saturday against Dennis Conner's Stars & Stripes.

The selection was upstaged this evening by Conner, who came sailing into the crowded harbor moments after RPYC Cup chairman Stan Reid made the announcement at a waterfront news conference.

Conner, who loves a crowd, did the same thing two weeks ago as his rival in challenger finals, New Zealand, held a news conference on its dock just before the final trials began.

Both times Conner's grandstanding drew cheers from tourists on the jetty and took attention away from the event in progress.

Conner has been doing his best to draw attention away from Kookaburra. Sunday during practice he flew a huge, tiered spinnaker with ballooning pockets never seen before, evidently to give Murray something to think about before their races.

And he's pestered the two Kookaburras in their two days of trials, sending spies in a rubber chase boat to keep tabs on them.

Now that the mystery of which boat he'll race is over, Murray said he would devote the next few days to getting his boat prepared for maximum performance against Stars & Stripes. Murray said Kookaburra III appears faster than any boat he's seen here in downwind performance, and he expects it to be equal to Stars & Stripes upwind.

But Murray said weather will play a key role in the regatta. If the wind blows over 20 knots, as it did today, he expects Conner to be at his best. If it's in the more moderate, 15- to 20-knot range, he thinks Kookaburra III will be in its best range.

Many observers were puzzled by the time-consuming labors on Kookaburra II, which now will play no role in th Cup except as trial horse. It took several days for shore crews to fit and finish the vessel's new keel, time some felt might have been better spent on Kookaburra III.

But Murray said the trademark of his effort has been constant upgrading of the boats and this was no time to stop. Kookaburra spokesman Grant Donovan said that since the Kookaburra camp intends to keep going straight through to 1990, the work will profit their continuing quest for a faster 12-meter.

Stars & Stripes was measured this morning and now cannot be changed significantly before racing begins. Kookaburra III will be measured Tuesday morning.

Murray, 28, who said recently he never had met Conner, dropped by the Stars & Stripes shed as official observer of this morning's measurement. He and Conner, 44, chatted amiably for several minutes, Stars & Stripes syndicate chief Malin Burnham said.

[From the Washington Post, Jan. 21, 1987]

CONNER CREW CELEBRATES, RETURNS TO ITS TINKERING

(By Angus Phillips)

FREMANTLE, AUSTRALIA, January 20.—They needed a hose to clean out Stars & Stripes.

When the party ended far into the night, the 12-meter that will be the first American boat to challenge for the America's Cup in 135 years was littered with beer cans. Wet sails from racing were still down in the bilge.

The last thing sail trimmer Bill Trenkle remembers was jumping into the Jacuzzi on the support boat El Zorro. "That was about 2:30," he said.

Skipper Dennis Conner was long gone by then. Conner sightings were reported downtown at Papa Luigi's, where he was entertaining three Australians at a streetside table at 1:30 a.m., and then again in the morning when he was selling T-shirts at the Stars & Strips concession stand.

While the hose crew was at work cleaning up the mess today, another group was playing cricket in the boat yard.

But heavies from the syndicate, design coordinator John Marshall and tactician Tom Whidden, were off on a helicopter ride, and it wasn't for fun.

They watched the last Kookaburra III-Australia IV defenders race in order to get a handle on the speed of Kookaburra III. The Kookaburra syndicate will be their foe when the final Cup series starts Jan. 31.

And shortly after noon, Stars & Stripes was hauled into a shed, where work will begin to upgrade it once more for the match Conner and crew worked two years to get to.

"Our attitude has always been that we have to continue to improve the boat and never stop tinkering," said syndicate chief Malin Burnham.

That philosophy was the underlying factor in Stars & Stripes' easy 4-1 victory over New Zealand in the best-of-seven challenger finals.

Significant changes to the rudder, keel and hull, which was covered with a plastic coating to reduce drag, gave the boat an estimated 7-second-per-mile upwind speed increase over the December trials.

That turned Stars & Stripes from a boat that lost two of three against New Zealand in the early trials to one that won four of five in the finals.

Burnham said the process won't stop. "Right now, we're looking at a couple of physical changes" to make in the 10 days before racing resumes, he said. "Odds are we won't do them, but if the computer says they will make us faster . . ."

If Stars & Stripes made a scientific breakthrough this time around, it was development of a computerized system to predict the effects of physical changes on the hull without testing them in the water.

Based on Marshal's velocity prediction programs, Conner stuck his neck out and approved the major changes in December without ever trying them on the boat.

So confident was Marshall of his computer predictions that when the boat proved only 5.1 seconds per mile faster during the first few races against New Zealand, he chastised the crew for not sailing properly.

"Unbelievable," said Whidden. "This guy used to sail with us. Now, he thinks he's a designer and he's forgotten what it's like."

But Marshall was vindicated in the last race, when the boat in fact produced 7 seconds per mile better upwind speed, he said.

Now, Conner, concerned about Kookaburra III's easy, 5-0 victory over Australia IV in the final defender trials, wants more.

While work began on Stars & Stripes, Burnham took a chance this morning to reflect on the achievement of getting into position to regain the Cup Conner lost in 1983.

He said New Zealand was lulled into thinking it was faster and better than Conner's boat.

A key tool in the arsenal of psychological warfare that led to that misjudgment was the challenge Conner raised to the legality of New Zealand's unique fiberglass hull early in the regatta.

Initially, Burnham said, the challenge was simply an expression of Conner's concern that adequate controls weren't in place during construction and the hull could have been built lighter in critical spots than rules allow.

But Burnham said the New Zealanders, confident with all the hubbub that they had discovered the secret weapon to win the Cup, bagan showing signs of complacency. "It put them in a position of feeling advantaged," Burnham said, "and as a result discouraged them from trying new things in their wings, keels and so forth.

"We saw that developing and said, 'Let's keep it up,'" Burnham said.

In the end, New Zealand came into the final series little improved from the boat that entered the first round in October, while Stars & Stripes was a different vessel.

"We never stopped trying to figure out what the next move should be," said Burnham.

And with four races left to win, he said, they won't stop trying now.●

RELEASE OF NAUM MEIMAN URGED

● Mr. SIMON. Mr. President, 10 days ago, Soviet dissident Inna Meiman arrived in this country to undergo treatment for cancer. Unfortunately, Inna's husband, Naum, has not been allowed to join her during this difficult period.

The support and encouragement of loved ones is essential for the speedy recovery of cancer patients. The Soviets' refusal to release Naum is deplorable. I ask my colleagues to continue to put pressure on the Soviet Government to allow Naum to join his wife immediately.

I strongly urge the Soviet Government to permit Naum to join Inna in the United States.●

DEATH OF JOSEPH T. KARCHER

● Mr. LAUTENBERG. Mr. President, I was saddened to learn of the death of Joseph T. Karcher on January 28. Mr. Karcher has had a long and active career of public service to New Jersey.

Joseph Karcher dedicated his life to serving the residents of Sayreville, NJ: So much so, that he was fondly known as "Mr. Sayreville." He graduated from St. Peter's High School and received his law degree in 1927 from what is now known as Rutgers' Law School in Newark. He practiced law in Sayreville for nearly 60 years. During his career he held the posts of magistrate to the borough, municipal attorney, deputy surrogate of Middlesex County, and member of the New Jersey State Assembly. In 1953 he represented the citizens of Sayreville in one of the Nation's first environmental court cases. He was active in creating numerous parks and playgrounds throughout the borough.

Mr. Karcher also made many contributions to the legal profession, serving on the board of editors of the New Jersey State Bar Journal and as parliamentarian for the New Jersey Bar Association. He also authored numerous books and articles including the popular "Karcher's Handbook on Parliamentary Law."

Mr. President, the people of the State of New Jersey join the Karcher family in grieving the loss of a dedicated public servant. I ask that the fol-

lowing article be printed in the RECORD.

The article follows:

[From the Newark Star-Ledger]

JOSEPH T. KARCHER, 83, MR. SAYREVILLE

Joseph T. Karcher, a lawyer and former assemblyman who served 27 years as Sayreville municipal attorney, died yesterday in South Amboy Memorial Hospital following a brief illness. He was 83.

Funeral services for Mr. Karcher, the father of Assemblyman Alan J. Karcher (D-Middlesex), will be held at 8:45 a.m. Saturday in the Maliszewski Memorial Home, 121-123 main St., Sayreville.

Known as "Mr. Sayreville" for his many years of service to the borough, he was an active trial lawyer for nearly 60 years, with offices in Sayreville, where he lived throughout his lifetime. His maternal grandfather, Timothy Quaid, was the first mayor of Sayreville when the borough was established in 1876.

Mr. Karcher was graduated from St. Peter's High School in New Brunswick in 1920 and from what is now Rutgers Law School in Newark in 1927. In 1978, he was awarded a juris doctor degree from Rutgers University.

Admitted to the New Jersey Bar in 1928, Mr. Karcher practiced law continuously in Sayreville until his death. He was admitted to practice before the U.S. Supreme Court in 1956, served as Sayreville's magistrate from 1929 to 1932 and as an assemblyman representing Middlesex County from 1930 to 1932.

He also was deputy surrogate of Middlesex County from 1932 to 1938, Sayreville municipal attorney from 1938 to 1965, a member of the Board of Editors of the New Jersey State Bar Journal (now the New Jersey Law Journal) and as parliamentarian for the New Jersey Bar Association from 1955 to 1971

Among the notable cases handled by Mr. Karcher was the so-called Old Bridge pollution litigation, in which his clients in 1953 sued five large industries in the area for polluting the South River. It was one of the nation's first environmental court cases.

While Sayreville's municipal attorney, Mr. Karcher successfully sued the then-Pennsylvania Railroad Co; and forced it to rebuild the Deep Cut Bridge, forced the state highway department to build the overpass and underpass in the Melrose section of Sayreville for Route 9 and sued the New Jersey Highway Authority for the flooding of Sayreville streets.

Mr. Karcher also was active in creating numerous parks and playgrounds throughout the borough, which he served in the administrations of five mayors.

He was the author of 15 books and more than 100 published articles on law, history and government, including "Karcher's Handbook on Parliamentary Law," which has been published continuously since 1951. He also wrote "Histories of Sayreville."

Mr. Karcher was a member of the Middlesex County, New Jersey and American bar associations and the American Trial Lawyers Association.

He was a communicant of Our Lady of Victories Roman Catholic Church in Sayreville, and served for more than a dozen years as one of its trustees. Mr. Karcher also was a member of the Sayreville Knights of Columbus, Our Lady of Victory Council 2061, and its Fourth Degree Assembly.

His wife, Ellen L. Karcher, died in 1963 and a daughter, Joyce, died in 1977.

In addition to his son, he is survived by two daughters, Evelyn C. Graff of Spring Lake and Superior Court Judge Rosemary K. Reavey of Sayreville, and 11 grandchildren.

THE SETTLEMENT OF THE AGRICULTURAL TRADE DISPUTE WITH THE EUROPEAN COMMUNITY

● Mr. LEAHY. Mr. President, I rise today to inform the Senate that the United States and the European Community have resolved their dispute concerning the injury done to American farmers by the enlargement of the European Community.

While, at this hour, the member nations of the European Community have yet to ratify this agreement, it appears that a trade war has been averted. This is good news for American farmers, American consumers, and all concerned about relations between the United States and our European allies.

The agreement reached today, however, falls far short of providing total compensation for the $400 million loss incurred by American farmers, especially corn and feedgrain producers, when Spain and Portugal joined the European Community last year. When those two nations joined the European Community customs union, they were compelled to raise their agricultural tariffs and reduce their imports of United States agricultural commodities and products. Under article XXIV, section 6 of the General Agreement of Tariffs and Trade, the United States was entitled to compensation for the markets lost due to these tariff and quota changes.

More than 1 year of negotiations produced the compensation agreement announced today. The negotiations had reached the 11th hour. On December 30, 1986, the United States announced that it would impose high tariffs on European wines, chesses, and other processed agricultural products, unless the European Community agreed to fully compensate the United States for its $400 million loss. The European Community, in turn, threatened to retaliate, by restricting our exports of soybeans and feed grains.

A trade war between the United States and our European allies had grown dangerously close—as close as today. Promises of retaliation and counter retaliation strained our economic relationship across the Atlantic. We sold the Europeans more than $5 billion in agricultural commodities and products last year, making them our third largest agricultural trading partner. The European Community exported nearly $4 billion in agricultural products and commodities to the United States. The total value of trade between the United States and the European Community was more than $120 billion last year. No one wanted a trade war. Neither side would have benefited. But, the obstinance of the Europeans—their refusal to compensate American farmers for their losses, as required by the GATT—forced the United States to insist that our rights under international trade law be protected.

At 1 p.m. today, U.S. Trade Representative Clayton Yeutter and Under Secretary of Agriculture Daniel Amstutz announced that the European Community agreed to the following concessions:

The European Community extend bound tariffs on agriculture—tariffs which can only be raised through negotiations with trading partners—into Spain and Portugal.

The European Community agreed to permit duty free imports of soybeans and corn glutten feed.

The European Community will guarantee United States and third country imports of 2 million metric tons of corn and 300,000 metric tons of sorghum into Spain.

The European Community agreed to drop the requirement that Portugal buy 15 percent of its feed grain from the European Community. This should open up markets for more than 400,000 metric tons of corn and feed grain.

And, the European Community agreed to tariff concessions for other small agricultural and industrial products. Those products include dried onions, avacados, roasted nuts, grapefruit juice, cranberry juice, plywood, industrial chemicals, aluminum sheeting, and silicon wafers.

It is too early to put a dollar total on the settlement. But, it is clear that the agreement falls short of providing the $400 million compensation to which U.S. corn and feed grain exporters are entitled. The agreement includes nongrain and even nonagricultural tariff concessions which will do little to compensate the American grain farmers who bore the brunt of the injury caused by Spain and Portugal's accession to the European Community.

The settlement is significant, however, because it represents the first corn and grain concessions made by the Europeans since the adoption of the European Community's protectionist Common Agricultural Policy [CAP]. The CAP has been largely responsible for the near 50 percent or $5 billion decline in U.S. agricultural exports to the European Community in the last 5 years.

The agreement is also important, because it represents the first time the United States has received reasonable compensation under GATT article XXIV, section 6 for injuries caused by the enlargement of a customs union. While many provisions of the GATT

have lost their utility, in this time of trade law loopholes and nontariff trade barriers, this agreement shows that the GATT can work. The difficulty in reaching this agreement also attests to the need to modernize and improve the agricultural provisions of this basic trade agreement.

The concessions made by the Europeans offer promise for the new round of GATT negotiations which will soon begin. While the immediate crisis over the enlargement of the European Community has been avoided, the United States must pursue further concessions from the European Community and the reform of the CAP in the upcoming GATT round.

As chairman of the Senate Agriculture Committee, I believe I can say fairly that the Congress will not tolerate further losses of agricultural trade with the European Community, due to unreasonable barriers to trade. Every $1 billion loss in agricultural trade with the European Community causes thousands of Americans to lose their family farms and puts more than 30,000 American agricultural workers out of their jobs.

Mr. President, I am pleased that a settlement was reached in this matter, and I congratulate our negotiators for averting a trade war. But, the European Community should be put on notice that the resolution of the current dispute will not weaken the resolve of the Congress to seek an end to unfair barriers to agricultural trade and to increase agricultural exports to the European Community.●

INDEPENDENCE OF THE FREE UKRAINIAN REPUBLIC

● Mr. SIMON. Mr. President, on January 22 we celebrated the 69th anniversary of the proclamation of independence of the free Ukrainian Republic. I would like to join my colleagues who have also paid tribute to the short-lived Ukrainian state, and to the brave Ukrainians who still struggle every day against Soviet occupation of their homeland.

That first attempt at freedom lasted just 3 years before Red Army troops snuffed out independent Ukraine. The ideals of social justice and human rights were set forth during those 3 years. Freedom of speech, movement, religion, press, and all the other givens in everyday American life were guaranteed. But Ukraine was quickly incorporated into the Soviet Union, and political independence and many basic human rights were denied.

Today the Soviet authorities continue to harass members of the Helsinki Monitoring Group in Ukraine. Daily life is hard, and economic progress held back by an antiquated incentive-free system. The Ukrainian Catholic and Orthodox Churches are oppressed, with little hope of significant improvement on the horizon.

This last point is especially difficult for the Ukrainian people to bear. Political repression is hard enough, but religious intolerance and hostility cuts even deeper for many of the deeply religious people of Ukraine. There is, however, something that can be done. The Gorbachev government can make a small gesture on behalf of religious freedom.

Next year Ukraine celebrates a millenium of Christianity. This is a very important occasion for the people of Ukraine. The Gorbachev politburo can direct that the the Christian millenium in Ukraine is a historical landmark in the development of the Slavic peoples, and allow church observances of the millenium to proceed. This would truly represent the kind of "openness" and willingness to experiment that Mikhail Gorbachev has repeatedly stressed in his party speeches.

I hope the Soviet Union takes this small but solid step forward. Religious tolerance must spread throughout the Soviet system so that all religions can flourish. The celebration of a millenium of Christianity in Ukraine is a good place to start.●

ORDERS FOR MONDAY, FEBRUARY 2, 1987

ADJOURNMENT TODAY UNTIL 2 P.M., MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 2 o'clock on Monday afternoon.

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

NO RESOLUTIONS TO COME OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no resolutions come over under the rule on Monday and that the call of the calendar under rules VII and VIII be waived.

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

PERMISSION FOR COMMITTEES TO FILE REPORTS ON FRIDAY

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have from 10 a.m. until 3 p.m. on Friday, January 30, to file reports.

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

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees are recognized on Monday under the standing order, Mr. PROXMIRE and Mr. HUMPHREY each be recognized for not to exceed 5 minutes.

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

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that, following the order for the recognition of the two Senators which has already been entered, there be a period for the transaction of routine morning business not to extend beyond 3:30 o'clock.

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

Mr. BYRD. I ask unanimous consent that Senators may be permitted to speak therein for not to exceed 5 minutes each.

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

CONSIDERATION OF SENATE RESOLUTION 85

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on Monday, the Senate proceed to the consideration of Senate Resolution 85, which is the budget waiver having to do with the highway bill.

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

Mr. BYRD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Is there a time limit on that budget waiver?

The PRESIDING OFFICER. There is 1 hour of debate.

Mr. BYRD. I thank the Chair.

CONSIDERATION OF S. 387

Mr. BYRD. Mr. President, there will be a rollcall vote on that waiver. I ask unanimous consent that upon the disposition of the waiver, the Senate proceed to the consideration of Calendar Order No. 10, S. 387, the bill authorizing appropriations for highways.

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

STAR PRINT OF S. 382

Mr. BYRD. Mr. President, on behalf of Mr. DIXON, I ask unanimous consent that there be a star print of S. 382, and I send a copy of the corrections to the desk.

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

Mr. DIXON. Mr. President, the Banking Committee ordered an original mass transit reauthorization bill reported on January 21 of this year. That bill, S. 382, was supposed to include a provision providing a total of $1,002.5 million from the Mass Transit Account in each of the fiscal years 1987 through 1990. However, due to an inadvertent error, in fiscal years 1988 through 1990, the bill provides a total of $1.374 billion out of the Mass Transit Account.

Therefore unanimous consent is asked for a star print of S. 382. We are going to take up the transit reauthor-

ization legislation by Monday, and it is important that the bill include the actual authorization levels approved by the committee.

THE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished Republican leader if Calendar Order No. 6, Senate Resolution 78, has been cleared on that side of the aisle.

Mr. DOLE. It has been cleared, yes.

Mr. BYRD. I thank the minority leader.

GRATUITY TO HAZEL A. KUDEL

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 78.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 78) to pay a gratuity to Hazel A. Kudel.

The Senate proceeded to consider the resolution.

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

The resolution (S. Res. 78) was agreed to, as follows:

S. RES. 78

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Hazel A. Kudel, mother of Helen C. Clements, an employee of the Senate at the time of her death, a sum equal to one year's compensation at the rate she was receiving by law at the time of her death, said sum to be considered inclusive of funeral expenses and all other allowances.

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

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

The motion to lay on the table was agreed to.

MEMBERS ON THE PART OF THE SENATE OF THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. BYRD. Mr. President, this resolution has been cleared by the Republican leader, I believe. It is a resolution from the Committee on Rules and Administration providing for members on the part of the Senate of the Joint Committee on Printing and the Joint Committee of Congress on the Library.

Mr. DOLE. It has been cleared.

Mr. BYRD. I thank the Republican leader.

I send to the desk this resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution.

The bill clerk read as follows:

A resolution (S. Res. 95) providing for members on the part of the Senate of the Joint Committee on Printing and Joint Committee of Congress on the Library.

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

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

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

The resolution (S. Res. 95) was agreed to as follows:

S. RES. 95

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress;

Joint Committee on Printing: Mr. Ford of Kentucky, Mr. DeConcini of Arizona, Mr. Gore of Tennessee, Mr. Stevens of Alaska, and Hatfield of Oregon.

Joint Committee of Congress on the Library: Mr. Pell of Rhode Island, Mr. DeConcini of Arizona, Mr. Moynihan of New York, Mr. Hatfield of Oregon, and Mr. Stevens of Alaska.

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

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

The motion to lay on the table was agreed to.

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 Protocol II Additional to the 1949 Geneva Conventions, and relating to the Protection of Victims of Non-International Armed Conflicts (Treaty Document No. 100-2), which was transmitted to the Senate today by the President of the United States.

I further ask that the protocol 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. Without objection it is so ordered.

The message is as follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate to ratification, Protocol II Additional to the Geneva Conventions of 12 August 1949, concluded at Geneva on June 10, 1977. I also enclose for the information of the Senate the report of the Department of State on the Protocol.

The United States has traditionally been in the forefront of efforts to codify and improve the international rules of humanitarian law in armed conflict, with the objective of giving the greatest possible protection to victims of such conflicts, consistent with legitimate military requirements. The agreement that I am transmitting today is, with certain exceptions, a positive step toward this goal. Its ratification by the United States will assist us in continuing to exercise leadership in the international community in these matters.

The Protocol is described in detail in the attached report of the Department of State. Protocol II to the 1949 Geneva Conventions is essentially an expansion of the fundamental humanitarian provisions contained in the 1949 Geneva Conventions with respect to non-international armed conflicts, including humane treatment and basic due process for detained persons, protection of the wounded, sick and medical units, and protection of noncombatants from attack and deliberate starvation. If these fundamental rules were observed, many of the worst human tragedies of current internal armed conflicts could be avoided. In particular, among other things, the mass murder of civilians is made illegal, even if such killings would not amount to genocide because they lacked racial or religious motives. Several Senators asked me to keep this objective in mind when adopting the Genocide Convention. I remember my commitment to them. This Protocol makes clear that any deliberate killing of a noncombatant in the course of a non-international armed conflict is a violation of the laws of war and a crime against humanity, and is therefore also punishable as murder.

While I recommend that the Senate grant advice and consent to this agreement, I have at the same time concluded that the United States cannot ratify a second agreement on the law of armed conflict negotiated during the same period. I am referring to Protocol I Additional to the 1949 Geneva Conventions, which would revise the rules applicable to international armed conflicts. Like all other efforts associated with the International Committee of the Red Cross, this agreement has certain meritorious elements. But Protocol I is fundamentally and irreconcilably flawed. It contains provisions that would undermine humanitarian law and endanger civilians in war. One of its provisions, for example, would automatically treat as an international conflict any so-called "war of national liberation." Whether such wars are international or non-international should turn exclusively on objective reality, not on one's view of the moral qualities of each conflict. To rest on such subjective distinctions based on a war's alleged purposes would politicize humanitarian law and eliminate the distinction between international and non-international

conflicts. It would give special status to "wars of national liberation," all ill-defined concept expressed in vague, subjective, politicized terminology. Another provision would grant combatant status to irregular forces even if they do not satisfy the traditional requirements to distinguish themselves from the civilian population and otherwise comply with the laws of war. This would endanger civilians among whom terrorists and other irregulars attempt to conceal themselves. These problems are so fundamental in character that they cannot be remedied through reservations, and I therefore have decided not to submit the Protocol to the Senate in any form, and I would invite an expression of the sense of the Senate that it shares this view. Finally, the Joint Chiefs of Staff have also concluded that a number of the provisions of the Protocol are militarily unacceptable.

It is unfortunate that Protocol I must be rejected. We would have preferred to ratify such a convention, which as I said contains certain sound elements. But we cannot allow other nations of the world, however numerous, to impose upon us and our allies and friends an unacceptable and thoroughly distasteful price for joining a convention drawn to advance the laws of war. In fact, we must not, and need not, give recognition and protection to terrorist groups as a price for progress in humanitarian law.

The time has come for us to devise a solution for this problem, with which the United States is from time to time confronted. In this case, for example, we can reject Protocol I as a reference for humanitarian law, and at the same time devise an alternative reference for the positive provisions of Protocol I that could be of real humanitarian benefit if generally observed by parties to international armed conflicts. We are therefore in the process of consulting with our allies to develop appropriate methods for incorporating these positive provisions into the rules that govern our military operations, and as customary international law. I will advise the Senate of the results of this initiative as soon as it is possible to do so.

I believe that these actions are a significant step in defense of traditional humanitarian law and in opposition to the intense efforts of terrorist organizations and their supporters to promote the legitimacy of their aims and practices. The repudiation of Protocol I is one additional step, at the ideological level so important to terrorist organizations, to deny these groups legitimacy as international actors.

Therefore, I request that the Senate act promptly to give advice and consent to the ratification of the agreement I am transmitting today, subject to the understandings and reservations that are described more fully in the attached report. I would also invite an expression of the sense of the Senate that it shares the view that the United States should not ratify Protocol I, thereby reaffirming its support for traditional humanitarian law, and its opposition to the politicization of that law by groups that employ terrorist practices.

RONALD REAGAN.

THE WHITE HOUSE, *January 29, 1987.*

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, five nominations were reported today by the Committee on Armed Services. I ask the distinguished Republican leader if on his side these nominations may be cleared for action at this time.

Mr. DOLE. Yes, they may be cleared for action at this time.

Mr. BYRD. Mr. President, I thank the Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I send the five nominations to the desk. I ask unanimous consent that they be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

The following-named officer, under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, [redacted] FR, U.S. 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. James P. McCarthy, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., [redacted] FR, U.S. Air Force.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nominations were considered and confirmed en bloc.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask unanimous consent that the President be immediately notified that the nominations have been confirmed.

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

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

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

PROGRAM

Mr. BYRD. Mr. President, there will be rollcall votes on Monday. The Senate will convene at 2 p.m. There will be a period for the transaction of morning business following the recognition of two Senators for special orders and that morning business period will extend to no later than 3:30 p.m. and could be closed earlier, of course. Senators will be permitted to speak up to 5 minutes each during that period for morning business. At the conclusion of routine morning business, the Senate will proceed to the consideration of the waiver resolution, Senate Resolution 85, having to do with the highway bill. There is a 1-hour time limitation on that measure. There will be a rollcall vote thereon.

Mr. President, I ask unanimous consent that it may be in order at this time to order a rollcall vote on Senate Resolution 85.

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

Mr. BYRD. 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. BYRD. Mr. President, there will be a rollcall vote on the waiver resolution.

On the disposition of that resolution, the Senate will proceed to the consideration of the highway bill, S. 387. There will be some amendments to that bill. Rollcall votes are anticipated thereon.

It is hoped by the distinguished Republican leader and myself that on Monday, the Senate may proceed to consider the arms control resolution,

which has been introduced by Mr. DOLE, Mr. BOREN, and myself, and which is on the calendar by unanimous consent. I would anticipate a rollcall vote on that resolution, also.

I thank the distinguished Republican leader, and I thank all Senators.

ADJOURNMENT UNTIL 2 P.M. ON MONDAY, FEBRUARY 2, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment until 2 p.m. on Monday next.

The motion was agreed to, and at 9:16 p.m. the Senate adjourned until Monday, February 2, 1987, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate January 29, 1987:

DEPARTMENT OF STATE

Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security. (New Position.)

INTERNATIONAL MONETARY FUND

Charles H. Dallara, of Virginia, to be U.S. Executive Director of the International Monetary Fund for a term of 2 years. (Reappointment.)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Michael Dorsey, of Missouri, to be general counsel of the Department of Housing and Urban Development, vice John J. Knapp, resigned.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Charles A. Shanor, of Georgia, to be general counsel of the Equal Employment Opportunity Commission for a term of 4 years, vice David L. Slate, resigned.

NATIONAL TRANSPORTATION SAFETY BOARD

James L. Kolstad, of Colorado, to be a member of the National Transportation Safety Board for the term expiring December 31, 1991, vice Donald D. Engen, resigned.

SENIOR FOREIGN SERVICE

The following-named career member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Deane Roesch Hinton, of Illinois.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Billy A. Barrett, [redacted] FR, Regular Air Force.

Col. Charles L. Bishop, [redacted], Regular Air Force.

Col. John L. Borling, [redacted] FR, Regular Air Force.

Col. Phillip E. Bracher, [redacted] FR, Regular Air Force.

Col. Michael J. Butchko, Jr., [redacted], Regular Air Force.

Col. Donald J. Butz, [redacted] Regular Air Force.

Col. Jimmy L. Cash, [redacted] Regular Air Force.

Col. Clifton C. Clark, Jr., [redacted] FR, Regular Air Force.

Col. Stephen B. Croker, [redacted] FR, Regular Air Force.

Col. Lawrence E. Day, [redacted] FR, Regular Air Force.

Col. Robert E. Dempsey, [redacted] FR, Regular Air Force.

Col. Dennis D. Doneen, [redacted] FR, Regular Air Force.

Col. Jeffrey T. Ellis, [redacted] FR, Regular Air Force.

Col. Howell M. Estes, III, [redacted] FR, Regular Air Force.

Col. John S. Fairfield [redacted] FR, Regular Air Force.

Col. Charles E. Fox, Jr., [redacted] FR, Regular Air Force.

Col. John C. Fryer, Jr., [redacted] FR, Regular Air Force.

Col. Joseph K. Glenn [redacted] FR, Regular Air Force.

Col. Buster C. Glosson, [redacted] FR, Regular Air Force.

Col. Eugene E. Habiger, [redacted] FR, Regular Air Force.

Col. Donald G. Hard, [redacted] FR, Regular Air Force.

Col. Peter D. Hayes, [redacted] FR, Regular Air Force.

Col. James L. Jamerson, [redacted] FR, Regular Air Force.

Col. Thomas G. Jeter, Jr. [redacted], Regular Air Force.

Col. James M. Johnston, III, [redacted] FR, Regular Air Force.

Col. Jay W. Kelley, [redacted] FR, Regular Air Force.

Col. Walter Kross, [redacted] FR, Regular Air Force.

Col. Charles D. Link, [redacted] FR, Regular Air Force.

Col. Bruce J. Lotzbire [redacted] FR, Regular Air Force.

Col. Noah E. Loy, [redacted] FR, Regular Air Force.

Col. Robert M. Marquette, Jr., [redacted] Regular Air Force.

Col. Frank K. Martin [redacted] FR, Regular Air Force.

Col. James C. McCombs, [redacted] FR, Regular Air Force.

Col. Stephen M. McElroy, [redacted] FR, Regular Air Force.

Col. James W. Meier, [redacted] FR, Regular Air Force.

Col. Michael D. Pavich, [redacted] FR, Regular Air Force.

Col. David J. Pederson, [redacted] FR, Regular Air Force.

Col. Frederick W. Plugge, IV, [redacted] FR, Regular Air Force.

Col. Joseph W. Ralston, [redacted] FR, Regular Air Force.

Col. Peter D. Robinson, [redacted] FR, Regular Air Force.

Col. Ralph R. Rohatsch, Jr., [redacted] FR, Regular Air Force.

Col. Ervin J. Rokke, [redacted] FR, Regular Air Force.

Col. Michael E. Ryan [redacted] FR, Regular Air Force.

Col. Thomas E. Schwark, [redacted] FR, Regular Air Force.

Col. Hanson L. Scott, [redacted] FR, Regular Air Force.

Col. Stephen R. Shapiro, [redacted] FR, Regular Air Force.

Col. Daniel J. Sherlock, [redacted] FR, Regular Air Force.

Col. Stanley O. Smith [redacted] FR, Regular Air Force.

Col. Ronald C. Spivey, [redacted] FR, Regular Air Force.

Col. William A. Studer, [redacted] FR, Regular Air Force.

Col. James P. Ulm, [redacted] FR, Regular Air Force.

IN THE NAVY

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 vice admiral

Rear Adm. Clyde R. Bell, [redacted] 1120, U.S. Navy.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 29, 1987:

DEPARTMENT OF DEFENSE

The following-named officer under the provisions of title 10, United States Code, section 154, to be Vice Chairman, Joint Chiefs of Staff:

To be Vice Chairman, Joint Chiefs of Staff

Gen. Robert T. Herres [redacted] FR, U.S. Air Force.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8034, to be Vice Chief of Staff, U.S. Air Force.

To be Vice Chief of Staff, U.S. Air Force

Lt. Gen. Monroe T. Hatch, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Gen. John L. Piotrowski, [redacted] FR, U.S. 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. James P. McCarthy, [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be reassigned in his current grade to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Kenneth L. Peek, Jr., [redacted] FR, U.S. Air Force.

EXTENSIONS OF REMARKS

THE MAYOR OF WESTWOOD?

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today to share with my colleagues an interview with a remarkable woman, Dori Pye, who happens to be a close friend of mine. Dori Pye's contributions to Los Angeles' westside throughout the last 18 years have been well documented and her active, strong leadership and dedication to the well being of Westwood Village is to be admired.

As president of the Los Angeles West Chamber of Commerce, she has been able to pull together coalitions, made up of property owners, businessmen and businesswomen and developers, to provide plans that are in the best interests of the community. The chamber of commerce that Dori Pye has established since she took over 18 years ago, which has grown from less that 100 members to over 800 members, is the only one in California that has been accredited three times by the U.S. Chamber of Commerce. Businesses that are members of the Westside Chamber include corporate giants such as Occidental Petroleum, General Telephone, Bank of America, Tishman West Management Corp. and Mann Theatres.

Two years ago, I included in the CONGRESSIONAL RECORD an article that appeared in the Los Angeles Times regarding Ms. Pye's accomplishments. Today, Dori is still going strong, and I would like to share a recent interview with Dori Pye with my colleagues:

[From the Westwood's Village View, Dec. 19-25, 1986]

THE MAYOR OF WESTWOOD?

(By James Sogg)

Westwood Village. Dori Pye. The two can almost be called synonymous, as they have shared a marriage of over 20 years. As President of the Los Angeles West Chamber of Commerce, this marks the 18th year Pye has held a prominent position in Westside life, and is as close as one can get to being called the Mayor of Westwood. Since branching out towards the rest of the city, she's been called controversial by many, but it's clear that Westwood Village wouldn't be what it is today were it not for the efforts of Dori Pye.

With her chamber's "lean, mean, and clean" approach to things, she has a unique ability of accomplishing tasks no one else can, bringing together businessmen, property owners and civic leaders to strike powerful coalitions that can really step forward and make beneficial changes for the community.

She's truly the mover and shaker of the Westside. If you want something done in this town, she is the lady that can get it done, for she is respected by all, even those that fear her. No politician ever wants to be on her bad side, knowing she has the friends and connections that can make or break you.

Dori Pye has achieved the highest honor a Chamber manager can reach—that of a Certified Chamber Executive (CCE). The L.A. West Chamber is the only one in California accredited three times by the U.S. Chamber of Commerce, a very demanding process that few can weather. We talked with Pye in her Chamber's Westwood office about her rise to prominence, and many other key issues of the day.

Q: How did you get started with the Westwood Chamber of Commerce?

A: I started by going around Westwood selling advertising for the program to the Westwood Art Show, which was run at the time by the Episcopal Church. After six years, former mayor Sam Yorty asked me to coordinate a contemporary collection of art. When that fell through, the then-current Chamber manager asked me to come and put on an art show. At that time, in 1968, Westwood was in pathetic shape, for the coming of malls forced many quality shops to move away. There were more empty storefronts than today, and the original idea was to put artwork in those empty storefronts. After that failed I started to write "Chamber Chatter" for the Evening Outlook, a column about Chamber members. From that I started to sell memberships, and when the Chamber manager had a heart attack, the board of directors asked me to take on the job of manager. With no management background, I took the job contingent on being sent to the Institute for Organization Management, to learn how to properly run a Chamber. Coming back with my new-found knowledge, and an outstanding board of directors, we totally turned our Chamber upside down.

Q: What issues did the Chamber involve itself in at that time?

A: Planning. Our major emphasis all these years has always been land-use growth, balanced growth, and development, In 1972, the Glendon Center (the Monty's building) was built inside the Village, which was within the zoning at that time. It was zoned for Height District 3 (ten times buildable space). Even the property owners realized that if high-rises continued to be built, Westwood would turn into a concrete jungle. So the property owners, along with the Chamber, raised money to hire Gruen and Associates to come up with the first Westwood Specific Plan. We helped form a citizen's committee that came up with a plan for a height denisty rollback from Height District 3 to District 1, which was a tremendous down-zone.

This was unheard of, because most Chambers are known for growth at all costs, and here we were the proponents of stopping the growth because we could see down the line what would happen if there was overgrowth. That was balanced growth, because we kept it down to reasonable levels.

Q. If that wouldn't have happened in 1972, would we be looking at tall buildings all over the Village?

A: All over. There would be nothing but shadows. It would be nothing but concrete jungle. This Chamber takes full credit for our leadership, in working with the city, in underwriting the plan that protected the whole ambience of what Westwood Village had originally planned to be.

Q. How did the Chamber grow from that point?

A: When that took place, all of a sudden we got tremendous publicity and news coverage, and our Chamber started to grow out of Westwood into West L.A. We merged with the West L.A. Chamber. Though we only had a 2-person staff and a hole-in-the-wall office, we started to grow out to the rest of the city. But Westwood is our base, this is where we started, this is our home. Our roots will always be here, and Westwood always gets the most priority from us.

We then decided to go through the accreditation process. Although it was more involved and tedious than could ever have been imagined, it really helped us spread our wings. That was the key to get the major corporations as members, for they wouldn't spend their money on an anemic organization, but now they wanted us because we were accredited. In 1972, we became the first accredited Chamber in L.A. County.

In the meantime, we had been forming our first assessment districts in the Village to improve the lighting. Westwood is unique because 5 people own over 75% of the property, which makes it quite easy to form an assessment district. So we formed them to keep old-fashioned lighting on the newly widened Wilshire Blvd., another district to steam-clean the sidewalks, and another to keep the Village trees trimmed. We also formed one to organize private rubbish collection. We're lucky to have such cooperation property owners in Westwood. You won't believe how easy it is to form an assessment district. I make about five phone calls. If you ask them for something, they'll do it.

Q. What are your concerns about Westwood today?

A: I see a growing trend towards chain-type operations, with the food services and such. You also see a lot of people from foreign soils who don't know how to market the American way. They operate like they're operating a bazaar. They really make it seedy, and then they go out of business, because they alienate their customers. People here on the Westside are pretty sophisticated, and won't put up with it. It's too bad, because they should learn how to market their product.

If you have a good product, and know how to treat customers, and don't cheat, you'll make it. I'd like to get property owners together and discuss where they can improve the leasing of their property. I haven't got the answer. They've got the answer, because they've got the investment. But I think that they should take a serious, hard look at it, because if it continues, they're going to be the losers. I'd like to seen them cut back on the scale of their rent leases, and bring in some of the more quality stores.

We'll never be a Rodeo Drive, not does the Village want to be Rodeo Drive. Look at the problems facing Rodeo Drive. They've outpriced themselves to the point where it's almost farcical now. We don't want that. We just want to have some nice shops, some

Mom-and-Pop owned stores. We need more women's stores, and some other service stores would be nice.

Q: What can you do as Chamber leader to better the future of Westwood, and how can we be sure that new proposals are implemented?

A: The most important thing that Westwood needs is universal parking. I called a meeting that every parking lot owner and property owner attended, but we couldn't get cooperation from the merchants to get together and discuss this issue. It's the merchants who need to come up with a consensus, for they're going to have to pay for it. (The merchants) must get with it. They've talked about it, but done nothing.

To get things implemented, there's got to be a managing entity, which the Chamber will be. The Chamber has to be appointed by the City Council to do it. It has to be a managing entity qualified to be able to handle the universal parking. That's vital. That will make the attraction.

They're also talking about an architectural review board. That's something that scares me, because that needs to be well balanced. I've heard nothing but horror stories about these boards, for you get a certain faction that wants it all one way, it must be a very well thought-out-appointed group, with varying opinions.

It's got to be implemented. That's the problem. You can't just talk. This Broxton parking lot, for 17 years there's been talk of a Broxton lot. We had a major meeting in here in which we had a consensus of people that said, "Let's bury the hatchet." We agreed to work in unison and agreed that we want a validated parking lot, with ground-floor service retail, and a 3-story above-ground parking lot. We went to our councilman with this plan and urged him to continue, and we're still waiting . . .

Q: The Village 20 years ago was more service-oriented. Now that UCLA provides these same services for their students and faculty, how has that changed Westwood?

A: They have a huge department store, Ackerman Student Union. That's exactly why a lot of our merchants left, because when the University started competing with the Village merchants, offering services for less, our rents were going up, and we were cut off to through-traffic of Sunset, things changed drastically. Thank God a new economy came in here. Thank God for the high-rises. Who shops the Village? Those who come in to work here every day.

Q: You are known for having a good relationship with politicians at both the local and national levels. What makes politicians tick and how are you able to get along so well with them?

A: Politicians tick for the most part because they want to get things done. They feel they can play a major role in decisions that affect our lives, and our country. There are politicians and there are politicians. There are some professionals that run from one time to another just to get re-elected, and yet there are some that are outstanding statespersons. I've met some that are fantastic and I have great respect for. Their endurance and ability to overcome tremendous problems and conflicts while still maintaining their integrity really impresses me.

One who impresses me the most is Congressman Anthony Beilenson. Some of his decisions have been so unpopular with his colleagues, but have turned out to be proven right. I have great respect for his integrity, his strength and willingness to stick with what he believes in.

I get along with politicians by realizing that they're human beings, like anybody else. They also have feelings, and you can communicate with them—so we started our brown bag lunches with politicans. It started with Howard Berman, then a State Assemblyman. He came to lunch (with his own brown bag) and met some of our leadership. He was so impressed with the sophistication and political savvy of our Chamber that he told his colleagues about our Chamber; our members weren't out to get him, they were here to listen and have a real discourse.

Q: How would you describe the politics of your Chamber?

A: We're a maverick Chamber in that sense of the term. . . We are not ultraconservative. Most Chambers are basically Republican. Our Chamber is well balanced with political philosophies ranging from very liberal to very conservative—it's a balanced mixture. Most Chambers can't communicate with their legislators for the very reason that they're usually trying to get the scoundrels out of office. Why would a legislator want to talk to a Chamber Exec. when he knows you're out to get him?

Q: Let's play a name association game with politicians. How would you describe. . . Tom Bradley?

A: Majestic.

Q: Zev Yaroslavsky?

A: A dynamo.

Q: Alan Cranston?

A: So many things—a brilliant leader and compassionate human being.

Q: George Deukmejian?

A: An astute politician—expert in fiscal management—pulled our state out of financial morass. Intuitive and a man of great courage.

Q: Ronald Reagan?

A: Charismatic, a master of communications. People love him in spite of his many errors, he has charisma that's just unbeatable.

Q: The current situation he's in?

A: There's a lot of countries involved in this, a lot of games have been played. I don't believe America will be made the heavy one when it all comes out in the wash.

Q: You're certainly one of the most prominent women in public life in this area, if not the entire country. Do you see more women in the future becoming as involved as you have in the community process?

A: Yes, I do. I would like to see it and I'm seeing it. I am the mentor for a lot of young women. I always encourage them to respect themselves in terms of their qualifications and ability. Don't be sold short at anytime, which concerns me. When I wrote the book on women's leadership roles in Chamber management, I sent out 600 questionnaires to the women-managed Chambers throughout the U.S. the response indicated that women were willing to take second-best in salaries and titles, and I was disheartened because I was so highly compensated compared to the next-highest compensated person that it was disgraceful.

That's why so many women are leaving the corporate world, because they know they're not going to make it to the top. It's the good-old-boys-syndrome still, and that's why they go and become entrepreneurs . . .

I don't like to see women with a chip on their shoulders. I don't like this women's libber bit. I've never been a women's libber, and I think that the women's lib movement has ruined it for women. It hasn't helped them, it hurt them. I've never felt that I've been unequally treated by men. I've always felt very equally treated, and I've respected men and gotten along with them. I think women have to go on that premise, they cannot go and think that they won't get a fair shake, because if they think that way—they will get what they think.

Q: Will you ever run for public office again?

A: No thank you. I ran twice, I lost and I won. I ran in the open (City Council) seat that Zev won. I, at one time, was above being a councilperson. I think that I would have been a fine councilperson. I find that in my role here I have a lot more political impact and effectiveness than if I were a councilperson. I would be located in one area, but this (the L.A. West Chamber) is the broad base of the entire city. I can call those councilpersons who are my friends; I've worked with every one of them.

Q: So in a sense you're more powerful here than you would be in City Hall?

A: It's been said that, yes, it's been said. . . .

A TRIBUTE TO AMBASSADOR FRED M. ZEDER II

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, I want to express my sincere gratitude to a Pacific veteran who continued to serve the United States since he saw action in the Pacific in World War II as a fighter pilot. My thanks to Ambassador Fred M. Zeder II, for his outstanding work on behalf of the President, the Government, and the people of the United States.

In 1982 he was appointed as President Reagan's personal representative for Micronesian status negotiations with the rank of Ambassador. The President's marching orders were straightforward: Conclude negotiations with all of the people of the Trust Territory of the Pacific Islands.

Those familiar with the area realize that obtaining an agreement with the Micronesian Islands was considered near impossible and certainly highly improbable. Negotiations had dragged on for years since the late 1960's. The Trust Territory of the Pacific Islands was the last and largest United Nations trusteeship in the world, with Archipelagos covering a vast area of the Central and Western Pacific. The people speak a number of languages and have distinct and complex traditional and political societies. It would take a savvy and astute politician - businessman - administrator - diplomat to be credible enough to the majority of Micronesian politicians, businessmen, administrators, and diplomats, to conclude agreements that would then be approved by the people in United Nations sanctioned and observed plebicites. After that, several subcommittees and full committees of both Houses of the U.S. Congress, plus various departments of the executive branch, would have to approve and enact the agreement into law.

It was no surprise to many that the President tapped Fred Zeder in 1982 to resolve the protracted negotiations. Here was someone

who had been involved in the Pacific for many years with a broad range of experience that perhaps made him the only one that could do what had evaded so many in the past. One that could also be counted on not to bargain away defense rights that were secured at a price so dear. Those defense rights were guaranteed during the negotiations and remain as the most important feature of the final concluded agreement—the Compact of Free Association.

Ambassador Zeder's involvement with the Pacific began in the traumatic days of World War II. He served as a fighter pilot in the Pacific theatre during 1943–44. Those were terrible days of death and destruction. Only men like Fred Zeder, who saw action in the Pacific and placed their lives in jeopardy in the defense of freedom, truly know the strategic importance of the islands of Micronesia and the price that was paid in American lives.

After many years with a successful career in the business world and having served on the Dallas City Council, President Ford appointed Fred Zeder as Director of the Office of Territorial Affairs. During 1975–77, he participated in negotiations to make the Northern Mariana Islands a commonwealth of the United States with significant defense rights. As Director, he became intimately aware of the needs and wants of the people and leaders of the trust territory. He also became familiar with the problems and prospects of economic development in Micronesia.

After serving as Director of the Office of Territorial Affairs, Fred Zeder developed and operated a successful business in Hawaii. His entrepreneurship furthered his credibility as a Pacific businessman among the people of Micronesia.

Ambassador Fred Zeder remained dynamic, patient, creative, and extremely tenacious after he was appointed by the President to represent him in the Micronesian status negotiations. From February 1982 until January 1987, the Ambassador undauntingly pursued the President's objectives until he fulfilled what he was tasked to do.

The negotiated agreements, or Compacts of Free Association, between the United States and the Republic of the Marshall Islands. The Federated States of Micronesia, and the Republic of Palau, are embodied in Public Laws 99–239 and 99–658. Those congressional acts were signed into law by President Reagan in January and November 1986. By a Presidential proclamation of November 3, 1986, the trusteeship was terminated for all the Micronesian governments that completed their approval process.

Earlier this month, Ambassador Zeder submitted his resignation to the President. He had successfully concluded negotiations with all the people of the trust territory and had seen the process through to termination of the trusteeship.

Once again, the veteran pilot of World War II, businessman and politician, dedicated his time, talents, and energy in the service of his country. I am sure that my gratitude is shared not only by those of this time, but that it will also be appreciated by future generations. Our posterity will enjoy a strong America, aided by the defense rights guaranteed in the Compacts of Free Association as negotiated by the President's personal representative for Micronesian status negotiations, Ambassador Fred M. Zeder II. Thanks Fred.

PROTECTIONISM IS NOT THE ANSWER

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. ARMEY. Mr. Speaker, whether we recognize it or not, our economy is becoming an increasingly global one. It's not enough to be competitive at home, economic survival today is measured by a firm's ability to compete against domestic and foreign manufacturers and service providers.

Who benefits from this global competition? We all do, though at times we have to wade through some persuasive and pervasive myths to get the whole picture. For instance, you'll rarely find an advocate of restrictive trade policies argue that international trade hurts consumers. Adopt that approach and you'll find yourself arguing that American consumers don't know how to spend their own money. More often than not, though, you'll hear that America's manufacturing base is eroding and that American jobs are threatened by global competition.

The facts just don't support the charge. Manufacturing as a percentage of GNP has remained relatively constant at 20 percent over the last 25 years. And while manufacturing employment has dropped from approximately 25 percent of the workforce to 18 percent, it's pretty clear that the productivity of manufacturing employees has increased and it now takes less people to make more goods. That's responding to international challenges, not putting up barriers to inhibit global competitiveness.

And what about the charge that American jobs are being lost. Today, we have more people working than ever before. In relative terms—comparing America with other economies—the results are even more startling. Since 1975, the American economy has created 25 million net new jobs. In the same period, all of Europe combined created zero.

Unfortunately, there are some who are arguing that protectionist trade policies are needed to protect jobs and American consumers from foreign competition. But as Arshad M. Khan points out in "Import Restrictions Just Intensify Trade War," it's American business and consumers who'll pay the bill for the folly of protectionism.

America has nothing to gain from beggar thy neighbor trade policies and a lot to lose. Trade restrictions deny consumers the opportunity and the freedom to buy the best goods or service available at the lowest price. Just as importantly, they artificially relieve the competitive pressures which force firms to adapt and change and respond to the discipline of the marketplace.

As a professional economist, I, too, am concerned with the subject of competitiveness. Yet, before we embark on some willy nilly Government policy designed to address and correct every economic malady we face—something which the Federal Government can't and shouldn't do—we need to define competitiveness, or why America isn't as competitive as it once was.

To my understanding, competitiveness in economic terms means declining productivity growth, rising labor costs, a deplorably low savings rate, stagnant or declining R&D expenditures and, most visibly, a large trade imbalance. To say the least, these are symptoms of an economy in adjustment. A more alarming indictment, but perhaps more deserved, these economic ills are characteristics of an overregulated economy or a product of incoherent and irrational Government fiscal and monetary policies.

We all want increased productivity, a strong industrial base, growing employment, increased exports (as opposed to limited imports) or, more simply, a higher standard of living which presents Americans with more opportunity, and more choices. But the answer does not lie in protectionist trade policies. These are counterproductive and can only exacerbate our current problems.

But before embarking on trade policies which penalize consumers and actually hurt the very firms they seek to protect, I'd would commend to my colleagues Arshad Kahn's thoughts on shortsighted and counterproductive protectionist trade barriers.

We can't ignore the fact that to be competitive today means responding to international economic challenges. But protectionist trade policies are not the answer. With sensible Government policies—designed to create a fertile field for economic growth and not build a fence around fortress America—I have no doubt that American firms are more than capable of meeting international challenges and prospering in a global economy.

IMPORT RESTRICTIONS JUST INTENSIFY TRADE WAR

(By Arshad M. Khan)

The U.S. trade deficit is likely to be $170 billion this year. And both the new speaker of the House, Jim Wright, and the new chairman of the Senate Finance Committee, Lloyd Bentsen, have given high priority to a trade bill. Just in case there is any doubt, a trade bill means less, not more, trade; it means import restrictions; and it means that trading partners will retaliate with counter restrictions.

Trade restrictions cost you and me, the general consumer, and benefit just the few they are designed to protect. It is variously estimated, for example, that the "voluntary" quotas forced on the Japanese five years ago cost the consumer about $400 per car.

The argument for the quotas—that they would provide time for our auto industry to shape up—has not been sustained. Yes, the industry has been profitable—domestic car prices rose soon after the quotas were announced—but, according to industry analyst J.D. Power Associates, the quality of most of our cars has not improved. As for operations, one need go no further than industry leader GM, which has announced 9,000 planned layoffs and 11 plant closings in four states. As in autos, so in steel, so in textiles, so in . . .

Import restrictions are much like squeezing a balloon—the bulge appears elsewhere. We restrict Korean steel, and it starts to come in as Korean toasters, irons and cars,

raising protectionist cries elsewhere. The common denominator in all of this remains the suffering consumer, who continues to pay above-market prices.

When manufacturers are shielded by protectionist legislation, they lose the greatest incentive of all—the discipline of the marketplace. And the unions too have little incentive to moderate wage demands. The result is a fading competitiveness and its natural consequence—a worsening trade deficit, leading to a weakened currency.

The dollar having weakened against the yen might well reduce the deficit against the Japanese, but it's also going to increase it against the "five tigers" (South Korea, Taiwan, Hong Kong, Singapore and Malaysia), whose currencies are effectively pegged to the dollar. These newly industrialized countries pose a double threat, for they are also our competitors in the export markets. Sadly then, the balloon-squeezing theory applies even to tinkering with exchange rates.

The five tigers are entering the bottom of the U.S. market, where Japan was a dozen years ago. And this competition, added to policies like auto import quotas, is forcing the Japanese to move upscale with highly engineered or feature-laden products. So, while South Korean Hyundai Motors enters at the low end, Honda brings out the luxury Legend and Integra cars, and Mazda is expected to follow suit. The trend is across industries and does not augur well for U.S. manufacturers if they choose to rely on trade barriers instead of their own resourcefulness.

Public support for protectionism often is generated by cultivating a misleading perception that we are defenseless prey in a world of trade sharks, that our borders and markets are wide open, while our trading partners enjoy barriers of one sort or another, tariff or non-tariff. The truth is a little different. Our sugar subsidy alone runs three-quarters of a billion dollars a year. Import quotas put U.S. sugar prices last year so far out of line with world prices that it could have been cheaper to extract sugar from imported baking mixes than from locally produced sugar cane.

We are selling subsidized wheat, corn, soybeans, beef, you name it, to anyone who will buy them. Our offer to sell wheat to the Soviets at below production costs put us in the unusual position of providing government subsidies to Soviet citizens.

The Japanese often are portrayed as protecting their markets by fiendishly clever Oriental devices called non-tariff barriers. Yet our field can hardly be called level: From farm subsidies to Star Wars-financed software, from car headlight standards to our almost solo rejection of the metric system, the deck is just as stacked on this side of the ocean.

And if we enter the labyrinth of the tax code, selective research-and-development subsidies alone run about $100 billion per year. Other practices include export subsidies, often in the form of government-subsidized loans for buyers—wags had once labeled the Export-Import Bank as "Boeing Bank"—discriminatory exchange rates, antidumping regulations, restrictive customs procedures and technical standards.

Capping all of this are the tariffs. Our overall tariff in the 1970s was around 11 percent, vs. 9 percent for the Japanese. The Europeans came out in the middle with 10 percent. It is clear we are not blameless.

The history of the Great Depression, most scholars now agree, has taught us that protectionism is not the answer. When each country tried to protect its domestic jobs by curbing imports, world trade fell 70 percent between 1929 and 1933. The policies were a failure, and the hangover lasted until World War II.

Where we ought to devote our attention is lagging productivity and high costs. Between 1977 and 1985, labor costs per hour rose 20 percent more in Japan than in the U.S. Yet labor costs per unit rose 50 percent less in Japan. Thus manufacturing productivity, of which the then-rising dollar accounted for 25 percent, rose 70 percent more in Japan.

The old saw about Japan starting from a much lower base no longer applies, since Japan's manufacturing productivity is now about the same as the United States. Under the dramatically realigned exchange rates, hourly labor costs in many industries actually are higher in Japan.

No, the major culprit in the U.S. is sluggish capital investment, which debilitates productivity. To make matters worse, the tax bill extracts another $170 billion from corporations. One wonders if that is not going to further erode their competitiveness. With a capital gains tax, the Japanese investment environment is much more favorable.

And for industry there, the real cost of capital is about one-third that of the U.S. Not surprisingly, the Japanese manager can focus on productivity-enhancing, long-term strategies rather than short-term quick fixes. This is the kind of issue that demands the attention of the new chairman of the Senate Finance Committee.

LEGISLATION TO AID U.S. AUTOMOBILE INDUSTRY

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TRAFICANT. Mr. Speaker, today I have introduced legislation to assist the U.S. automobile industry to regain its competitive position and provide the U.S. taxpayer a tax break for purchasing American-made vehicles.

My proposal would amend the Internal Revenue Code of 1986 by allowing for a deduction for State and local sales taxes on the purchase of a domestically produced automobile. As you may recall, this tax deduction is being phased out over the next 3 years as part of the Tax Reform Act of 1986 as passed by the Congress and signed into law by the President last year.

For purposes of the tax deduction, vehicles shall be considered as domestically produced only if such a vehicle is not completed outside the United States, and 65 percent or more of the basis of such a vehicle is attributable to the value added within the United States.

American industry is a vital ingredient to the future growth and economic stability of our Nation. The Congress cannot continue to allow foreign industries to dominate U.S. markets. The U.S. automobile industry is making a concerted effort and is succeeding in producing a higher quality, competitive product. I believe maintaining this sales tax deduction will provide further incentive for the U.S. taxpayer to "Buy American."

Thousands of American jobs could be in jeopardy if we allow this tax deduction to be phased out. However, I believe maintaining this deduction will provide the American people the option to assist in rebuilding our country's industrial sector and preserve jobs in other support areas.

I urge my colleagues to consider the commitment that is needed by the United States if we are to regain our position as a worldwide industrial force. I believe by supporting my proposal and retaining this deduction we will take a positive step toward this goal.

The text of my proposal follows:

H.R. 905

A bill to amend the Internal Revenue Code of 1986 to allow a deduction for State and local sales taxes on the purchase of a domestically-produced automobile

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

SECTION 1. DEDUCTION FOR SALES TAXES ON DOMESTICALLY-PRODUCED AUTOMOBILES.

(a) IN GENERAL.—Subsection (a) of section 164 of the Internal Revenue Code of 1986 (relating to deduction for taxes) is amended by inserting after paragraph (5) the following new paragraph:

"(6) Qualified taxes on domestically-produced automobiles."

(b) DEFINITIONS.—Subsection (b) of section 164 of such Code is amended by adding at the end thereof the following new paragraph:

"(5) QUALIFIED TAXES ON DOMESTICALLY-PRODUCED AUTOMOBILES.—

"(A) IN GENERAL.—The term 'qualified taxes' means the amount of State and local taxes imposed in respect of the sale at retail of the vehicle to the extent at a rate not in excess of the general sales tax rate.

"(B) DOMESTICALLY-PRODUCED AUTOMOBILE.—The term 'domestically-produced automobile' means any 4-wheeled vehicle propelled by fuel—

"(i) which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails),

"(ii) which is rated at 6,000 pounds unloaded gross vehicle weight or less,

"(iii) which is domestically produced, and

"(iv) the original use of which commences with the taxpayer.

"(C) DOMESTICALLY PRODUCED.—A vehicle shall be treated as domestically produced only if—

"(i) such vehicle is not completed outside the United States, and

"(ii) 65 percent or more of the basis of such vehicle is attributable to value added within the United States.

"(D) SEPARATELY STATED TAXES.—If the amount of any State or local tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be treated as a tax imposed on, and paid by, such consumer."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by section 134 of the Tax Reform Act of 1986.

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. RAHALL. Mr. Speaker, it gives me great pleasure to introduce on behalf of the West Virginia Congressional Delegation legislation to establish, as units of the National Park System, an integrated network of federally protected rivers in southern West Virginia.

West Virginia is blessed with some of the country's most outstanding rivers in terms of their natural, scenic, cultural and recreational values. In recognition of these attributes, the need to protect certain river segments in their free-flowing condition and to expand on the success of the New River Gorge National River which was designated as a unit of the National Park System in 1978, the West Virginia National Interest River Conservation Act of 1987 would establish the Gauley River National Recreation Area and the State's first national wild and scenic rivers on the lower Meadow and lower Bluestone Rivers as well as make certain boundary modifications to the New River Gorge National River.

The economy of southern West Virginia has been badly battered over the last few years, yet a budding tourism industry has shown great promise as fast becoming a major contributor to the rejuvenation of the region. Rivers such as the New and Gauley are magnets for visitors, sportsmen and whitewater enthusiasts and should be preserved for these purposes. Additional Federal river park units will not only enhance these activities but will further the type of economic development we have witnessed stemming from the establishment of the New River Gorge National River.

The rivers contained in the legislation are all tributaries of the mighty New River, America's geologically oldest river, and were studied by the National Park Service pursuant to a directive contained in the 1978 statute which established the New River Gorge National River. Over the course of the intervening years, these tributaries have been found to be eligible for inclusion into the National Park System.

The centerpiece of the bill is the establishment of the Gauley River National Recreation Area on a 24.5 mile segment of the river from near the base of Summersville Dam to the vicinity of Swiss. Entrenched in a rugged V-shaped valley which supports a luxuriant forest cover topped by lofting rock outcrops and palisades, this segment of the river contains one of the most intoxicating stretches of whitewater in the country with legendary rapids having names such as Iron Ring, Lost Paddle and Pure Screaming Hell. Last fall whitewater recreation on the Gauley accounted for over $16 million in direct and indirect economic benefits to the region.

Also established under the bill would be West Virginia's first national wild and scenic rivers on segments of the lower Meadow and lower Bluestone Rivers. The 4.5 segment of the Meadow River from the Route 19 bridge to its confluence with the Gauley is in a primitive condition and would be designated as a national wild river. With a reputation as being the "forbidden fruit of eastern whitewater" this segment of the river contains cascading whitewater and boulder strewn courses flowing through a heavily forested valley.

The lower Bluestone River is perhaps the best kept recreational river secret in the East and the 13 mile segment of the river from Pipestem State Park to the Route 20 bridge at its confluence with Bluestone Lake would be designated as a national scenic river. With National Park Service management, this river's recreation and tourism potential is sure to be enhanced providing great benefits to the local economy.

Mr. Speaker, coupled with the existing New River Gorge National River, the Gauley River National Recreation Area and the Meadow and Bluestone national wild and scenic rivers would establish the largest network of federally protected rivers in the Eastern United States and perhaps the country as a whole. This will be a historic legislative initiative for West Virginia, a State endowed with a rich natural resource heritage. In West Virginia we not only recognize the development potential of natural resources such as coal, oil, natural gas and timber but the need to conserve certain natural resources such as these rivers. With a well-balanced policy governing these resources and with sound management and planning, both development and conservation can coexist for the benefit of the people. Both contribute to our economy and are essential to sound public policy. How we manage our natural resources are also important to the statute of this great State and are part of the legacy we will leave to our children.

The development and drafting of this legislation has taken the better part of a year's time although the seeds of this proposal were planted some years back during the 95th Congress as part of the legislation which established the New River Gorge National River. The West Virginia National Interest River Conservation Act of 1987 has the support of a broad-range of conservation, recreational and civic organizations in the State. I would like to especially recognize the assistance given to this endeavor by a number of West Virginia's commercial whitewater outfitters, the Fayette County Chamber of Commerce and the West Virginia Highlands Conservancy. In addition, the Governor of West Virginia, in a recent letter to me noted, "The rivers which you have included in your proposed legislation are certainly some of the most beautiful and important recreational rivers in our State. With the current national interest in rafting and river-based recreation, the recreational and economic importance of these waters will continue to grow." On a national level, the Trust for Public Land has also provided valuable assistance in making the introduction of this legislation possible.

Mr. Speaker, the tributaries of the New River included in this bill possess outstanding features of national significance.

Without a doubt, they should be preserved and enhanced for the benefit of present and future generations of West Virginians and the Nation as a whole. Enactment of this legislation will also complete a system of protected river units in southern West Virginia which will compliment the region's existing State parks as well as the New River Gorge National River. We will, in fact, have created a network of natural, cultural, scenic and recreational wonders unsurpassed in their raw beauty anywhere in the East.

I insert a section-by-section analysis of the bill in the RECORD following my statement:

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

TITLE I—NEW RIVER GORGE NATIONAL RIVER

Sec. 101—Modifies the boundaries of the New River Gorge National River.

Sec. 102—Authorizes the National Park Service to enter into cooperative agreements with the State of West Virginia on matters dealing with rescue, fire fighting and law enforcement.

Sec. 103—Directs the National Park Service to acquire and develop the Cunard site as a river access point. Subsection (b) authorizes the use of motorized towing of whitewater rafts in the section of the national river upstream of Cunard on an interim basis when the river volume is below 3,000 c.f.s. until the completion of the Cunard access site.

Sec. 104—Provides guidance on flow management from the Bluestone Lake project as it relates to the national river so as to protect recreational use of the river.

TITLE II—GAULEY RIVER NATIONAL RECREATION AREA

Sec. 201—Establishes the Gauley River National Recreation Area. Requires the National Park Service to submit to the Congress within 3 years of enactment any boundary modifications to the national recreation area which may be needed.

Sec. 202—Provides for the general administration of the recreation area. State laws on hunting and fishing would be applicable and the State fish stocking program would continue. Authorizes the National Park Service to enter into cooperative agreements with the State of West Virginia on matters dealing with rescue, fire fighting and law enforcement.

Subsection (d) references the Wild and Scenic Rivers Act and prohibits the construction of any dam, water conduit, reservoir, powerhouse, transmission line or other project within the boundaries of the recreation area. This provision does not preclude the construction of any such project above or below the recreation area so long as such a project would not have a direct and adverse effect on the river's values, meaning that such a project could not invade the area or unreasonably diminish its scenic, recreational, and fish and wildlife values.

Subsection (e) authorizes the National Park Service to enter into a cooperative agreement with the State of West Virginia to improve existing roads where necessary in order to facilitate access to the recreation area. The National Park Service is directed to improve river access, vehicle parking and related facilities for whitewater and other recreational activities immediately below Summersville Dam to the extent this is not required under section 206(b) of the bill. Also authorized is the acquisition of parcels of land outside of the recreation area, with owner consent, for the purpose of improving river access.

Subsection (f) directs the Secretary of the Interior to enter into a memorandum of understanding with the Secretary of the Army regarding the management of those areas below the Summersville Dam within the

recreation area currently administered by the U.S. Army Corps of Engineers and to designate those lands and waters within the recreation area which are directly related to, and essential to, the operation of Summersville Dam.

Sec. 203—Authorizes land acquisition within the recreation area. Subsection (b) transfers to the administrative jurisdiction of the National Park Service those Army Corps lands and waters within the recreation area which are not directly related to, and essential to, the operation of the Summersville Dam.

Subsection (c) insures that the establishment of the recreation area would not impair or affect the existing authorized project purposes of the Summersville Dam. The Army Corps is directed to cooperate with the Park Service on water releases to facilitate and enhance whitewater and other recreational use of the recreation area.

Sec. 205—Authorizes necessary appropriations.

Sec. 206—Repeals the Gauley River study under the Wild and Scenic Rivers Act. Subsection (b) requires that any new project constructed at or in conjunction with the Summersville Dam (upstream from the recreation area) would have to comply with such terms and conditions imposed by the Park Service to ensure such a project would not adversely affect whitewater and other recreation activities within the recreation area. If such a project would adversely affect river access to the recreation area including vehicle parking and related facilities, the project sponsor is required to replace those adversely affected facilities.

Sec. 207—Establishes the Gauley River National Recreation Area Advisory Committee to assist in formulating the recreation area management plan.

TITLE III—MEADOW NATIONAL WILD RIVER

Designates the 4.5 mile segment of the lower Meadow River from the Route 19 bridge to its confluence with the Gauley River as a national wild river.

TITLE IV—BLUESTONE NATIONAL SCENIC RIVER

Designates the lower Bluestone River from the Route 20 bridge through Pipesteam State Park as a national scenic river. Federal lands administered by the Army Corps of Engineers within this segment would be transferred to the administrative jurisdiction of the National Park Service. The existing lease arrangement between the State of West Virginia and the Army Corps relating to the Bluestone Park units would continue in force unless the state requests lease termination. The establishment of the national scenic river shall not affect or impair the existing project purposes of the Bluestone Dam.

TITLE V—GENERAL PROVISIONS

Sec. 501—Directs the National Park Service to cooperate with any regional authority comprised of representatives of Nicholas, Fayette, Raleigh, Summers, Greenbrier and Mercer counties to coordinate the development and promotion of the state and federal park and forest units in the region.

Sec. 502—Directs the Secretary of the Interior to allow the State of West Virginia to engage in activities to control black flies within the boundaries of the federal rivers.

Sec. 503—Directs the Park Service to conduct a public awareness program on the effects of wild and scenic river designation on those segments of the Bluestone and Meadow Rivers found eligible for inclusion in the national system but not so designated by this legislation.

Sec. 504—Place the administration of the Gauley River National Recreation Area and Meadow and Bluestone wild and scenic rivers under the existing infrastructure established for the New River Gorge National River.

HUMAN RIGHTS AND CHARTER '77 IN CZECHOSLOVAKIA

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FASCELL. Mr. Speaker, I would like to call the attention of our colleagues to the excellent article in the Miami Herald of January 14, 1987, by Mr. Carlos Verdecia on the current political and human rights situation in Czechoslovakia.

Mr. Verdecia recalls the crushing of the Czechoslovak reform movement, the Prague Spring, by Soviet and Warsaw Pact troops in August 1968. He notes how ironic it is that this repression has taken such hold in Czechoslovakia that the Gorbachev leadership in the Soviet Union is now having to exert considerable pressure on its Czechoslovak colleagues to induce them to follow the new Soviet line on more "openness" and "restructuring."

These new developments in Czechoslovakia are taking place while Charter '77, the most long-lived, organized human rights movement in Eastern Europe, is celebrating its 10th anniversary with the publication of its "10th Anniversary" document signed by many of the most illustrious and active leaders of that determined and inspiring organization. This charter document notes the political and economic stagnation which prevails in Czechoslovakia and calls for a reinvigoration of Czechoslovak society through much needed reforms and a transformation of public attitudes.

Despite systematic harassment and repression, Charter '77 has become an important and significant factor in the political and social life of Czechoslovakia, providing a beacon of hope and light, not just for the people of that unfortunate country, but throughout Eastern Europe. For its outstanding efforts to promote peace, understanding and human rights, the members of the U.S. Helsinki Commission have just nominated Charter '77 as a candidate for the Nobel Peace Prize in 1987. I can think of no more appropriate or deserving recipient.

The text of Mr. Verdecia's article follows:

PRAGUE'S SPRING REMAINS DISTANT, YEARNED-FOR TIME

(By Carlos Verdecia)

Few pleasures can compare to eating a Czech sausage with mustard at a popular stand in Prague's Wenceslaus Square. Served on a napkin with no bread, the round piece of spicy, reddish meat is large enough to replace a full meal when chased with Czech world-famous pilsner beer. In the northern city of Ostrava, the ideal formula for coping with the cold morning wind is hot, steaming soup for breakfast and *slivovitz* at bedtime. And to the thirsty summer traveler driving around Slovakia's Tatra mountains, Nature renders its best blessing in fresh, effervescent water bubbling directly from a natural fountain in a rock by the road.

Of all Czechoslovakia's memories the most indelible is Prague itself, with its Vltava River of dark waters, its 10th Century castles and Baroque churches, its 13 bridges, and its stone-paved narrow streets and squares.

Yet beauty in its most splendorous form occurs in the Czechoslovak people. Warm and amiable to friends, they can turn into ferocious antagonists when threatened or attacked. The courage displayed by Czech resistance in the street barricades erected against the Nazis was seen again in 1968 against the Soviet tanks and troops that came to crush their "Prague Spring." Outnumbered and defrauded, many of these brave fighters were killed or incarcerated.

Almost 20 years after the tragic event, resistance is still strong, if only on paper and by voice. Resurrecting from all walks of intellectual dissidence, prestigious Czech signatories of Charter 77 went public again last week with a new human-rights document. Charter 77 was a manifesto signed in January 1977 by more than 300 dissidents and later subscribed by over 1,300. It demanded that Czechoslovak citizens be guaranteed the human rights contained in United Nations resolutions and the Helsinki Accords, as well as those rights theoretically granted in the Czechoslovak constitution.

According to its own definition, Charter 77 was "a free, informal, open community of people of different convictions, different faiths, and different professions, united by the will to strive, individually and jointly, for the respect of civil and human rights."

Of the 300 original signatories, more than 200 were jailed then. A violent crackdown seemed to dissolve the group, only to draw international solidarity from Western countries, where the document was widely published.

Playwright Vaclav Havel and former foreign minister Jiri Hajek, both signatories of the original Charter 77 manifesto, top the list of signers of the new "10th Anniversary" document.

"We must shake off our apathy, rid ourselves of hopelessness, overcome our fears," the new document says. "The more citizens attempt to do, the less reason there will be for fear, since it will become increasingly difficult to punish the expression of justified attitudes."

The new document adds: "The sterile rigidity of our present political and economic system, the loss of place that we used to occupy among advanced nations, the inadequate ability of the government to meet many of society's demands and requirements—all of this becomes more apparent and places an increasing burden upon the daily life of our people and awakens the desire for change."

The new manifesto tries to capitalize on the "reconstruction" climate introduced in Moscow by Soviet leader Mikhail Gorbachev. Ironically, the Kremlin is now attempting to do what it so violently prevented Czechoslovak leader Alexander Dubeck from doing nearly 20 years ago. Now orthodox Czechoslovakia, after completing its move to please the Soviets, has had to send its party leaders running to Moscow to take a crash course on glasnost politics.

Jan Fojtik, a high Czechoslovak Communist Party secretary who headed the Czech puppet delegation to Moscow, said upon returning home that the new Soviet reform

demonstrates that the Soviet party is following a "Leninist course."

"It is, therefore, no accident," said Fojtik, that the Czechoslovak people desire that the Czechoslovak people desire that the Czechoslovak Communists act with similar resolve and principled attitude."

Leninist or demagogic, it's time for all human-rights activists in the Soviet bloc to take advantage of this open window and demand guarantees of their basic rights. If the Communist Party hierarchies want to play the glasnost game, their new rules should be put to test. Charter 77 "Part II" has now placed its finger in the wound. Its dissident members have a unique opportunity to unmask the demagogues and make them prove whether they really want genuine, honest openness. Who knows if Prague will again be the pleasant, civilized city that it once was?

ARMS EXPORT REFORM ACT OF 1987

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, today I, along with a bipartisan group of my colleagues, am introducing the Arms Export Reform Act of 1987. The purpose of this legislation is to enhance Congress' ability to fulfill its foreign policy role in the area of arms sales. This bill is essentially identical to one I introduced last fall. Senator BIDEN, along with his colleagues, Senators PELL, BOSCHWITZ, LAUTENBERG, and FORD, is today introducing an identical bill in the other body.

Mr. Speaker, nowhere is the desire to get a handle on administration of the law more apparent than in the overlapping, sensitive fields of foreign affairs and national security. The device most frequently relied upon in recent years to carry out these congressional purposes was the one- and two-House resolutions of approval or disapproval of proposed executive branch actions in the area of foreign affairs.

All this was changed when the Supreme Court handed down its famous INS versus Chadha decision, holding a one-House legislative veto unconstitutional, and a subsequent high court ruling in U.S. Senate versus Federal Trade Commission, invalidating a two-House veto provision. Both these decisions have had widespread implications for foreign policy.

What I am concerned with today is the impact of these Supreme Court actions on the legislative veto as they relate to arms exports.

The basic statutory control mechanism regulating transfers, sales, and leases of arms is the Arms Export Control Act [AECA]. The original law established a procedure enabling Congress to receive advance notification of significant U.S. arms transfers to foreign nations and to disapprove such transfers by concurrent resolution. The AECA provides for legislative vetoes in three general circumstances: First, cash, credit, or commercial sales of defense articles and services; second, third country transfers of U.S. Government-supplied defense articles and services; and third, leases or loans of U.S. defense articles. Sections 36(b)(1), 36(c)(1), and 63(a)(1) stipulate three monetary thresholds beyond which a sale is subject to congressional disapproval.

Because the Chadha decision held the one-House veto unconstitutional, it was necessary to enact into law a constitutional mechanism which would give Congress a role in decisions related to arms sales. Therefore, I introduced in the House, and Senator CRANSTON introduced in the Senate, identical bills to provide for expedited procedure for joint resolutions of disapproval introduced pursuant to section 36(b) of the Arms Export Control Act. This bill became law last year. Unlike concurrent resolutions, joint resolutions must go through the same procedure as bills. That is, they must be passed by both bodies and presented to the President for action, thus fulfilling the Constitution's presentment requirements.

As we all will readily recall, last year Congress was engaged in a major battle with the administration over arms sales to Saudi Arabia. Originally the administration planned to propose a $1 billion arms sale package for that country. The package reportedly was to include Sidewinder, Stinger, and Harpoon missiles, Black Hawk combat helicopters, and other sophisticated equipment for F-5 and F-15 combat aircraft. Because of congressional opposition to the magnitude of the sale, the administration changed its plans and sent to Congress a $354 million arms sales package of Stinger, Sidewinder, and Harpoon missiles.

As the leader in the House of the fight to oppose this sale, I had the unique opportunity to view the intricacies of the legislative process as they relate to these important and controversial arms sales. What I saw gave me cause for great concern.

In the first round, both the House and Senate voted overwhelmingly to disapprove the missile sale to Saudi Arabia. In the House the vote on the resolution of disapproval was 356 to 62; in the Senate 73 to 22. Predictably, the President vetoed the resolution. However, after dropping the controversial Stingers from the package, and after unrelenting pressure on the part of the administration, the Senate failed to override the President's veto by only one vote.

In essence, this highly controversial arms sale to a country in perhaps the most volatile region of the world survived the legislative process with the support of only 14 percent of the House and one-third plus one of the Senate.

Clearly, the legislative process as it now stands is improperly weighted. That such controversial, critical sales can survive with such scant congressional support makes a mockery of the legislative process and of Congress' decisionmaking role in an area of great importance to our national security and national interest. There must be a better way to make major foreign policy decisions.

The AECA may also have been violated by the attempt to sell arms to Iran. Although this legislation would not directly affect the Iran arms sale, that episode, along with the Saudi sale, demonstrates the need for Congress to reestablish its authority in the area of arms sales and to reassert its rightful and constitutional role—as a co-equal of the executive branch—in the conduct of American foreign policy. This bill would ensure that if major foreign policy initiatives like controversial arms sales are to survive, they must do so with the support of a majority of the Congress, not a minority.

This bill would amend the Arms Export Control Act in two ways.

First, it would change the definition of sales which would be subject to congressional approval. The three thresholds the AECA stipulates beyond which a sale is subject to congressional disapproval are $14 million for major defense equipment, $50 million for defense articles or services, and $200 million for design and construction projects. Any sale above these levels requires formal notification of Congress, which may then act to disapprove a sale.

Under provisions of this bill, Congress would continue to receive notification of all sales above these thresholds. What would change is the criteria governing which sales would be subject to congressional consideration. The bill, while still requiring notification for sales above the already mentioned thresholds, would completely eliminate the congressional review process for all sales of nonsensitive weapons and equipment. However, it would require that all sales of sensitive weaponry, no matter what the dollar amount, be subject to congressional review and action.

The bill defines sensitive weapons as:

Those items of types and classes currently used or to be used by the Armed Forces of the United States other than the Army National Guard or the Air National Guard or a Reserve component of an Armed force of the United States or produced solely for export, as follows:

(1) turbine-powered military aircraft; rockets; missiles, anti-aircraft artillery; and associated control, target acquisition and electronic warfare equipment and software;

(2) all versions of helicopters designed or equipped for combat operations;

(3) main battle tanks and nuclear-capable artillery; and

(4) submarines, aircraft carriers, battleships, cruisers, frigates, destroyers, and auxiliary warships.

The purpose of this change is to focus the congressional review system where it should be focused—on especially important and controversial arms sales—while allowing the executive branch to proceed unencumbered on more routine sales.

Second, this bill would change the mechanism of congressional approval or disapproval of arms sales. Present law distinguishes two categories of nations. The first are NATO and NATO member countries, the ANZUS countries, which are Australia and New Zealand, and Japan. Because the strong presumption in the case of sales to any of these countries is that Congress will consider them favorably, the AECA provides a shorter review period of 15 days for sales to them.

This bill would maintain favored standing of sales to these countries, and would add any country which is a party to the Camp David Accords or an agreement based on such accords. That is, both Egypt and Israel would be added to the above list of nations.

Thus, this legislation provides that nations with favored standing regarding arms sales are those with which we are formally allied and those which are the two principle recipi-

ents of American military aid. There is a historical consensus regarding U.S. arms transfers to these nations. This bill would continue to reflect a presumption in favor of such transfers, which would continue to be subject only to a joint resolution of disapproval.

What would change under this legislation is the procedure for governing the sale of highly sophisticated weaponry to all other nations. For them, a new procedure would be established requiring affirmative congressional action to approve any major sales. This would mean, in essence, that for these other nations there would be no presumption of favor of any such transfer.

Thus, the proposed transfer of sophisticated U.S. arms would have to be approved by a majority of both Houses, rather than the currently required one-third plus one in either House.

As in the present law, however, there would be a provision allowing the President to circumvent the requirement of congressional approval if he certifies that an emergency exists which requires the proposed sale, export, lease, or loan, as the case may be, in the vital national security interests of the United States.

In summary, this bill completely removes all nonsensitive sales from the need for congressional approval, allowing the executive branch to act immediately on certain arms sales. Where approval is required, this bill provides that a joint resolution of approval will be subject to expedited procedure, enabling prompt consideration by both Houses. These procedures should allow for swift dispensation of both noncontroversial and controversial sales, while allowing Congress to focus its attention on those of special foreign policy and national security significance.

Mr. Speaker, this is an important piece of legislation which will ensure Congress its rightful and constitutional role in the consideration of matters of national security and national interest, and in the formulation of foreign policy. Let those nations that wish to purchase sophisticated arms from the United States be under no illusion that the Executive can make promises of sales, on his own, without input from Congress. Let them understand that the Executive can no longer act on matters of great foreign policy and national security importance without congressional involvement. Congress is an equal partner in the formulation of foreign policy. This bill will enhance our ability to fulfill our responsibilities and obligations to this Nation to carry out this important role.

I hope my colleagues will join me in supporting this legislation.

TRIBUTE TO ROBERT McKINNEY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, it's my pleasure today to pay tribute to Robert McKinney, the general manager and chief engineer of Casitas Municipal Water District, on the occasion of his upcoming retirement.

Bob McKinney joined Casitas Municipal Water District in 1964 as assistant chief engineer. In 1967 he was appointed general manager and chief engineer, where he supervises operations of the Lake Casitas Reservoir and the Lake Casitas Recreation Area. Lake Casitas was authorized by Congress at the request of my predecessor, the late Congressman Charles Teague, who served in this body for nearly 20 years.

The reservoir serves a population of over 50,000 people in Ventura County, and in 1984, was the site of the rowing and canoeing venues of the Summer Olympic Games.

Bob McKinney supervised operation of the water system throughout this period, and has been active in community and professional organizations. He was one of the founders of the Ventura County Association of Water Agencies, and served as the association's first president. He was president of the State Water Contractors Audit Committee, and from 1978 to 1980, was a member of the U.S. Bureau of Reclamation Water Users Conference Advisory Board. He also served on the board of directors of the Association of California Water Agencies.

In 1974, he testified before the House Interior Committee in support of my legislation authorizing the purchase of the Lake Casitas Watershed, which was named in honor of Congressman Teague. Later, he also appeared before the Interior Committee in support of my resolution withdrawing lands in the watershed located in Los Padres National Forest from mining, helping to protect the quality of the water.

Bob has also been active in the community, serving as vice president of the Ojai Unified School District Board of Trustees for 6 years. He is active in the Ojai United Methodist Church, and is a member of the New Ensemble singing group at Ventura Community College.

I am pleased to extend the congratulations of the House of Representatives to Bob McKinney on his many accomplishments, both professional and civic, and to add my personal best wishes to my friend Bob in his new endeavors.

TRIBUTE TO HARVEY RIVKINS

HON. HELEN DELICH BENTLEY

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mrs. BENTLEY. Mr. Speaker, it is my pleasure today to enter into the CONGRESSIONAL RECORD a tribute paid to Harvey Rivkins by Gov. William Donald Schaefer when he was mayor of Baltimore. Declaring December 30, 1986 as Harvey Rivkins Day in the city of Baltimore, Governor Schaefer spoke for the hundreds of friends Harvey has in the greater Baltimore area.

A long time personal friend, Harvey is a journalist whose career and professional behavior makes me proud of the field of journalism. His lifetime involvement in covering the city of Baltimore has made its history richer and more interesting.

Congratulations, Harvey. The honor is well deserved.

HARVEY RIVKINS DAY IN BALTIMORE

Whereas, it was none other than the legendary H.L. Mencken who wrote that, "That rank of a city among civilized communities is to be measured, not by the gilding on its lampposts, but by the general comfort and happiness and prosperity of its people;" and

Whereas, for more than half a century another local newspaperman has made his own mark in the demanding and challenging world of journalism, a Baltimore writer who has been heralded for his ability to cover a city and to reflect on a wide variety of issues which directly affect the lives of people and

Whereas, that man's name is Harvey Rivkins, and he has maintained a long and impressive career as a writer for several distinguished and warmly-cherished publications—including "The Enterprise"; and

Whereas, Harvey Rivkins entered into the profession to which he has devoted his life when he was just a teenager . . . and he worked himself up to become recognized as a reporter who went on to interview many noteworthy figures and to witness his share of historic moments.

Now, therefore, I, William Donald Schaefer, mayor of the city of Baltimore, do hereby proclaim December 30, 1986 as "Harvey Rivkins Day" in Baltimore, and do urge all citizens to join in congratulating Mr. Rivkins on his past journalistic accomplishments and to wish him prosperous and rewarding days ahead.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the City of Balitmore to be affixed this thirtieth day of December, in the year one thousand nine hundred and eighty-six.

WILLIAM DONALD SCHAEFER, *Mayor.*

THE ELECTED REPRESENTATIVES OF SYRACUSE PASS RESOLUTION URGING PRESIDENT REAGAN TO SIGN H.R. 1 INTO LAW

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. WORTLEY. Mr. Speaker, the Congress has often been criticized for the painstakingly deliberate methods employed in expressing the will of an ovewhelming majority of the American people.

This 100th Congress has provided a notable exception to the time-consuming process of lawmaking.

On January 8, this body approved, by a 406-to-8 vote, H.R. 1 to reauthorize the Clean Water Act. Our colleagues in the Senate passed H.R. 1 on January 21 by a vote of 93 to 6. Albeit the President's pocket veto of an identical bill in the 99th Congress and the fact that we had been working to amend and reauthorize the Clean Water Act of 1972 since 1982, we in both bodies finally got our act together and acted expeditiously in the opening days of this session.

Now, we await the President's decision on whether he will sign H.R. 1 or send this measure back for a vote to override a veto.

Sooner or later, H.R. 1 will be enacted. In the meantime, the eyes of our constituents are on the White House.

On January 20, while anticipating the Senate's approval the next day, the common council for the city of Syracuse passed a resolution urging President Reagan to sign this vital bill into law as an expression of concern for the health, safety, and economic welfare of the American people.

At this point, Mr. Speaker, I wish to add the language of this resolution to my remarks.

RESOLUTION—ON BEHALF OF RESIDENTS OF THE CITY OF SYRACUSE AND COUNTY OF ONONDAGA, URGING PRESIDENT REAGAN TO SIGN AND SUPPORT THE CLEAN WATER ACT OF 1987

Whereas during the waning months of 1986, by an overwhelming majority vote, members of both Houses of Congress adopted and sent to President Reagan for approval, an important Clean Water Act that would have been tremendously beneficial to all Americans; and

Whereas reportedly terming the bill "An expensive budget buster," entirely for financial reasons, President Reagan exercised a pocket veto, thereby depriving members of Congress of an opportunity to attempt an override; and

Whereas spurred on by constituents from throughout the nation, members of the House of Representatives, as one of their first legislative acts of the 100th Congress, adopted by a majority vote of 406 to 8, the Pure Water Act of 1987; and

Whereas the Pure Water Act of 1987 is currently being considered by the U.S. Senate, where despite attempts to "water down" the proposal, it is expected to be approved by a vast majority and sent to President Reagan for his signature; and

Whereas the Pure Water Act of 1987 is crucial to the health and welfare of all Americans, and in particular to the City of Syracuse and Onondaga County, especially since Onondaga Lake is contained wholly within this county; and

Whereas the overflow from sewage treatment plants flow directly into Onondaga Lake; and

Whereas the combined sewer systems of the City and County are the major polluters of Onondaga Lake; and

Whereas this legislation will be the nation's prime law for controlling water pollution and provides for the expenditure of twenty billion dollars over an eight year period for construction and upgrading of sewage treatment facilities and a variety of other clean water projects throughout the nation; and

Whereas twenty billion dollars is a mammoth sum, funding included within this legislation still falls far short of money urgently needed, will provide but one-sixth of funding deemed necessary by the Environmental Protection Agency, and is described as being well within Congressional budget limits; and

Whereas although expensive, it should be emphasized that it is the taxpayers of this great nation who pay the bills, and the taxpayers, through their elected representatives in Congress, who plead once again that this important bill be approved, signed, and supported; Now, therefore be it

Resolved, That members of this Common Council, as duly elected representatives of the citizens of the City of Syracuse, New York, do hereby very strongly urge President Ronald Reagan to most carefuly consider all aspects of this vital bill, be ever mindful of the mandate of the vast majority of the people supporting this measure, and sign it into law as an expression of concern for the health, safety, and economic welfare of the American people.

LEGISLATIVE HOPPER GETS TOO MANY BILLS

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DUNCAN. Mr. Speaker, the following editorial appeared in the Daily Post-Athenian on Thursday, January 15, 1987. Mr. J. Neal Ensminger is the executive editor.

The message of this editorial should be carefully considered by all Senators and Representatives at both the Federal and State levels, particularly as we in the House begin a new Congress.

LEGISLATIVE HOPPER GETS TOO MANY BILLS

As the members of the General Assembly come into session, it is interesting and somewhat distressing to note that they will, once again, introduce many more bills than they actually enact.

In all fairness to our elected legislators, their record over the past ten years shows they have passed 23 percent of the bills introduced (7,374 of 30,901) and this compares with a reported 6 percent passage record by the U.S. Congress in the last session.

For those of us who get distressed by what could be construed as a lot of political positioning to produce little, there is another way to look at it. According to Laurence H. Tribe, a law professor at Harvard, every new law requires at least 10 new regulations and the regulations are why 1 out of every 15 Americans work for the government at all levels. Therefore, our interests are probably best served by lawmakers who are more reluctant to pass legislation than by whose who try to make their political marks by prolification of bills introduced. West Virginians, for example, put only 85 new laws on the books last year, and along with Missouri, only made laws out of 9 percent of their bills in the last ten years. New York has passed only about 7 percent and New Jersey only 8 percent.

Unfortunately, many of the bills introduced during a session are simply unbelievable, as in the instance where the legislature in Wyoming almost passed a bill to increase the number of feet in a mile so Wyomingites could drive faster than 55 miles an hour legally.

Bills, good and bad, are more likely to become laws when a state has a predominance of citizen-legislators who can be easily influenced to introduce what is known as "local bills", as well as legislatures that are dominated by one party.

It has been said that we have 30 times more laws than our grandparents and it is debatable that we are 30 times happier, wiser, better governed or more contented.

One suggested solution is to padlock the capitol in Washington and close every state legislature for a year. This would give us the time we need to take stock, assess our purposes, canvass our means and come to a true conception of the possibilities of law.

The realities, however, are that the legislators are back, filling up the hopper with more and more laws to propose, which if passed, are more than we can ever possibly obey.

ANGELO COLLIS REPRESENTS THE FINEST IN SERVICE TO NEVADA'S YOUTH

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BILBRAY. Mr. Speaker, I rise today with a great sense of respect and admiration to pay tribute to a dedicated civic leader and friend, Angelo Collis. On January 31, 1987, Nevada will honor Angelo for his outstanding record of over 40 years of service to education in our State.

Angelo Collis is a rare person, dedicating himself to serving the youth of Nevada and to the promotion of athletic competition in its highest form. His record of achievements in these areas is unmatched in Nevada.

After honorably serving his country as a crew member of a B–17 in World War II, Angelo returned to Nevada to begin his distinguished career in education and coaching.

Coaching four high school State champion football teams, Angelo was named Nevada Coach of the Year on four occasions. A recipient of Phi Delta Kappa's Outstanding Contribution to Education Award, he was instrumental in founding Pop Warner Junior Football in Southern Nevada, the Southern Nevada Coaches Association, and the University of Nevada, Las Vegas Rebel Club.

Angelo's success did not go unnoticed. After receiving the National High School Coaches Association's Distinguished Service Award, he was selected as one of the top five athletic directors in the Nation.

Yet as impressive as these awards are Mr. Speaker, they pale in comparison to the debt Nevada owes to Mr. Collis. Be it serving education as a vice-principal in Nevada high schools, leading in community charity activities, or counseling youth, Angelo has demonstrated himself to be a man of integrity both on and off the field. He has established the standards to which others should strive.

It is with much pride and a great amount of gratitude that I join Nevada in honoring and thanking Angelo for his dedication to our youth and his service to his fellow citizens of Nevada. We wish him much fortune in his future endeavors.

TUCSON CELEBRATES UKRAINIAN INDEPENDENCE DAY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. KOLBE. Mr. Speaker, The independence of the Ukraine is a memory, a memory we must keep alive, a memory the Soviet Union wants to bury.

Last week Tucsonans played their part in keeping this important memory alive. On January 22, local Ukrainian-Americans gathered at

Tucson City Hall to raise the blue and yellow Ukrainian national flag in honor of Ukrainian Independence Day.

The people of the Ukraine deserve to be free and deserve the unwaivering support of the Free world for their right to freedom and liberty which is the birthright of every individual. The hope of freedom stays alive in the Ukraine and in those Ukrainians who have come to our great land to enjoy the blessings of freedom.

Incorporated into the Soviet Union in 1920, the Ukraine has not even been allowed to retain its nominal national identity that prevails in Poland, Hungary, and other Eastern European nations in the Soviet grip. Many thousands of Ukrainians have been deported to other parts of the Soviet Union and thousands more died and suffered in the little understood famine imposed by the Soviet Union. The Ukraine has been colonized by other Soviet peoples and its ethnic traditions repressed.

Some timid souls would say that it damages the prospects for better relations with the Soviets if we continue to raise this distasteful chapter in history. I say that freedom is the main business of the United States in the world, and we betray our heritage if we ever fail to speak for freedom.

Tucson Mayor Lew Murphy, in proclaiming the 22d as Ukrainian Independence Day, raised many of the issues that the Soviet Union would rather leave buried in dusty history texts, and he spoke eloquently to many of the aspirations and dreams of Ukrainian-Americans everywhere. Accordingly, I would like to enter his proclamation for the record.

PROCLAMATION

Whereas, January 22, 1987 will mark the 69th anniversary of the proclamation of the free and independent Ukrainian National Republic; and

Whereas, the young Ukrainian National Republic fell in 1920 as the first victim of Communist Russia aggression, and for the past half century Ukraine has suffered untold persecution, man-made famine, religious oppression, Russification and outright genocide; and

Whereas, at last the story of Russian man-made famine in Ukraine was told in a TV documentary "Harvest of Despair" on nationwide PBS stations on September 24, 1986; and

Whereas, the people of Ukraine last year experienced untold sufferings for generations to come from the nuclear disaster at Chernobyl which was under Moscow's control; and

Whereas, on this occasion, it is appropriate to reflect upon our perception and understanding of the Ukrainian people and their aspirations, as well as the plight of all other subjugated peoples under the domination of Communist Russia, including the most recent victim—Afghanistan; and

Whereas, the record of Communist Russia's inhuman persecution of the Ukrainian people is appalling and terrifying, but their courage and determination to have national independence is part of what we celebrate today,

Now, therefore, I, Lew Murphy, Mayor of the City of Tucson, Arizona, do hereby proclaim Thursday, January 22, 1987, to be

UKRAINIAN INDEPENDENCE DAY

in this community and call upon all of our citizens to join those of Ukrainian descent in prayers for peace and freedom throughout the world.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Tucson to be affixed this 22nd day of January 1987.

A REASONABLE DEFENSE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LAGOMARSINO. Mr. Speaker, I would like to bring the following editorial from one of the leading, respected newspapers in my district, The Lompoc Record, to the attention of my colleagues. Appearing in the January 20, 1987, to the attention of my colleagues. Appearing in the January 20, 1987, edition, this commentary correctly argues that the defense budget recently submitted to Congress by President Reagan is quite reasonable. While I, too, wish we did not have to spend so much on defense, current national security needs dictate the level the President has requested. I urge my colleagues to consider the wise comments of the Lompoc Record.

A REASONABLE DEFENSE

The Reagan administration calls its proposed defense budget for fiscal 1988 "very modest," and compared to requests of the past few years, it is.

Even so, the temptation will be strong among House and Senate members to take large chunks out of it. Congress would be making a mistake to let itself get carried away.

The defense budget has presented a fat target lately because Secretary of Defense Caspar Weinberger's tactic each year had been to ask for much more than he expected to get. This year, under pressure from the White House, the Pentagon has taken a more realistic approach.

The proposed defense budget still is a mammoth $312 billion. But then so are the needs of national security.

Actually, the $132 billion is $8 billion less than the Pentagon asked a year ago. Congress slashed nearly $30 billion off last year's request. A reduction anywhere near that magnitude this time could be dangerous and clearly should be out of the question.

Using the $292 billion authorized by Congress for fiscal 1987 as a starting point, the Pentagon has asked for an increase of only 3 percent after accounting for inflation. To arrive at the $312 billion fugure, the Pentagon had to stretch our many procurement programs. The goal of a 600-ship Navy won't be achieved by 1989, as had been planned, and neither will the target of 40 Air Force fighter wings.

Some items in the defense request undoubtedly will get sharp scrutiny in Congress. One is a proposed $2 billion increase to accelerate research on President Reagan's controversial Strategic Defense Initiative (Star Wars). Another is a request for $660 million to begin work on two more nuclear-powered aircraft carriers; some in Congress believe it would be better to buy more smaller ships. A third is a request for more funds the MX and Midgetman missiles.

It is reasonable to expect that Congress will do some juggling among Pentagon spending accounts and perhaps make some modest reductions. But the legislators would be remiss if they engage in wholesale cutting of a defense budget that appears to meet the nation's minimum security needs.

THE NORTHROP F-5 FIGHTER

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, for over three decades, Northrop's F-5 fighter has been one of the world's most reliable and effective fighter planes. Since F-5 development began in 1953, Northrop has sold more than 4 billion dollars' worth of F-5's to over 30 foreign nations. As a recent article in the Los Angeles Times put it so well:

The list of F-5 customers embraces almost every race, religion, and economic system. It is used by democracies and dictatorships. It is flown by nations that have seldom been at war and those that have scarcely known peace.

The appeal of the F-5 has consistently been its low cost, ease of maintenance, superior performance in battle, and, most importantly, its unparalleled reliability, all of which stem from Northrop's basic design philosophy. Some nations have had the F-5 in their arsenal for over two decades as their principal air defense fighter. As one Northrop executive is quoted as saying, "The airplane would just keep flying." and as the years wore on, Northrop continually sought to improve the plane by making major design changes, taking it to the F-5E version.

However, after 30 years of production, the F-5 assembly line is slowing to a halt. But rather than mourn its passing, all should laud the achievements of Northrop and their remarkable fighter. I am including in the CONGRESSIONAL RECORD the Los Angeles Times article from which I quoted earlier. It gives an excellent idea of the F-5 story, and I strongly commend it to the attention of my colleagues.

[From the Los Angeles Times, Jan. 16, 1987]

ERA OF THE F-5 ENDS AFTER THREE DECADES

(By Ralph Vartabedian)

After selling more than $4 billion worth of F-5 jet fighters over three decades to 30 foreign nations from Chile to Sudan, Northrop is closing down the F-5 program.

Two new F-5s purchased by the sheikdom of Bahrain are scheduled to take off from Northrop's Palmdale assembly plant this morning and fly to a ceremony at Wright-Patterson Air Force Base in Ohio, marking the official conclusion of F-5 sales.

Over the years, the F-5 has become the Volkswagen of supersonic jet fighters, a low-cost and reliable weapon purchased by countries that needed a basic air defense capability but lacked their own aircraft industries.

Like the Bug, it became an enduring commercial success. More F-5s are in current use in the non-Communist world than any other jet fighter. Northrop sold 3,789 F-5s and related T-38 trainers, principally to less-developed nations.

At its 1960s peak, Northrop was building 18 of the aircraft per month, but output has been slowing for several years. About 200 workers are employed on the F-5 today,

mostly for customer support, and no sharp employment drop is expected.

The F-5 isn't equipped with the extras that the heavy, most-advanced fighters of the U.S. Air Force have always carried, but the agile little aircraft has proven itself in plenty of battles. Even today, Iran is thought to be relying on F-5s in its bloody conflict with Iraq, Air Force officials say.

The F-5s principal adversaries through the years were the MIG-5 and MIG-17, the Russian-built no-frills fighters that were widely exported in the Soviet bloc.

"The F-5 would outperform the MIG in acceleration and turn rates, that sort of thing," said Robert Gates, Northrop vice president for international business. "The airplane would just keep flying. The very first F-5 went to Norway and they're still flying it." The list of F-5 customers embraces almost every race, religion and economic system. It is used by democracies and dictatorships. It is flown by nations that have seldom been at war and those that have scarcely known peace.

It was purchased by Saudi Arabia, Ethiopia, Malaysia, Kenya, Singapore, Taiwan, Korea, the Philippines, Libya, Morocco, Jordan, North Yemen, Mexico, Thailand and Vietnam. The F-5 also went to Canada and to Europeans, including Norway, Spain, Greece and Switzerland.

The F-5's appeal was its simplicity of design, a reputation for low maintenance and a cost that was hard to beat on the international arms market.

Early versions of the jet fighter sold for $750,000 each, a price almost incomprehensibly low by today's standards. For example, the Air Force F-16 costs $15 million and the Navy F-14 costs $63 million.

THREE KEY MEN

Northrop launched F-5 development in 1953, based on the designs and theories of three key men who were all Stanford University graduates and had worked together earlier at Douglas Aircraft. They were Thomas V. Jones, Welko Gasich and William Ballhaus.

Jones became the chief executive of Northrop in 1960. Gasich is a Northrop executive vice president. Ballhaus was president of Beckman Instruments and remains a Northrop director.

The design philosophy of the F-5, emphasizing reliability and low maintenance, would eventually become the hallmark of Northrop.

"There were a lot of simple things that we did," Ballhaus said. "Like putting on an access door in such a way that when it opened it would become a shield from the rain."

The F-5 was conceived in the days when airplane designs didn't come from large corporate committees and didn't depend on computer-generated graphics. A critical turning point in the F-5 program came in an encounter when a General Electric jet engine representative dropped in on Ballhaus, carrying a large wooden box with a mockup of a low cost engine for missiles inside.

"He said you could put this engine on all your missiles," Ballhaus recalled. "I said what about an airplane. He said what the hell kind of an airplane would use this engine. But you could see the dollar signs going off in his head when he realized how many engines he could sell us."

"When we give credit to what made the program such a success, General Electric played a big part," Gasich said. "There is as good a relationship between General Electric and Northrop as any in the industry."

The F-5 was co-produced under a license from Northrop in five countries—Canada, Spain, Switzerland, South Korea and Taiwan. The airplane went through major design changes, taking it to the F-5E version.

Northrop eventually decided to develop an F-5G version of the aircraft, its biggest redesign ever. At a cost of $1 billion, Northrop reconfigured the fuselage to carry a single engine, redesigned the cockpit and put in new radar.

The plane was eventually renamed the F-20. But when Northrop attempted to sell the F-20 to its old F-5 customer Taiwan, it found the international market for U.S. weapons has become forever more complex.

The Reagan Administration decided that the F-20 was such a potent weapon that its possession by Taiwan would upset the new friendship between China and the United States.

The F-20 failed to gain a single order and was cancelled last year by Northrop. Meanwhile, interest in the F-5E waned. "It was good for a long time, but any program will come to an end," Gates said. "The market kind of dried up."

SEATTLE HUMAN RIGHTS ACTIVIST EVALUATES SOVIET POLICY

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LOWRY of Washington. Mr. Speaker, I wanted to share a recent Seattle Times guest editorial by my constituent Judy Balint, who chairs Seattle Action for Soviet Jewry. Judy is a tireless and creative advocate for the many refuseniks who have been denied permission to leave the Soviet Union. She has done an outstanding job of educating the people of Seattle about this matter. I commend her and her colleagues for their fine work and would like to reaffirm my own commitment to human rights for the people of every nation.

As Congress deals with the crucial issue of United States-Soviet relations, we will want to consider the views of the people who work on behalf of refuseniks, dissidents, and human rights monitors in the Soviet Union. Accordingly, I commend Judy's analysis of Soviet human rights policy to my colleagues' attention.

NO EVIDENCE OF IMPROVED SOVIET HUMAN-RIGHTS POLICY

(By Judy Balint)

Consider some recent events in the Soviet Union:

Anatoly Shcharansky released from prison and allowed to emigrate to Israel.

Andrei Sakharov permitted to return to Moscow.

Irina Ratushinskaya and David Goldfarb transported to the West for medical treatment.

Yuri Orlov sent out of exile to the West.

Soviet representatives willing to discuss human rights with activists in Reykjavik and Vienna, even proposing a human-rights conference in Moscow.

Do all these factors add up to a significant new human-rights policy from the Kremlin? Or do they signal a new, more sophisticated human-rights "offensive" aimed at Western media and public opinion?

In either case, the international advocacy campaign for human rights in the Soviet Union clearly has become an embarrassing irritant for the Soviets. It appears that these token gestures and hints of changing policy are trial balloons to test the commitment, perseverance and understanding of the West regarding the importance of human rights in the Soviet Union.

An example of deceptive reform is the new Soviet Decree on Emigration, which took effect Jan. 1. In Vienna, Soviet Foreign Minister Edward Shevardnadze said the new law would speed up the departure process. A careful reading of the decree's provisions reveal that it is a vaguely worded document with broad areas of exceptions that may restrict emigration more severely.

Instead of recognizing the concept of repatriation, under which thousands of Jews have emigrated to Israel, the decree now demands that anyone wishing to leave the U.S.S.R. must have an invitation from a "first-degree relative" abroad.

Thus only those individuals with a spouse, parent or child abroad can contemplate emigration. The door is shut for hundreds of thousands of Soviet Jews who have no close relatives abroad.

Past practice has been for Soviet officials to cite "possession of state secrets" as a reason for denying emigration visas. The new law adds a provision that allows rejection of an application "in the interest of ensuring the preservation of public order, or the health and morality of the population."

In addition, the denial of an application for reasons of state security can be extended "until such time as the circumstances preventing departure expire." Because no expiration date is specified, the applicant who is alleged to have knowledge of state secrets can be permanently denied an exit visa.

After studying the decree, Anatoly Shcharansky estimated that is would cut the current low level of Soviet Jewish emigration by an additional 90 percent. Emigration levels are another strong indicator of true Soviet intentions on human rights and the observance of the Helsinki Accords.

Through the end of November, 873 Jews had been allowed to leave the U.S.S.R. in 1986, compared with 1,140 in 1985 and a high of 51,330 in 1979. "It may be the lousiest year on record," said a Western diplomat in Moscow.

The recent death in Chistopol Prison of dissident Anatoly Marchenko, 48, was another sign that the warm winds of change are not being felt in the Gulag. Shcharansky's release coincided with a year when more Soviet Jews were arrested and imprisoned than at any time since the death of Stalin.

Persistent reports of prison-camp brutality emerge at a steady pace:

Prisoner of conscience Alexei Magarik (visited in Moscow by several Seattle residents before his arrest in 1986), together with other political prisoners at Omsk Camp No. 8, was forced outside in subzero temperatures with inadequate clothing, beaten, and then chased through the prison grounds by guard dogs and militia.

Yosef Bernshtein was attacked with a broken bottle and lost his sight in one eye.

Vladimir Lifschitz suffered a concussion in a prison beating shortly after his arrest in March 1986.

Instead of reacting as if the Soviet Union had committed a great humanitarian act by

releasing three prisoners of conscience recently, perhaps we should take Sakharov's lead and condemn the cruel pretext by which they were imprisoned in the first place.

"All those sentenced under these articles (anti-Soviet agitation and propaganda and slandering the Soviet state) are convicted unjustly and unlawfully," Sakharov said upon his return to Moscow.

Combined with the clampdown on emigration, arrests of those with independent political and religious beliefs, the resurgence of virulent anti-Semitic propaganda also refutes the notion of substantive human-rights improvement.

The most recent example of this genre reached the West last month: Entitled "On the Class Essence of Zionism," this 235-page work was written by A.Z. Romanenko and published by Leninzdat of Leningrad. It contains statements such as: "The increasingly reactionary role of Judaism creates a vital necessity for an uncompromising offensive against the Jewish religion."

Shcharansky told a news conference in Washington, DC, last month that he finds among Westerners an almost desperate instinct to credit recent changes in the leadership style of Soviet officials as substantive.

"Really, the West wants to be deceived," he declared. "People pay too much attention to what this or that writer is permitted to say, if 'Dr. Zhivago' is allowed to be published . . . What's more important is what's happening in the Soviet camps and with the emigration laws."

Highly publicized but isolated gestures "have created an air of expectation that has definitely undermined protest," he said. "It shows the success of the Soviet public-relations campaign."

Front-page stories from "unidentified senior Soviet sources" about a supposed mass release of political prisoners in 1987 are only the latest example of the Kremlin's ability to gain credit for doing nothing.

It was Page 1 news when Sen. Ted Kennedy returned from Moscow early in 1986 announcing that 117 divided-family cases would be resolved. Only a handful of these families have been reunited. Factual rather than speculative Western reporting would provide a clearer picture of real Soviet human-rights policy.

Ultimately we must ask ourselves whose interests are served if we believe that, contrary to all evidence, a dramatic new turn in Soviet human-rights policy is taking place. If Nelson Mandela were released from prison tomorrow, would we presume that the South African government's policy of apartheid had ended?

We should listen to Sakharov, Orlov and Shcharansky. They counsel a realistic appraisal of events inside the Soviet Union and no compromise in our support of demands for a comprehensive settlement of Soviet human-rights problems, according to the Helsinki Accords.

CATASTROPHIC HEALTH CARE INSURANCE

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FAWELL. Mr. Speaker, the opening of the 100th Congress kicks off the congressional debate over catastrophic health care insurance, a debate that is long overdue. Evidence shows that without further expansion the current insurance industry falls woefully short in providing catastrophic health care insurance to all Americans who need it. It is time that Congress steps in to provide those incentives necessary so that catastrophic health care insurance is available to all.

I am pleased to announce at this time that the State of Illinois has already taken steps to respond to the needs of the Illinois uninsured by authorizing legislation to create a Comprehensive Health Insurance Plan [CHIP]. This plan establishes a State risk pool to subsidize insurance for those whose medical condition makes it impossible or prohibitively expensive to get insurance. I would like to enclose for the RECORD a copy of a letter that I have recently received from the State of Illinois Attorney General Neil Hartigan, which further discusses CHIP. The State of Illinois has proven, through the establishment of CHIP, that States can and should be active partners in providing catastrophic health care insurance to their citizens.

STATE OF ILLINOIS,
OFFICE OF THE ATTORNEY GENERAL,
Chicago, January 15, 1987.

Hon. HARRIS W. FAWELL,
Member of Congress, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN FAWELL: I am aware of your continuing interest on the issue of health insurance for those Illinois residents unable to purchase it, and thought you would want to be informed about recent activity in our state pertaining to this important issue.

I am enclosing a packet of information about a newly passed measure, which is an Act creating a Comprehensive Health Insurance Plan (CHIP) in Illinois. This program will especially benefit consumers with disabilities because it provides health insurance for people who are now considered medically uninsurable. People who may be affected by this bill include those with arthritis, diabetes, heart disease, cancer, physical disabilities and any other medical condition that would cause them to be categorized as having a pre-existing condition. The numbers of people involved are tremendous, and literally can impact on every one of us and our families.

Our objective was to offer adequate and affordable health insurance to any Illinois citizen who wants to purchase it. This measure is modeled after similar high risk insurance pool legislation in other states, but differs substantially because our state revenues will pay for cost over-runs. The Act offers comprehensive medical coverage for eligible participants at 135% of the average individual rate for comparable coverage in the state.

Illinois CHIP legislation is the culmination of a three year effort out of my office that included extensive research, drafting, and lobbying efforts. A grass roots bi-partisan coalition of over 150 groups representing disabilities, the medical community, lawyers, business, organized labor and the insurance industry joined in the effort. The bill passed unanimously in the Senate and by an overwhelming margin in the House. I was extremely gratified that this major public policy proposal received such strong bi-partisan support in our General Assembly, and look forward, in a few weeks, to when Governor Thompson signs it. We will now direct our energies toward assuring prudent management by the Board of Directors so that the plan remains fiscally sound.

This action by the Illinois General Assembly presages an issue that you may be considering during the 100th session. One of the obstacles faced in our effort to pass this legislation was the fact that under the federal ERISA statute as interpreted by the U.S. Supreme Court in the *Metropolitan Life* decision, states cannot assess or tax self-insured groups as a means of providing payment for cost overruns experienced by these high risk pools. This creates an inherent inequity if the assessment mechanism is used, since it permits only privately insured employer groups to be taxed. Various bills were introduced in the 99th Session to address this issue, primarily H.R. 1770 (Kennelly), and is expected to be a feature of Senator Kennedy's Access to Health Care proposal.

Please be advised that I am willing to testify on the subject of health insurance and/or assist you in any way I can. This bi-partisan issue is of major importance to all of us, and the three years of research and work towards creating the CHIP Act in Illinois offered me a new dimension of understanding as to the depth of this very serious problem not only in Illinios, but nationally as well. My staff and I are available at your convenience and look forward to hearing from you. Please feel free to call me directly at (312) 917-2503 should you desire my participation.

Very truly yours,

NEIL HARTIGAN,
Attorney General.

STOP EMERGENCY FOOD DEFERRAL

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I urge my colleagues to prevent the Reagan administration from suspending fiscal year 1987 funding for the Temporary Emergency Food Assistance Program [TEFAP]. This program provides surplus commodities to food banks and soup kitchens around the country. It has played a special role in meeting temporary food shortages of needy people while reducing the enormous stockpile of federally owned commodities.

TEFAP is a modest program funded at only $50 million for the entire year. Now the administration wants to defer or kill $28.6 million of this year's program. The timing is bad enough—coming in the middle of winter, but the effect is even worse. The deferral will wipe out this lifeline to hungry people in America at a time when our surplus food lockers are bulging at the seems.

I will include for the RECORD a letter from the director of North Dakota's TEFAP Program to show why this deferral must be stopped. The end of TEFAP funding means the State "* * * will be forced to cancel future food shipments * * *" which will thereby prevent food aid to 93,000 needy people. Surely we can find more humane and effective ways to balance the budget than letting food go to waste while our own people go hungry. So I ask my colleagues to join me in

halting this foolish cut in TEFAP funding, as provided in the report accompanying the urgent supplemental for the homeless.

Included for the RECORD is a letter from Kathryn Grafsgaard, director of the Child Nutrition and Food Distribution Programs for the State of North Dakota.

STATE OF NORTH DAKOTA,
DEPARTMENT OF PUBLIC INSTRUCTION,
January 23, 1987.

Subject: Temporary Emergency Food Assistance Program [TEFAP] Administrative Funding Deferral.

Attention: Doug Norell.

Hon. BYRON L. DORGAN,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DORGAN: This is in response to your request for information regarding the Temporary Emergency Food Assistance Program [TEFAP] and how a potential deferral will affect the program's operation in North Dakota.

In our state, 35,000 families (93,000 individuals) with incomes below 150% of poverty receive bonus commodity foods once per quarter under the program. The number of participants has risen significantly in the past year. The eight Community Action Agencies are responsible for local distribution of the foods.

We have learned from the USDA Regional Office in Denver that our Letter of Credit for the second quarter of fiscal year 1987 TEFAP administrative funding has been reduced by approximately $10,000 as a result of USDA's recommendation for deferral of the funds. It appears that we will not have adequate funds to meet second quarter commitments for the January-March distribution of foods already in storage in the state.

If federal funding is unavailable, we will be forced to cancel future food shipments into the state. It is highly unlikely that state and local agencies will be in a position to support the cost of program administration.

If you need additional information, please contact our office.

Sincerely,

KATHRYN GRAFSGAARD,
Director, Child Nutrition and Food Distribtion Programs.

LET'S SALUTE OUR NATION'S FISHERMEN

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. JONES of North Carolina. Mr. Speaker, today I am introducing House Joint Resolution 121, requesting and authorizing the President to proclaim June 1 through 7, 1987, as "National Fishing Week."

Fishing is an integral part of our country's heritage. The early settlers relied on fishing as a readily avaliable, high quality, source of food. In addition to its nutritional value, fishing has provided millions of Americans with a relaxing form of recreation and needed employment. Finally, fishing promotes a healthy respect for the natural resources and environment of our country.

Today fishing represents a significant and ever increasing source of food for the American diet. Recent statistics show that U.S. consumption of fish has reached unprecedented heights. This is due to a health conscious public responding to the news that eating fish regularly can reduce the risk of coronary heart disease.

In addition to the nutritional benefits provided by fishing, there are some very obvious financial benefits. Commercial fishing provides employment for over 300,000 Americans and is often the only industry in many small coastal towns. Sport fishing is the second most popular recreational activity in the United States with over 54 million participants. The industry encompassing sport fishing includes tackle manufacturers, boat and motor producers, and service industries such as motels and bait shops. This translates into an annual economic benefit of $25 billion and 600,000 jobs.

Aside from the economic benefits, fishing promotes respect for the natural resources of our country. Recreational and commercial fishermen realize that without a clean and healthy environment they would not be able to ply their occupation or sport. Therefore, it is fishermen who often lead the fight to protect critical wetland and estuarine habitat from development and pollution.

Last year, Congress and the President helped to recognize the contributions of fishermen to our society by proclaiming a national fishing week. Across the country, people of all ages participated in fishing clinics, fishing tournaments, and environmental seminars.

The National Wildlife Federation, Optimists International, Civic Clubs, and manufacturers sponsored "Take A Kid" fishing activities. State Governors issued free fishing day proclamations, which provided an avenue for nonfishermen to try the sport and reminded the people who have not fished in a while of the joys of fishing. The U.S. Fish and Wildlife Service held open houses, tournaments, and special exhibits.

Fishing, whether a family orientated form of outdoor recreation or a much needed source of employment in small coastal towns, is helping to make a stronger and healthier America. I urge all Members to salute the sport and commercial fishermen of this country by joining me as a sponsor of House Joint Resolution 121, which calls for the President to proclaim June 1 through 7 as National Fishing Week.

MARTIN BLINDER: BRINGING FINE ART TO THE MASSES

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LEVINE of California. Mr. Speaker, it is with great pleasure that I rise today to honor my close friend Martin Blinder.

Marty originally went into art publishing to support his art collector's habit, but his unconventional thinking and his skill at marketing have turned his company, Martin Lawrence Limited Editions, into a $10 million business. The key to his success was his decision to break away from the traditional fine art markets to "sell fine art to the masses." As he points out, "everyone is a collector of some sort. Nobody has blank walls." He has in the past referred to himself as the McDonald's of the art business. The tremendous success of his business has proven his theory.

I would like to share with my colleagues the following article from the Los Angeles Times about Marty and his company.

MARTIN LAWRENCE BRINGS "FINE ART" TO THE MASSES

(By Barry Stavro)

Martin Blinder, chairman of Martin Lawrence Limited Editions, gently lifts the Plexiglas cover to show off this latest collectible: a 79-cent box of Campbell's dried chicken noodle soup. What makes this box different from those on a grocer's shelf is that artist Andy Warhol has signed it.

"It's now a piece of art," Blinder said, "And I probably could sell it for $500."

Blinder's Van Nuys-based company, which operates a chain of art galleries, didn't grow into a $10-million business by selling boxes of soup. But conventional thinking is not his style. When he sells lithographs, silk-screen prints, etchings and sculptures, he skips the museum crowd and aims for high volume.

"I want to sell fine art to the masses," he said. By fine art, he means lithographs or silk-screns by Warhol, Joan Miro and other famous artists, along with sculptures, etchings and silk-screens by lesser-known artists.

To reach the masses, most of Blinder's 12 art galleries, seven of them in Southern California, are in shopping malls.

There is no sticker shock at a Martin Lawrence gallery. Blinder breaks from tradition because every piece of art in his stores can be taken home for a 20% down payment, and (on average) 27 monthly payments. If you like an Andy Warhol silk-screen of Gertrude Stein, it's yours for $550 down and $92 a month (at 19.2% interest).

At these prices, Martin Lawrence galleries are a major step below an expensive Beverly Hills gallery, of course, but a big step up from poster shops.

"I took a product like fine art and market it in a way that I would market furniture," Blinder said.

PROFIT CURVE

The art establishment has some doubts about the long-term investment value of what Blinder sells. But Blinder snubs his nose at the "snooty" art crowd, and happily advertised on TV shows, including "The Price Is Right," "Let's Make a Deal" and "Wheel of Fortune," where his art is given away as prizes.

The only art form the stock market cares about, of course, is the profit curve, Blake Childs, and analyst with Bateman Eichler, Hill Richards, expects Martin Lawrence to post record sales of $10.2 million and record profit of $880,000 for the fiscal year ended Dec. 31, a big jump from 1985 results of $6 million in sales and $265,742 in profit, Martin Lawrence's stock has also been on the rise.

As the company grows, Martin Blinder has also moved away from the long shadow of his father, Meyer Blinder, the penny stock "prince" of Denver, who has had a running battle with the Securities and Exchange Commission.

Meyer Blinder played a key role in his son's company, making a $200,000 no-interest loan to Martin Lawrence Limited Editions several years ago. In January, 1985,

Meyer Blinder's brokerage firm, Blinder, Robinson, took Martin Lawrence public. The sale of stock, and warrants that were later exercised, raised $3.25 million to help finance the art company's expansion. And Blinder, Robinson has been the chief trader in Martin Lawrence's stock.

But the SEC has moved to bar Meyer Blinder from the securities industry for two years, starting in March. Blinder has filed an appeal with the Circuit Court of Appeals in Washington.

Meyer Blinder's problems date back to 1979 and 1980 when Blinder, Robinson sold stock in an Atlantic City casino and Hotel, and, the SEC maintains, made fraudulent stock predictions to the public.

Penny stocks, so-called because the stock price is usually $1 or less, involve companies with a short financial history, and the stocks tend to be extremely volatile.

There has never been any suggestion of impropriety between Martin Lawrence Limited Editions and Blinder, Robinson, but analysts say the close relationship probably hurt Martin Lawrence's reputation.

"Martin Lawrence may not have gotten as much coverage from the investment community as it deserved," said analyst Frank Podbelsek of Wedbush, Noble Cooke.

Martin Blinder, now 40, went into the art business after a brief career as a stock broker ("When a stock went down, I was sick.") He caught the art bug and became a collector, then, to pay for his habit, became an art publisher in 1974.

A publisher makes an agreement with an artist to distribute the entire run of a given lithograph or etching, and sells them wholesale to art dealers. By 1981, Blinder's wholesale business was doing $3 million a year in sales.

In 1981, Blinder opened an art gallery in the Sherman Oaks Galleria. He enjoyed being able to sell the same lithographs to the public for $1,000 at retail that he sold wholesale to art dealers for $500.

Blinder kept refining his marketing formula. He lined up General Electric Credit Corp. to handle credit financing. To build traffic in his stores, Blinder offered silkscreens and etchings by name artists, such as Marc Chagall and Peter Max, as well as works by younger ones, such as Susan Rios and Doug Webb.

$1,500 AVERAGE SALE

His stores are not the places to look for one-of-a-kind oil paintings. They emphasize silk-screens and etchings that may have a run of 500.

Blinder's average sale goes for $1,500. Customers fit the yuppie mold—between the ages of 25 and 45, and earning more than $35,000 a year.

Blinder is continuing to branch out from California and is opening a gallery in Mahattan's Soho, one of the country's foremost art districts. He talks of the company's tripling in size within three years.

Analysts caution that a recession could hurt the company's sales. And there is also the worry of trying to expand too fast.

But Blinder is convinced. "We have found a formula," he said. "Everybody is a collector of some sort. Nobody has blank walls."

IN TRIBUTE TO A FOREIGN SERVICE OFFICER

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BROOMFIELD. Mr. Speaker, I want to take this opportunity to call the Members' attention to the tragic death of Mr. Robert Bannerman, a regional security officer assigned to the American Embassy in Kenya. Mr. Bannerman, one of the most distinguished security officers in the Foreign Service, was killed in an automobile accident in Nairobi on December 20, 1986. Memorial services for Bob were recently held in Arlington, VA.

In his eulogy during those services, Robert Lamb, the Director of the Bureau of Diplomatic Security, pointed out that it was not uncharacteristic that Robert Bannerman would lose his life serving his country in a difficult and distant land. Bob knew the challenges of overseas service all too well. During his long career, he had been assigned in Mexico City, Lima, and Pretoria. He was the security officer in Phnom Pehn during the civil war of the early seventies, and in Vientiene, Laos, during hostilities in that country. He was the regional security officer in Teheran in those dangerous days when extremists began to discard the rule of law in favor of violence, and public order essentially fell apart. He also served as Director of Domestic Security for the State Department from 1981 to 1985 and was responsible at that time for the security of the Department of State buildings in Washington.

Bob Bannerman's diverse career touched on every major area of security work, an area of expertise that has become so critical in enabling our Government to maintain an effective U.S. presence overseas. He began his security career as an investigator and later was responsible for the personal protection of high-ranking American and foreign dignitaries. He was instrumental in launching the Department of State's Embassy Physical Security Program, an important element of America's effort to better protect our citizens serving overseas.

In a distinguished career of more than 20 years, Bob was a natural leader among young officers. He was respected among his peers as a thoroughly professional security officer who was ready to accept difficult assignments and willing to place himself in physical danger in order to protect others.

He served in the best tradition of a family distinguished over the years for public service. His grandfather was the first Chief Special Agent in the Department of State. His father was a leader in the security field in the foreign affairs agencies. Others in the family have risen to positions of responsibility in the U.S. Government. Bob Bannerman answered the call and continued his family's tradition of service to his country.

He personified many of the qualities critical in a modern Foreign Service. He directly contributed to the institutional development and professionalism of today's Diplomatic Security Service which the Congress recently established. He was also greatly respected by his colleagues, security professionals of other agencies and his counterparts in the governments of other nations.

Most important was his unfailing dedication and commitment. He willingly served in some of the most difficult and dangerous Foreign Service posts in the world and was always ready to answer the call when a challenging assignment needed to be undertaken. In this tradition of selfless commitment, Bob Bannerman died in the service of his country in distant East Africa. His professionalism and leadership will always be remembered by his friends and admirers. My heart goes out to his family and loved ones. An eagle has fallen and he will be sorely missed.

A LITTLE BOY'S OBSESSION WITH THE STATUE OF LIBERTY

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. PORTER. Mr. Speaker, I include the attached article from one of my constituents that I think will be of interest. The author is an 8-year-old boy that has an interest in the Statue of Liberty.

The material follows:

A LITTLE BOY'S OBSESSION WITH THE STATUE OF LIBERTY

Two years ago a little six year old boy who lives in Chicago saw on television the Statue of Liberty enclosed in scaffolding, he was saddened and said to his parents "They've got that poor lady in a cage, I'm going to New York and get her out of that cage."

For the entire two years following the little boy (now eight years old) talked about the "poor lady in the cage and how he was going to save her."

So a few days after the 4th of July celebration his parents took him and his 12 year old sister to New York. When he first laid eyes on the statue he started crying and trembling all over. He was so moved.

He has a replica of the statue which he carries with him at all times, explaining to all about his visit to the lady since she is out of her "cage."

GLADYS STEELE, A LOCAL HERO

HON. JIM OLIN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. OLIN. Mr. Speaker, I would like to commend to my colleagues in the House a news story that appeared this week in the Washington Post. It describes a heroic woman in the city of Lexington, VA, who has opened her home to homeless people in her community. Gladys Steele has demonstrated a spirit of compassion that is an inspiration to us all. She saw a need, a desperate need for those with no place to stay in the midst of this hostile weather, and she filled it. I am proud to have her as a constituent.

This latest act by Ms. Steele is only a continuation of a career of service to needy people in her area. As indicated in the story, local officials know her as "one-woman social

service agency." Gladys Steele is a person who, by her example, reminds us of our obligations to our fellow man. Lexington is lucky to have her. And we all can benefit from hearing her story.

[From the Washington Post, Jan. 27, 1987]

VA. WOMAN TURNS HOUSE INTO SHELTER FOR HOMELESS

LEXINGTON, VA.—For years, when a homeless man needed a meal or shelter from the cold, he was likely to wind up on the porch of Gladys Steele's house. She would give him a cup of coffee, maybe a plate of beans and some attention to his troubles.

Last fall, when people began to organize a shelter for the homeless here, they turned to Steele, a 49-year-old widow, for advice. She knew the men and their needs.

But the project bogged down and the nights kept getting colder. Two weeks ago, Gladys Steele solved the problem. The shelter's going to be at her house.

Steele said she made the offer because she was getting worried about the weather.

"It's so far into the winter, if they're going to have a shelter, they'd better get it," she said.

Her landlord and neighbor, William Brown, agreed to the plan.

Since the word spread, help has been pouring in. Building contractor Woody McDonald and electrician Sid Brown have crews in the house making extensive improvements at cost. Lawyers Mac Crawford and Louise Moore have been exploring the legal issues.

People have been hauling in cots, mattresses, blankets, food.

"Somebody brought us a TV. Somebody paid for the cable hookup. Somebody else brought a phone," said Andrew (Uncus) McThenia, a law professor who started the homeless project.

Churches are offering money. Some young people are going to paint the rooms. And members of Phi Alpha Delta, a service fraternity at the Washington & Lee University School of Law, where McThenia teaches, have offered to spend nights there.

The Lexington City Council did its part last month by declaring a cold-weather emergency until March. That way, the shelter can bypass the usual zoning and building code requirements.

If all goes as planned, the shelter will open soon with 10 cots and a new bathroom upstairs. Downstairs, near Steele's quarters, there will be a dining room and a washer and dryer. St. Patrick's Catholic Church plans to move its meals for the homeless to the house.

Local police know Steele as a one-woman social service agency.

Since she stopped drinking about five years ago and "got saved" through her church, Victory Baptist in Buena Vista, she has looked after old, sick people or others who are down on their luck.

"If she ever saw a need, she'd try to fill it. She's a grand lady," said Maj. Freddie Spence with the Rockbridge County Sheriff's Department.

At one time, homeless people would show up at Steele's house almost every day. "But so many of the guys have died," she said recently.

On Thanksgiving, she fed 29 people.

Steele has worked at a printing press, done housecleaning and been a cook and waitress. She has six children, all grown, and 10 grandchildren.

After helping the homeless by herself for years, she has allies. And it seems natural that her house should be the shelter. So far there have been no hitches.

"I feel that God showed me that this is the way I'm needed," she said.

TRIBUTE TO HOWARD THELAN

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DAUB. Mr. Speaker, I want to take this opportunity to honor the achievements of a constituent from Nebraska's Second Congressional District. Howard Thelan, Assistant Planning Chief for the Army Corps of Engineers Omaha District, has won the U.S. Secretary of Defense 1986 Productivity Excellence Award for his cost-saving efforts on the Papio Creek Dam site 18 project. In this period of chronic Federal deficits, it is essential that public servants like Mr. Thelan provide for an efficient government. I congratulate Mr. Thelan for his efforts along these lines, and I would like to insert in the RECORD at this time an article from the Omaha World Herald announcing his award.

[From the Omaha World Herald, Jan. 27, 1987]

OMAHAN GETS HONOR FOR COST-SAVING TIP

An Omahan's cost-saving suggestion on modifying a Papio dam has won him a national award.

Howard Thelen, assistant planning chief for the Army Corps of Engineers Omaha District, won the U.S. Secretary of Defense 1986 Productivity Excellence Award.

He will receive the award from Defense Secretary Caspar Weinberger Wednesday in a Pentagon ceremony.

Thelen's suggestion was to lower the elevation of the spillway crest at dam site No. 18 near 156th and F Streets. The lowering led to a savings of $1,335,752 in government real estate purchases for the dam's flood control pool, the corps said.

Col. Steven G. West, Omaha District commander, nominated Thelen for the award. Thelen is one of two individuals Weinberger will honor. He also will cite five organizations.

The award was created in 1983 to honor individuals and groups whose ideas improve productivity or save costs.

CANCER IN MINORITY AND ECONOMICALLY DISADVANTAGED COMMUNITIES

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DYMALLY. Mr. Speaker, today I am introducing a joint resolution to designate the third week in April as "National Minority Cancer Awareness Week."

Cancer, in any form, is a devastating disease. The burden falls not only on the cancer patient, but often on the patient's family and friends, as well. To promote national awareness of the causes, types, and treatments of cancer, the month of April has been designated each year as National Cancer Month.

Cancer does not discriminate. If affects men and women of every age, race, ethnic background, and economic class. But, unfortunately, cancer has a disproportionately severe impact on certain segments of the population.

For example, the incidence of cancer, overall, is higher among black and Hispanic-Americans that in the general population. And while the overall cancer survival rate is improving steadily, the survival rate among black and Hispanics has declined.

In addition, cancer incidence and fatality rates in economically disadvantaged communities are higher in comparison to the general population.

The National Cancer Institute has established a goal to reduce the cancer mortality rate in the United States to 50 percent by the end of this century. While this is an ambitious goal, it is certainly achieveable if we apply present technology and research to all communities on an equal basis.

"National Minority Cancer Awareness Week" will serve several purposes in promoting our national goal of winning the war against cancer.

First, it will foster increased awareness of cancer prevention and treatment among those segments of the population with higher cancer rates.

Second, it will give physicians, nurses, other health care professionals, and researchers an opportunity to focus on the populations at risk, and to develop creative approaches to attacking the cancer problems unique to these communities.

Finally, this week will call attention to the need for improved data collection on cancer incidence and mortality rates among minorities in the United States.

Efforts to address the issue of cancer in minority and economically disadvantaged communities are already underway. During the third week of April, the University of Texas System Cancer Center M.D. Anderson Hospital and Tumor Institute, in conjunction with the American Cancer Society—Texas Division—will sponsor a national symposium on cancer and minorities. The largest undertaking of its kind, this meeting will bring together leading cancer specialists, health care professionals, and lay people, to address this public health problem of major importance.

As we continue to assess our progress, each April, in preventing and treating cancer, let us take 1 week to focus on the impact of cancer in communities at greater risk. If we successfully fight the battle on this most dangerous front, we will go a long way toward winning the war against cancer.

WEST VIRGINIA NATIONAL INTEREST RIVER CONSERVATION ACT OF 1987

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. STAGGERS. Mr. Speaker, I am pleased to join my colleague, NICK RAHALL, in introducing the "West Virginia National Interest River Conservation Act of 1987." This legisla-

tion seeks to establish the Gauley River National Recreation Area, as well as the State's first national wild and scenic rivers, on portions of the Bluestone and Meadow Rivers.

While this bill is of national significance, it holds forth positive benefits for portions of my congressional district. The river gorge counties of Fayette and Summers have much to offer by way of recreation and tourism opportunities.

Since the establishment of the New River Gorge National River in 1978, we have seen increased economic benefits result from an expanding travel and tourism industry in the region. The initiative we offer today seeks to expand on the success of the New River Gorge National River and to further enhance the growth of a viable tourism industry and its associated economic benefits in the region.

The Gauley River Canyon is nationally recognized for its challenging whitewater rafting, as well as its scenery and wilderness qualities. Without question, the segment of the river that runs along the border of Fayette County qualifies as one of the most scenic rivers in the East. The designation of this segment of the Gauley River as a national recreation area provides a great deal of management flexibility in order to enhance and promote recreational activities.

At the hub of whitewater recreation activities on the New and Gauley Rivers is the city of Oak Hill. At this point, I should point out that the Fayette County Chamber of Commerce strongly endorses this legislation, as does the United Mine Workers of America.

Also under this bill, a segment of the lower Bluestone River, running through Pipestem State Park to its confluence with the Bluestone Lake, would be designated as a national scenic river. This designation will tie the Bluestone River in with the New River Gorge National River with the Bluestone Lake, located between the two river park units. The recreation and tourism potential of the setup should not be underestimated, with Summers County and the city of Hinton being ideally located to serve as the center for these activities.

Mr. Speaker, the West Virginia National Interest River Conservation Act of 1987 represents an initiative in sound national resource planning for the future. It builds on the existing Federal and State recreation infrastructure in southern West Virginia, and it promises to favorably contribute to the economic vitality of the region.

THE PROBLEM OF CATASTROPHIC ILLNESS

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TALLON. Mr. Speaker, since my election to Congress, one of the most heartbreaking problems I have had is trying to help constituents and their families who are facing a catastrophic illness—illness requiring prohibitively expensive or long-term treatment. I have seen the spirit of many families broken not only by the anguish of a disease, but also by its overwhelming financial burden.

The threat of catastrophic illness is very real to all of us. Skyrocketing health care expenses in addition to nursing home and home care costs are draining the life savings of both young and old. The President has recognized the severity of the catastrophic health insurance gap and has issued a report on it.

What is clear is that no one is immune from the devastating effects of catastrophic illness because almost no one is protected from it. Contrary to popular belief, Medicare does not cover the extensive costs of catastrophic care and insurance from catastrophic illness is simply beyond the financial means of individuals and families.

Take the case of a retired schoolteacher whose 70-year-old husband became ill with cancer. They had Medicare coverage. They had also bought supplemental coverage which they assumed would pay any expenses not covered by Medicare. His illness necessitated three operations, long-hospital stays, numerous doctors' visit, and, finally, a nursing home stay that lasted until his death. The schoolteacher discovered that Medicare left substantial costs uncovered. She also discovered that their supplementary policy covered little except the Medicare deductible and copayment charges for the hospital stays. They were finally forced to sell their home and turn, practically penniless, to the Medicaid Program for assistance.

Or take the case of a divorced mother of two who was self-supporting until she became chronically ill at 33 years of age. She is now 39, exists on intranvenous feeding, and is hospitalized most of every year. Her only source of income is a disability check. For reasons she does not understand she is not eligible for her State's Medicaid Program, and her health care bills far exceed her Medicare coverage and private insurance benefits. The pays what she can and is steadily increasing her debt with hospitals and physicians. Her recurring nightmare is that she will die and leave her children with her mountain of unpaid medical bills.

America has the finest medical system in the world. However, when it comes to catastrophic care it is clear that we face a huge health insurance coverage gap. Catastrophic costs will wipe a family out. Yet, today 30 million Americans lack health insurance and 10 million more lack adequate insurance to protect them from the risk of catastrophic illness.

More difficult, however, than the question of whether the problem of catastrophic and long-term health care should be addressed, is the question of how. A number of options are currently under consideration by Congress. These recommendations differ according to the degree of Government involvement and cost.

One proposal, titled "U.S. Health," would provide comprehensive Federal public health insurance for all Americans. This Federal program would cover all patients and services, including basic health, long-term and catastrophic care.

A second option recommended by the Secretary of Health and Human Services would expand Medicare to cover all health care costs for the elderly beyond $2,000 a year, including catastrophic care. This proposal would require a $4.92 a month increase in Medicare premiums.

A frequent argument against both of these proposals is the substantial increase in public spending they would require. A third alternative, however, would reduce excessive Federal expenses by providing expanded Medicare coverage while maintaining compulsory cost-sharing for those who can afford it. The elderly would still be protected from catastrophic costs although the upper limit for cost sharing would vary with the income of the patient.

A final "private sector" plan calls for tax and other incentives to induce health insurers and businesses to cover nursing home care. Savings would be put aside in tax-exempt individual medical accounts, similar in principle to an IRA.

These and other ways of coping with the catastrophic health care crisis will be a priority for the 100th session of Congress. Any approach must address the preservation of individual choice and responsibility while also providing for the affordable financing of needed health services.

Catastrophic health care is not a problem that will go away. Until we decide how catastrophic and long-term care can best be financed—through public programs, insurance and other private means, or a combination—an increasing number of young and older persons in need of such care will expend all of their financial resources and eventually be forced to rely on Medicaid.

Private sector initiatives and responsible Government action can lead to a strengthened health care system and the ultimate resolution of this important problem. Failure to act now will not make the problem disappear. Indeed, delay may make it harder to solve as the population ages.

MARTIN LUTHER KING, JR. NATIONAL HOLIDAY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 21, 1987

Mr. MAZZOLI. Mr. Speaker, I am particularly proud, once again, to join all Americans in honoring Dr. Martin Luther King, Jr. on the occasion of the second national holiday, commemorating his birthdate.

Dr. King's life and work inspire and uplift. His commitment to equality and justice is an example each of us—whatever our background or state in life—should emulate.

As recent incidents in areas as far apart as New York City and Forsyth County, GA have shown, we as a nation still have not entirely erased bigotry, hatred, and distrust. And economic analyses show sharp differentials in the earnings and employment outlook between the races. Yet, as Dr. King once said: "We must learn to live together as brothers or we shall all perish together as fools."

It behooves Americans to pull together, and one mechanism toward that laudable goal is the national holiday we celebrate in Dr. King's honor. We are afforded on this holiday a chance collectively to look back in time for advice and counsel on how to look forward to-

gether to a greater, more abundant America—an America where all people have the same chance to achieve excellence in a field of pursuit of his or her choice.

Admittedly, America has a long way to go before we reach this illusive but worthy goal, but it has come a far distance toward it.

As Dr. King once said, "If you can't fly, run. If you can't run, walk. If you can't walk, crawl. But by all means keep on moving". So, as we move beyond this 1987 celebration of Dr. King's birthday, let us pledge to move toward a society in which all are created equally and all are measured solely by the content of their character.

CAUCUS OF PACIFIC BASIN PARLIAMENTARIANS

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. TORRICELLI. Mr. Speaker, earlier this month several of us attended a very useful caucus that brought together parliamentarians from Asian and Pacific nations to discuss issues of regional concern. This Caucus of Pacific Basin Parliamentarians was organized by the Pacific Forum, a nonprofit organization centered in Hawaii which deserves much credit for the coordination of this session.

Last fall, chairman of the House Foreign Affairs Committee DANTE FASCELL asked me to head the U.S. congressional delegation that attended this 4-day conference held January 9–12. Besides myself, Representatives LARRY SMITH, STEPHEN NEAL, and ROBERT WISE joined in the caucus discussions all of which were very animated and all of which brought up clearly the various perspectives. Participants should have left with better ideas for improving our regional relations, expanding opportunities, and overcoming the several problems.

The Japanese sent a large delegation, and Canada, Australia, and New Zealand were well represented. The active participation of representatives from other, East and Southeast Asian countries and island nations in the Pacific made the caucus a real opportunity for meaningful regional dialog.

Mr. Speaker, because of this caucus I believe several of us have a greater appreciation of issues that are emerging in Asia and the Pacific that should not be neglected by our own country. We were particularly struck by the growing vehemence in the opposition of Asian and Pacific nations to activities of France in the region. French insistence on testing nuclear weapons in Polynesia and the continuation of French colonial rule in New Caledonia are becoming increasingly sore points, particularly among the Pacific island states.

Because of recent abstention by the United States on the United Nations vote to consider New Caledonia as a decolonization matter and because of the administration's continued reluctance to ratify the South Pacific Nuclear Free Zone Treaty, the United States is unfavorably associated with French behavior. The Congress and particularly the Foreign Affairs Committee, in my view, should increase oversight of our policy in this regard.

The caucus was additionally important for its attention to the ongoing activity of the Soviet Union in the Asian and Pacific region. Soviet involvement is growing substantially. Its military presence is expanding qualitatively and quantitatively. General Secretary Gorbachev's Vladivostock speech last July showed that the Soviet Union has now focused its foreign policy toward Asia and the Pacific, and the Soviet Union continues to gain access and influence in the region.

The caucus devoted much time addressing the problem of New Zealand, namely New Zealand's restrictions on U.S. Navy ship visits that have precipitated a crisis in the ANZUS alliance. In this regard, we were impressed with the spreading uneasiness in the region brought about by New Zealand's position. At this caucus, New Zealand's policy was given no support from other countries in the region, and in fact New Zealand was frequently urged to reconsider its stand.

Trade and economic matters received attention in the caucus, and hopefully the Japanese in particular can better see the many widespread difficulties their practices are causing. Our group stressed the importance of this issue and the need for other countries to allow the United States access equal to what the United States itself allows. We welcomed competition but not the unfair advantages given Asian partners. The U.S. Commander in Chief, Pacific, underscored an additional dimension and asked participants to help fix the trade problem before it jeopardizes the security posture in the region.

The caucus kept focus on the problems in Asia that have not gone away. The Korean peninsula remains tense, and the participants explored possibilities for movement there; the continuing Vietnamese occupation of Kampuchea remains very much on the agenda of the Asian nations, particularly those of ASEAN [the Association of Southeast Asian Nations].

The caucus looked ahead to the prospects for political stability returning to the Philippines through the process of the constitutional referendum next month to be followed by elections and establishment of a new political order and further progress on the economic and security concerns in the Philippines. The caucus also directed attention to South Korea which is approaching a very important political transition as its people anticipate a Presidential election in 1988.

The caucus we attended, I believe, was extremely important for bringing together so many representatives from Pacific island states that remain underappreciated in our own Congress. The center of the Pacific remains important to U.S. interests as well as its rim. Political, economic, and security changes are underway that will have significant impact on our own future.

Through the South Pacific Forum, the island nations are making links and becoming more forceful economically and politically in world affairs. Strains persist with their relations to the United States as the peoples of these nations continue to believe they know and care about us more than we do them. And they have fishing, development, decolonization, and nuclear concerns that we should adequately address.

Mr. Speaker, the nations and the region represented at the Pacific caucus are becoming increasingly important to the United States. The meeting we attended identified many areas where the United States can devote additional attention, for example to the needs and views of Pacific island nations. It showed some areas where the United States has support that should not be neglected but cultivated, such as on security matters. There are prospects that more regional dialog and cooperation can solve some outstanding problems, such as those connected to trade and resource use. Finally regional cooperation and the further encouragement by neighbors can have a beneficial impact on continuing political evolution, such as in the Philippines and Korea.

We were pleased to attend this conference to represent certain views of the United States and look forward to sustained contacts developed in the process of our participation.

PERSONAL EXPLANATION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. DYMALLY. Mr. Speaker, due to my illness yesterday, I was unable to participate in the debate or vote on the urgent supplemental appropriations bill, House Joint Resolution 102.

This bill which makes $50 million in emergency additional funds available through its transfer from the Federal Emergency Management Agency's Disaster Relief Program to its Emergency Food and Shelter Program is an important resolution for me. Feeding the hungry, and providing shelter for the homeless, certainly are some of my top priorities in this 100th Congress.

Mr. Speaker, I want to affirm that if I was present, I would have voted with you for passage of this resolution.

HOUSE CONCURRENT RESOLUTION 30, EXPRESSING SENSE OF CONGRESS IN OPPOSITION TO THE ADMINISTRATION'S BUDGET

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. KOLTER. Mr. Speaker, I am pleased to join my distinguished colleagues, Mr. MADIGAN, Mr. GIBBONS, Mr. LOTT, Mr. STENHOLM, Mr. CHENEY, Mr. ROWLAND of Georgia, Mr. DUNCAN, Mr. GRANT, Mr. TAUKE, Mr. DAUB, Mr. SOLOMON, Mr. DANNEMEYER, Mr. BLILEY, Mr. ARCHER, Mr. NIELSON of Utah, Mr. COURTER, Mr. FAZIO, and Mr. GRAY of Illinois, in introducing House Concurrent Resolution 30 expressing the sense of Congress in opposition to the administration's budget proposal to

alter physician reimbursement under the Medicare system.

The administration intends to include radiology, anesthesiology and pathology services into diagnostic related groups [DRG] similar to the DRG prospective payment system used for inpatient hospital stays. The proposal has only meager savings attached to it and can only serve to insert further doubt, uncertainty and disruption into the already problem-riddled program.

In the short run, a physician DRG system for any specialty is very likely to severely restrict services to the beneficiaries. In the long run, the proposal will set hospitals against doctors and set up doctors as adversaries to their patients, not advocates for them.

There can be no doubt that the hospital DRG system has already seriously undermined the confidence of our elderly in the health care system. To impose the same system on our elderly for physician services without any data, analysis or study on the impact on the delivery and availability of care is incredible.

Bear in mind, the administration cannot point to any body of evidence that such a system is feasible or desirable. Obviously the only purpose of this proposal is not to save money on radiology, anesthesiology or pathology services but to ultimately ration health care delivery of all physician services to our senior citizens. OMB has made it clear that this is only the first step toward implementing an all-encompassing physician DRG system. Restricted payments based upon "average or standing predictable amounts of services" will only lead to restricted services.

The administration has not bothered to investigate the impact of this system on rural health care. Let me guarantee you that the availability of local, accessible care is the determining factor as to whether many of our elderly receive care at all. Restricting payments for these sevices could very well mean that these services will only be provided in metropolitan, regional health centers. When efficiency and economy solely drive reimbursement, availability will decrease.

One must question the haste and urgency involved in this proposal, particularly in light of Congress' consistent drive for rational Medicare payment reform through the implementation of a relative value scale for physician payments by 1989. Congress has not turned a deaf ear to the need for Medicare reform, rather, Congress has been at the forefront in exploring ways to achieve it while respecting the health needs of the beneficiaries.

Only Congress has mandated a study of the very system the administration has proposed, a study which HHS has not yet begun. Congress created the Physician Payment Review Commission to investigate other reforms. Further, Congress has clearly signaled that reform lies not with mandatory assignment or physician DRG's, but with the relative value scale system of payment. Congress has delineated its plan for the future of Medicare. Do not let this short-sighted, cynical budget proposal deter you from following the rational path this body has laid out for 1989 and thereafter.

I urge my colleagues to join with me in supporting this resolution.

CALL TO CONSCIENCE VIGIL FOR SOVIET JEWS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. EVANS. Mr. Speaker, I welcome this opportunity to again bring light on the issue of Soviet Jewry. To some, such repetitive appeals to the Soviet Government may seem useless. However, the gradual release of refuseniks and prisoners of Conscience is proof that political pressure and public outcry can be effective in pressuring the Soviet Union to live up to its obligations under the Helsinki human rights accord.

Alexei Magarik, 27 years old and the father of a year-old son, applied for exist visas with his wife, Natasha, in 1983. They were refused and told that their "emmigration from the U.S.S.R. is not justified at the present time." On March 14, 1986, Alexei was arrested in Tblisi and charged with possession and dissemination of drugs, a spurious allegation frequently leveled against Jews whom the Soviets want to remove. Alexei was sentenced to 3 years of hard labor. He was severely beaten every day in the labor camp during the 2 weeks before the Reykjavik summit. More recently, Mr. Magarik has been forced to work with fiberglass without protective gloves. This treatment is absolutely brutal and inhumane.

Mr. Speaker, the world will be a better place for all when tensions between the superpowers are reduced, and when every nation subscribes to basic principles of human rights. The Soviet Union must realize that whether we express our concerns in terms of appeals to their sense of humanity or in concrete diplomatic, political, and economic policies, their harsh treatment of Soviet Jews will continue to color our perceptions of every activity that they undertake.

THE VOLUNTEER SERVICE PROMOTION ACT

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. WYDEN. Mr. Speaker, today I am introducing the Volunteer Service Promotion Act of 1986. I am pleased that my colleagues PAT WILLIAMS and BILL GOODLING, from the Education and Labor Committee, are joining me as original cosponsors of the bill.

Mr. Speaker, volunteering is a great American tradition. From covered wagon days to the present, the tradition of "neighbor helping neighbor" has been a cornerstone of our heritage.

Recognizing and promoting volunteer service is what this bill is all about. And it comes at a critical time. Given the cutbacks in governmental spending for many social services, the impending changes in the tax laws relating to charitable contributions and the increased incidence of poverty, there is a tremendous need for more volunteers.

Unfortunately, our society doesn't do enough to encourage volunteers. Often, they hardly even get thanked. And it's expensive to volunteer given today's high costs of transportation and insurance.

It's high time Congress did more to encourage and recognize the special contributions of volunteering Americans. And that's what this legislation would do.

Under our bill, volunteers in selected programs would be able to earn credits for their service. Any person over 60 could volunteer in exchange for a credit when they serve any other person over 60 or a low-income child. These credits could be accumulated and those earning them would have the option to use them for similar services for themselves and their families when needed.

No new Federal funds are needed to implement this bill and no new Federal bureaucracies are created. The bill requires the Administration on Aging to use existing funds to establish 5 to 15 volunteer service credit programs for elderly people under the Older Americans Act. Those programs would be operated by the State offices on aging, an established network of State agencies serving the elderly.

A particularly exciting aspect of the bill is that it would promote closer ties between the generations by allowing elderly people to earn credits by serving low-income children. For example, many communities are in desperate need of child care or tutors for disadvantaged youths and the elderly are in a unique position to be able to give those services.

Finally, the bill allows volunteers to donate their credits to others who are in greater need of the services they have earned. This will encourage capable individuals to volunteer in order that a family member or friend—as well as the person directly receiving their services—could benefit.

Mr. Speaker, volunteers—specifically elderly volunteers—are a great resource for our country. I believe the legislation we are introducing today gives us the opportunity to test a promising idea for strengthening that great resource.

I want to thank my two good friends Mr. WILLIAMS of Montana and Mr. GOODLING of Pennsylvania, who have joined me in offering this legislation. I am looking forward to working with them toward the passage of the bill.

THE LADY FURY

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. SWINDALL. Mr. Speaker, the Berry College women's soccer team, the Lady Fury, made athletic history recently by reaching the National Association of Intercollegiate Athletics [NAIA] national championship in its first year of competition. The national championship, featuring the winners of the four regional championships, took place in Wilmington, OH, on November 21 and 22, 1986.

According to Lady Fury coach Ray Leone, this is the first time in the history of the NAIA or the National Collegiate Athletic Association

[NCAA] that a first-year team has made it to a national championship in any sport. Even more amazing is the fact that the team is made up primarily of freshmen and this is Mr. Leone's first season as a head coach. Eleven of these freshmen are from the Atlanta area and six are from DeKalb County, GA.

The Lady Fury wound up No. 2 in the Nation with a record of 17–3–2. Berry won the first semifinal game with Wilmington College, 2–0, which gave them a chance to become the best team in the country. Berry lost, however, to St. Mary's College of California in the finals 3–0; St. Mary's, a women's soccer powerhouse, had previously won the national championship in 1984.

Three players were made All-American at the tournament: Carol Chilton of Stone Mountain, Tina Conway of Atlanta, and Madeline Grant of Stockholm, Sweden.

Berry College is an independent, coeducational institution located in Rome, GA. The college emphasizes a comprehensive educational program committed to high academic standards, religious values, and practical work experiences in a distinctive environment of natural beauty.

Mr. Speaker, college athletics is an important part of American life. Thus, I am pleased to bring attention to the fine athletes at Berry College who have excelled at their sport in the first year of their college competition.

SUPPORT EMERGENCY FUNDING FOR HOMELESS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. LOWERY of California. Mr. Speaker, on Tuesday, the House passed a much needed relief measure for the homeless of America. The bill, House Joint Resolution 102, provides an additional $50 million for the Emergency Food and Shelter Program through a transfer of funds within the Federal Emergency Management Agency [FEMA]. Mr. Speaker, due to the winter storm that engulfed the Capital and the extreme transportation difficulties which ensued, it was impossible for me to return to Washington from my district and vote on this measure. Had I been here, I would have supported House Joint Resolution 102.

Few can dispute the need to address the problem of the homeless in America. While more research needs to be compiled on the composition and causes of homelessness, it is apparent that the numbers of those in need of shelter is increasing. Perhaps the most disturbing aspect of the problem is the rising incidence of homelessness among families with young children.

The Emergency Food and Shelter Program is coordinated by FEMA and a board composed of representatives of the United Way, the Salvation Army, the National Council of Churches in Christ, the National Conference of Catholic Charities, the Council of Jewish Federations, Inc., and the American Red Cross. All of these entities are of fine repute and I am confident that their efforts to distribute these funds quickly—to meet the winter crisis—will provide successful.

Mr. Speaker, it should be stressed that this resolution does not contemplate any new funding. It is a transfer of $50 million from one account within FEMA the disaster relief fund to another the Food and Shelter Program. As a fiscal conservative opposed to blindly throwing money at a problem, I believe it is important to make the distinction that this resolution is a transfer of existing appropriated funds, and not a new appropriation.

Many of my colleagues have asked whether or not we shall ultimately have to appropriate additional money to make up for the transfer mandated in House Joint Resolution 102. It is possible that such a replenishment of the disaster relief fund may have to be considered. However, in addition to the $120 million appropriated for disaster relief in fiscal year 1987, there is $180 million in carryover funds from previous years. Therefore, there is a good chance that this $50 million can be recaptured from past allocations and would not cause any disruptions or additional funding at all.

In closing, Mr. Speaker, I would like to stress that homelessness is a problem which must be addressed from all fronts. Providing emergency shelter is not the sole responsibility of the Federal Government.

Local governments and charities have the distinct advantage of proximity and understanding of homelessness in their communities, less bureaucratic entanglement, and on-site administrative capabilities. However, the Federal Government certainly has some part to play in this matter and I believe House Joint Resolution 102 to be wholly appropriate.

I am pleased the House acted swiftly and judiciously on this urgent matter and it is my sincere hope that the Senate will quickly follow suit.

TRIBUTE TO AL R. SHANKLE

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. BADHAM. Mr. Speaker, it is with distinct pleasure that I rise today to call attention of this honorable body to the achievements of Al R. Shankle, of Laguna Beach, who lives in the 40th Congressional District which I represent. Al Shankle has been elected president of the Associated General Contractors of California for 1987 and just a few days ago assumed his statewide duties.

Al Shankle's selection to lead that august group is due to his significant contributions to the building and contracting industry in California and toward the goals of the Associated General Contractors. He has been affiliated with the construction business for 20 years, and was named Orange County District Associated General Contractor Man of the Year in 1982 and served as district chairman for the County Board of Directors in 1985.

In addition, other achievements include service as chairman of the building division board of directors, long range planning committee and environment and energy committee.

In civic affairs, Al Shankle has made his mark as an advisory director for the Blind Children's Learning Center, construction advisor for the remodeling of Laguna Beach High School and sponsor for the Orange County Performing Arts Center, the Anaheim Cultural Arts Center and the Laguna Beach Musuem.

My best wishes go to Al Shankle, and his wife, Sandy, as they embark on their year's activity throughout the State of California. He is a man who has shown outstanding leadership, not only in his business, Shankle Construction Co., but for the betterment of all those in his community. His year's service to Orange County and California will be appreciated by all of us.

TRIBUTE TO REV. ROBERT HEARN OF BROWN CHAPEL A.M.E. CHURCH

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 29, 1987

Mr. FORD of Michigan. Mr. Speaker, it is with great pleasure that I rise to pay tribute to Rev. Robert Hearn of the Brown Chapel A.M.E. Church in Ypsilanti, MI. Over the last 4 years, Reverend Hearn has dedicated himself to serving the congregation of his church and the residents of Ypsilanti. Reverend Hearn will be honored for his accomplishments at the church's 33d annual Brotherhood Banquet next month.

Reverend Hearn was born in Stephen, AR, and educated in the public school system of that State. After serving in World War II, Reverend Hearn attended the University of Nebraska in Omaha and then went on to receive a bachelor of ministries from the Grace Bible Institute.

Reverend Hearn married Eva Mae Dorris in 1951 in Omaha. They have one daughter, Jacqueline Weaver, and three grandchildren. Reverend and Mrs. Hearn have served churches in Nebraska, Iowa, Indiana, and now Michigan.

Reverend Hearn's accomplishments at the Brown Chapel A.M.E. Church and in the city of Ypsilanti are significant. The church is preparing to embark upon a $500,000 expansion program. The church operates a food program that serves hot meals one day a week and provides bags of groceries to the unemployed, the disabled, and senior citizens.

Reverend Hearn has also contributed a great deal of his time and efforts to the local community. He presently serves on the executive board of the NAACP and on the board of directors of the Rotary International. Reverend Hearn is also the chaplain for the Beyers Hospital.

It is an honor to be able to congratulate Reverend Hearn on his many accomplishments, and I want to offer Reverend and Mrs. Hearn my best wishes for their continued success.