SENATE—*Tuesday, February 17, 1987*

The Senate met at 11 a.m. and was called to order by the Honorable GEORGE J. MITCHELL, a Senator from the State of Maine, the Deputy President pro tempore.

PRAYER

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

Let us pray:

O Lord our Lord, how excellent is Thy name in all the Earth! Who hast set Thy glory above the heavens.

When I consider Thy heavens, the work of Thy fingers, the Moon and the stars, which Thou has ordained.

What is man, that Thou art mindful of him? and the Son of Man, that Thou visited him?

For Thou has made him a little lower than the angels, and hast crowned him with glory and honor.

Thou madest him to have dominion over the works of Thy hands; Thou hast put all things under his feet.—Psalm 8.

God of truth, it is not the person who believes God does not exist that is the challenge—it is the one who professes faith in God and lives as though he is nonexistent. Intellectual atheism has some defense—practical atheism is a contradiction.

You have created us to have dominion over all the Earth but only as we acknowledge Your sovereignty and our accountability to You do we master our environment. Abandoning You we become the victims of our environment.

In the spirit of the psalmist help us to worship, serve, and love You. To the glory of Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The DEPUTY PRESIDENT pro tempore. Under the standing order, the acting majority leader is recognized.

THE JOURNAL

Mr. MELCHER. Mr. President, I ask unanimous consent that the Journal of proceedings be approved to date.

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

SCHEDULE

Mr. MELCHER. Mr. President, for the accommodation of the Senate, I would like to announce the schedule for today.

Following the leaders' time and three special orders, there will be a period for the transaction of routine morning business until no later than 12 noon with Senators permitted to speak therein for not more than 5 minutes each. At 12 noon, the Senate will stand in recess until 2 p.m. At 2 p.m., the Senate will consider Senate Resolution 94, a resolution relating to arms control under a 40-minute time agreement. A rollcall vote will occur on this resolution.

Following the vote on Senate Resolution 94, the Senate will resume consideration of S. 83, the National Appliance Efficiency Standards Act. Senator GRAMM of Texas will be recognized to offer an amendment. A cloture motion has been filed on S. 83, and the cloture vote will take place tomorrow. The time for that vote will be announced later today.

Mr. President, that is the schedule as far as we know at this time.

FOOD EXPORTS THWARTED BY "PRIVATIZATION" DOCTRINE

Mr. MELCHER. Mr. President, the Reagan doctrine, in promoting loose and hidden exportation of armaments, should by now have run its course, crashing on the rocks of the Iranian-Contra fiasco. This "doctrine" picked out countries in which to fight Communists, but there is a smaller portion of it, a little known portion of it with little public knowledge of the doctrine, which has also evaluated all developing country food shipments on the basis of "privatization." That policy of the State Department has pressured the developing countries' governments to use private enterprise in storing and distributing U.S. food shipments to developing countries from the United States, and the results have greatly increased U.S. grain surpluses and has caused the inevitable chain reaction of pressing farm commodity prices lower and lower and U.S. farm support payments higher and higher. Last year it was a record $25 billion plus in Treasury payments to farmers and to pay Government storage costs.

Only narrow ideologues could bless this attempt to use food supplies as a political club to dictate government reorganization and reforms in developing countries. But State Department's Agency for International Development has been both iron fisted and iron headed in its quest.

But if food shipments were not stymied, decreased, or delayed by the AID mission in the developing country there is a second maze for U.S. approval by Washington-based joint committee involving representatives of the State, Agriculture, Commerce, and Treasury Departments plus the Office of Management and Budget. If one of them vetoes a shipment, that either cancels it or the proposal for the food shipment goes back to the drawing board.

Congress is left out of these involvements and the agricultural export programs both before and since the enactment of the 1985 farm bill have been sifted through this process of the Reagan doctrine. The provisions of these surplus food export programs are generally triggered by the Secretary of Agriculture, but neither Block nor Lyng have been allowed to bypass the doctrine's process.

If President Reagan is to rescue the declining agriculture exports, he must revampt his "doctrine." There is broad bipartisan support in Congress to use U.S. surplus commodities in food programs. There is little or no support for using these shipments as a political club for developing country "privatization." First, developed and developing foreign countries from Japan to Guinea use government agencies in food purchases. Further, many developing countries have limited infrastructure of private enterprise for food shipping and distribution.

The real value of U.S. food shipments to developing countries is to help invigorate their economies so they can progress. Each country has separate needs and separate problems, but there is broad spectrum of U.S. food export programs available ranging from donations to long-term credit sales and also permits the developing countries to receive U.S. donations shipments without charge. There is also permission to sell the food at reduced prices in their country and use the funds to capitalize grassroots cooperative economic recovery programs for their people.

Overall the food programs that have been thwarted by the "doctrine" would, if permitted, provide for 80 friendly countries positive actions that builds good will and U.S. trade. That is a policy that works. The Reagan doctrine of "privatization" has been regression for friendly developing countries in need of U.S. food shipments and has resulted in agricultural recession in the United States.

Mr. President, I reserve the balance of the leader's time on this side.

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

RECOGNITION OF THE REPUBLICAN LEADER

The DEPUTY PRESIDENT pro tempore. Under the standing order the Republican leader is recognized.

Mr. DOLE. Mr. President, I thank the distinguished Presiding Officer.

THE CLOTURE VOTE

Mr. DOLE. Mr. President, first let me indicate that it is my understanding it may not be necessary to have the cloture vote. But I will discuss that with the distinguished majority leader. It may be that we can finish work on the so-called appliance bill without cloture maybe today. So as soon as we have that determined I will be in touch with the distinguished majority leader, Senator BYRD.

BICENTENNIAL MINUTE

FEBRUARY 17, (1888): WASHINGTON'S FAREWELL ADDRESS

Mr. DOLE. Mr. President, yesterday when the distinguished Senator from Arizona, Senator MCCAIN, read Washington's Farewell Address, he continued a tradition that began in the Senate 99 years ago this week.

On February 22, 1888, Senator John Ingalls of Kansas became the first Senator to read George Washington's Farewell Address before the Senate. By 1896, the reading had become a regular annual event. Ninety-five Senators have delivered the address, with the assignment alternating between two political parties. At the conclusion of each reading, the appointed Senator inscribes his or her name in a black, leather-bound book maintained by the Secretary of the Senate.

President Washington did not publicly deliver his farewell address. Dated September 17, 1796, shortly after his decision not to seek a third term, it first appeared 2 days later in the Philadelphia Daily American Advertiser. Prepared with the assistance of Alexander Hamilton and James Madison, the document was intended as the first President's political testament to the Nation. Although written ostensibly to inspire and guide future generations, the address actually set forth Washington's defense of his administration's record, and embodied a classic statement of Federalist Party doctrine.

Worn-out by the burdens of the Presidency and the attacks of political foes, Washington feared for the safety of the 8-year-old Constitution. He believed that the stability of the Republic was threatened by the forces of geographical sectionalism, political factionalism, and interference by foreign powers in the Nation's affairs. He urged Americans to subordinate sectional jealousies to common national interests. He also advised against permanent alliances with foreign powers, fearing that such connections would inevitably be subversive of America's national interest.

THE SENATE NEEDS RULES TO GO BY

Mr. DOLE. Mr. President, the Senate is a very unique and special institution. The Senate has often been called the most exclusive club in the world. It is exclusive because the only way to gain membership is to have the men and women in your State elect you. But it is a club, because we operate in a spirit of comity and good will—no matter what our political party.

Mr. President, on Thursday, February 5, the day the Senate prepared to adjourn for the Lincoln Day break, a series of events occurred on the Senate floor that are extremely troubling. That is why I have carefully reviewed what transpired that day—indeed I have reviewed the official transcripts as well as the video tapes several times.

For many observers, it seems, that when the Senate convened on Thursday it had one set of rules, and when it adjourned it seemed to have another.

When the Senate convened on Thursday it had become accustomed to a Chair ruling on points of order, which were clearly not in accord with Senate procedures; and not having these points of order submitted to the Senate, and a vote forced upon them, without debate and without recognizing a Senator legitimately seeking recognition.

When the Senate adjourned on Thursday a new way of proceeding had been established. A point of order, crafted in a novel fashion, had been submitted to the Senate and the Senate had been forced to vote on the point of order in spite of the fact that in order to do this, Senate procedures had to be ignored. A unanimous-consent agreement to vote "forthwith," couched in the form of a point of order, was put to a majority vote.

A mistake was made on February 5, indeed several mistakes were made on February 5. I am certain that none of them was an intentional mistake. But the person who tried to return order and fairness to the day's proceedings—the distinguished presiding officer, the Vice President of the United States—owes no apology for those mistakes. It was in fact, the Senator from Texas who was ignored—by mistake—when he was seeking recognition. In fact—by mistake—the Senate was forced to vote on a proposition that can only be put into effect by unanimous consent.

I am certain that this was an isolated incident. And I am confident, that in the future the presiding officer will not begin votes when a Senator is seeking recognition. I would hope, and expect, that rulings of the Chair that are appealed in a timely manner, will not be enforced, but rather that the Senate will be allowed to vote on the appeal. And finally, I would expect and hope that the rights of the minority to delay—and delay is often the only right that accrues to the minority—not be abridged.

In conclusion, it is very understandable that the newest Members may still be unfamiliar with our rules. Each of us was there once. And we ask understanding of them. But the rules exist for a reason. And we cannot, should not, tolerate end-runs around the rules. We want to establish—now, upfront—that the rules of the Senate will be upheld—for the majority—and the minority.

Mr. President, I reserve the remainder of my time.

RECOGNITION OF SENATOR PROXMIRE

The DEPUTY PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

TECHNICAL FEASIBILITY OF SDI NOWHERE NEAR ESTABLISHED

Mr. PROXMIRE. Mr. President, the supporters of SDI include some of the most respected leaders of informed public opinion on national issues in the country. Exactly because they are respected they are getting away with one of the great scams of our time. For instance, the Wall Street Journal asserted in its lead editorial on February 10 that the President has now learned that missile defense is technically feasible. Is this true? If it is true, the ball game is over. If it is true, every reasonable American will support SDI or star wars. If it is true, the Congress should and would vote to appropriate whatever amount is necessary—hundreds of billions, trillions—whatever, to complete the research, the development, the construction of the hardware, and the deployment of the hardware. If SDI is technically feasible, the Congress will and should prepare to assume the annual $150 billion a year cost in perpetuity to maintain, modernize, and operate SDI. After all, there is certainly no cost so great that it is not worth paying to ensure that this country will be safe from a Soviet nuclear attack that would totally demolish our country, kill most Americans and leave this bright and beautiful land a smoldering, radioactive garbage heap.

Keep in mind that the Wall Street Journal has the biggest national circulation in the country. It also has far and away the most potent circulation. Who reads this paper? Answer—the Nation's most affluent and influential

people—in every part of our country. This paper is an opinion powerhouse—a respected and influential powerhouse.

But is it right?

Does this great paper have the editorial expertise to judge the "technical feasibility" of the most complex scientific military technology ever attempted? Here is a project whose feasibility calls for the best judgment of the Nation's most knowledgable physicists, mathematicians, and engineers. Even the highly intelligent pundits who work for this paper are not significantly better qualified to assess SDI's feasibility than your neighborhood bartender. So what expert opinion does the Wall Street Journal cite for its pronouncement of SDI feasibility? The answer is: None. Their editorial does not mention a single physicist, engineer, or mathematician. No one.

Since it cites no expert opinion, on what documentation of feasibility does it rely for this assertion of SDI's feasibility? The answer again is none—not a paragraph, not a sentence, not a single word. The Journal rests on the bald assertion that SDI is feasible.

So why should this Senator contradict the unsupported opinion of this immensely influential media giant? Can this Senator cite any convincing authority to show that the Wall Street Journal is wrong? This Senator can do exactly that, and in spades.

Mr. President, what is the most prestigious and authoritative scientific organization in the world? The answer is easy. It is the National Academy of Science. This awesome assemblage of scientific talent enjoys worldwide recognition for its excellence. A few months ago Cornell University's widely respected public opinion polling authorities announced the findings of a meticulously constructed poll that sought the opinion on SDI feasibility of all those members of the National Academy of Science who were qualified to evaluate SDI by virtue of their professional training and scholarship. The Cornell poll sought the opinion of every physicist, engineer, and mathematician who had been elected to the academy. A remarkable 74 percent responded. I will attach each of the questions and the summary of the responses by the academy experts to the questions. In brief, what did these preeminent experts say about the feasibility of SDI? Mr. President, by an overwhelming majority, these distinguished experts declared that they did not believe SDI is feasible. So the best scientific minds in the disciplines required to evaluate SDI tells us that this immensely costly project would be an enormous waste of money. The ultimate question is this: Who do you believe on the feasibility of SDI—the anonymous editorial writers for the super influential Wall Street Journal or the country's most respected scientific experts?

Mr. President, this issue is so vital that tomorrow I will discuss on the floor what I believe is a tragic fallacy about SDI's value promulgated by the man who may be the country's most influential columnist, George Will. Mr. Will argues that strategic defense could confront Soviet war planners with unacceptable uncertainty. Mr. Will is wrong. Tomorrow I will say why.

Mr. President, I ask unanimous consent that the editorial to which I have referred from the Wall Street Journal be printed in the RECORD at this point. I also ask unanimous consent that a statement by Peter Stein of the Laboratory of Nuclear Studies at Cornell University on the survey of the National Academy of Science be printed in the RECORD, and that the outline of the survey procedure be printed in the RECORD. I ask that the questions posed to the members of the National Academy who are physicists, engineers, and mathematicians, be printed in the RECORD. I also ask that a summary of significant results of the survey also be printed in the RECORD at this point.

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

[From the Wall Street Journal, Feb. 10, 1987]

THE ABM DECISION

Ronald Reagan is fast approaching one of the seminal decisions of his presidency. He must either order the deployment process for strategic defense technologies to go forward, or he must leave that decision to the next president. Mr. Reagan discussed this matter last week with Secretary of State Shultz, Defense Secretary Weinberger and National Security Adviser Frank Carlucci. A second meeting is reportedly scheduled for today.

If the president opts for deployment of antimissile systems, he will most likely set in motion a great debate over the meaning of the Anti-Ballistic Missile treaty that was signed back in 1972 by Leonid Brezhnev and Richard Nixon. In Washington, opponents of the Strategic Defense Initiative are already saying the treaty's language forbids deployment and much testing, and SDI supporters are saying that an expansive interpretation of the treaty permits these actions. Sen. Sam Nunn (D., Ga.) recently raised the specter of a "constitutional crisis" if Mr. Reagan tries to push SDI through the cracks in the treaty's prose.

While much intellectual firepower is being brought to bear on who said what to whom from 1969 to 1972 and what they meant when they said it, the treaty's own language provides the means for resolving this ambiguity. Surely the president, Sen. Nunn and all the rest could agree on the meaning of Article XV:

"1. This Treaty shall be of unlimited duration.

"2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests."

President Reagan should grasp this nettle now, rather than get into arguments over the treaty's wording, an interminable, no-win game that will roll the real decision onto the desk of his successor. The provisions of the treaty are in any event already notoriously fuzzy; little details such as what counts as a "heavy" missile were somehow left unresolved, for example. There have been endless arguments over whether its provisions prohibit such Soviet activities as the encryption of telemetry. The Soviets even defend their Krasnoyarsk radar, which even dovish U.S. analysts agree is a blatant violation of the treaty.

Specific wording aside, the treaty's political bargain was clear enough. Agreement to limit ABM defenses was a trade-off for limiting offensive missiles, covered in the accompanying "Interim Agreement." U.S. negotiator Gerard Smith solemnly announced at the time that further limitations on offensive missiles would be necessary to contain threats "to the survivability of our respective retaliatory forces," that if this were not achieved within five years "U.S. supreme interests could be jeopardized" and that this would constitute "a basis for withdrawal from the ABM treaty."

THE STRATEGIC DEFENSE INITIATIVE: A SURVEY OF THE NATIONAL ACADEMY OF SCIENCES

What do the best scientists in America think about the technical feasibility of SDI? In order to answer this question, we commissioned a professional scientific opinion survey of all 673 members of the prestigious National Academy of Sciences (NAS) who work in the physical and mathematical sciences relevant to SDI.

The NAS was chosen for the survey because its members represent the pre-eminent leaders of American science. Membership is by invitation only, in recognition of distinguished and continuing contributions to science and engineering, and is regarded by many American scientists as an honor second only to the Nobel Prize. The NAS was chartered by Congress in 1863 to advise the Federal government on matters of science and technology, and NAS members frequently serve on review panels to give advice on general scientific and technical priorities outside their immediate areas of expertise.

The survey found that NAS members believe by a margin of more than 20-to-1 that an SDI system could not be made survivable and cost-effective in the next 25 years; they believe by more than 36-to-1 that it could not destroy enough missiles to defend our population if the Soviets try to overwhelm it; and they believe by 11-to-1 that SDI research does not merit the $3.5 billion per year just appropriated by Congress. Complete results of the survey are attached.

The survey was conducted by mail during September/October 1986 by the Cornell Institute for Social and Economic Research, a research center in Cornell University. The response rate for the survey was 74% of the NAS members contacted, an unusually high return for a survey of this sort. About one fourth of the 469 scientists who responded added written comments about SDI in a space provided on the questionnaire, and all the substantive comments are included.

This report contains: (1) Summary of Significant Results, (2) Survey Questionnaire with Tabulated Responses, (3) Survey Procedures, and (4) Written Comments from NAS Members.

PETER STEIN,
Professor of Physics.

SURVEY PROCEDURE

The survey was conducted in order to gauge opinions of leading American scientists regarding SDI, with an emphasis on questions of technical feasibility. The entire membership of the National Academy of Sciences in the disciplines relevant to SDI (mathematics, astronomy, physics, chemistry, geophysics, engineering, and applied physical and mathematical sciences) was chosen for the sample population. Only U.S. Members of the Academy in these fields were included; biological and social scientists, foreign associates and emeritus members were excluded.

The survey was conducted by Dr. Warren Brown, Survey Research Facility, Cornell Institute for Social and Economic Research (CISER), under the supervision of Prof. Robert McGinnis, Director of CISER. The survey was not conducted by the National Academy of Sciences and its results are not in any way to be regarded as reflecting positions taken by the Academy.

The questions were first pretested by submitting them to a number of scientists, both proponents and opponents of SDI, in order to remove ambiguities and to assure objectivity and balance. Questionnaires accompanied by business reply envelopes were mailed on September 5, 1986 to all 673 of the National Academy members listed in the fields relevant to SDI. A second mailing was sent to non-respondents on September 26, a third by certified mail on October 14. Following that, an attempt was made to telephone all non-respondents on October 20–22 to determine whether they had received the mailing. November 4 was the cutoff date for receipt of data included in this report.

The information gathered by telephone and in letters responding to the mailings was used to classify non-respondents as (1) ineligible to participate (due to death, serious health problems, travelling and not getting mail forwarded, participating on a special committee and not giving opinions regarding SDI), (2) declining to participate, and (3) not responding. From the initial list of 673 scientists, 41 were removed as ineligible for the reasons given above, leaving 632 individuals in the effective survey population, of whom 59 declined to participate, 104 did not respond, and 469 returned completed questionnaires, for an effective response rate of 74.2% (469/632).

SDI QUESTIONNAIRE AND RESPONSES

(11/4/86)

The ten questions of the survey are reproduced below; each answer is followed by the number of responses it received and by the corresponding percentage of the total number of answers.

Question 1. It is —— that an integrated SDI system can be tested sufficiently to provide confidence that it would work as intended the first time it had to defend against a full-scale attack.

		Percent
Highly probable	8	1.7
Probable	31	6.8
Improbable	83	18.1
Highly improbable	315	68.6
No opinion	22	4.8
Did not answer	10	

Question 2. Currently, the Soviet Union appears to be —— the United States in most of the technologies critical to an SDI system.

		Percent
Significantly ahead of	5	1.1
Somewhat ahead of	20	4.4
About equal with	56	12.3
Somewhat behind	164	36.0
Significantly behind	122	26.8
No opinion	89	19.5
Did not answer	13	

Question 3. Current Administration policy on SDI holds that "we will judge defenses to be desirable only if they are survivable and cost effective at the margin." [1] The prospects that an SDI system will be able to meet these criteria in the next 25 years are:

		Percent
Extremely good	5	1.1
Good	12	2.6
About even	35	7.6
Poor	121	26.4
Extremely poor	248	54.1
No opinion	37	8.1
Did not answer	11	

Question 4. Assume that the Soviet strategic nuclear forces remain frozen (no improved or additional launchers or warheads) and that no countermeasures are added (no decoys, penetration aids, or weapons specifically designed to attack the defense). Under these conditions, an SDI system which could be built in the next 25 years might reasonably be expected to destroy —— of incoming missile warheads in an all-out attack.

		Percent
Less than 1 percent	13	2.9
Between 1 and 10 percent	50	11.0
Between 10 and 50 percent	114	25.1
Between 50 and 90 percent	114	25.1
Between 90 and 99 percent	47	10.3
More than 99 percent	10	2.2
No opinion	107	23.5
Did not answer	14	

Question 5. Assume that the Soviets increase and modernize their strategic nuclear forces and countermeasures without restraint. Under these conditions, an SDI system which could be built in the next 25 years might reasonably be expected to destroy —— of incoming missile warheads in an all-out attack.

		Percent
Less than 1 percent	53	11.6
Between 1 and 10 percent	118	25.9
Between 10 and 50 percent	119	26.1
Between 50 and 90 percent	51	11.2
Between 90 and 99 percent	10	2.2
More than 99 percent	4	0.9
No opinion	101	22.1
Did not answer	13	

[1] "If a defensive system were not adequately survivable, an adversary could very well have an incentive in a crisis to strike first at the vulnerable elements of the defense . . . Our cost effectiveness criterion will ensure that any deployed defensive system would create a powerful incentive not to respond with additional offensive arms, since those arms would cost more than the additional defensive capability needed to defeat them." The Strategic Defense Initiative, Special Report No. 129, United States Department of State, June 1985.

Question 6. Suppose the Soviet Union launched an all-out attack with its present force of approximately 9,000 strategic missile warheads. In order to provide an effective defense of the U.S. civilian population, an SDI system would have to destroy —— of the attacking warheads.

		Percent
More than 50 percent	6	1.3
More than 90 percent	16	3.6
More than 95 percent	68	15.1
More than 99 percent	332	73.8
No opinion	28	6.2
Did not answer	19	

Question 7. Scientific review has not played a sufficiently important role in structuring the current SDI program.

		Percent
Strongly agree	276	59.6
Agree	115	24.8
Disagree	26	5.6
Strongly disagree	10	2.2
No opinion	36	7.8
Did not answer	6	

Question 8. Before President Reagan's speech of March 1983 announcing the SDI program, the annual funding level for research on ballistic missile defense technology was roughly $1.0 billion. The SDI funding level this year (FY 1986, DOE and DOD) is $3.1 billion, and the administration has requested a budget of $5.4 billion for next year. In your opinion, what is the appropriate funding level for next year (FY 1987, DOE and DOD) for research on ballistic missile defense technology?

		Percent
Less than $0.5 billion	68	14.9
Between $0.5 and $1.5 billion (pre-SDI level)	204	44.8
Between $1.5 and $2.5 billion	62	13.6
Between $2.5 and $3.5 billion (includes fiscal year 1986 level)	41	9.0
Between $3.5 and $4.5 billion	12	2.6
Between $4.5 and $5.5 billion (includes administration request)	14	3.1
More than $5.5 billion	7	1.5
No opinion	47	10.3
Did not answer	14	

Question 9. What is your overall attitude toward the current SDI program?

		Percent
I strongly support it	11	2.4
I support it	36	7.9
I am neutral	48	10.6
I oppose it	117	25.8
I strongly oppose it	242	53.3
Did not answer	15	

Question 10. I am —— with the general technological issues relevant to SDI.

		Percent
Very familiar	63	13.6
Familiar	215	46.3
Slightly familiar	148	31.9
Not familiar	38	8.2

	Percent
Did not answer	5

SUMMARY OF SIGNIFICANT RESULTS

[Refer to pages 5–7 for the exact wording of the questions and for the tabulated results.]

The scientists who believe the prospects are "poor" or "extremely poor" that an SDI system can be made survivable and cost-effective (Question 3) outnumber by more than 20-to-1 those who believe the contrary. This is significant because survivability and cost-effectiveness (with respect to possible Soviet countermeasures) are the performance criteria for SDI deployment, as formulated by Ambassador Paul Nitze and approved by President Reagan in National Security Decision Directive No. 172, issued on May 30, 1985.

The crucial technological question about an SDI system for population defense is "Will it work?" An answer can be derived by comparing each scientist's response to Question 4 (How many Soviet warheads could be destroyed by an SDI system?) with his or her response to Question 6 (How many warheads must be destroyed in order to provide effective population defense?). We found that 22 of the scientists who answered both questions believe an SDI system could destroy the number of warheads in the present Soviet arsenal that they said it must destroy for effective population defense, while 312 believe the contrary. Similarly, by comparing responses to Questions 5 and 6, we found that 9 of the scientists who answered both questions believe an SDI system could destroy the number of warheads in an unconstrained Soviet arsenal that they said it must destroy for effective population defense, while 331 believe the contrary, almost 37-to-1.

While this survey was in progress, Congress appropriated $3.53 billion for SDI research in FY 1987. The response the Question 8 shows that those scientists who believe this allocation is excessive outnumber those who do not, by 11-to-1. Sixty percent of the scientists believe the SDI research budget should be less than half the amount just appropriated. It is unusual for scientists to say that too much money is being spent for research in their own fields of science and technology.

The scientists who believe it unlikely that an integrated SDI system can be adequately tested outnumber those who believe the contrary, by 10-to-1 (Question 1). This is an important result because it is generally acknowledged that an SDI system would not be reliable unless it could be tested.

Those scientists who said the Soviet Union appears to be "behind or significantly behind" the U.S. in critical SDI technologies outnumber by 11-to-1 those who said it appears to be "ahead or significantly ahead" of the U.S. (Question 2).

The scientists who say that "scientific review has not played a sufficiently important role in structuring the current SDI program" outnumber those who disagree, by 11-to-1 (Question 7).

Sixty-four percent of the scientists believe an SDI system could not destroy more than 90 percent of the warheads in an all-out attack by the existing Soviet strategic nuclear force (Question 4). This means they believe an SDI shield could be penetrated by at least 900 nuclear warheads (10 percent of the existing Soviet strategic arsenal).

Seventy-four percent of the scientists said that an SDI system would have to destroy more than 99 percent of the warheads in an all-out attack by the present Soviet arsenal in order to provide an "effective defense" of the U.S. population (Question 6). This means they believe an SDI system with more than 1 percent "porosity" (allowing more than 90 of the 9,000 Soviet warheads to get through) could not provide effective population defense.

The scientists in the survey who said they oppose SDI outnumber by 7.6-to-1 those who said they support it (Question 9).

Cross-correlations between Question 10 and the other questions showed the balance of opinion to be roughly the same for scientists at all levels of familiarity with the technical issues of SDI, except that those who describe themselves as "very familiar" are more intense in their judgments, both pro and con, of SDI.

GOLDEN FLEECE AWARD FOR FEBRUARY GOES TO APHIS

Mr. PROXMIRE. Mr. President, I am giving my Golden Fleece Award for February to the Animal and Plant Health Inspection Service [APHIS] of the U.S. Department of Agriculture for organizing a song contest for its employees. It may be OK to whistle while you work, but I think this is going too far. It does not make any sense to have APHIS employees warbling their new agency song while our farmers are singing the blues in these dire economic times for American agriculture.

As Senators know, I award a Golden Fleece monthly to the most wasteful, ridiculous, or ironic use of the taxpayers' money for that period. Whatever the amount of money spent on the APHIS song contest turns out to be, it will be too much. But this is a prime example of a ridiculous expenditure of Federal dollars, and that is what makes it a fleece winner.

The notice announcing the APHIS song contest indicates that the winning song "will be sung on occasions both great and small." This raises all sorts of interesting possibilities. Imagine the workday at a given office within APHIS being interrupted by a loud and boisterous rendering of the agency song. If asked about such a bellowing interlude by his supervisor or colleagues, the APHIS songbird might well defend his vocal efforts by saying he was merely choosing to sing the agency song on a "small occasion"—a typical day at work—as set forth in the Administrator's notice announcing the song contest.

There are numerous other scenarios that come to mind when the famous APHIS song might well fill the rafters. But would any work get done on behalf of America's farmers; the supposed beneficiaries of APHIS? Instead of singing for their supper, I think the APHIS employees should work for it. That would be doing it the old-fashioned way—earning it.

The APHIS song contest notice also points out that—

A committee comprised of top management officials will judge all entries and determine an appropriate award.

It is amazing to learn that the upper echelon of APHIS management can find the time to take on this challenging assignment. I always assumed that there was other more pressing business to fill their day. And I wonder what that award might turn out to be and who will pay for it. Needless to say, hard-earned tax dollars should not go for such a purpose.

I learned about the APHIS song contest from a Federal employee. That employee wrote the following comment on the administrative notice announcing the song contest:

This is an absurd waste of time, a classic example of administrative waste!

I could not agree more. With a song in my heart but not on my lips, I must say that I think APHIS has hit a sour note with this ill-conceived project.

Mr. President, I ask unanimous consent that a copy of the APHIS administrative notice announcing the song contest be printed at this point in the RECORD.

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

APHIS SONG CONTEST

I. PURPOSE

This Notice is being issued to announce the APHIS Song Contest. This song, which will be sung on occasions both great and small, is to remind us of the team spirit that guides us in our job of protecting U.S. Agriculture.

II. PROCEDURES

Simply jot down some spirit-building words and a tune to which they can be sung. A committee comprised of top management officials will judge all entries and determine an appropriate award.

Entries should be submitted to the Employee Conduct and Labor Relations, Programs, Human Resources Division 6505 Belcrest Road, Room 205, Federal Building, Hyattsville, MD 20782, by February 9, 1987.

BERT W. HAWKINS,
Administrator.

THE ADMINISTRATION'S FORMULA FOR DEFICIT REDUCTION: DREAM IT AWAY!

Mr. PROXMIRE. Mr. President, in a recent hearing before the Joint Economic Committee, Treasury Secretary James Baker testified that this country has turned the corner on the fiscal deficit. Is Baker right? Have we? That depends on whether we are talking about dreams or realities. In the administration's always happy dreams, yes, we have turned the fiscal corner. In terms of the hard, cold figures, the record, what we know—not predict, but know—we have not come within a mile of turning the corner. When we look at the record, the fiscal deficit, in spite of all the happy talk in the ad-

ministration, the Congress, and the press, has not turned the corner. As I have said many times and will repeat once again, in 1986—the most recent full year the deficit broke all records—it soared to $221 billion. And keep in mind two facts about the deficit, Mr. President. That deficit occurred when the country was not in recession but was still in a recovery phase. And especially keep in mind that this deficit occurred when the Gramm-Rudman-Hollings Deficit Reduction Act—sequestration and all—was in full effect. Once again, Mr. President, the administration's reaction was that same old Chicago Cubs' refrain: "Wait 'til next year." Well, next year, fiscal 1987, is here. In fact, the first quarter of fiscal year 1987 is history. It is reality. So, what is the reality about the first quarter of 1987? That quarter ended on December 31, 1986. And what happened to the deficit in that first quarter? It came in at more than $63 billion. That, Mr. President, is just a 3-month figure. Now you multiply that 3 months—one-quarter of the year—by 4, for a full year projection. And what do you get? You get a deficit for all of 1987 of more than $250 billion.

A few years ago the administration confidently predicted the deficit for fiscal 1987 would hit the Gramm-Rudman target of $144 billion. Now they have amended that. They say the deficit will miss the target—but only by "a little." They say it will not be $144 billion, but about $174 billion. It will only miss the target by $30 billion. So, Secretary Baker said the administration should take credit for reducing the deficit by nearly $50 billion in the current year. What is wrong with that, Mr. President? The first thing that is wrong is that no one should take credit for a budget deficit of $174 billion, especially in a year of continuing recovery. The second thing is that the administration is dreaming again. The deficit has not fallen to $174 billion. That is a dream. That is like the administration's dream of a few weeks ago that the deficit would be $144 billion. It is a projection, a guess. Well, so what? Is not every forecast of the deficit for the coming year only that? All any of us can do is guess, or dream.

Why is not the administration dream of a $50 billion drop in the deficit this year as realistic as anyone else's dream? There are three reasons. The first, I have already given. The first quarter of the year is in. We already have a deficit of $63 billion in 3 months. Taking that reality of the first 3 months and projecting it gives us a deficit of $250 billion. It also means that since the 1987 budget is already in deficit by $63 billion in the first quarter, it can only hit the $174 billion forecast by dropping to an average of $37 billion for each of the three remaining quarters or a total of $111 billion. From now on for the rest of the year the deficit will have to drop to only a little more than half its rate for the first quarter.

The second reason the administration's forecast of a $50 billion drop in the deficit in 1987 is a dream is that the administration bases its rosy forecast on a projection of economic growth that depends on a major drop in this country's record $169 billion adverse trade balance. In fact, the administration attributes about a fifth of the economy's growth and about $10 billion in deficit reduction to this trade improvement. Will it materialize? The Chairman of the President's Council of Economic Advisers, Dr. Sprinkel, says it will. And why does he make this prediction? Because, says Sprinkel, the spectacular 40-percent fall in the dollar relative to such foreign currencies as the Japanese yen and the German mark make it a certainty. But Dr. Sprinkel overlooks the fact that the dollar has not fallen very much with respect to the currencies of all of our trading partners in aggregate. The Dallas Federal Reserve has compared the change in the value of the dollar to our 120 trading partners on a weighted basis. What did they find? They found that the dollar had not dropped 40 percent. It had only dropped about 5 percent from its peak in 1985. So, the turnaround in the trade deficit for 1987 is still only a dream.

The third reason the deficit is unlikely to fall $50 billion is that the administration is counting the Federal spending scheduled for 1987 as "in the bag." Well, it is not. This year as in every year, there will be supplementals. As in every past year we will spend substantially more than expected on our agricultural program. Indeed, the Government is already beginning to make farm deficiency payments. One of the first acts of this body in January was to waive the budget act by an overwhelming vote so we could spend more. The Senate waived the act at the very first opportunity. As this year progresses, we will do the same thing again and again as we have in every 1 of the 30 years this Senator has served in this body.

So, Mr. President, has this country really turned the corner on the deficit as Secretary of the Treasury Baker contends? The answer is, sure we have—but only in the administration's dreams. In reality the Congress is still slogging along unable to move the deficit much below $200 billion even in this long economic recovery. Come the inevitable next recession, we are going to be in real trouble.

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

The DEPUTY PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

USE OF SPECIAL ORDER TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I am advised that Mr. ARMSTRONG will not be utilizing his time under the special order. I ask unanimous consent that that time be utilized for morning business.

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

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed now in morning business under that time.

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

SENATOR GORE ON SDI

Mr. BYRD. Mr. President, I call my colleagues' attention to an article on the Strategic Defense Initiative by the distinguished junior Senator from Tennessee, Mr. GORE. It appeared in the New York Times on February 1, 1987.

Senator GORE is recognized as an expert in arms control. Two years ago, I named him as a member of the Senate Arms Control Observer Group to monitor negotiations in Geneva. He is one of the Senate's most innovative thinkers in these matters.

I commend the Senator from Tennessee for his insight, and ask unanimous consent that the text of his article be printed in the RECORD.

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

BEWARE PHASE 1 OF S.D.I.

(By Albert Gore, Jr.)

WASHINGTON.—Today, as before, the single most marked characteristic of the Reagan Administration is the mismatch between its words and reality—a gap that is hard to explain except by incompetence or duplicity.

In 1981, an enormous tax cut was sold as the first phase in a larger plan to balance the budget through the miracle of supply-side economics. More recently, the public was told that what appeared to be a swap of weapons for hostages was really the first phase of a much grander policy to re-establish a geostrategic alliance with Iran. Secretary of Defense Casper W. Weinberger's proposal that we immediately begin a phased deployment of the Strategic Defense Initiative is the latest case in point.

In each past case, Congress and the country failed to adequately evaluate the first phase of a proposed policy on its own merits and were led to swallow heavy risks in return for promises of much larger future benefits. And in each case, the country has paid a high price for the absence of candid debate.

Now, before we go down the road of phased deployment, it is absolutely vital

that we pause long enough to consider the costs of the full Strategic Defense Initiative—not only the enormous financial costs but the sacrifice of common sense and sound judgment.

Many Americans think that in pursuing the strategic defense program the President is trying to build a leak-proof shield. In fact, his Administration has been working on a very different S.D.I. program: instead of defending our population, it is intended to defend our missiles.

Instead of making deterrence through the threat of retaliation unnecessary, it is designed to enhance our offensive capabilities. Instead of making the world a safer place, it could well create instability and a greater risk of nuclear confrontation.

Many experts had doubts about the program as early as 1983, when the President first proposed making nuclear weapons obsolete. Knowing the extreme difficulty and implausibility of such a feat, they suspected a classic "bait and switch" ruse.

The "bait" to attract support for an extensive strategic defense buildup was the promise that the system would defend every American against the threat of nuclear weapons. Many Americans, bone weary after four decades of nuclear anxiety, were ready to buy the President's vision, and the country has already made the first down payments.

Secretary Weinberger is still holding out that bait: even as he proposes a phased deployment, he strains to preserve the illusion that the purpose of the program is still population defense. And he insists that the risks of such a deployment should still be measured against the grand benefits promised by the President's sweeping vision.

But in fact what we are seeing now is the beginning of the "switch": Secretary Weinberger has told us openly that when he delivers the product we have purchased it will look quite different from what was advertised. Not to worry, however, he says, because it is only the first phase of the full system we ordered.

He and other hardliners want to implement the switch quickly, while President Reagan is still in office: they hope to lock in the program and foreclose arms control options for his successors. But Congress and the American people must not be fooled. We must evaluate phase one on its own merits, and we must have no illusions about the costs—the military implications for the Soviet Union, Moscow's likely response, the destabilizing effect on the arms race and the likelihood that a defense will be both highly vulnerable to attack and more expensive than countermeasures designed to render it ineffective.

The first cost would surely be to our own rational thinking and our standards for defense spending. The so-called Nitze criteria—that a defense must be cost-effective, able to protect itself against attack and stabilizing in its effects—are our soundest, most intellectually honest standards. Yet they have been opposed by advocates of the Strategic Defense Initiative and would clearly go by the boards if we were to move ahead with the first phase of the program before establishing the feasibility of its latter stages.

Next to go would be any remaining prospects for serious reduction in offensive weapons during the rest of the President's term, and perhaps beyond. The most logical Soviet response to a phased deployment would be to develop the capacity to attack space-based defenses with antisatellite weapons and to saturate: ground defenses with large numbers of warheads and decoys. The President's abandonment of the second strategic arms limitation accord's constraints on offensive weapons and his refusal to work out limits on antisatellite weapons give the Soviet Union a free hand in both areas.

A phased defensive deployment would also ruin the few remaining chances of forming some measure of domestic consensus in support of the President's approach to strategic affairs. A Democratic Congress is simply not going to follow the President down the road to early deployment of strategic defenses and to its inescapable corollary, early abrogation of the Anti-Ballistic Missile Treaty.

An early deployment would also seriously erode the moral and political support of our allies. Out of deference to the President's role as the central figure in alliance affairs, our friends abroad have tried to mute their concerns about S.D.I.—in public at least. But if the President embraces a phased deployment, those and other concerns about American leadership will surely break out of diplomatic channels, to become matters of public acrimony and division.

Perhaps most important, we would lose the chance to move toward nuclear stability at much lower numbers of weapons. The opportunity exists to combine reductions and more stable deployments with highly survivable and stabilizing mobile missiles with a single warhead. At Reykjavik, and even before, there were indications of an emerging parallelism between American and Soviet thinking in this area. Should we move toward phased deployment of S.D.I., however, the financial costs are likely to slow down the single-warhead program. Deployment would also give the Soviet Union an incentive to build up its first-strike forces rather than sharply cutting them back.

We are at a turning point. The President ought to pick up some of the threads that were dropped at Reykjavik by pursuing deep reductions and by exploring areas of compromise relating to S.D.I. No one expects him to believe the Soviet Union's hypocritical claims about its major investments in defensive research—efforts that it fully intends to continue. It is perfectly responsible, as a hedge, for the United States to have a vigorous research program of our own.

But the Administration should use that program as a source of leverage in negotiations. Above all, it must not insist, as the President did in his confusion at Reykjavik, on passing up greater reductions in strategic offensive weapons—as it surely would if it decided to support phased deployment.

Once again, the President has been too willing to serve as a salesman for a dubious product—and too reluctant to ask questions that would illuminate the true nature of what he is selling. But once again, many absolve him of personal responsibility on the assumption that he just didn't understand what he was doing. Is it credible that the President does not now know that S.D.I.—his proposal for a leakproof defense of American cities—is being transformed into little more than a destabilizing defense of missile silos? Will the President again sanction a glaring contradiction between public utterance and private action?

He has publicly committed himself to progress in arms control, but he has little time left to match his actions to his words. The Strategic Defense Initiative must not become another grand and fraudulent scheme sold to the American people on the installment plan.

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

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

RECOGNITION OF SENATOR HEINZ

The PRESIDING OFFICER. The erudite Senator from Pennsylvania is recognized.

Mr. HEINZ. The Senator from Pennsylvania thanks the articulate Chair.

S. 524—WORKER ADJUSTMENT IMPROVEMENT ACT

Mr. HEINZ. Mr. President, this year we have been hearing a lot about the word "competitiveness." We all know what that word means. Yet, we are not going to realize the goal of competitiveness in this country while large segments of our work force are underutilized or displaced. We cannot begin to address our trade imbalance along with our skilled workers if human resources, truly the power of this country, are unable to find jobs.

The plain fact of the matter is that our Nation's displaced workers' programs—the Job Training Partnership Act and the Trade Adjustment Assistance Program—are simply not doing the job. According to the Office of Technology Assessment, in a study I requested about 2 years ago, 11.5 million American workers lost their jobs in the last recession. Of those who were considered displaced, fully two-fifths, almost one out of three, never found any new job. At the same time, a little over 5 percent of displaced workers, about 1 in 20, receive any assistance at all of any kind, from the Job Training Partnership Act. The services which are provided generally do not emphasize retraining or basic skills education. Instead, our job training services are skimming the most job ready of the displaced off the top, and leaving the bulk of these workers to fend for themselves.

Let us make no mistake about it, therefore, Mr. President, retraining our displaced workers is not going to be done by the States alone and it will not be accomplished without Federal Government involvement. Our active participation in worker reentry is critical and, after all, it is only fair. Dislocation results from unfair trading practices, shifting world markets, rapidly changing economics, issues which are beyond the control of State and local governments.

For that reason, the Federal Government, which guides our international policies, bears a special responsibility.

Last year, the Office of Technology Assessment provided many of the answers we need. Their analysis, entitled "Technology and Structural Unemployment" is considered among the best in its field.

Although I sent a summary of that study to all Senators nearly a year ago, I ask unanimous consent that the summary be printed in the RECORD.

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

POLICY ISSUES AND OPTIONS

Adjustment to structural economic change has been a major issue in the 1980s. In public debate, attention has focused on a broad range of policies that affect both the rate of structural change and the need for adjustments on the part of American business and workers. The debate encompasses alternative macroeconomic strategies designed to stimulate economic growth and employment, trade policies responding to major changes in U.S. trade balances and international trading practices, and proposed industrial policies that affect the conduct and performance of different sectors of the U.S. economy. Actions taken in these policy areas affect the need for worker adjustment, but have much broader implications for economic performance and industrial structure. This study focuses specifically on policies to facilitate worker adjustments or transitions between jobs and industries as those jobs and industries change.

In recent years, assistance to workers who have lost jobs due to structural changes in the economy has been debated at some length in Congress. Congressional actions on the issue include establishing JTPA in 1982, with its national program to provide training and reemployment assistance to displaced workers under Title III. Also, under the Carl D. Perkins Vocational Education Act of 1984, Congress expanded vocational education opportunities for single parents and homemakers (including displaced homemakers) and for adult workers displaced by technological change or in need of training to remain employed. These recent initiatives, together with the TAA program, which has existed since the early 1960s, emphasize the need for assistance to displaced workers as a specific component of U.S. training and employment policy.[16]

However, taken together, these initiatives reach only a minority of displaced workers; JPTA Title III, the largest program, probably serves less than 5 percent of the eligible population. Whether policymakers see additional efforts for displaced workers as needed will depend on how the issue is viewed in a broader context, which includes current budget deficits and the needs of other groups for employment and training assistance. Specific actions and short-term funding levels chosen depend largely on whether Congress views support for workers adjustment as an emergency response to high unemployment during economic downturns or a continuing national commitment. Regardless of the way worker adjustment policies are viewed, displacement is a continuing problem, affecting millions of workers every year. If Congress does wish to strengthen adjustment assistance to displaced workers, OTA's assessment of the experience to date with such assistance suggests a number of options that merit consideration.

These options have been divided into 11 issue areas. Issue areas 1 through 4 deal with improvements in delivery of assistance to displaced workers, or workers who have received notice of layoff. Issue area 5 contains options for improving services to displaced homemakers. Issue areas 6 and 7 deal with options to improve research on occupational skills, occupational forecasting, and labor market information. Issue areas 8, 9, and 10 include options to improve adult basic skills, or proactive strategies to improve both the quality of the existing work force and the ability of individual workers and homemakers to make career transitions if they are displaced. Issue area 11 deals with options to develop, improve, and disseminate new instructional technologies for adult basic and vocational education.

ISSUE AREA 1: IMPROVING RAPID RESPONSE TO DISPLACEMENT

Experience in existing programs clearly shows the benefits of making retraining and reemployment services available to workers before they are laid off. JTPA permits pre-layoffs assistance for workers who have received notice of termination or layoff, but many states offer very little pre-layoff assistance. In some cases, this is because there are no institutions designed to respond rapidly to an announced plant closing or mass layoff. Only a few States have designated personnel to respond to plant closings. Congress might wish, through oversight or legislative directives, to encourage more States to establish early-response institutions, or it may wish to establish a federally supported service, possibly like Canada's IAS, to deliver pre-layoff assistance.

Even when effective institutions exist to deliver pre-layoff assistance, they operate best when there is advance notice of plant closings or mass layoffs. Thus, Congress might wish to provide incentives for advance notification of plant closings or mass layoffs, or to require some form of advance notice.

ISSUE AREA 2: ENCOURAGING RAPID REEMPLOYMENT

The emphasis of JTPA Title III is on placement in new jobs, and most projects have reported a fair degree of success in placing their clients, largely through job search assistance, job development, and finding on-the-job training positions. Performance in placing workers in new jobs could be improved with additional measures to offer more effective relocation assistance, and to provide temporary wage supplements for displaced workers taking jobs that pay less than the old job, thus easing the adjustment.

Many displaced workers cannot find new jobs at comparable wages to those of the jobs they lost. Temporary wage subsidies could be offered, limited to a fixed transition period during which workers could get experience on the new job and recoup some of their earning power. One proposal would allow displaced workers to receive up to 80 percent of their remaining UI benefits over the course of a year if they took a lower wage job before exhausting benefits. This might help some displaced workers get back to work earlier than they otherwise would. The wage supplement is a new concept. One approach would be to try it first on a small scale in a pilot project.

Some displaced workers—especially those in communities where job prospects are poor—might be able to find jobs more comparable to the ones lost, if they had sufficient information and resources to relocate. Relocation assistance is allowed under JTPA, but most States were making little use of it in their Title III programs in 1984-85. Greater relocation assistance funds are available under TAA, which technically expired in late 1985. Continuation of the TAA program and legislative directives encouraging greater emphasis on relocation assistance, in appropriate circumstances, under JTPA might be considered.

Another way to facilitate relocation is through improving intrastate or interstate job banks to provide jobseekers with lists of current job openings throughout the State, region, or Nation. This would require computerization of the job banks. JTPA authorized a nationwide computerized job bank and job matching system. A limited interstate job bank has been set up, but it covers only a small number of jobs, and is only partially automated. Most State systems—which are the basis for an interstate bank—are not fully computerized either.

Good estimates of the costs of computerizing State job banks and linking them in an interstate system are not available, but preliminary indications are that fully automated systems within each State might require capital spending of at least $240 million over a period of 5 years or so. [This does not count the costs of telecommunication equipment, software, and staff training time.] Benefits of a more comprehensive and fully automated interstate job bank are uncertain as well. It is not clear that workers would use the information in the job bank to relocate, since many of the jobs listed by Employment Service offices are low skill and low pay, and probably would not attract workers from other communities. However, improvement of the system might encourage employers to list more and better jobs.

In light of the uncertainties, a thorough investigation of the costs and potential benefits of automating either intrastate job banks or a centralized interstate job bank would be prudent before moving ahead. Any such study should compare a centralized, on-line system with several ways of linking individual automated State systems. Even without automated job banks, greater emphasis on relocation assistance through JTPA could be effective for a minority—possibly 5 to 10 percent—of displaced workers.

ISSUE AREA 3: ENHANCING EDUCATION AND TRAINING OPPORTUNITIES IN TITLE III PROJECTS

A substantial minority of participants in displaced workers projects—as many as 20 to 30 percent in well-run projects—view training as the best route to a new job with potential for advancement. This percentage fluctuates, depending on the availability of job opportunities in the community. During recessions, more workers choose training, while during periods of prosperity, the number of workers seeking training tends to fall because prospects for reemployment are better.

Regardless of the condition of the local economy, few workers can afford to undertake training without some income support. For many workers, the principal source of income support is unemployment insurance,

[16] Several other measures authorizing adjustment assitance to workers who have lost their jobs due to changes in public policy have also been adopted over the years. These special programs have not been addressed in this report.

which is generally limited to 26 weeks. JTPA specifically directs States to excuse workers in Title III projects from UI work search requirements while they participate in training courses.

Reflecting the 26-week constraint of UI income support, some vocational training institutions have developed compressed courses that run for 22 weeks. Some courses also have flexible entry times. However, only the workers who enter training before or shortly after layoff would be able to complete a 22-week course while still receiving UI. Many workers prefer to search for new jobs before undertaking training, and many displaced worker projects encourage this approach. For these workers, opportunities for skills training are limited or possibly foreclosed. Moreover, although short courses may be sufficient for some kinds of training, workers who could benefit from longer training courses may have to forgo them because of lack of income support. Loss of health insurance is another reason that some displaced workers chooses not to undertake training, but instead try to get a new job as soon as possible.

For workers interested in intensive skills training, additional income support may be needed. JTPA Title III does not prohibit stipends to workers in extended training or education, but stipends are very seldom provided. Various ways of providing such income support might be considered. Recent legislative proposals include enlarging the access of displaced workers to Federal student aid assistance, providing an additional 26 weeks of Federal unemployment compensation to workers in intensive training or remedial education, and permitting displaced workers to use penalty-free disbursements from Individual Retirement Accounts as income support while training. These kinds of assistance, which could be implemented singly or in a package, could be targeted to workers who have demonstrated a commitment to extended training or education, rather than permitting all workers to take advantage of extended income support.

In addition, some congressional bills have proposed to fund extended health insurance benefits for unemployed workers, and others would provide it for workers affected by closure of a defense-facility or defense-related business. Congress might consider providing some form of extended health benefits for displaced workers who are enrolled in vocational skills training courses as part of an income support package as described above.

Up to 20 percent of the participants tested in displaced worker projects have shown deficiencies in basic educational skills; some of these workers require fairly intensive remedial education before they can benefit from vocational skills training courses. Many other workers have less severe basic skills deficiencies, but still may need some help with basic skills. Remedial education currently is a clear but unmet need in the Title III program. As shown by some exemplary projects, displaced worker projects can deliver remedial education very effectively. However, most States give little or no attention to remedial education in their Title III programs, and even those that do fall short of the need (assuming that roughly 20 percent of displaced workers need the service).

Remedial education might be encouraged if States were directed to certify remedial education programs as approved JTPA training for UI recipients, and excuse those recipients from work search requirements while enrolled. Basic educational achievement could be included as a performance standard in JTPA Title III programs, as it is in Title IIA programs. Finally, Congress might consider earmarking a portion of JTPA funds for remedial education.

The estimated cost of providing remedial education for approximately 20 percent of JTPA Title III participants is about $6 million per year—about 3 percent of Title III appropriations in fiscal year 1985. Since Title III has probably served less than 5 percent of the eligible population, however, this $6 million would not go very far toward solving the basic skills problem in the work force.

ISSUE AREA 4: IMPROVING INFORMATION AND REPORTING ON JTPA

Current information and reporting under JTPA and related programs does not adequately support congressional needs. The most pressing needs are for current information on the numbers of people affected by permanent layoffs and plant closings, on the demand for JTPA services overall, and on the demand for different types of services offered in JTPA programs. Without this information, Congress lacks adequate guidance in establishing yearly funding for Title III, or for determining the effectiveness of the program.

Reporting on the demand for services in displaced workers programs is out of date. Congress was considering the fiscal year 1986 budget, which will determine JTPA funds for the program year beginning July 1, 1986, in the summer of 1985. At that time, the most recent report on the numbers of workers served and program spending was over a year old. Brief quarterly or semiannual reports showing current levels of spending and demands for services might serve better as a guide for congressional appropriations.

Moreover, information on the mix of services offered in Title III programs—including vocational skills training, on-the-job training, remedial education, relocation assistance, and job search assistance—is incomplete and uncertain. More detailed reports, at least on an annual basis on the service mix, outcomes by different type of service, and characteristics of participants receiving various kinds of service could help Congress determine the benefits of this federally funding program, and signal needs for changes in direction.

JTPA directs the Secretary of Labor to collect data on the number of permanent layoffs and plant closings, the number of workers affected, the geographical location of closings, and the types of industries. Money for an initial 8-State pilot study was not appropriates until 1984. In fiscal year 1985, Congress appropriated funds for a nationwide survey, which is now being done; funds were again appropriated for this purpose in fiscal year 1986. Annual updating of this information may require specific appropriations in the future.

ISSUE AREA 5: IMPROVING SERVICES FOR DISPLACED HOMEMAKERS

In 1984, the Carl D. Perkins Vocational Education Act authorized spending of up to $86 million per year on grants specifically designated for services to single parents and homemakers, including displaced homemakers. In mid-1985, about $63 million had been appropriated for grants serving this targeted group in the year beginning July 1, 1985. An undetermined but probably sizable portion of these grants will be spent for assistance to displaced homemakers. In the past, Federal spending targeted to displaced homemakers was comparatively small, never exceeding about $8 to $10 million per year.

Yet even the increased Voc Ed grants are still very modest in relation to the eligible population. No estimate has been made of the numbers of single parents and homemakers, but displaced homemakers alone probably number 2 to 4 million. If all of these people were to participate in the new Voc Ed program—and two-thirds of the Voc Ed set-aside grants for single parents and homemakers went to displaced homemakers—$11 to $22 per person would be available. A roughly comparable figure for displaced workers eligible for JTPA Title III assistance in the transition year 1983-84 was $74. Under the Comprehensive Employment and Training Act of 1980, the comparable figure for disadvantaged workers eligible for general employment and training programs was $250 per eligible person. These figures are given only for purposes of comparison; actual uptake of services by eligible people is never 100 percent, and participation varies among groups.

Voc Ed programs under the Perkins Act were just gearing up in 1985. It is too early to identify all the policy issues that might arise under the new law, but one that is already under debate is whether and how to amplify the very sparse data about displaced homemakers. Very little information has been collected on existing programs. The Perkins Act authorizes, but does not require, the Department of Education to develop data on provision of vocational education opportunities for single parents and homemakers, including displaced homemakers. This information, as well as data on provision of other services such as outreach and counseling, job development, job search assistance, and basic education, would be useful to States in using existing funds efficiently, and to Congress in making appropriations for these purposes in the future.

A potential topic for oversight is whether the State Sex Equity Coordinators are able to wield the authority the law gives them to administer the single parents and homemakers programs, and whether the set-aside funds are reaching their intended beneficiaries through programs designed to meet their special needs. The Perkins Act places substantial emphasis on set-asides, or targeting portions of the grants to special populations. These set-asides, including the 8.5 percent for single parents and homemakers, were opposed by many in the vocational education establishment. As implementation of the act gets underway, Congress may wish to focus oversight attention to how the set-aside provisions are being met.

JTPA is a potentially important source of employment and training services to displaced homemakers. Although there is some overlap in services with those that Voc Ed grants can provide, JTPA emphasizes job placement more heavily, while the focus on the Voc Ed act is on training. Congress did not define displaced homemakers as a principal target group for JTPA programs, although they are specifically mentioned in the law as one of the groups facing employment barriers and therefore eligible for some services. Because of income eligibility criteria, it can be difficult to use JTPA funds in projects designed to serve displaced homemakers. Congress may wish to provide legislative guidance on whether projects serving the special needs of displaced homemakers can be funded under JTPA, and whether JTPA services (either under Title IIA or Title III) should be more readily available to displaced homemakers.

For displaced homemakers, the barriers to training and education are probably greater than they are for workers displaced from paid jobs, because few displaced homemakers have either unemployment insurance or income from another family member to sustain them during training. According to directors of displaced homemaker projects, many of these women need remedial education in order to get an adequate job, and many could benefit from vocational skills training to improve their earning power and possibilities for advancement. Congress provided for only very limited income support in both the Perkins Act and JTPA, and training allowances are seldom provided. Another possible source of income, guaranteed student loans, are more readily available to young students than to displaced adults. Congress may wish to consider whether to encourage or provide more income support for displaced homemakers in training. Better information on services provided to displaced homemakers, and numbers of women receiving the services, would provide an improved basis for consideration of this issue.

ISSUE AREA 6: IMPROVING LABOR MARKET AND OCCUPATIONAL INFORMATION

Whether displaced workers and homemakers choose training or an immediate job search, they can benefit from detailed, up-to-date information on the kinds of jobs available in the local labor market. The same is true of projects that offer reemployment, education, and training services to displaced workers and homemakers. In many States the information provided to displaced workers projects is neither current nor detailed enough to give an adequate picture of what occupations are in demand locally. As a result, many projects are forced to operate with little information or initiate more extensive job development efforts than would be necessary if good local information existed.

In various surveys, BLS collects a great deal of information on local unemployment rates, levels of employment and earnings by industry, and on occupations within industries. Much of this information is funneled into national employment estimates and occupational forecasts. Some, but not all, States collect additional data to provide more detail on the occupational patterns of local industries. In these States, ES analysts put together various sets of information, from the local to the national level, and thus provide a rough picture of growing, static, and declining occupations within the State or, in some cases, local areas. With the sharp drop in Federal funding and staffing levels in the ES system since fiscal year 1982, however, the ability of many States to collect additional information on local employment has been weakened. If Congress wishes to place more emphasis on the provision of detailed local labor market information, several options are available, including: 1) legislative guidance through JTPA oversight to focus attention on providing better information at the local level and on more informed use of existing data, and 2) appropriation of funds for the specific purpose of developing local labor market information.

ISSUE AREA 7: CONDUCTING RESEARCH ON THE EFFECTS OF TECHNOLOGY ON JOBS

Technological change affects both the number of job opportunities and the skills and education needed to perform jobs. BLS long-range forecasting specifically attempts to incorporate the effects of technological change on the numbers of occupations in different industries. Forecasting the effects of technological change on the numbers of jobs will, inescapably, result in inaccuracies, simply because the effects of technologies on jobs are influenced by a variety of factors that are difficult to predict, including overall socioeconomic changes and domestic and international competition. These forecasts would be more useful if additional resources were devoted to sensitivity analyses of the effects of major changes, including changes in technologies. Sensitivity analyses might help jobseekers and people making career choices to understand how the requirements of given careers might change in the future, but the analyses would be unlikely to improve significantly the overall accuracy of the forecasts.

How new technologies will affect skills and education needed in the work force is not completely determined by the technologies alone. Management, workers, and society in general make decisions which influence how technologies affect jobs. The characteristics of the machines or technologies, however, do limit available choices. Therefore, if American businesses are to create jobs that build on the current and potential skills of American workers, those skills must be taken into account when the technologies are designed. There is a tendency to design skills and humans out of new, automated production processes; there do not seem to be many deliberate efforts to design new technologies that create new, skilled jobs or enhance the skills of existing workers, although such efforts could pay dividends not only in providing better jobs, but in using the technologies themselves more effectively.

Congress might wish to encourage systematic evaluation of the employment impacts—both quantitative and qualitative—of new technologies by requiring evaluation of employment impacts in major federally supported technology development efforts of the Department of Defense, the National Science Foundation, and the National Bureau of Standards. In addition, Congress might wish to direct the National Science Foundation or other agencies to fund one or more centers for engineering research in alternative work organization or job design areas, aimed at finding ways to design skilled jobs in conjunction with new or existing technologies.

ISSUE AREA 8: IMPROVING BASIC SKILLS IN THE WORK FORCE

While it is clear from evidence gathered in displaced worker and homemaker projects that basic skills deficiencies are widespread, the exact magnitude of the problem is unknown. A better understanding of the dimensions of the basic skills problem of young adults (21 to 25 years old) is expected in the spring of 1986, when a national survey of functional literacy levels among this age group is scheduled for completion. This is the first national survey of adult basic educational skills in more than a decade. Regular, systematic surveys of basic skills performance levels among adults (not just young adults) could held provide guidance to Congress in funding programs to combat adult functional illiteracy.

Even without more exact information on the numbers of adults with basic skills deficiencies, Congress may wish to consider expanding support for basic educational programs for adults. This could be accomplished through Federal support of adult basic education through increased outreach and provision of services under the Adult Education Act (AEA), together with development of a long-term strategy to increase participation in AEA programs. Encouraging employed adults with poor basic skills to upgrade those skills while still employed can help improve the competitiveness of their employers, as well as help them to make career changes if they do become displaced. Displaced workers with good basic skills are more likely to find new jobs quickly after being displaced, and there are more job and training options open to them (see Issue Area 3, above).

ISSUE AREA 9: ENCOURAGING GREATER USE OF ADULT EDUCATION TO EASE WORKLIFE TRANSITIONS

Many unskilled or semiskilled workers are unaware that adult education can reduce their vulnerability to displacement, or that training programs are available within their communities. While skilled workers, professionals, and managers are more likely to take advantage of educational and training facilities in their communities or workplaces, these people, too, may not know about all the options open to them. Congress may wish to consider authorizing outreach programs to inform adult workers of the postsecondary educational opportunities in their communities, to encourage their participation. This kind of program also could be used to inform people with basic skills deficiencies about remedial education opportunities that would prepare them for postsecondary programs.

Another option is a program of educational financial assistance targeted to workers most likely to be displaced. Under existing policies, tax deductions for training generally extend only to courses related to a worker's current job, and part-time adult students who are employed have difficulty competing for Federal financial assistance. Workers in industries or occupations that are considered particularly vulnerable to displacement might be given preferences in access to Federal financial assistance. Eligibility for the assistance could be determined by State or Federal labor and employment agencies.

ISSUE AREA 10: ENCOURAGING TRAINING AND RETRAINING OF ACTIVE WORK FORCES

The impact of displacement on the work force can be reduced if workers in displacement-prone industries or occupations begin to make transitions to different careers while they are still employed. Often, factors leading to displacement develop over a long time, sometimes over several years. While some workers may make effective use of this time to find a new job or develop different job skills, most do not. This is especially true of the workers most vulnerable to displacement, that is, unskilled or semiskilled workers.

One of the most effective ways to deliver education and training to workers is at the workplace, with the support of employers. Estimates very greatly, but American business probably spends tens of billions of dollars a year on worker education and training—much more than the Federal Government. However, with the exception of on-the-job training (which is not usually counted as a training expenditure), most of this assistance is heavily weighted toward professionals, technicians, managers, and other highly skilled people. The workers most vulnerable to displacement—low-skilled, nonsupervisory or production workers—are probably the group least served by employer-provided education and training. In addition, many small businesses do not have the

resources to provide the kind of education and training many larger businesses offer.

Measures Congress could consider to broaden employers' support for employee education and training include: 1) continuing the exclusion from taxable income of employee benefits under qualified employer-provided continuing education programs, an exclusion which will not apply to the 1986 tax year unless it is extended by Congress; 2) developing an improved information base on employer-provided training and education to better judge its adequacy, and to help identify public policies encouraging these services; and 3) adopting new incentives to encourage employers to extend training and education opportunities to under-served groups of workers, possibly by allowing employers to use such expenses as tax credits. An alternative to the third option might be a small additional payroll tax to finance retraining of either active or displaced workers from businesses that do not choose to provide such services themselves. Employers who do provide education and training to low-skilled production and nonsupervisory workers could be exempted from such a tax.

ISSUE AREA 11: ENCOURAGING RESEARCH, DEVELOPMENT, AND TRANSFER OF INSTRUCTIONAL TECHNOLOGY

New instructional technologies, including computer-aided instruction (CAI) and interactive videodisk systems, have great promise in adult training and education. These systems can improve access to training and education since they can be made available at times and places that are convenient for adults. They also can reduce the amount of time it takes to learn—an important advantage given the limited amount of time most adults have available for education. Some studies have found that adults in computer-based training achieved the same competencies as adults in conventional training in less than three quarters the time. Although the initial costs of these technologies are often viewed as a barrier to their adoption, the costs are decreasing, and operating costs can be very low when high use levels are achieved. New educational technologies are especially promising for teaching basic skills, where a large clientele and relatively unchanging curriculum offer the potential for very cost-effective instruction.

New educational technologies, despite their promise, are not yet widely used in adult education. One reason is that few teachers and administrators have much experience with these technologies, and potential users have trouble judging the quality of the courseware that is available. Most courseware was not specifically designated for adults, and information on the performance of courseware packages is seriously lacking. Potential users need data on how well different systems work, as a basis for investment.

If Congress wishes to encourage greater use of instructional technologies, the Federal role could be expanded through more effective measures to transfer federally developed training technologies to education and training institutions, and the private sector; greater support for development of new adult basic and vocational training materials for instructional technologies; and establishment of one or more national centers to focus research on how adults learn.

Many instructional technologies in current use were developed or supported by Federal agencies—mainly the Department of Defense but to some degree the Department of Education and the National Science Foundation. Systems developed for the specific needs of the Department of Defense can often be adapted to civilian adult education, but information frequently is not available to potential users. Moreover, the expense of modifying them may inhibit adoption. Congress might wish to consider establishing a training technology transfer office to keep a descriptive inventory of training technologies developed under Federal agencies, together with information on the capabilities of the technologies. Such an office could also encourage adaptation of the courseware for civilian use by allowing commercial enterprises to lease or buy federally developed technologies, modify them, and sell them to end users.

Much of the courseware used in basic skills education was developed for high school students—not the mature population of adults that have basic skills deficiencies. Support for research and development of new courseware specifically designed for adults could enhance the potential contribution of instructional technology in the adult education system. Such activities could be funded through the Adult Education Act. To avoid competition for the limited funds available for delivery of remedical education services under AEA, it may well be that a separately funded mechanism would be needed.

Congress may also wish to encourage more research on the nature of the adult learning process. Currently, little research is conducted on such questions as how to design curricula and instructional approaches so that they are appropriate for adults, how to measure functional literacy levels among adults, and how to evaluate adult performance in educational programs. Also, little attention has been given to the adult learner in evaluations of instructional courseware. Such issues could be addressed through a research program focused on the adult learner. One option would be for Congress to direct the Department of Education to charter one or more national research centers for adult learning and basic skills.

Mr. HEINZ. Mr. President, the OTA first raises the issue of rapid response to displacement. Trade adjustment assistance benefits are not geared to rapid response. Because of the need for certification of trade impact, many workers face a very long waiting period before receiving any of those benefits.

As to the Job Training Partnership Act, it authorizes early intervention in plant closing but when many States require JTPA service providers to file applications or proposals there often is not only a lack of rapid response but often a period of prolonged delay before services reach those displaced workers.

The second issue I want to address is that of education and training activities under the Job Training Partnership Act. According to the OTA, few workers can afford to undertake training without some income support, or as one of my constituents put it, Charles Kisner of North Versailles township, "this program doesn't work for people with no income."

One cannot ask the unemployed to put the welfare of their family aside in order to enter training. Twenty-six weeks of unemployment compensation are provided under law, but because of bureaucratic delays in starting up training programs, many workers receive only a few weeks of training before those benefits run out. What do they do then? Where can they go? The Job Training Partnership Act, in spite of good intentions, provides little or no support. Many must drop out of training to take whatever part-time work can be found.

For example, many of my constituents were given less than $3 a day to live on while enrolled in the JTPA training program. That assistance does not even cover the cost of bus fare to and from the program let alone a single book.

Clearly, education and training courses need improved design and management. At present, many localities simply lack the necessary skills and expertise to design effective training and education programs. There is no Federal office specifically designed to help State and local governments or JTPA service providers to develop effective retraining programs, and there is also no specific State entity which is ultimately responsible for designing JTPA service delivery, and monitoring the effectiveness of displaced worker assistance. All of these activities cry out for our attention.

Basic skills education, Mr. President, is needed by at least 20 percent of all our displaced workers. Yet basic skills education has received little or no attention from JTPA service-providers, and here again Federal involvement can help.

Last, as OTA points out, there is just too little information available on the services provided to displaced workers. We don't know what help, if any, these people have received, or what funds have been spent on each activity. No State is required to certify its activities to the Department of Labor, and thus we are not quite certain what is really going on in the field. All we can be certain of is that a great majority of displaced workers are not being helped.

How then, must we proceed? There is no question that JTPA can provide rapid response to large-scale layoffs and closings. Our unemployment compensation system can provide support to unemployed workers in approved training programs. We can certainly assist the States in designing effective retraining, and we can provide resources for remedial education. The Department of Labor is more than capable of compiling the necessary information to determine what services are and are not being provided. The fact of the matter is that we are not providing the necessary assistance, or the needed resources, to make all of this come about.

All we can be certain of is that a great majority of displaced workers, formerly self-supporting, very proud Americans, are not being helped at all.

For that reason my colleague and friend from West Virginia, Senator ROCKEFELLER, and I are introducing legislation which will accomplish this goal.

It is a real pleasure to be joined in the efforts by the distinguished Senator from West Virginia who was Governor of the State of West Virginia until January 1985 and had really hands-on experience in designing and helping administer these programs.

I might add that this bill does something a lot of other proposals usually do not do, Mr. President. We provide a financing mechanism to pay for the costs of the changes that we propose in the Job Training Partnership Act and for the cost of the Trade Adjustment Assistance Program, a single, stable source of revenue.

The 1985 reconciliation bill contained authority for an ad valorem fee on imports, capped at 1 percent. The funds generated by that source would more than provide for our retraining programs. This legislation passed the Senate over a year ago, but was dropped, I am sorry to say, in conference. But the legislation is nonetheless valid because it rests on the principle that those who use our Nation's markets to their advantage have an obligation to help fund the adjustment of those they dislocate.

Second, the legislation provides 10 weeks additional unemployment compensation to workers enrolled in an approvable training program under JPTA title III. In this way, workers can complete classroom training, or undertake remedial education, without fear of becoming destitute.

Most importantly, our legislation would require the establishment of a dislocated worker unit in each State and in the Department of Labor. This unit would be responsible for designing and overseeing worker retraining and job search assistance, for compiling accurate information on services provided, and for providing immediate response to plant closings and mass layoffs.

I cannot emphasize sufficiently the importance of a rapid response capability. The participation rate of workers in training programs tends to drop precipitously when services are not provided at time of layoff or plant closing. The workers we lose as a result, we may never get back.

In order to be certain that funds are available for rapid response to plant closings, the bill requires a 5-percent set-aside in each State's formula funds for rapid response. In addition, in order to be certain that remedial education receives the priority it deserves, an additional 3-percent set-aside is required for remedial education funding.

By enacting this legislation, we will demonstrate that Federal efforts to retrain workers and return them to productive employment is not an emergency program—utilized only in times of extreme high unemployment—but an enduring commitment to domestic competitiveness. We will not continue as a great nation when we allow skilled workers to fall into underemployment. We will not be effective competitors in the world marketplace if we allow our human resources to lie fallow.

Mr. President, I ask unanimous consent that the bill and a section-by-section summary of its contents be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

[See exhibit 1.]

Mr. HEINZ. I urge my colleagues to join me in cosponsoring this sensible, cost-efficient method to restore our best asset, or workers, to full employment.

EXHIBIT 1

S. 524

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

SECTION 1. SHORT TITLE.

This title may be cited as the "Worker Adjustment Improvement Act of 1987".

TITLE I—FINANCING THROUGH THE IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS

SEC. 101. IMPOSITION OF SMALL UNIFORM DUTY ON ALL IMPORTS.

(a) NEGOTIATIONS.—

(1) The President shall undertake negotiations necessary to achieve changes in the General Agreement on Tariffs and Trade that would allow any country to impose a small uniform duty on all imports to such country for the purpose of using the revenue from such duty to fund any program which assists adjustment to import competition.

(2) On the date that is 6 months after the date of enactment of this title, the President shall submit to the Congress a report on the progress of negotiations conducted under paragraph (1).

(3) On the first day after the date of enactment of this title on which the General Agreement on Tariffs and Trade allows any country to impose a duty described in paragraph (1), the President shall submit to the Congress a written statement certifying that the General Agreement on Tariffs and Trade allows such a duty.

(b) IMPOSITION OF DUTY.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391, et seq.), is further amended by adding at the end thereof the following new section:

"SEC. 286. IMPOSITION OF ADDITIONAL DUTY.

"(a) In addition to any other duty imposed by law, there is hereby imposed a duty on all articles entered, or withdrawn from warehouse, for consumption in the customs territory of the United States.

"(b) The rate of the duty imposed by subsection (a) shall be a uniform ad valorem rate proclaimed by the President at least 30 days prior to the date such rate takes effect which is equal to the lesser of—

"(A) 1 percent, or

"(B) a percentage that is sufficient to provide the funding necessary to carry out the provisions of chapters 2 and 3.

"(c)(1) Except as otherwise provided in this subsection, duty-free treatment provided with respect to any article under any other provision of law shall not prevent the imposition of duty with respect to such article by subsection (a).

"(2) No duty shall be imposed by subsection (a) with respect to—

"(A) any article (other than an article provided for in item 870.40, 870.45, 870.50, 870.55 or 870.60 of the Tariff Schedules of the United States) that is treated as duty free under schedule 8 of the Tariff Schedules of the United States, or

"(B) any entry which has a value of less than $1,000.".

SEC. 102. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of section 101(a), shall take effect on the date of enactment of this title.

(b) ADDITIONAL DUTY AND TRUST FUND.—

(1) the amendment made by section 101(b) shall apply to any article entered, or withdrawn from warehouse, for consumption after the earlier of—

(A) the date that is 2 years after the date of enactment of this title, or

(B) the date that is 30 days after the date on which the President submits to the Congress the written statement described in section 101(a)(3).

TITLE II—UNEMPLOYMENT COMPENSATION FOR DISLOCATED WORKERS

SEC. 201. SHORT TITLE.

This title may be cited as the "Unemployment Compensation for Dislocated Workers Act".

SEC. 202. FEDERAL-STATE AGREEMENTS.

(a) Any State which desires to do so may enter into and participate in an agreement with the Secretary of Labor (hereinafter in this title referred to as the "Secretary") under this title. Any State which is a party to an agreement under this title may, upon providing thirty days' written notice to the Secretary, terminate such agreement.

(b) Any such agreement shall provide that the State agency will make payments of Federal unemployment compensation for dislocated workers—

(1) to individuals who—

(A) have exhausted all rights to regular compensation under the State law;

(B) have no rights to compensation (including regular compensation, extended compensation, and Federal supplemental compensation) with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law (and is not paid or entitled to be paid any additional compensation under any such State or Federal law);

(C) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(D) are participating in a job training program for dislocated workers under title III of the Job Training Partnership Act;

(2) for up to ten weeks of unemployment which begin in the individual's period of eligibility,

except that no payment of Federal unemployment compensation for dislocated workers shall be made to any individual for any week of unemployment which begins more than two years after the end of the benefit year for which he exhausted his rights to regular compensation.

(c) For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted his rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to him based on employment or wages during his base period; or

(2) his rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) For purposes of any agreement under this title—

(1) the amount of the Federal unemployment compensation for dislocated workers which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to him during his benefit year under the State law for a week of total unemployment; and

(2) the terms and conditions of the State law which apply to claims for extended compensation and to the payment thereof shall apply to claims for Federal unemployment compensation for dislocated workers and the payment thereof; except that the compensation shall not be terminated or reduced because of the individual's participation in the job training program or because of the application of any provision of law relating to availability for work, active search for work, or refusal to accept work.

(e)(1) Any agreement under this title with a State shall provide that the State will establish, for each eligible individual who files an application for Federal unemployment compensation for dislocated workers, a Federal unemployment compensation for dislocated workers account with respect to such individual's benefit year.

(2) The amount established in such account for any individual shall be equal to ten times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year. The total amount of compensation payable to an individual under an agreement entered into under this title shall not exceed the amount in such individual's account.

(f) No Federal unemployment compensation for dislocated workers shall be payable to any individual under an agreement entered into under this title for any week beginning before the week following the week in which such agreement is entered into.

SEC. 203. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF FEDERAL UNEMPLOYMENT COMPENSATION FOR DISLOCATED WORKERS.

(a) There shall be paid to each State which has entered into an agreement under this title an amount equal to 100 per centum of the Federal unemployment compensation for dislocated workers paid to individuals by the State pursuant to such agreement.

(b) No payment shall be made to any State under this section with respect to compensation to the extent the State is entitled to reimbursement with respect to such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5 of the United States Code. A State shall not be entitled to any reimbursement under such chapter 85 with respect to any compensation to the extent the State is entitled to reimbursement under this title with respect to such compensation.

(c) Sums payable to any State by reason of such State's having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that his estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of statistical sampling or any other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 204. FINANCING PROVISIONS.

(a)(1) Funds in the extended unemployment compensation account (as established by section 905 of the Social Security Act) of the Unemployment Trust Fund shall be used for the making of payments to States having agreements entered into under this title.

(2) The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as established by section 905 of the Social Security Act) to the account of such State in the Unemployment Trust Fund.

(b) There are hereby authorized to be appropriated, without fiscal year limitation, to the extended unemployment compensation account, such sums as may be necessary to carry out the purposes of this title. Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

(c) There are authorized to be appropriated from the general fund of the Treasury, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act) in meeting the costs of administration of agreements under this title.

SEC. 205. DEFINITIONS.

For purposes of this title—

(1) the terms "compensation", "regular compensation", "extended compensation", "base period", "benefit year", "State", "State agency", "State law", and "week" shall have the meanings assigned to them under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970; and

(2) the term "period of eligibility" means, with respect to any individual, any week which begins on or after the date of the enactment of this title, except that an individual shall not have a period of eligibility unless—

(A) his benefit year ends on or after June 1, 1984, or

(B) such individual was entitled to extended compensation for a week which begins on or after June 1, 1984.

SEC. 206. FRAUD AND OVERPAYMENTS.

(a)(1) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of Federal unemployment compensation for dislocated workers under this title to which he was not entitled, such individual—

(A) shall be ineligible for further Federal unemployment compensation for dislocated workers under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(B) shall be subject to prosecution under section 1001 of title 18, United States Code.

(2)(A) In the case of individuals who have received amounts of Federal unemployment compensation for dislocated workers under this title to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(i) the payment of such compensation was without fault on the part of any such individual, and

(ii) such repayment would be contrary to equity and good conscience.

(B) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any Federal unemployment compensation for dislocated workers payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the compensation to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

(C) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(3) Any determination by a State agency under paragraph (1) or (2) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

TITLE III—STRENGTHENING THE DISLOCATED WORKERS PROGRAM

SEC. 301. MINIMUM NUMBER OF DISLOCATED WORKERS REQUIREMENT.

Section 302(a) of the Job Training Partnership Act (hereafter in this title referred to as the "Act") is amended by adding at the end thereof the following new sentence: "In establishing procedures under this subsection each State shall include any termination or layoff which involves 100 or more employees in any place of employment in the identification of dislocated workers for the purpose of this title .".

SEC. 302. FEDERAL DISLOCATED WORKERS UNIT.

(a) Part D of title I of the Act is amended by adding at the end thereof the following new section:

"FEDERAL DISLOCATED WORKERS UNIT

"SEC. 172. (a) The Secretary shall establish a Federal Dislocated Workers Unit in the Department which shall—

"(1) receive an annual plan from the States for providing services under title III;

"(2) receive the reports required under section 310 of this Act;

"(3) establish performance guidelines for State programs under title III, and report annually to Congress on State performance; and

"(4) provide technical assistance, required under section 310 of this Act, to the States and to local service providers, utilizing the regional offices of the Department of Labor.

The report required by clause (3) of this subsection shall include recommendations to improve program performance, including but not limited to improved skills training and education.

"(b) The Secretary shall enter into an agreement with the National Commission for Employment Policy to conduct research and evaluation of methods for effective worker adjustment. The Secretary shall report annually to the Congress on the findings resulting from the agreement entered into under this section.".

(b)(1) Section 305 of the Act is amended by—

(A) striking out "SEC. 305." and inserting in lieu thereof "(b)"; and

(B) by inserting after the section heading the following:

SEC. 305. (a) Each State shall prepare and submit to the Secretary a State plan of the activities which the State will carry out in the succeeding fiscal year. The plan required by this subsection shall be submitted at such time as the Secretary specifies, and shall contain such information as the Secretary may reasonably require.".

(2)(A) The heading of section 305 of the Act is amended to read as follows:

"PROGRAM PLANS AND REVIEW"

(B) Item "Sec. 305." of the table of contents of the Act is amended to read as follows:

"Sec. 305. Program plans and review.".

(c) The table of contents of the Act is amended by adding after item "Sec. 171." the following new item:

"Sec. 172. Federal dislocated workers unit.".

SEC. 303. ESTABLISHMENT OF STATE DISLOCATED WORKERS UNIT.

Section 303(a) of the Act is amended by striking out "Financial" and inserting in lieu thereof "Subject to the reservations under the provisions of subsections (c) and (d), financial".

"(c)(1) Each State shall from financial assistance provided to that State in any fiscal year reserve an amount not to exceed 5 percent of the amount available to the State under this title for that fiscal year to establish and operate a State dislocated workers unit.

"(2) The unit established and operated from the amount available for this subsection shall have general authority to—

"(A) respond immediately to large scale layoffs, terminations, and including especially terminations of employment resulting from permanent closure of a plant or facility;

"(B) establish and operate an information gathering and notification system designed to facilitate the notification by employers of permanent closure of any plant or facility within the State;

"(C) provide appropriate information and assistance to both employers and employees subject to such a permanent closure; and

"(D) facilitate rapid and necessary services to dislocated workers affected by such a closure.

"(3) Each State unit assisted under this subsection shall coordinate activities conducted by the unit with the State job coordinating council established in that State pursuant to section 122 and with the appropriate regional office of the Department of Labor.".

SEC. 304. BASIC SKILLS EDUCATION.

Section 303 of the Act is amended by adding at the end thereof the following new subsection:

"(d) From the amounts available to each State under this title for each fiscal year each State shall reserve, in addition to amounts reserved pursuant to subsection (c) of this section, an amount not to exceed 3 percent of such amount in each fiscal year in order to carry out the provisions of this paragraph, relating to the furnishing of basic skills education. From the amount reserved by each State and available under this subsection the State shall conduct basic skills education programs for displaced workers assisted under this title.".

SEC. 305. JOINT LABOR-MANAGEMENT TRAINING PROGRAMS.

(a) Title III of the Act is amended by adding at the end thereof the following new section:

"JOINT LABOR-MANAGEMENT TRAINING PROGRAMS

"SEC. 309. (a) From amounts allotted to a State in each fiscal year under section 301, or otherwise available to a State under this title, the State, through the State dislocated workers unit, may establish joint labor-management training programs.

"(b)(1) Funds available under this section may be used for grants to labor-management committees. Each such committee, desiring to receive a grant from a State's dislocated workers unit shall submit an application to that unit.

"(2) Each such application shall provide assurances that—

"(A)(i) the committee was established by a voluntary cooperative agreement, between the employer and the employees employed at or operating out of a single site, and

"(ii) the employer has certified that it will comply with the terms of such agreement;

"(B) the committee does not have, as one of its purposes, the discouragement of the exercise of rights contained in section 7 of the National Labor Relations Act (29 U.S.C. 157) or the interference with collective bargaining in any plant or industry;

"(C) a description of any arrangements that have been made with the administrative entity for a service delivery area in the vicinity for the purpose of—

"(i) obtaining information concerning (and improved access to) educational and training services available in the locality, such as institutional skill training, on-the-job training, training programs operated by employers or labor organizations, or on-site, industry-specific training supportive of industrial or economic development;

"(ii) providing, through the service delivery area, local providers of education and training with information concerning the needs of the committee for their services; and

"(iii) assessing such training and educational needs, providing information and recommendations regarding such needs to local educational and training service providers, and matching such training needs to the programs available.

"(3) For purpose of programs under this section, an eligible worker is a worker who is or may be at risk of losing employment because of skill obsolescence or because of a modernization or other production adjustment program which his or her employer is undertaking in order to remain or become competitive in international markets, or because of plant closing or large-scale lay-off.

"(c) A labor-management committee may use funds under this section to provide to or obtain for eligible workers any one or more of the following services:

"(1) early warning adjustment services in the event of mass layoffs or plant closings including such services as personal and financial counseling, referral to community services, career counseling, job search assistance, job development, retraining, and relocation assistance;

"(2) aptitude testing and career counseling;

"(3) on-the-job training;

"(4) institutional training;

"(5) tuition assistance;

"(6) upgrading of skills; and

"(7) education, including basic skills and literacy training as well as more advanced education intended to increase the proficiency and adaptability of workers in a changing work environment.

"(d)(1) Nothing in this section shall be construed to affect the terms or conditions of any collective bargaining agreement, whether entered into before or after the date of entry into an agreement under subsection (b).

"(2) No money or other things of value provided by an employer to a committee pursuant to this section shall be held to be a violation of paragraph (1) or (2) of section 302(a) of the Labor Management Relations Act, 1947, or section 8(a)(2) of the National Labor Relations Act.".

(b) The table of contents of the Act is amended by adding after item "Sec. 308." the following new item:

"Sec. 309. Joint labor-management training programs.".

SEC. 306. STATE REPORTING REQUIREMENTS.

(a) Title III of the Act (as amended by section 305) is further amended by adding at the end thereof the following new section:

"STATE REPORTING REQUIREMENTS; TECHNICAL ASSISTANCE

"SEC. 310. (a) No later than October 1 of each year, each State administering programs pursuant to this title shall submit a report to the Secretary of the activities of such programs performed in the preceding fiscal year which shall include—

"(1) a summary of the activities such State engaged in pursuant to section 303;

"(2) the relative amount of resources and funds which were used for each such activity from the available resources and funds for all such activities; and

"(3) recommendations and procedures to provide for a more equitable use of funds for vocational skills training.

"(b) The Secretary shall, upon application by a State, furnish technical assistance to that State in the implementation of the employment and training assistance program authorized by this title, designed to assure a more successful placement record for dislocated workers.".

(b) The table of contents of the Act is further amended by adding after item "Sec. 309." (as added by section 305) the following:

"Sec. 310. State reporting requirements; technical assistance.".

SEC. 307. STUDY ON BENEFIT PORTABILITY.

The Secretary of Labor shall, within 6 months after the date of enactment of this Act, commence a study of methods of implementing portability for pensions and health benefits for dislocated workers. Such study

shall also evaluate the benefits of providing early retirement benefits without penalty for older dislocated workers. A report on the study conducted under this section shall be submitted to the Congress not later than 18 months after such date of enactment.

SUMMARY OF DISLOCATED WORKERS IMPROVEMENT ACT OF 1987, SENATOR HEINZ, SENATOR ROCKEFELLER

1. Financing: Imposition of a small, uniform duty on all imports, capped at one percent of value, to fund worker readjustment programs (Trade Adjustment Assistance, Dislocated Workers Assistance). Fee must provide sufficient funding for the programs—anticipated at $1 billion.

2. Unemployment Compensation for Dislocated Workers: Workers enrolled in job training shall be eligible for ten weeks additional unemployment compensation, above the normal 26 weeks' of state-paid compensation, payable from the Federal Unemployment Compensation Trust Funds.

3. Improved Services to Dislocated Workers: The states shall establish Dislocated Workers Units (DWU) which shall set aside funds to respond immediately to plant closings and mass lay-offs, to provide improved basic skills training to displaced workers, and to assist in the design and implementation of state-wide worker assistance programs; States may fund labor-management committees to assist workers with retraining and skills development in plants which are threatened or are modernizing; The Department of Labor shall establish a Dislocated Workers Unit to provide technical assistance to the states in improving skills training and response to plant closings. The Federal Dislocated Workers Unit shall establish performance guidelines for state programs, and report annually on methods to improve worker skills.

The PRESIDING OFFICER. The gifted and talented Senator from West Virginia, Senator ROCKEFELLER, is recognized.

Mr. ROCKEFELLER. I thank the Chair.

Mr. President, I join my distinguished colleague from Pennsylvania, Senator HEINZ, in introducing the Worker Adjustment Improvement Act of 1987. I would point out that Senator HEINZ has been working on this and other matters related to this problem now for many years. His and my bill proposes to speed up, strengthen and reform the major Federal program to assist dislocated workers.

Our country is sadly neglecting an important segment of our population: men and women who have lost their jobs due to factors far beyond their control such as competition from imports, mechanization, and other economic changes. These displaced workers have frequently been with the same company or in the same industry for many years. They have been supporting families, paying mortgages, and hoping to send their children to college. Most importantly of all they want to work again and remain productive, tax-paying citizens.

The problem is that the demands of today's employers are very different from the time when many dislocated workers entered the work force. Fifteen or twenty years ago, when a young West Virginian looked for a job, his options were the coal mines, the steel plants, the glass companies, and other forms of manufacturing throughout the State. That worker did not necessarily need to know how to read with particular skill, and he certainly did not have to be "computer literate." Now, when the mine shuts down or the steel mill closes, he may find himself with skills that are no longer wanted or useful. With 94 percent of America's new jobs being created in the service sector, many displaced workers must have additional education or training if they stand any chance to qualify for positions which pay at anywhere near the salaries to which they have been accustomed.

Mr. President, we must act quickly and forcibly to enable our experienced but displaced workers to reenter the work force. As it is now, the two major Federal programs for dislocated workers serve only 5 percent of this population. With $30 million allocated for training under the Trade Adjustment Assistance Program and $200 million for title III of the Job Training Partnership Act this fiscal year, the resources don't exist to equip dislocated workers with the education, skills, or training they need to become productively reemployed. Out of an estimated 1.7 million dislocated workers, only about 220,000 were helped last year through these programs.

This is not a time when we can dramatically expand a Federal program out of general revenues. In the Worker Adjustment Improvement Act, Senator HEINZ and I, instead, propose an import surcharge of less than 1 percent—more likely to be 0.3 percent—to generate at least $1 billion for dislocated workers assistance. The same idea has been proposed for the Trade Adjustment Assistance Program, and in that context, received widespread support in both the Senate and the House during the 99th Congress. Senator HEINZ and I hope to convince our colleagues that if we are to approve the import fee as a source of revenue for TAA, we should raise enough funds to assist all workers who have lost their jobs as a direct or indirect result of changes in trade, international competition, or other factors that they cannot help.

The Worker Adjustment Improvement Act draws on recommendations made by business, labor, and government leaders concerned about this problem. Rather than call for the creation of a new government program, we propose additions and reforms in JTPA's Dislocated Workers Program—title III—to make the program more effective. Our bill has provisions for Federal and State "rapid response teams," as the Senator from Pennsylvania pointed out, in order to reach workers before, or right after losing their jobs, not 6 months later or 1 year later when it might be too late; for supporting labor-management committees to coordinate the full array of adjustment services at or near the plant site; for providing 10 weeks of extended unemployment benefits after their State benefits have been exhausted, to enable workers to afford to complete their classes or job training programs; and for targeting a portion of each State's funds for basic skills instruction, in order to ensure that those who need help in reading, writing, and computation get it.

As Senator from a State with a disproportionate amount of the Nation's displaced workers, I hope Congress will act swiftly and boldly to address the needs of this segment of our population. We owe displaced workers more and better assistance in becoming reemployed, and we should face up to the fact that the United States doesn't come close to matching the efforts of other industrial countries in this area.

Mr. President, assistance to dislocated workers will not solve our trade and competitiveness problems. Comprehensive trade legislation is needed to open foreign markets, crack down on unfair trade practices, and provide our industries trade relief that will keep them modern and competitive. Key investments in education at all levels and in research and development must be made now to prepare for the future. But, in my view, and that of the Senator from Pennsylvania, one of the components of sound trade and competitiveness legislation must be a broad, adequate funded worker adjustment program.

Finally, knowing that others are developing proposals to deal with the problem of dislocated workers, I want to express my desire to work with all interested parties inside and outside of Congress in enacting final legislation in this area. Today, Senator HEINZ and I are presenting what we think is an approach that would solve the major problems in the existing dislocated workers program, and provide far better services to workers who have been, or will be displaced. There are other ideas that will emerge and deserve support. I hope my colleagues will seriously consider the Worker Adjustment Improvement Act, and join us by cosponsoring this bill and by enacting a major effort to put the country's displaced workers back to work.

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 12 noon, with statements therein limited to 3 minutes each.

The PRESIDING OFFICER. The highly respected Republican leader is recognized.

Mr. DOLE. I thank the distinguished Presiding Officer.

BRYCE HARLOW

Mr. DOLE. Mr. President, I take this time because I have just learned this morning that we have lost one of the most dedicated public servants that I have ever known—Bryce Harlow. He passed away this morning at Arlington Hospital after a lengthy illness.

Bryce Harlow was quite a man—a political activist who spent a lifetime in service to his country. He was an adviser to Presidents—both Republican and Democrat. In fact, they tell me the story about Bryce that one day he had the President on the phone and there were two former Presidents holding, waiting to talk with Bryce Harlow. He was an outstanding public servant who came from the State of Oklahoma. Bryce Harlow never hesitated to offer his services when problems on Capitol Hill or the White House seemed too big to solve.

Bryce was a lifelong Republican who understood that the good of the country always came first. And he practiced what he preached throughout his brilliant career in Washington: He was a bright and skilled professional, a superb writer, a gifted speaker, and a trusted friend to the many people who were lucky enough to have known him; and that includes this Senator.

In fact, I could recite a number of cases where I had a particularly difficult dilemma when I turned to Bryce Harlow for his counsel and advice. And, on every occasion, he was more than willing. In fact, the record will show some day precisely what he did in many areas just to help this one Senator.

I know that my colleagues join me today in mourning the passing of this good man and in sending our prayers and thoughts to his family.

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

Mr. DOLE. I yield.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the period of morning business might be extended for approximately 7 minutes.

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

BRYCE HARLOW

Mr. MOYNIHAN. Mr. President, the distinguished minority leader spoke of Bryce Harlow as a lifelong Republican and with affection, but with a fierce determination to set this matter right I rise to report that until the late 1940's he was a most vigorously assertive and loyal Oklahoma Democrat. But Democrat or Republican, he was in every sense an American, and an American whose special grace it was to provide advice and counsel to every President of the United States from Dwight D. Eisenhower forward, and did so with the deepest understanding of the responsibility which his particular openness and sweetness of character gave him, and imposed upon him, since the characteristic of kindness and sweetness drew Presidents to him to seek his advice. And he did not take that opportunity to avoid responsibility in what he said.

I recall the occasion—would it be, yes, 18 years ago—when he and I were, on the same morning, sworn into the Cabinet of President Nixon. He came to the podium in what we have come to know as the Roosevelt Room. He looked out at the press corps, watching, waiting, he paused a moment and said, "I was born in a drought."

And indeed, that sort of nice sense of self-deprecation and place, Oklahoma in 1916, never lost him as did the understanding in a sense that it reflected the recurrence of adversity in the world, and indeed, to prevail—not always to triumph, but simply to prevail. Triumph was never his concern. Principles were his concern, and the principles of self-government and the responsibility of those in power.

I have seen him in the cabinets that we served in together. And in circumstances of great privacy, great strain, great drama and trauma, I never heard him utter a dishonorable or mean thought. He had very simple notions about the Presidency. He served best when he served most openly, and it was most open when he best understood the issues before him. And Bryce Harlow would begin with what did the President know and how much more does he need to learn before he can feel free to be open, and when he is, will he have some sense of the response from the Congress?

He was very much in demand in Congress. After service in the Second World War, he was on the staff of the Armed Services Committee, having earlier been an assistant librarian of the House of Representatives. He went from the Congress to President Eisenhower's staff. Such was his quality, he was the first person President Nixon appointed when becoming President-elect. President Ford brought him back. He continued, with ever greater affection, with an ever relevant sense of how special a person he was.

The Senate does, through our majority leader, express our sense of laws to that man whose personal calling, as it were, was to bring the views of the President to the Congress and those of the Congress to the President. That is what he did under President Eisenhower, President Nixon, President Ford, President Carter, and marginally, because of his health, in the present administration. But in that case he was very handsomely succeeded by his son, who evidently was also born in a drought and who is to be seen faithfully in our corridors in much that position of gentle form, to certainly let him know what we think and on occasion let us know what the President thinks.

With respect to the party system, Bryce Harlow had that great binding sense of stability of it all, that we just were not too entirely serious.

Shortly after President Reagan's triumphant victory in 1980, he was asked did he think the Democrats were finished. No, he said, "Both parties will win again in spite of themselves."

Mr. President, with his passing, we are very much left to ourselves, but largely because of his time with us we know better our duties and perhaps can better perform them.

I might close by giving a line of Yeats who once said of a man that he was blessed and had power to bless. So I will describe Bryce Harlow. May he rest in peace.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Senate Resolution 400, 94th Congress, and Senate Resolution 4, 95th Congress, appoints the Senator from Ohio [Mr. METZENBAUM] to the Select Committee on Intelligence, in lieu of the Senator from Vermont [Mr. LEAHY], resigned.

SENATOR BILL BRADLEY

Mr. BYRD. Mr. President, tomorrow, February 18, will mark the third anniversary of the day the professional basketball team, the New York Knicks, honored our colleague, the senior Senator from New Jersey, BILL BRADLEY, by retiring his uniform in a special ceremony at Madison Square Garden.

Being from a State that has produced outstanding professional basketball players such as Jerry West and Hal Greer, I can appreciate the significance of such an occasion. I know it must have meant a lot to the Senator personally, and to his family.

But I would like to point out that the Senator's skills were recognized long before he played professional basketball.

Twenty-two years ago, the widely read and respected sports magazine, Sports Illustrated, carried a story on the Senator while he still was an undergraduate at Princeton University. Permit me to read from that article which appeared in 1965:

> Bill Bradley seems too good—and too much—to be true. He is the best college basketball player in the world * * * he is studious, religious, ambitious, popular and respected by his peers; he is trustworthy, loyal, helpful, courteous—he is in short,

Jack Armstrong and might also be Horatio Alger.

Those of us who have worked with the senior Senator from New Jersey for the past several years have witnessed his admirable qualities at close range.

But what we might not have known was that this article which appeared 22 years ago also said the following about of the person it called the "best basketball player in the country":

Because of his forensic aptitude and his qualities of leadership, it has been suggested that he already has his dark eyes on * * * (A) Senate seat.

Perhaps he did, but 2 years as a Rhodes Scholar at Oxford, and then 10 years as an outstanding professional basketball player for the New York Knicks, came first.

Sports Illustrated, however, sure scored a basket itself in that article when it went on to say:

They are going to be writing about this young man for years to come—and not just about the way he dribbles a basketball.

I want to congratulate the senior Senator from New Jersey on his well deserved sports honors, and acknowledge that if professional sport is poorer for his departure, the Senate is richer.

RECESS UNTIL 2 P.M.

Mr. MOYNIHAN. Mr. President, I suggest that time for morning business having expired, the Senate might stand in recess until the hour of 2 o'clock, if there is no further business of the Chair.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until the hour of 2 p.m.

(Thereupon, at 12:07 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SIMON).

ARMS CONTROL NEGOTIATIONS WITH THE SOVIET UNION

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will now proceed to the consideration of Senate Resolution 94 which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 94) concerning arms control negotiations with the Soviet Union.

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The time on the resolution is limited to 40 minutes to be equally divided and controlled by the Senator from Rhode Island (Mr. PELL), and the Senator from North Carolina (Mr. HELMS).

Who yields time? Does the Senator from Iowa seek recognition? Who yields time?

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I yield 3 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the distinguished Senator for yielding his time to me to make a couple of comments on the pending resolution, Senate Resolution 94, concerning arms control negotiations with the Soviet Union.

I have decided to support this resolution for two reasons: It reminds the Soviet Union about the kind of nuclear arms reduction agreement which the U.S. Senate would like to see negotiated; and it reminds President Reagan of his need for close consultation with this body on constructing such an agreement. However, my vote for this bill will be a reluctant vote and I want to explain why.

Paragraph 5 of this resolution makes the point that Soviet violations of existing arms control agreements—such as their construction of a large, phased-array radar at Krasnoyarsk—are "an important obstacle" to achieving new agreements. Most experts agree that this radar is a clear violation of the ABM Treaty and I think we all agree that the Soviets should be held accountable and that dismantlement of the radar would improve prospects for arms control. There is disagreement, however, over the potential military significance of Krasnoyarsk.

Can there be any disagreement about the significance of the President's star wars plans for the ABM Treaty? The treaty explicitly banned that which star wars seeks to make possible. Yet, Senate Resolution 94, "concerning arms control negotiations with the Soviet Union," offers loud silence on the most obvious threat to the most significant arms control agreement ever achieved between our country and the Soviet Union.

The 1972 ABM Treaty was negotiated by a Republican administration and ratified by a Democratic Senate. A two-thirds majority of this body felt then that the treaty would prevent a destabilizing arms race in strategic defensive systems. History has so far vindicated that judgment. Nonetheless, the Reagan administration seems bound and determined to wriggle out of the ABM Treaty.

First, President Reagan said that star wars was just a research program that would allow some future President to decide on whether to proceed to deployment. Then he said that a 2-week review of the treaty record had revealed that we could actually develop and test space-based ABM systems based on exotic technologies right now, reversing the collective wisdom of 13 years. Now we learn from the Secretary of Defense that we can deploy star wars much earlier than we thought possible, even though Congress has cut $2.7 billion from administration requests and in spite of the setback to United States space-lift capabilities from the *Challenger* tragedy.

If the 100th Congress wishes to send a signal concerning arms control, I think it should include a reminder that the ABM Treaty is the law of the land, that the ABM Treaty is of indefinite duration, and that article XV of that treaty provides for unilateral withdrawal only if a party "decides that extraordinary events * * * have jeopardized its supreme interests." This is a message which needs to be understood at the White House as well as at the Kremlin.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. Mr. President, I yield myself 2 minutes.

Mr. President, I support this resolution, which was initiated by the distinguished majority leader Mr. BYRD and the distinguished minority leader Mr. DOLE, in consultation with the leadership of the Committee on Foreign Relations and others.

I believe that the resolution represents a strong statement of Senate support for success in the Geneva negotiations. At the same time, it underscores the importance of efforts by each side to try to resolve differences and achieve an agreement that will stand the test of Senate and public scrutiny.

As the resolution states, the Senate does not want "agreements for agreements' sake." I trust that the President and his advisers will avoid such a pitfall. At the same time, however, we should not let prudent caution be used as an excuse for lack of achievement. We need to be both prudent and alert, so that we can seize those opportunities which arise. While pressures of time must not force a bad agreement, we should be mindful of the threat that time will continue to pass with no agreement. The lack of new arms control agreements is a problem of increasing urgency as time passes.

Mr. President, I was recently looking over a copy of Arms Control and Disarmament Agreements. I was struck by the fact that I was reading a 1982 edition. It is a sad, sad commentary on the present state of affairs that the 1982 edition remains up to date. I hope that the administration appreciates the bleak fact that every administration of the modern era except this one has carefully constructed arms control agreements to its credit.

No administration wants to achieve bad agreements. But fear of failure

should never be allowed to thwart honest, dedicated efforts. Working in united effort, as I believe this resolution envisages, it should be possible to bring about successes in Geneva which will be seen as significant. We do not want to set our sights on anything less.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, how much time does the distinguished Senator from Wisconsin wish?

Mr. PROXMIRE. Mr. President, will each leader yield me 6 minutes?

Mr. HELMS. Certainly.

Mr. PELL. Yes.

Mr. PROXMIRE. Mr. President, I thank the distinguished leaders.

WHY THE SENATE SHOULD NOT APPROVE THE REAGAN ARMS CONTROL POLICY

Mr. President, this Senator may be the only Member of this body to oppose this resolution. The resolution has the support of both the majority leader and the minority leader and the chairman and ranking member of the Foreign Relations Committee. I respect and admire each of these distinguished leaders. They are not only fine Senators. They are strong and effective leaders. But on this resolution they are wrong, wrong, wrong. I ask my colleagues to read this resolution before we vote on it. What does the resolution provide? In its very first resolved clause it expresses full support for the President's arms control negotiations with the Soviet Union.

What is wrong with that? Everything. Mr. President, let us face it. As I have said before, this administration is to arms control what Mayor Marion Barry is to snow removal. This administration is the Chicago Cubs of arms control. Think of it. In more than 6 years the administration has not negotiated a single, significant agreement with the Soviet Union to advance arms control. Here is the first administration since the dawn of the nuclear age that has made no progress on nuclear arms control. It is worse, much worse. This is the administration that has gutted the limited but constructive progress in arms control made over the past 30 years. Back in 1963 our country signed and this body overwhelmingly ratified a treaty that promised to negotiate a comprehensive future treaty with the Soviet Union to stop nuclear test explosions. This administration has flatly refused even to begin such negotiations. It has refused in the face of abstention from nuclear weapons testing by the Soviet Union since August 6, 1985. That is not all. It is still worse. When this administration took office there were two major treaties between the two superpowers that effectively limited nuclear weapons. One was the ABM Treaty signed by President Nixon in 1972 and ratified by this body by an overwhelming 89-to-2 vote. It was a permanent treaty. The Nixon administration achieved this agreement after years of strenuous efforts to persuade the Soviet Union to change its long-term commitment to an antiballistic system. The treaty was specially vital because it not only stopped a defensive nuclear arms race. It halted an offensive nuclear arms race that would be the sure and certain product of the deployment of antimissile system, that is, the SDI. So what has the Reagan administration done to the ABM Treaty? It has made the ABM Treaty target No. 1. The No. 1 military priority of this administration as we all know is the strategic defense initiative, or star wars. And what would SDI do? It would create the very ABM system that the ABM Treaty was negotiated to stop.

Where does that leave arms control? It leaves SALT II. The Second Strategic Arms Limitation Treaty of 1979 is the one remaining major treaty restraining the offensive nuclear arms race. It was never ratified. It expired on December 31, 1986. The President could have kept it alive by Executive order. He could have renegotiated it. But has chosen to explicitly and consciously give it the coup de grace by deliberately exceeding the limits specified in the expired treaty. SALT II is on the way to the cemetery.

And what is left of arms control negotiations?

The specter of SDI haunts any future negotiations for arms control that means anything between the superpowers. As long as we proceed sled length to deploy SDI as the administration has declared it intends to do, there can be no negotiations that have any meaning in restraining arms.

So, Mr. President, there is no way this Senator can vote to approve this resolution commending President Reagan on his arms control stance. Oh sure, the resolution has some honeyed words calling for the achievement of nuclear arms reduction. But it puts this body on record in favor of the arms control record of an administration that has destroyed the only significant agreements between the two superpowers. So the United States and the Soviet Union face each other, with our two massive arsenals, in the most dangerous age in human history. Can we approve a resolution that approves this appalling policy? Here is an emphatic and fervent: No.

Mr. President, I thank my good friends, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I yield myself such time as I may require, with the understanding that if other Senators come to the Chamber and seek time, I will interrupt my remarks.

WHY ARMS CONTROL NEGOTIATIONS WITH THE SOVIETS ARE A DELUSION

Mr. President, I sincerely wish that equitable, balanced, stabilizing effectively verifiable arms control treaties with the Soviet Union are possible. All the world yearns for international stability and peace.

All of us do. All the world yearns for international stability and peace. I am in that category. I, too, seek a more peaceful and secure world, where our freedoms and liberties are assured, and we can all worship God in our own diverse ways.

But I am opposed to this well-meaning Resolution On Arms Control Negotiations with the Soviet Union for several reasons. The resolution perpetuates the unreasonable delusion that the arms control negotiations process so far has increased American national security. The overwhelming weight of evidence in our historical experience with arms control is that the negotiating process and the resulting treaties have harmed American security and endangered world peace. The main reason that arms control has not served American security interests is that atheistic Soviet Marxist-Leninist ideology is totally incompatible with the equitable, balanced, stabilizing, effectively verifiable arms control Americans so earnestly and rightly seek.

I am opposed to this resolution because it condones Soviet SALT violations, it does not call for equal levels of forces, and it fails to preserve the survivability of United States forces.

Mr. President, I will present my detailed objections to this resolution, more as a matter of record than anything else. I want to to be understood why I am taking the position that I am taking.

THE SOVIET SALT BREAK OUT BUILDUP VIOLATIONS

First, Mr. President, it is my opinion that this resolution actually condones Soviet violations. In section 4 the resolution declares that "an important obstacle to the achievement of acceptable arms control agreement with the Soviet Union has been its violations of existing agreements. . ." This statement, while entirely accurate, does not go nearly far enough in addressing the military and diplomatic implications of the Soviet SALT violations. It only calls them an "important obstacle." They are more than that.

The Soviet violations of the SALT and other arms control treaties have been expanding before our very eyes in scope, scale and seriousness over the last 4 years. This expanding pattern of Soviet SALT violations has been confirmed in five reports to the Congress by the President, and another report

is over due and I understand will soon be forthcoming.

The first report contained only 7 Soviet violations, while the fifth report contained 22 violations, or over 50 violations, depending on how categories are counted. Hence, there was an expanding pattern. By my count, the President has confirmed 37 Soviet SALT violations alone, and he has also confirmed 124 Soviet nuclear weapons test ban violations. Including Presidential confirmation of Soviet violations of the Kennedy-Khrushchev agreement and chemical and biological warfare bans and the United States-Soviet Summit agreements since World War II, there have been over 175 Soviet violations.

And this total does not even include the 250 Soviet security treaty violations confirmed in 1957, 1959, and 1962 by the United States Senate Judiciary Committee, which occurred since the 1917 Bolshevik Revolution.

This expanding pattern of Soviet SALT violations can only be characterized as a Soviet break out from SALT and arms control. A break out from arms control constraints means a Soviet casting aside of the obligations and the appearance of compliance with arms control treaties. Even before the first Presidential Report on Soviet SALT violations of January 1984, I stood on this floor and pointed out Soviet SALT break out, time and time again. This was as long ago as September 1983, just after KAL flight 007 was premeditatively, intentionally, and murderously shot down to mask a Soviet SALT violation.

Mr. President, the Chairman of the Joint Chiefs of Staff reported to Congress on October 17, 1986, that:

> The most insidious impact of Soviet violations is that we now have an asymmetrical arrangement; Moscow can violate when it chooses, but Washington is expected to abide by the letter of the agreement. This seems to me to destroy any incentive for the Soviets to comply with future arms control regimes or for that matter to negotiate a new agreement unless the United States makes inequitable concessions.

Mr. President, those are not the words of JESSE HELMS. Those are the words of the Chairman of the Joint Chiefs of Staff as of last October 17.

I strongly agree with Admiral Crowe that because the United States has so far condoned the Soviet SALT violations—and that is what it amounts to—this United States tolerance has destroyed any Soviet incentive for negotiating a new treaty.

Why don't the Soviets have any incentive to agree to a new treaty? I will tell you why. Because the Soviets seek strategic superiority over the United States. The Soviets have used their SALT break out violations to achieve overwhelming strategic offensive and defensive superiority over the United States. This superiority was the direct purpose and result of the Soviet violations.

President Reagan has acknowledged this Soviet military supremacy at least eight times since 1982, and the Joint Chiefs of Staff and the Strategic Air Command have testified to Congress that the United States lost parity to the Soviets in 1980. Despite our rhetoric, we have been getting further behind ever since.

Therefore, Mr. President, I believe that all arms control negotiations should focus first upon reversing these Soviet SALT break out violations. Until these violations are reversed and corrected, the United States should refuse to discuss reductions with the Soviets. This is because reductions will be impossible for the Soviets to agree to anyway, unless they first stop their break out offensive and defensive buildups in violation of SALT. American willingness to discuss reductions with the Soviets in the face of their SALT break out strategic buildup is not only unreasonable, but it is dangerous because it condones and thereby encourages the Soviets to continue their violations.

U.S. RETREAT FROM THE JACKSON AMENDMENT: EQUAL LEVELS OF FORCES

Second, Mr. President, this resolution does not call for equal levels of forces. The resolution calls for negotiations leading only to a new "equitable" arms control treaty. This is fine as far as it goes. But the law of the land on American arms control objectives is the Jackson amendment to SALT I in 1972, in Public Law 92-448, enacted overwhelmingly by Congress under the leadership of our late able and distinguished colleague Senator Henry "Scoop" Jackson, of Washington. The Jackson amendment explicitly calls for "equal levels of forces" with the Soviets in any new arms treaty.

I must point out that it will be very difficult indeed to achieve the Jackson amendment's objective of "equal levels of forces" with the Soviets in any new treaty. This is because the Soviets have already achieved massive superiority through their SALT break out buildup violations. The Soviets have used the arms control negotiating process to restrict American strategic forces, while at the same time deceptively masking their thrust to strategic superiority. 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 negotiating process. Their negotiating deception coupled with their operational camouflage, concealment, and deception, and their SALT break out buildup violations, all combined to enable the Soviets to achieve overall strategic superiority even with and despite "arms control."

As Defense Secretary Weinberger has stated, "we now confront precisely the situation that the SALT process was intended to prevent." The Soviets will therefore indeed be reluctant to give up their strategic advantages in any new arms treaty, which they have already achieved using the SALT process for their own unilateral strategic advantage.

These strategic advantages are the only means by which such a backward, atheistic, and totalitarian state as the Soviet Union has achieved superpower status. Under the current SALT I ABM Treaty and the expired SALT I and SALT II arms control agreements, the Soviets have achieved precisely the objectives that we had sought to prevent by entering into the treaties in the first place. No one can seriously argue that the Soviets will willingly abandon the capability to disarm the United States in a counterforce first strike, and blackmail us with this awesome threat. The Soviets have invested such enormous economic and political capital in just this massive offensive first-strike and nationwide ABM defense capability that they will not reduce it or give it up easily.

I do not always agree with Secretary of State Shultz, but he correctly stated that "arms control simply will not survive in conditions of inequality."

It is therefore a delusion for the West to believe that the Soviets will agree to reductions in their nuclear armaments, without first reversing or correcting their SALT violations. It is even more of a delusion to believe that the Soviets would agree to reductions to "equal levels of forces," because to do so would require them to give up the massive advantages they have achieved through their SALT break out buildup violations. Equality, stability, and balance is contradicted by their Marxist-Leninist ideology, and by the military doctrine and diplomacy that is dictated by this ideology. Soviet military doctrine requires absolute superiority over the United States, and Soviet foreign policy and diplomatic activity relentlessly seeks to achieve this superiority. Thus a new agreement with "equal levels of forces" would require unequal reductions by the Soviets. The Soviets would have to give up many more weapons than the United States. Hence such a new treaty is virtually nonnegotiable. This fact shows just why we must first focus the negotiations on the reversal and correction of the Soviet violations, so as to try to achieve a more equal basis from which to begin reduction to equal levels.

I agree with President Reagan, who 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.

There is yet another impediment to the achievement of equal levels of forces in any new agreement. The Soviets also know that the United States has already conceded to them the crucial American principle of equal levels of forces, not only through our long coverup and toleration of their SALT violations, but also by explicit American agreement to unequal levels of forces. In September 1982, the United States and the Soviet Union exchanged secret diplomatic notes which granted the Soviet Union the right to have 2,504 intercontinental missiles and bombers, under the SALT II "interim restraint, no undercut" regime.

It is noteworthy that 2,504 was the number that the Soviets had when they signed SALT II in June 1979. In consummating this secret agreement, however, the United States did not insist upon or achieve Soviet agreement to the reciprocal American right to have an equal level of forces, that is, 2,504 intercontinental missiles and bombers for the United States. We retained only the right to keep our existing level of approximately 1,850.

Thus the United States forfeited equal levels of forces in 1982. This unreported, secret agreement was, in my judgment, a violation of the Case Act that all executive agreements be reported to the Senate, and also a violation of the Jackson amendment. By explicitly agreeing to unequal levels of forces we may have forfeited equality in arms control for all time, because so tenacious an adversary as the Soviets will never give us back something once we have given it up. The Soviets well understand our concession to them of such a fundamental principal as a clear sign of our weakness. Indeed, it is a sign to them that their strategic advantages pay off and give them the ability to engage successfully in nuclear blackmail. This American concession was a grave setback for our national security, and also for arms control or reductions based on equality. This perhaps explains why the State Department did it in secret.

But the Soviets have gone on to deploy even more forces since 1982. The Soviets are 69 to 225 to almost 2,000 intercontinental missiles and bombers above even the 2,504 unequal level they had in 1979 and 1982, depending on which categories of violations and forces are counted.

Mr. President, I ask unanimous consent that a table of Soviet and United States strategic forces, compiled from official, unclassified sources, be printed at the end of my remarks.

Thus the Soviet buildup provides even more evidence that the Soviets will be extremely unlikely to ever agree to an "equitable" arms control treaty, since the United States long ago formally conceded superiority to them.

ARMS CONTROL MUST RESTORE THE SURVIVABILITY OF U.S. FORCES

Mr. President, a third and related reason why I oppose this resolution is the fact that it raises false hopes with the word "stabilizing." Now we all agree that strategic stability—the absence of a first-strike capability or a nationwide ABM defense on either side—would be beneficial to world peace and security. But now the Soviets have both an overwhelming offensive first strike capability, and also an emerging nationwide ABM capability. It is important to remember the United States SALT I unilateral statement of May 9, 1972, expressing American policy on future arms negotiations:

> The United States Delegation believes that an objective of the follow-on [SALT II] negotiations should be to constrain and reduce on a long term basis threats to the survivability of our respective strategic retaliatory forces . . .

Moreover, the Jackson amendment to SALT I was designed by Congress to embrace and reaffirm the U.S. unilateral statement of May 9, 1972. The Jackson amendment, passed overwhelmingly by both the House of Representatives and the Senate by September 30, 1972, reemphasized that the paramount, most fundamental United States objective in SALT II negotiations was to constrain the Soviet threat to the survivability of American strategic forces. We have strayed a long way from this objective as well.

Despite this American concern over the survivability of our forces, the Soviets have deployed just such a first strike, counterforce offensive capability which gravely threatens the survivability of our deterrent retaliatory forces, according to many authoritative administration and military statements. The Soviets have a 4-to-1 numerical advantage over the United States in ICBM warheads. They have over 8,000 ICBM warheads capable of destroying U.S. hard targets, compared to only 2,000 ICBM warheads for the United States. But when their accuracy and yield advantages are added, they have a 6-to-1 first strike advantage. And when one compares the Soviet force of 8,000 ICBM warheads to the much smaller and much less hardened American target base, the Soviets have an 8-to-1 advantage. This is because there are only about 1,100 United States hard targets for the 8,000 Soviets ICBM warheads to attack.

In contrast, the 2,000 United States ICBM warheads are less accurate and much less explosive than those of the Soviets, but they must try to hold at risk over 3,000 extremely hardened and even deeply buried Soviet targets.

This comparison does not even count the Soviet rapid refire and covert soft launch and strategic reserve capabilities, which doubles the Soviet ICBM force.

Mr. President, the Soviets can thus use only a small fraction of their 8,000 plus ICBM warheads online to almost completely destroy almost all but a tiny number of the United States ICBM force, half of the United States force of SLBM submarines in port at any one time, and three-fourths of the United States strategic bomber force.

Thus, the United States retaliatory deterrent resides in about 60 United States bombers on alert at any one time, which must penetrate the world's most capable air defense system, and about 3 of the 15 or so SLBM submarines on patrol at any one time capable of receiving the launch order from the President, whose 48 missiles must penetrate the emerging Soviet nationwide ABM defense. The survivability of our deterrent of about 1,000 rapid-launch-capable warheads has indeed seriously eroded.

As President Reagan correctly stated last June, "We come now to one of those unique crossroads of history where nations decide their fate. Our choices are clear." The failure of arms control to achieve international security and peace is finally being recognized by American leaders, because of the Soviet SALT breakout buildup.

The resolution in question does not recognize the illogical delusion of arms control, which the Soviets have exploited to achieve their overwhelming superiority. The arms control process so far has not served American national security interests. The process has resulted in a dangerous Soviet superiority, a reversal of the relative United States-Soviet strategic positions since SALT began in 1969, and it has done a positive disservice to American national security.

Mr. President, I agree with the Chairman of the Joint Chiefs of Staff, who reported to Congress on October 17, 1986, that:

> Our best estimates are that, with or without SALT, the qualitative modernization of the Soviets' strategic nuclear attack forces will continue through . . . replacement of virtually all currently deployed land and sea based ballistic missiles and heavy bombers. This Soviet commitment to force modernization will increase the survivability, accuracy, and flexibility of their forces. It was planned and put into action by the Soviet authorities many years ago, long before the President made his 27 May decision" to abandon SALT II as a proportionate response to the Soviet violations.

THE PRESENT DANGER

The strategic situation of the West now is grim indeed. Winston Churchill II stated in 1980 that:

> Viewed from the Kremlin, detente, far from being a process for relaxing tension in

the world, was nothing more than a skillfully, albeit thinly, disguised offensive of Soviet diplomacy, designed to persuade the West to lower its guard, reduce its armaments and accept that the Kremlin's intentions were peaceful and benign while, in reality, they were engaged in the biggest military buildup the world has ever seen. That they were so successful in getting away with their trickery was due in large measure to the lamentable weakness of Western leaders at this time and to their tacit connivance with the Soviets by their failure to tell their own peoples the truth and gravity of the situation for fear it might prove electorally unpopular.

Mr. President, that is why I feel it is better to reject this resolution. Instead of passing nice hortatory resolutions, we need to wake up as a nation and soberly face this grim reality of the Soviet nuclear blackmail capability. The best arms control measure we could pass would be the funding of offensive forces that could be made more survivable, and our own nationwide ABM defense in the form of the President's strategic defense initiative, deployed in the very near term. We must bolster our nuclear deterrent forces in order to preserve peace through strength. As Winston Churchill the senior warned gravely after World War II, which he sought to prevent by deterrence of the Nazis:

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.

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 correctly 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.

Mr. President, I ask unanimous consent that a tabulation entitled Soviet And United States Strategic Nuclear Forces As Of February 1987 be printed at this point in the RECORD.

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

TABLE: SOVIET AND US STRATEGIC NUCLEAR FORCES AS OF FEBRUARY, 1987

Sources: JCS FY 1988 Military Posture Statement, DOD Annual Report to Congress FY 1988, DOD Defense Almanac '86, Congressional Record, various press reports.

I. Soviet Strategic Nuclear Delivery Vehicles (SNDVs)

ICBM's	1,398
Training SS-25's at Plesetsk	20
Newly operational SS-25's	28
Total	1,446
SLBMs	944
Bombers:	
Bear A/B/C	100
Bison	15
Bear H	60
Blackjack	8
Total	183
Totals:	
ICBM's	1,446
SLBM's	944
Bombers	183
Total	[1] 2,573

[1] Soviets are exceeding 3 SALT II overall SNDV ceilings: 2504 (de facto), 2400, and 2250.

Plus:	
4th Delta IV SSBN recently launched	16
5th Typhoon SSBN recently launched	20
Total	2,609
Railmobile SS-24 ICBM's	+5
Total	2,614
Mobile SS-16's	200
Intercontinental Backfire bombers equipped with long range AS-15's covertly	300
DOD Annual Report to Congress fiscal year 1988 p. 55: The Soviets have "the ability to refire many of their ICBMs, and the reloading exercises and procurement of spares to support them" for rapid refire	3,114
SS-25 refires	100
SS-24 refires	+5
SS-16 refires	200
SS-11 refires (estimated)	200
SS-19/18/17 refires (estimated)	400
Total estimated Soviet SNDV's.	4,019

SOVIET VIOLATION OF ALL THREE SALT II SUBLIMITS

1. Soviet sea-trials of the 4th Delta IV SSBN and the 5th Typhoon SSBN reportedly may begin in March or April, 1987, which will put the Soviets at 1,211 MIRVed ICBM's/SLBM's. This exceeds the SALT II sublimit of 1,200 on MIRVed ICBM's/SLBM's.

2. Soviet deployment of 5 plus railmobile MIRVed SS-24 ICBMs puts the Soviets at 823+ MIRVed ICBM launchers, exceeding the SALT II sublimit of 820 MIRVed ICBM launchers. This Soviet deployment occurred in early October, 1986, a month and a half before the U.S. exceeded a SALT II sublimit.

3. Soviet covert Break Out deployment of 3 or more AS-15 long range ALCMs on each 300 intercontinental Backfire bombers puts the Soviets at 1,511 MIRVed missiles and bombers equipped with long range ALCM's, exceeding the SALT II sublimit of 1,320 MIRVed missiles and bombers equipped with long range ALCM's. Alternatively, Soviet deployment of long range (650 kilometers) AS-3 ALCM's on 100 Bear A/B/C bombers, plus 60 Bear H bombers with AS-15 long range ALCMs and 8 Blackjack bombers with AS-15's, would put the Soviets at 1,379, also exceeding the SALT II sublimit of 1,320.

II. U.S. Strategic Nuclear Delivery Vehicles

[Source—DOD Defense 1986 Almanac]

ICBM's	963
Do	10
Total	973
SLBM's	336
Do	192
Total	528
Intercontinental bombers	234
Do	18
Total	252
Total:	
ICBM's	973
SLBM's	528
Intercontinental bombers	252
Total	[1] 1,753

[1] This is the lowest level of U.S. SNDV's since SALT began in 1969.

U.S. VIOLATION OF ONE SALT II SUBLIMIT

With 1,213 MIRVed missiles and bombers equipped with long range ALCM's, the U.S. exceeded the SALT II sublimit of 1,200 MIRVed ICBM's/SLBM's on November 28, 1986, as a proportionate response to 23 Soviet SALT II violations. The U.S. action occurred a month and a half after the Soviets exceeded the main SALT II sublimit, which occurred in early October, 1986.

III. Soviet intercontinental strategic nuclear warheads: 16,522 to 17,225, including refires and reserves.

IV. U.S. intercontinental strategic nuclear warheads: 9,200.

V. ICBM warheads for first strike:
Soviet—8,000 plus.
U.S.—2,000.
U.S. hard targets—1,100.
Soviet hard targets—3,000.

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. HELMS. I thank the Chair.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. ROCKEFELLER. Mr. President, I am pleased to be a cosponsor of Senate Resolution 94 concerning arms control negotiations with the Soviet Union. Few issues come before the Senate which are more critical than controlling the nuclear arms race. This resolution addresses that challenge.

Regrettably, the prospect for superpower progress on nuclear arms control does not appear very bright at present. While we were treated to bold disarmament proposals at Reykjavik, there has been little evident progress in following up on the positive and realistic aspects of the Iceland summit. Instead, we have seen continuing erosion of previous arms control agreements: The SALT and ABM accords.

The broad framework broached in Reykjavik—deep cuts in strategic offensive forces coupled with a 10-year extension of the Anti-Ballistic Missile [ABM] Treaty—formed the basis for a

sound agreement. Unfortunately, recent developments concerning the ABM Treaty threaten to undermine the promise of that framework.

The Reagan administration's interpretation of the 1972 ABM Treaty to allow testing of "exotic" defensive technologies has been disputed by most experts and former negotiators of the treaty. Yet this broad interpretation is necessary if SDI is to be put on a fast track for deployment. Rather than taking the politically contentious path of abrogating or modifying the ABM Treaty, the administration has chosen instead to reinterpret key aspects of that treaty to achieve the same result with less controversy. The real issue is the continuing validity of the ABM Treaty.

Resolution of this dispute will not be achieved by painstaking exegesis of treaty text—it is a political matter that goes to the heart of our national strategic policy. At issue is the fundamental premise of the ABM Treaty: That limitations on offensive weapons require parallel limits on antimissile defenses. The logic behind this premise is that nuclear weapons will not be abolished in a mistrustful world, yet their deterrent role can and must be stabilized through mutual restraint.

Rather than unilaterally weakening the ABM Treaty, the United States should be prepared to clarify ambiguities and allegations of noncompliance at this year's bilateral 5-year review of the ABM Treaty. The Soviet phased array radar at Krasnoyarsk is a clear violation of the ABM Treaty. This resolution rightly urges the Soviet Union to continue adherence to the ABM Treaty by dismantling the Krasnoyarsk radar. But we cannot credibly denounce Soviet violations if we are in the process of unilaterally redefining the treaty's terms to accommodate a fast track SDI.

While we attempt to reach agreement in Geneva on verifiable and stabilizing reductions of nuclear weapons, we should at the same time maintain the modest but important constraints embodied in the SALT accords. Until just a few months ago, the core limits of the SALT II accord has been respected by both sides. But last November the Reagan administration exceeded the aggregate limit of 1,320 MIRV'd launchers and cruise missile-equipped bombers. That decision was ill-advised and should be reversed.

The military advantage in maintaining mutual adherence to the core SALT limits is clear. Under SALT, the Soviets have been required to dismantle 541 missile launchers since 1972, while we have had to dismantle only 48. According to an analysis by the Congressional Research Service, by the end of this year the Soviets would have to dismantle another 306 strategic launchers, while we would have to dismantle 32. Without SALT, the Soviets would be in a position to increase nuclear warheads at a faster rate than the United States.

While imperfect, the SALT agreements offer a modest brake on the arms race. We should continue to abide by the key SALT limits as long as the Soviets do. At the same time, we should be working in Geneva to construct equitable and verifiable reductions to lower levels of strategic nuclear weapons. This resolution resolves just that, and I urge its immediate adoption.

ARMS CONTROL: A MATTER OF THE HIGHEST PRIORITY

Ms. MIKULSKI. Mr. President, I rise in favor of Senate Resolution 94, a resolution expressing the Senate's support for mutual, verifiable, and stabilizing arms control agreements betweeen the United States and the Soviet Union.

The United States has many responsibilities in today's world. America must have adequate defenses to protect Americans from every conceivable threat, whether that threat comes from the Soviet Union or terrorists. The United States also shares much of the responsibility for defending the free world.

But our biggest responsibility as a nation is to make this world safer for all people. The best way to achieve that safety is by reducing the threat of a nuclear holcaust. This resolution expresses this body's relization that arms control agreements are in the best interests of this Nation and the world.

We already have many important arms control treaties on the books. The two that have done the most for our security, the ABM Treaty and SALT II, have been under attack by the current administration.

The ABM Treaty restricts the development of costly, destabilizing defensive systems. Fifteen years ago the leaders of this Nation made the rational decision that limiting the arms race to only offensive weapons was a safer, less expensive path to follow. For the last 4 years, the current administration has been trying to undermine this logic by promoting an ill-conceived, unrealistic strategic defense plan that gives Americans a false sense of hope and a false sense of security.

The ABM Treaty makes this world safer. It limits the arms race, it prohibits destablizing defensive systems, and it saves this Nation's taxpayers billions of dollars. It should be reaffirmed.

SALT II restricts the buildup of offensive weapons. It has in the past limited the growth of Soviet strategic forces. It will in the future require the Soviets to dismantle more strategic nuclear systems than the United States.

The administration condemns SALT II, but offers nothing to replace it. As long as no new agreements are reached, the SALT II numerical limits are the best we've got because they work to our advantage. SALT II make this country safer, and it makes this world safer. Its numerical limits should be reaffirmed.

We must also demand strict compliance with treaty obligations. In this regard, I support the provision in Senate Resolution 94 that calls upon the Soviets to dismantle the Krasnoyark radar, a clear violation of the ABM Treaty.

Mr. President, this Nation has a great many responsibilities. But none are as crucial as ensuring the survival of this planet. I urge the President to acknowledge this reality by making a sincere effort to reach mutual, balanced, stabilizing, and verifiable arms control agreements. Such agreements provide hope for this Nation's future, and the future of the world.

Mr. DODD. Mr. President, 1986 was a checkered year for arms control, but it gave us reason for considerable hope, hope properly expressed in the resolution before us today.

Last September, the chance for a summit seemed as elusive as ever. Following in the tradition of bad timing in superpower negotiations—a tradition that boasts the U-2 incident, the invasions of Czechoslovakia and Afghanistan, and the downing of KAL-007—the provocative frameup of Nicholas Daniloff came at a time when year-old Geneva promises to reconvene should have been bearing fruit.

So it was a welcome and startling surprise when we learned that the President and Mr. Gorbachev had undertaken to meet in Iceland to continue their dialog. It still remains unclear whether Reykjavik represents progress or setback in arms control. The evaluation of that will depend on the way the two leaders can build on the results of Reykjavik, pruning out what was confusing and impulsive and strengthening what was well founded in the initiatives presented there.

But at least the large questions—deep cuts in or the elimination of all ballistic missiles or of all nuclear weapons—had begun to be asked. These are the sort of questions the American people want our leaders to face. These are the questions we as Senators must urge them to explore.

Mr. President, the resolution before us tells our President to keep going, to stay on the path embarked upon in Geneva and advanced along in Reykjavik. It represents a significant national consensus and a well of great negotiating strength. If he decides to pursue arms control with vigor and imagination, he will find great support from both the American people and the U.S. Congress during the closing years

of his Presidential service. I do not know of a single Member in this body who would like to regard the President as a lameduck when it comes to arms control negotiations. This resolution is primarily a pronouncement of support. Second, it is one of encouragement. And third, it is a caveat—a warning to the Soviet Union that questions about violations of current arms control accords, including the ABM Treaty, must be resolved, and that their attempts to divide the United States from her European allies will be neither successful nor wise.

Mr. President, I support this resolution and hope it will receive the support of the full Senate here today. Given the importance of these issues, however, I would add to it my encouragement that the President utilize to the fullest extent all his available bargaining chips in a judicious and constructive way. The resolution appropriately urges the Soviet Union not to condition progress on all arms control to its goals vis-a-vis the strategic defense initiative. However, a rigid posture on President Reagan's part could be equally counterproductive and equally disappointing for all whose hopes so earnestly rest on the success of such talks. As noted by ABM negotiator Gerard Smith, we must search for a way to accommodate both Mr. Gorbachev's fear and President Reagan's dream.

In the past, there has been concern among the American people as well as our allies that this administration has not been dedicated to the cause of arms control. That perception need not persist.

We must never permit our national security to depend solely on outspending our adversaries, or outdeploying our adversaries, or outdoing our adversaries with the kind of technology that only serves to escalate the arms race. By far the most vital and powerful security asset we as a nation have is the vision and courage of our leaders and our capacity to inspire them to pursue that vision in the field of arms control. That is the message the Senate must send to the President by this resolution today. I urge my colleagues to vote for its approval.

Mr. PELL. I yield such time as I may have to the Senator from West Virginia [Mr. BYRD], who is the one who initiated the resolution.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee [Mr. PELL].

ARMS CONTROL IN 1987

Mr. BYRD. Mr. President, the resolution before us reaffirms the strong support of the Senate for the President's commitment to arms control, and for the vigorous pursuit of a tough but fair and verifiable treaty with the Soviets. Negotiations have been underway for nearly 2 years now in Geneva and both sides have put forward a series of complex proposals in a number of areas.

The Senate has been undertaking a continued and indepth review of the negotiations, and consulting regularly with the executive branch. During the 99th Congress, we established a special group of Senators, the arms control observer group, to keep abreast of events and to meet regularly with our negotiators, both here in Washington and in Geneva. That activity is continuing in the 100th Congress. The observer group has been reauthorized and is functioning.

Mr. President, there can be no dispute that the American people and America's allies want this President to succeed in bringing the Soviets into a new arms control regime. It is undeniable that it would be useful to limit the further addition of expensive, redundant, strategic weaponry to our arsenal. We already have two new strategic bombers under development and deployment, and two new strategic missiles—the MX and Midgetman. It is clear that neither power has unlimited resources to pursue further accelerations of the arms race across the board. It is certain that our European allies wish to be frugal, within the bounds of safety and security, on alliance spending on strategic weapons. The predictability and the leveling off of purchases are goals worth pursuing—goals our constituents expect us to fulfill, if it is at all possible to do so while assuring our continued security.

The President, of course, as our full support for these efforts on a bipartisan basis. We want him to succeed.

The President went to Reykjavik. There was no dividing aisle between our parties. When our President sits down with the Soviets, it is as though 100 Senators were sitting behind him with no division among us along party lines.

But there is something we want even more, and that is a continuation of effective American security. A bad agreement, is by definition, far worse than no agreement. And an agreement which is cosmetic in nature is also worse than no agreement, because it lulls our people and our allies into a false sense of security. Either we make substantial progress, or we do not. There is no halfway house where we can comfortably reside.

I do not know what Mr. Gorbachev's reaction is, or how he and his associates evaluate the change in the Senate to the control of a new democratic majority. It would be very dangerous and foolish for the Soviets to try to play politics, for the purpose of leverage in the arms talks, on the basis of misperceived differences between our two parties on arms control. Such differences, to the extent they exist at all, are minor in comparison to the things which unite us. So I would caution the Soviet leadership, and this resolution urges such caution, not to fashion strategies for advancing their position based on misperceived differences in our system. This tactic will fail.

Mr. President, it would be unfortunate if efforts to produce a major arms control agreement with the Soviet Union were to be abandoned at this time. I was, frankly, disappointed that the President did not focus on any renewed initiative in his State of the Union Address some few evenings ago and did not seem to put arms control anywhere near the top of the Nation's agenda. He did not focus his attention on this question—indeed, his address was notable for the lack of emphasis placed on this question. Is there to be any new initiative by the United States in Geneva to get the talks off dead center? Is the idea of a summit meeting in the United States dead? Are we going to put arms control on the back burner for the next 2 years? Arms control should be a top priority, and the President must finally put together the warring factions of his administration, build a cohesive team of arms control and defense advisers, and fulfill the commitment he has stated on past occasions to pursuing fair and tough agreements with the Soviets.

I encourage him to do all that. I will support those initiatives and agreements which meet the standards of balance, verifiability, and reduced levels of arsenals, and which are in our national security interests and those of our allies.

Mr. Gorbachev has been very busy in a longstanding propaganda campaign designed to portray the Soviet Union as the superpower—the superpower—which most desires peace and meaningful arms control. He has used his nuclear testing moratorium for this purpose, particularly in Europe, in an attempt to divide us from our allies and to influence European public opinion. The latest installment in this campaign is his staging of a major international conference in Moscow over the last few days—a major peace offensive called a forum for a nuclear-free world and the survival of mankind. The implication is a new Soviet openness, reasonableness, enlightenment, conciliation within Soviet society, and conciliation with the West. The ideal of a peace offensive cannot be criticized, as far as such meetings go, but it is practical results the world is looking for.

What are the practical results? If the message of such an offensive is right, the address is wrong. It is not in Moscow, but in Geneva and, for that matter, Kabul, Afghanistan, that the delivery must be made. The test of Mr. Gorbachev's commitment to peace, the test of his political will, a favorite phrase of his, is practical results.

What are the practical results? What are the results in Geneva at the

negotiating forum on arms control? What are the results in Kabul and the countryside of Afghanistan where over 120,000 Soviet fighters have been deployed? I believe it is important for the President to vigorously rebut this campaign with vigorous challenges to the Soviet leadership based on sound and creative arms control positions and proposals.

Mr. President, arms control agreements can be very useful—very important to our security and to our economy—and they are perceived by our people and our allies to be essential to a more stable and predictable world and a better relationship between the superpowers. The President has a deep obligation, in my judgment, to pursue this matter as vigorously and as intensely as any other matter that concerns the Nation—as any other matter on our agenda. I hope he will do so.

I think Members in this body have an equally great responsibility to pursue the matter, to support the President in achieving what I would call a good agreement, an agreement that is verifiable, sound, effective, in the best interests of our mutual selves, and also to do what we can to emphasize that Mr. Gorbachev bears an equally heavy obligation. It is in the Soviet Union's mutual and good interest, also, that there be workable, effective, verifiable agreements. So we look for clear indications that both Mr. Reagan and Mr. Gorbachev are undertaking this matter with the appropriate vigor and priority that it deserves.

It seems to me that this resolution, Mr. President, speaks clearly and loudly and sends the message that we do support the President. We urge him to renew his efforts to achieve reasonably effective verifiable agreements.

We also urge upon the Soviet leader the recognition that a propaganda effort alone is not going to bring the two nations together and preserve peace in the world and spare us all the dangers of nuclear accidents. But what will really count is the shouldering of a responsibility to go forward in good faith and to work in good faith to achieve arms control agreements; and to that extent, I think the Senate would do well to support overwhelmingly this resolution, to show where the U.S. Senate stands.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I yield the distinguished minority leader such time as he may require.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank the distinguished ranking Republican member of the Foreign Relations Committee, and I thank the distinguished majority leader, the Senator from West Virginia [Mr. BYRD] for letting me cosponsor this resolution.

I believe a careful reading of the resolution will indicate that we are serious about arms control.

I also congratulate members of various Senator's staffs on both sides of the aisle. We started this effort on the first or second day of the session. It is now about to come to fruition, and I hope the vote will be unanimous. It may only be a sense-of-the-Senate resolution, but it is a clear indication of the importance we place upon arms control and the fact that we recognize that one of the impediments has been Soviet violations in the past.

The distinguished majority leader has just indicated that there is an equal burden if we are going to accomplish meaningful arms control, and therefore I believe that this resolution can be very helpful.

As I recall the President's State of the Union Message, I think he made it clear that arms control is a matter of highest priority with the administration. I have believed for some time that the President of the United States would like to achieve an arms control agreement in his second term, and I still believe that. I believe it not because, as some would say, the President has been weakened by the Iranian controversy and is looking for some way to put that to rest and to do something that may be highly visible.

I would not suggest for 1 moment that Ronald Reagan, the President of the United States, would do anything that was not in our own national interest. That is where he comes from, and that is where he will come from. It will be at the top of the agenda.

BIPARTISAN ARMS CONTROL RESOLUTION

Mr. President, I am pleased to join the majority leader in offering this resolution, underscoring the Senate's support for the President's efforts to achieve a significant, equitable, and fully verifiable nuclear arms reduction agreement with the Soviet Union.

PRESIDENT'S STRATEGY HAS YIELDED GREAT PROGRESS

Indeed, the arms control progress already achieved in the first 6 years of this administration has been remarkable. And there has been far too little credit given for that achievement.

When he took office, this President understood that the first prerequisite for getting the Soviets engaged in serious arms control talks was demonstrating that the United States had the will and resources to meet any Soviet military challenge. With the help of the Congress, the President has engineered a critically needed program to upgrade our military—and particularly our strategic—forces. He has also put behind us the dangerous concept of unilateral adherence to the fatally flawed Salt II Treaty, which has permitted a massive, one-sided buildup by the Soviets.

The next prerequisite was giving the Soviets specific incentives to bring them back to the negotiating table. That has been done in many ways, but especially through two efforts. First, by insuring the unity of the Western alliance—a unity critically manifest in the decision to go forward with INF deployments in Europe. And second, by launching the strategic defense initiative, which simultaneously has served as stick and carrot for negotiations—stick, in the sense of a Soviet realization that the United States was prepared to move our strategic competition into high technology areas where we have a natural advantage, and carrot, in offering a new vision for the security of both the United States and the Soviet Union. Security based not on the hazardous doctrine of "mutually assured destruction," but based instead on the potential ability of each nation to defend itself against attack from other nations.

Finally, the President led and directed an aggressive and creative diplomacy, in Washington and Moscow; in Geneva and Reykjavik. And the result of that diplomacy has been major steps forward toward a more secure America and a safer world.

ADVANCES AT REYKJAVIK

At Reykjavik, for the first time, the Soviets engaged in serious, detailed talks on nuclear arms reduction—not just limits in growth. We agreed—at least until the Soviets scuttled the agreement—on the elimination of intermediate range nuclear forces in Europe, and their strict control around the world. We broke the artificial linkage the Soviets have long sought to portray between our forces and those of Great Britain and France. We reached tentative agreement which could have led to a 50-percent reduction in overall strategic nuclear forces in as little as 5 years. And we demonstrated, once and for all, that it is Soviet obstinance—and not SDI—which is preventing real breakthroughs on arms control.

THE ROAD AHEAD

So we have come a long way. But we have a long way still to go, too. And we are not going to get there unless all of us—President and Congress, America and its allies—unless we all pull together, and in the same direction. We are most assuredly not going to get there if we hand the Soviets on a silver platter any of the arms control victories they crave so badly.

This resolution expresses our determination to go forward on the road to real nuclear arms reductions together. If we pass it—and, far more important, if we follow through and act in accordance with its spirit—then we have the best chance we have ever had of getting to the goal we all want: A world where nuclear stockpiles are drastically reduced; where America's security is more assured; and where peace can be achieved.

Mr. President, I urge all my colleagues to join in supporting this resolution, and in acting, voting and speaking throughout this Congress in a way which will strengthen the President, and the country, as we seek real progress on arms control.

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

Mr. DOLE. I am happy to yield.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for his cosponsorship of the resolution. I congratulate him on his very eloquent and supportive and persuasive statement. I also thank him for his contributions to the language of the resolution.

I hope that the Republican leader will have printed in the RECORD at this point the verbiage of the resolution, so that it might accompany his remarks and mine.

Mr. DOLE. That is an excellent suggestion.

Mr. President, I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

I thank the distinguished Senator.

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

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 discussions and negotiations on arms reduction matters twice in the last sixteen 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; and

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 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 agreements' 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, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty; and

(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.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minutes and 30 seconds.

Mr. HELMS. I yield such time as he may require to the distinguished Senator from Iowa.

Mr. PELL. Mr. President, I ask unanimous consent that the name of the senior Senator from New Mexico [Mr. DOMENICI] be added as a cosponsor of this resolution.

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

Mr. PELL. I yield the remainder of my time to the ranking minority member of the committee.

Mr. HELMS. I thank the distinguished Senator.

Mr. President, I yield 2 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. Mr, President, I thank the Senators for yielding the time, and I rise in support of the resolution.

However, I want to call attention to a couple of matters that are contained within the bounds of the resolution but which need to have some further understanding.

I refer to subsection (5) on page 3 of the resolution, which reads:

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

It goes on further to say:

and, in particular, to dismantle the newly-constructed radar sited at Krasnoyarsk, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty;

Mr. President, I take the time to read that because I want that to be considered and understood by all parties as not being an exclusive list of the actions which the Soviet Union could take to come into compliance with existing treaties.

This Senate has upon more than one occasin asked the administration to certify to us the violations of existing agreements with the Soviet Union, and those violations reports have been made a matter of public record and have been nearly unanimously supported by the Senate on each of the times of such statements.

The Krasnoyarsk radar is an important violation of the ABM Treaty, but it is only one of a long list of violations which we should certainly insist should be rectified by the Soviet Union.

Finally, Mr. President, in addition to that, I want to suggest that while I have heard some suggestion on the floor that the SDI is a violation of the ABM Treaty, I want to say in most emphatic terms that is nonsense, absolute nonsense.

Let us get the facts on the record with respect to what SDI is and is not. Certainly at some point in some hypothetical deployment of some system yet to be developed it might become a violation of the terms of the ABM Treaty, but it is not yet such a violation and is not proposed by the administration to be.

Even though we have the right again under actions taken by the administration and approved by the Senate of the United States, we should feel free to take proportionate response to any Soviet treaty violation. It seems to me if we recognize that they violated the ABM Treaty, it is again, Mr. President, nonsense—and I repeat "nonsense"—to suggest that we are held to a literal compliance with every term of the agreement which we allege they are violating.

We are permitted by our policy statement by the administration and by the Senate to take proportionate actions, proportionate to the threat to the security of the United States by the violations of the Soviet Union.

I thought it might be helpful to us to at least get that much on the record with respect to the statements contained in the resolution with respect to violations.

Mr. President, again I commend the Senator from West Virginia, the Senator from Kansas, and others who are sponsors of this resolution for bringing it to the floor, but I think the American public needs to understand that we do so with a firm commitment to the expectation the Soviet Union will comply with the existing agreements before we go forward and as we go forward with the negotiation to further agreements with that country.

I thank both Senators for yielding time.

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes remaining.

Mr. HELMS. Mr. President, I see no other Senator seeking time. If agreeable to the Senator from Rhode Island, I will yield back the remainder of the time.

The PRESIDING OFFICER. The question then is on the adoption of the resolution.

The yeas and nays have not been ordered.

Mr. HELMS. 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 are ordered.

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

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

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Washington [Mr. EVANS] are necessarily absent.

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

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 27 Leg.]

YEAS—93

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

NAYS—2

Helms	Proxmire

NOT VOTING—5

Biden	D'Amato	Pryor
Bumpers	Evans	

So the resolution (S. Res. 94) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

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 discussions and negotiations on arms reduction matters twice in the last sixteen 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; and

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 agreements' 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, Union of Soviet Socialist Republics, since it is a clear violation of the terms of the Anti-Ballistic Missile Treaty; and

(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.

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.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 83, which the clerk will report.

The legislative clerk read as follows:

Calendar No. 15, S. 83, a bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas, Mr. GRAMM, is recognized.

The Senator from Texas.

Mr. BYRD. Mr. President, will the distinguished Senator yield to me without losing his right to the floor?

Mr. GRAMM. I am happy to yield to the distinguished Democratic leader.

Mr. BYRD. I thank the able Senator for his courtesy in yielding.

Mr. President, I inquire of the distinguished manager of the bill as to what the situation may be this afternoon with respect to possible rollcalls so that Senators will be on notice. Are there any other rollcalls expected today?

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

Mr. BYRD. Yes.

Mr. JOHNSTON. Mr. President, I expect one rollcall vote on the appliance standards bill, and that ought to come within 5 or 10 minutes after we get to it. We have worked all of the matters out. It will be a very quick matter to get to one rollcall vote.

Mr. President, I ask for the yeas and nays on final passage of the appliance standards bill.

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill [Mr. JOHNSTON], and I thank the distinguished Senator from Texas [Mr. GRAMM] for their courtesies.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 31

(Purpose: To substitute extended schedules for amending appliance energy efficiency standards with a provision allowing persons to petition to have the standards amended)

Mr. GRAMM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 31.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment is as follows:

On page 16, line 16, strike "every".

On page 17, line 18, strike "every".

On page 19, strike line 22 and all that follows through page 20, line 20.

On page 22, strike line 6 and all that follows through page 23, line 3.

On page 25, strike line 3 and all that follows through line 24.

On page 26, line 19, strike "every".

On page 27, strike line 23 and all that follows through page 28, line 13.

On page 29, line 21, insert the following and redesignate subsections (j), (k), (l), (m), (n), and (o), accordingly:

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsections (l)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

On page 55, strike lines 13 through 15 and insert "of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

On page 2, line 21, delete "(m)" and insert "(o)" in lieu thereof,

On page 28, line 18, delete "(j) and (k)" and insert "(l)) and (m)" in lieu thereof,

On page 29, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 34, lines 24 and 25, delete the "(j)" the two places it appears and insert "(l)" in lieu thereof, and

On page 9, line 9; page 39, line 19 and page 40, line 12 delete "1986" and insert "1987" in lieu thereof,

Mr. GRAMM. Mr. President, as Members of the body are aware, the President objected to this bill in its original form for several reasons. The major reason was the mandate that every 5 years there be a professional rulemaking whereby the Department of Energy would have to propose new appliance energy efficiency standards. The administration felt that that was bad policy for several reasons.

First, it was obviously a clear burden on the Department of Energy in terms of its resources and its budget.

Second, such a requirement created uncertainty in the marketplace, whereas a clear objective of this bill is to try to provide an environment in which producers of appliances have some degree of certainty concerning the standards that will be imposed, as it preempts State standards and provides an overall standard for the 50 States and the District of Columbia.

What I am doing here is offering an amendment which will put the bill into a form where the President's senior advisers will recommend that he sign it.

The amendment is a very simple one, Mr. President. First, it deletes the mandated rulemaking which was to occur every 5 years in perpetuity.

Second, it reaffirms the fact that the Secretary has the ability to promulgate rules.

Third, it assures that any individuals can petition for a rulemaking, but it requires the Secretary, in deciding on such a rulemaking, to look at two factors that were very important in the original bill. Those factors are technological feasibility and cost effectiveness.

Finally, it allows judicial review of a decision made on a petition.

Mr. President, I do not believe for a moment that this amendment makes this bill a perfect bill. I think, however, that it does deal with an important problem. And while I will ask to be recognized briefly to speak against the bill, I at this point would yield the floor, asking my colleagues to accept the amendment. And I thank the distinguished Senator from Louisiana for working with me to help work out this compromise that will assure that the President's senior advisers will recommend that this bill be signed.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, retreat in the face of withering fire is not necessarily a fault. Indeed, I think the administration is not only not at fault by offering this amendment but is to be praised by recognizing the obvious, recognizing that the votes on this bill were overwhelmingly against them, with 68 cosponsors; recognizing that they were going to lose. Therefore, they have come up with an amendment which some have characterized as a fig leaf but I would characterize as a sensible compromise because it is an amendment which is acceptable to us, acceptable to the broad coalition, the environmentalists, the consumers, the manufacturers. All parties concerned are agreeable to take this amendment.

The important thing is what it preserves. It preserves all of the standards written into law with the statutory directions to carry out those standards. It still requires an initial rulemaking to enforce the standards. It still requires a second rulemaking 5 years from the first rulemaking. Thereafter, it is within the discretion of the Department as to whether they will have an additional rulemaking, and they shall, if they deem it feasible, if it will save energy, if it is technologically feasible and is cost effective, factors which always ought to be considered.

So, Mr. President, it is with pleasure that I join with my friend from Texas. This really is the way to get our work expedited. If we can do this every

time, Mr. President, we will be out of here by April Fool's Day.

I support the amendment.

● Mr. EVANS. Mr. President, as most of my colleagues will remember, both the House and Senate last year passed, unanimously, legislation almost identical to that which is now before the Senate. The administration, however, chose not to sign that bill, employing the pocket-veto.

I was extremely disappointed with that decision, as I know many of my colleagues were, but I was encouraged that the members of the coalition of manufacturers, environmentalists, and other groups interested in energy conservation agreed to maintain their strong support of the legislation this year, and pledged themselves to giving active consideration to any proposals which might make the bill acceptable to the administration. Yet up to this point, we have heard very little in the way of constructive suggestions from any source which would make the bill more palatable to the administration, and allow the President to sign it.

I am pleased, however, that an agreement appears to have been reached which should satisfy much of the administration's problems with the bill. Briefly, the amendment would eliminate the provisions in S. 83 which require the Secretary of Energy to review the energy efficiency standards set forth in the bill beyond the second scheduled review. To ensure that the standards continue to be current with technological and economic changes, persons would be permitted to petition the Secretary for a review and a rulemaking to determine if a standard should be amended. Finally, a provision is made for judicial review of the Department's decision if the petition is denied.

The amendment would alleviate much of the administration's concern that the legislation would be too costly and time-consuming for the Department of Energy to administer, while ensuring that there will be sufficient opportunity to update the standards when such a change is technologically feasible and economically justified. Most importantly, it leaves the fundamental principles of the bill—tough energy efficiency standards in exchange for Federal preemption of State standards—intact.

I recognize that the amendment does weaken the bill to a certain extent by doing away with the mandatory regular review of the efficiency standards, but I also understand that the legislative process requires compromise. I think this is a case where all parties have been reasonable, and have developed an agreement which is workable. Many of my colleagues may also know that the coalition of industry and environmental groups have been active in the process of coming up with this amendment, and join in supporting its passage.

Mr. President, I again applaud the true bipartisan support which has been the outstanding characteristic of this legislation. We now have 69 cosponsors in the Senate, and it is most pleasing to me that the administration has come to recognize this broad support the bill has received and has chosen to work with us to develop this amendment. With the understanding that with the adoption of this amendment, the administration will drop its opposition to the bill, I urge my colleagues to join in supporting its passage.●

The PRESIDING OFFICER. Does any other Senator seek recognition?

If not, the question is on agreeing to the amendment numbered 31 by the Senator from Texas [Mr. GRAMM].

The amendment (No. 31) was agreed to.

Mr. McCLURE. Mr. President, I am delighted to see this amendment offered, for it has the potential of greatly reducing the regulatory burden that the bill would have imposed on the Department of Energy, absent this amendment. By making the Department's 5-year rulemakings in the outyears discretionary, and subject to third-party petitioning under well-defined procedures, the bill now becomes much less cumbersome to the regulators, and significantly more palatable to those of us who strongly object to Federal intrusion into State and local affairs on a philosophical basis.

While I still believe that the best way to avoid the problems inherent in federally imposed appliance standards is a simple repeal of the existing statute, I recognize that this may not be an option that is available. And so I welcome wholeheartedly this amendment, which will greatly soften the blow of increased Federal regulatory responsibilities that would otherwise ensue from this piece of legislation.

Mr. GRAMM. Mr. President, we have had a long and drawn out deliberation concerning when this bill was going to come up. I know our colleagues are eager to get beyond this bill, and so am I. I think we have achieved an objective here: that is, coming up with a bill which is more acceptable to everybody. I would have to say, however, Mr. President, that I do not believe the amendment which has been offered, and that makes the bill acceptable to the President's senior advisers, makes the bill acceptable to me.

I am not going to go into a long harangue about my concern with the bill. I would simply like to point out a couple of concerns that I have.

First of all, Mr. President, by raising standards to a level which exceeds all the State standards, save a standard in one State concerning refrigerators, we may have achieved the objectives sought by the appliance manufacturers in eliminating differences among States. But had any manufacturer built appliances that met the standards, they would have escaped all the State regulations in the first place.

What this amendment does, in effect, is to deny the consumer access to numerous appliances that are currently on the market.

For example, and I will not go through many as I think I can make my point with just a couple. Take heat pumps. There are currently 2,492 heat pumps that are on the market as listed by the Air-Conditioning and Refrigeration Institute. Of those 2,492 heat pumps currently for sale, some 2,193, or 88 percent, will no longer be marketable when this bill is fully in effect.

In terms of air-conditioners, there are 7,255 central air-conditioning unit types available for sale. Of these, 5,897 of them, or 81 percent, will not meet the standards set by this bill.

In terms of gas furnaces, a similar number is available, and over 70 percent will not meet the standards.

The relevance of this point is that the effect of this bill is not that it allows manufacturers to have one standard for appliances. They could have had this standard simply by choosing to produce products to the standard set out in this bill, and as a result, they would have exceeded all the State standards, though only 10 States have promulgated standards. What this bill does is prevent manufacturers who wanted to sell in the other 40 States from having the right to do that without meeting the higher standards set in these 10 States.

The net result is going to be eliminating many of the lower cost appliances in the market. If we had more time, Mr. President, I could go through the Sears catalog and show our colleagues what models would be knocked out by this standard. But the bottom line is that the lower priced models of home appliances are going to be knocked off the market. That result is going to produce a situation where many low-income citizens who currently are able to go out and buy a frost-free refrigerator will not be able to do that under the new standards. Many of us remember growing up as children when refrigerators were advertised as being energy saving. They were not talking about electricity; they were talking about the energy of people who used the appliances.

I think one of the unhappy results of this bill will be that many lower priced appliances will be placed in jeopardy, and the products that replace them may be priced beyond the reach of the low-income citizens.

Also, many other problems will be greatly exacerbated for people who live in extreme climates. Under this bill, a retired citizen from Brownsville,

TX, will be forced to buy a heating unit which makes sense in Alaska but which makes absolutely no sense in Brownsville, TX. The question of why they have to buy a heater that makes sense in Alaska but that makes no sense in Brownsville, I think deserves consideration. By the same token, if someone in Alaska wants an air-conditioner he will use for about 20 days each year, he will not have the option to go out and buy a lower efficiency, low-cost unit, but he will have to buy an air-conditioner suitable to Texas. The net result will be a tremendous cost to the consumer.

Finally, I cannot pass up making note of the fact that while the industry has gone to great lengths to demonstrate consumer benefits, their study is based on a lot of unrealistic assumptions. One of those is that the consumer, buying appliances, can borrow the money at 5 percent or that the discount rate that would be used in measuring the future flow of saving on the appliances would be 5 percent. I submit there is no consumer in the country who can go out and borrow money to buy appliances at 5 percent and those we should be most concerned about, those who are going to buy the appliances under this bill, are not able to borrow money at that rate, but pay 3 to 4 times that rate.

We should be concerned about this bill. I am concerned that by eliminating from the U.S. market the lower-efficiency appliances, those attractive for export to much of the Third World, we are going to affect the competitiveness of American industry. It is not clear that anyone has looked at what the appliance market in the Third World looks like, how many American-made appliances sold today in Mexico, Central and South America, Africa and Asia will not be sellable on the domestic market. Therefore, if manufacturers want to produce those appliances which they can no longer sell at home, might they not decide to produce them somewhere else rather than here?

I want to make note of the fact, in case we are back debating this 2 or 3 years from now, that by narrowing the American market, by setting very high efficiency standards, we eliminate the necessity of a manufacturer to carry a broad line of appliances in order to establish a position in our market. That may be advantageous to people who want to eliminate competition for themselves but it is also advantageous to foreign manufacturers who want to get in the domestic market. So I think we give up a lot of advantages in this bill. That is why many are opposed to it.

Finally, I make note of the fact that to some extent, I think this bill is an example of how laws should not be made. Two special interest groups, manufacturers and environmentalists, were primary, driving elements behind this bill. They worked out a compromise that suits their relative needs. The manufacturers wanted to preempt State standards. Even though only 10 States had set standards, obviously it had a cost to the appliance dealers that wanted to sell the same units all over the country. Some appliance manufacturers did not want to compete against smaller producers, who were focusing on a single area, because they did not want to meet the different standards. I understand that. That is perfectly logical.

The environmentalists had another agenda, to lower energy consumption, to eliminate the necessity of producing more energy and all of the impacts that produced that they objected to. The problem is that the coincident interest of the appliance manufacturers, who ended up accepting a standard higher than virtually all the State standards set, and the interest of the environmentalists does not happen to coincide with the interest of the people who do the work and pay the taxes and pull the wagon in this country. As a result, I do not believe this bill meets their interest.

A final paradox. We have made great progress in energy conservation by requiring labeling of appliances, we have seen a tremendous increase in efficiency. I have never seen any evidence anywhere to substantiate the claim that the consumer is not responsive to energy efficiency. I have heard a lot of sloganeering by people who want to have mandatory standards, but the plain truth is that, since the Arab oil embargo in 1973, we have had, without the driving force of Government, the greatest energy conservation movement in the history of mankind. It all resulted because people made individual decisions based on energy efficiency and cost to maximize their own welfare. I personally believe that is the way things ought to be done. In the Soviet Union, the producers decide what is going to be produced. In the United States, the consumer decides based on the consumer's interest, what is going to be produced. That is the salient difference in our two economic systems. I think our system works better because it takes into account the unique circumstances of all our people.

I think that is the problem with the bill. I thank my distinguished colleague from Louisiana for allowing us to work out this amendment which I do think is an improvement in terms of makeup of the bill and in terms of procedure. I yield the floor.

Mr. JOHNSTON. I submit that the case behind this bill is absolutely irresistible from a standpoint of conservation because it conserves large amounts of energy. The environmentalists therefore are united and very strong behind the bill. For a country in which oil imports went up by 1.2 million barrels a day in the last 12 months, where consumption and imports increased by almost 25 percent in 1 year, conservation is a very important, that is to say essential, a matter of first priority for this country. Conservation alone is an overwhelming reason to support this bill.

Consumers are very strongly behind this bill. Why? Because consumers save money, because better energy efficiency means lower cost of fuel and, as the cost of fuel continues to creep up, particularly electricity, then these consumers save a great deal.

Consumers also save in another way, which is the same reason the manufacturers are so strongly for the bill. That is, it does away with the proliferation of different State standards. The Department of Energy had either granted or proposed waivers for 26 different State standards covering some 87 different appliances.

You can imagine if an appliance manufacturer has to meet 26 different standards with all of his line of appliances, the cost goes up immensely for consumers. He may want to do it in a more energy-efficient way but be prevented from doing so because of the proliferation of State standards. It is therefore no wonder that, for example, the president of the Association for Home Appliance Manufacturers, the president of the Gas Appliance Manufacturing Association, as well as the president of the Air-Conditioning and Refrigeration Institute all have cosigned a letter dated February 17, 1987, a copy of which I shall ask unanimous consent to have printed in the RECORD, supporting this bill.

Mr. President, I could overwhelm this RECORD with members of the broadest coalition I have seen, all supporting the bill. The case is irresistible.

One final point: Are the standards reasonable, recognizing that the case for standards is overwhelming? Are they reasonable? I can tell you that the Department of Energy, in testimony, said that the standards were either "reasonable or nonsubstantive, meaning that in a few cases they really have very little meaning, but they are reasonable."

In addition, the views of the Department of Energy provided to OMB stated that "the standards are relatively realistic and are achievable and will not unduly burden the appliance industry." This was the same Department of Energy, of course, that was giving advice to the President on this matter.

So, Mr. President, the case is overwhelming.

I appreciate the cooperation of the distinguished junior Senator from Texas in putting together what is now a broad coalition between the White

House and Congress in passing this legislation.

I ask unanimous consent to have printed in the RECORD the letter to which I referred previously.

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

FEBRUARY 17, 1987.

DEAR SENATOR: Our associations represent nearly all manufacturers of major home appliances, central heating and cooling equipment, room heaters and water heaters. The overwhelming majority of our members, including both large and small manufacturers, support the standards proposed in S. 83, the National Appliance Energy Conservation Act, for the following principal reasons:

The manufacturers would not have agreed to standards they could not meet. Though the standards are demanding, their delayed effective dates afford manufacturers sufficient lead time to design and produce complying products. Virtually all manufacturers have some models currently in production or already in development which would meet the standards.

An increasingly complex and costly kaleidoscope of state standards will be avoided, permitting all manufacturers to compete on equal terms in a broad, open national market. Uniform national standards will also preserve manufacturers' production and distribution efficiencies with substantial price benefits for consumers.

With very few exceptions consumers will achieve long-term savings by purchasing products meeting these standards. Most consumers will achieve savings in total purchase and operating costs in just a few years.

The standard levels in S. 83 are closely related to other provisions in the legislation as part of a compromise that was carefully crafted in negotiations. Changing the standard levels will almost certainly prove fatal for the entire bill. Therefore, we respectfully urge you to oppose all amendments affecting the standard levels in S. 83. We also urge you to oppose all other amendments—unless supported by the Coalition for Federal Appliance Efficiency Standards—and to fully support the National Appliance Energy Conservation Act of 1987.

Respectfully,

Robert L. Holding, President, Association of Home Appliance Manufacturers; Harry A. Paynter, President, Gas Appliance Manufacturers Association; Arnold W. Braswell, President, Air-Conditioning and Refrigeration Institute.

Mr. CRANSTON. Mr. President, I am delighted that today the Senate will pass legislation establishing national energy conservation standards for major household appliances, an idea I first authored and introduced in the 99th Congress.

I was one of the leaders in the effort which resulted in unanimous passage of the National Appliance Energy Conservation Act of 1986. This measure was passed in the closing days of the 99th Congress. I was disappointed that President Reagan chose to kill it by pocket veto last November 1. This Congress I am cosponsoring S. 83—an identical version of the previously passed bill.

I have been actively involved with the appliance efficiency issue since the energy crisis in the early 1970's. I believe that increased efficiency of our energy resources is imperative to the future of our Nation. This bill will result in substantial national energy savings.

S. 83, the National Appliance Energy Conservation Act of 1987, will eliminate the least efficient appliances in the marketplace. By 1993, this bill will cause major appliances to be at least 15 to 25-percent more efficient than the average appliance sold in 1985.

This legislation will benefit consumers, who will save money on their electric bills as a result of new efficiency of their household appliances.

Before California adopted its efficiency standards for refrigerators and refrigerator-freezers in 1976, those appliances consumed 12 billion kilowatthours of electricity each year, according to the California Energy Commission. In 1987 alone, as a result of the efficiency standards on refrigerators and refrigerator-freezers, residential users will save approximately 461 million kilowatthours of electricity. That means California consumers will save $39 million this year for their foresight in enacting State appliance standards.

The entire country can take advantage of similar savings with this legislation. According to the American Council for an Energy Efficient Economy, this bill will enable the average American household to save over $300—a net savings of over $28 billion—based on appliances sold through the year 2000. The energy savings over this period is equivalent to over 2 years of energy imports at America's current import rate. Furthermore, the standards will produce electricity savings of 22,000 megawatts—the equivalent of the peak output of 22 larger powerplants—between now and the year 2000.

This legislation will also benefit utility ratepayers and shareholders because utilities won't be forced to build expensive new powerplants to meet anticipated demand increases. DOE now estimates that new powerplants—which will be needed unless projected electric demand is reduced—could cost utility ratepayers upwards of $1.8 trillion by the end of the century.

S. 83 has the complete support of the trade associations representing the appliance industry, as well as the National Resources Defense Council and other groups primarily interested in conserving energy and other precious natural resources. Manufacturers will be able to meet the standards without undue hardship, and consumers, utilities, industry and the environment all will benefit.

National use of efficient electric appliances will save consumers billions of dollars, ease utility load management problems—especially during peak periods—hold down future energy costs, free capital for other purposes, and permit the rapid and least costly reduction of emissions from coal-fired plants responsible for so much acid rain damage. We can provide for our future energy needs without endangering our environment.

I'm very proud of the role I've played in the development of this important legislation. I commend Chairman JOHNSTON for his prompt action on this bill, and want to thank my distinguished colleague from Washington [Mr. EVANS] and the other Senators who have worked so hard for passage of this important legislation.

Mr. JOHNSTON. I am ready for the vote, Mr. President.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware [Mr. BIDEN] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

I also announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Washington [Mr. EVANS] are necessarily absent.

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

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

The result was announced—yeas 89, nays 6, as follows:

[Rollcall Vote No. 28 Leg.]

YEAS—89

Adams	Chiles	Exon
Armstrong	Cochran	Ford
Baucus	Cohen	Fowler
Bentsen	Conrad	Garn
Bingaman	Cranston	Glenn
Bond	Danforth	Gore
Boren	Daschle	Graham
Boschwitz	DeConcini	Grassley
Bradley	Dixon	Harkin
Breaux	Dodd	Hatch
Burdick	Dole	Hatfield
Byrd	Domenici	Hecht
Chafee	Durenberger	Heflin

Heinz	Metzenbaum	Sarbanes
Hollings	Mikulski	Sasser
Humphrey	Mitchell	Shelby
Inouye	Moynihan	Simon
Johnston	Murkowski	Simpson
Kassebaum	Nunn	Specter
Kasten	Packwood	Stafford
Kennedy	Pell	Stennis
Kerry	Pressler	Stevens
Lautenberg	Proxmire	Thurmond
Leahy	Quayle	Trible
Levin	Reid	Warner
Lugar	Riegle	Weicker
Matsunaga	Rockefeller	Wilson
McCain	Roth	Wirth
McConnell	Rudman	Zorinsky
Melcher	Sanford	

NAYS—6

Gramm	McClure	Symms
Helms	Nickles	Wallop

NOT VOTING—5

Biden	D'Amato	Pryor
Bumpers	Evans	

So the bill (S. 83) was passed, as follows:

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 referred to as the "National Appliance Energy Conservation Act of 1987".

SEC. 2. DEFINITIONS.

(a) ENERGY CONSERVATION STANDARD.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (13) of section 322(a); and

includes any other requirements which the Secretary may prescribe under section 325(o)."

(b) NEW DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills or ducts from the outdoors and does not communicate with air in the conditioned space; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(24) The terms 'heat pump' or 'reverse cycle' mean a product, other than a packaged terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(25) The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(26) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56-1986, or as may be prescribed by the Secretary.

"(27) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(28) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"COVERAGE

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Television sets.

"(13) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

"(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than five years after the date of publication of the previous

final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class:	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall be not less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater:	.62–(.0019 x Rated Storage Volume *in gallons*)
"(B) Oil Water Heater:	.59–(.0019 x Rated Storage Volume *in gallons*)
"(C) Electric Water Heater:	.95–(.00132 x Rated Storage *in gallons*)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type	
Up to 42,000 Btu/hour	73% AFUE
Over 42,000 Btu/hour	74% AFUE
Gravity type	
Up to 10,000 Btu/hour	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour	65% AFUE
"Floor	
Up to 37,000 Btu/hour	56% AFUE
Over 37,000 Btu/hour	57% AFUE
"Room	
Up to 18,000 Btu/hour	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraph (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(f) STANDARDS FOR FURNACES.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 75 percent, except that—

"(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 75 percent; and

"(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

"(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992;

"(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 percent; and

"(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

"(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any

amendment shall apply to products manufactured on or after January 1, 2012.

"(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(i) STANDARDS FOR OTHER COVERED PRODUCTS.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (13) of section 322(a) if the requirements of subsections (l) and (m) are met and the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (13) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(3) The Secretary may, in accordance with subsections (l) and (m), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsection (l)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces) after publication of the final rule establishing a standard.

"(l) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A

determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

"(m) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (l)(2)) or will result in the effects described in subsection (l)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(n) SPECIAL RULE FOR CERTAIN TYPES OR CLASSES OF PRODUCTS.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

"(o) INCLUSION IN STANDARDS OF TEST PROCEDURES AND OTHER REQUIREMENTS.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(p) DETERMINATION OF COMPLIANCE WITH STANDARDS.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

"(q) SMALL MANUFACTURER EXEMPTION.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.".

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) INFORMATION REQUIREMENTS.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act.".

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"SEC. 327. (a) PREEMPTION OF TESTING AND LABELING REQUIREMENTS.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions.

"(b) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be effective with respect to such covered product, unless the State regulation or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2);

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot;

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d); or

"(6) is a regulation effective on or after January 1, 1992, concerning the energy efficiency or energy use of television sets.

"(c) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS WHEN FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Except as provided in section 325(b)(3)(A)(ii) and effective on the effective date of an energy conservation standard established in or prescribed under section 325 for any covered product, no State regulation concerning the energy efficiency or energy use of such covered product shall be effective with respect to such product unless the regulation—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) is in a building code for new construction described in subsection (f)(3).

"(d) WAIVER OF FEDERAL PREEMPTION.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which there is a Federal energy conservation standard under section 325 may file a petition with the Secretary requesting a rule that such State regulation become effective with respect to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy interests.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy interests' means interests which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated within the context of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1)(A) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the 6-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date on which the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, such denial.

"(3) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State;

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(i) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(ii) in the current or projected sales volume of the covered product type (or class) in the State and the United States; and

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State appliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding, except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary under this subsection may—

"(A) permit any State regulation to become effective with respect to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) become effective with respect to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established in such section for the covered product; except that such rule may become effective before such date if the Secretary finds (and publishes such finding) that, in addition to the other requirements of this subsection the State has established, by a preponderance of the evidence, that—

"(i) an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to alleviate substantially such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, enacted or prescribed on or after January 8, 1987, that is contained in a

State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard; or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsections (b)(1) or (b)(5),

whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product established in or prescribed under section 325, a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption or conservation objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard established in or prescribed under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use or equivalent cost basis.

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, for every combination which includes a covered product the efficiency of which exceeds either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination shall include such covered product the efficiency of which meets but does not exceed such standard.

"(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(G) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If a building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard established in or prescribed under section 325 and the applicable standard of such State, if any, that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) NO WARRANTY.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use.".

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"SEC. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, or 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date on which such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedures of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding at the end the following: "Nothing in this section provides a defense or justifica-

tion for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

SEC. 11. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1), (2), (4), (6), and (8) through (12)";

(B) in subsection (a)(2), by striking out "paragraphs (10) through (13)" and inserting in lieu thereof "paragraphs (3), (5), and (7)"; and

(C) in subsection (a)(3)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (13)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)(5)" in subparagraph (B) and inserting in lieu thereof "section 323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b) RULES IN EFFECT; NEW RULES.—(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until amended, by rule, by the Commission.

"(B) After the date of the enactment of the National Appliance Energy Conservation Act of 1986 and not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (13) of section 322(a) (or class thereof) is prescribed under section 323(b), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(12)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(13)";

(F) in subsection (b)(5)—

(i) by striking out "(10) through (13)" and inserting in lieu thereof "(3), (5), and (7)"; and

(ii) by striking out "(14)" and inserting in lieu thereof "(13)"; and

(G) in subsection (f), by striking out "or (2)" in the second sentence.

(2) Section 326(b)(3)(A) is amended by inserting "established in or" before "prescribed under".

(3) Section 332(a)(5) is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard established in or prescribed under".

(b) STYLISTIC CONFORMING AMENDMENTS.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 322(b)(1) is amended by striking out "(b)(1)" and inserting in lieu thereof "(b) SPECIAL CLASSIFICATION OF CONSUMER PRODUCT.—(1)".

(2) Section 324 is amended—

(A) by striking out "SEC. 324. (a)(1)" and inserting in lieu thereof "SEC. 324. (a) IN GENERAL.—(1)";

(B) in subsection (c)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c) CONTENT OF LABEL.—(1)";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) EFFECTIVE DATE.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) STUDY OF CERTAIN PRODUCTS.—";

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) CONSULTATION.—"; and

(F) in subsection (g), by striking out "(g)" and inserting in lieu thereof "(g) OTHER AUTHORITY OF THE COMMISSION.—".

(3) Section 326 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) IN GENERAL.—";

(B) in subsection (b)(1), by striking out "(b)(1)" and inserting in lieu thereof "(b) NOTIFICATION.—(1)"; and

(C) in subsection (c), by striking out "(c) Each" and inserting in lieu thereof "(c) DEADLINE.—Each".

(4) Section 329 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) IN GENERAL.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) CONFIDENTIALITY.—".

(5) Section 332 is amended—

(A) in subsection (a), by striking out "SEC. 332. (a)" and inserting in lieu thereof "SEC. 332. (a) IN GENERAL.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—".

(6) Section 333 is amended—

(A) in subsection (a), by striking out "SEC. 333. (a)" and inserting in lieu thereof "SEC. 333. (a) IN GENERAL.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—";

(C) in subsection (c), by striking out "(c) It" and inserting in lieu thereof "(c) SPECIAL RULE.—It"; and

(D) in subsection (d)(1), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROCEDURE FOR ASSESSING PENALTY.—(1)".

(7) Section 335 is amended—

(A) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) LIMITATION.—";

(B) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) RIGHT TO INTERVENE.—";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) AWARD OF COSTS OF LITIGATION.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) PRESERVATION OF OTHER RELIEF.—"; and

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) COMPLIANCE IN GOOD FAITH.—".

(8) Section 339 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) AUTHORIZATIONS FOR THE SECRETARY.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) AUTHORIZATIONS FOR THE COMMISSION.—"; and

(C) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) OTHER AUTHORIZATIONS.—".

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

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

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a period for the transaction of morning business, that Senators may speak therein up to 10 minutes each, and that the time not extend beyond 5 p.m. today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 11 and February 13, 1987, received messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(The nominations received on February 11 and February 13, 1987, are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ALASKA'S MINERAL RESOURCES—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 15

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 9, 1987, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

In accordance with Section 1011 of the Alaska National Interest Lands Conservation Act (P.L. 96-487; 16 U.S.C. 3151), I transmit herewith the fifth annual report on Alaska's mineral resources.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

ANNUAL REPORT OF THE ARMS CONTROL AND DISARMAMENT AGENCY—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 16

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate on February 9, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

This 1986 United States Arms Control and Disarmament Agency Annual Report reviews all the government's 1986 arms control activities as well as ACDA's role in them. This relatively small agency plays a key role in the evolution and implementation of arms control policies that contribute importantly to our Nation's security. I know that you share my enthusiasm for ACDA, which celebrated its twenty-fifth anniversary in 1986.

You will find in the pages of the Report detailed material on the three rounds of Nuclear and Space Talks and on the talks that General Secretary Gorbachev and I had in Reykjavik, October 11-12. Details on progress made at the Conference on Disarmament, the Conference on Security and Cooperation in Europe, and the Mutual and Balanced Force Reduction talks are also included. Our efforts to control the proliferation of nuclear weapons are discussed and the many details of arms control research are highlighted. This Report, as well as previous ACDA reports, contains a great deal of useful and informative historical material.

I am pleased to forward the Report to the Congress.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

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, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on February 6, 1987, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled joint resolution:

H.J. Res. 131. Joint resolution congratulating Dennis Conner and the crew of *Stars & Stripes* for their achievement in winning the America's Cup.

Under the authority of the order of the Senate of February 3, 1987, the enrolled joint resolution was signed on February 6, 1987, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that pursuant to the provisions of section 3 of Public Law 94-304, as amended by section 1 of Public Law 99-7, the Speaker appoints as members of the Commission on Security and Cooperation in Europe the following members on the part of the House: Mr. HOYER, chairman, Mr. FASCELL, Mr. MARKEY, Mr. RICHARDSON, Mr. RITTER, Mr. KEMP, Mr. PORTER, and Mr. SMITH of New Jersey.

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC-445. A communication from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the buildings and structures functions at Naval Support Activity, New Orleans, Louisiana, to performance by contract; to the Committee on Armed Services.

EC-446. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, a report on the Department of the Air Force's proposed letter of offer to Korea for defense articles estimated to cost in excess of $50 million; to the Committee on Armed Services.

EC-447. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, purusant to law, the annual report on transactions under the North Atlantic Treaty Organization Mutual Support Act for fiscal year 1986 and projections on transactions for fiscal year 1987; to the Committee on Armed Services.

EC-448. A communication from the Secretary of Energy, transmitting, purusant to law, the annual report on all compensatory royalty agreements for oil and gas entered into during the previous fiscal year that involve unleased government lands: to the Committee on Energy and Natural Resources.

EC-449. A communication from the Chairman of the United States International Trade Commission, transmitting a draft of proposed legislation to provide authorization of appropriations for the United States International Trade Commission for fiscal year 1988; to the Committee on Finance.

EC-450. A communication from the Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-451. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to Committee on Governmental Affairs.

EC-452. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to Committee on Governmental Affairs.

EC-453. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the annual report on the implementation of the Federal Equal Opportunity Recruitment Program for fiscal year 1986; to the Committee on Governmental Affairs.

EC-454. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-455. A communication from the controller of the Washington Gas Light Co., transmitting, pursuant to law, a certified copy of the balance sheet of the company as of December 31, 1986; to the Committee on Governmental Affairs.

EC-456. A communication from the comptroller of the American Council of Learned Societies, transmitting, pursuant to law, the audited financial statement of the council for fiscal year 1986; to the Committee on the Judiciary.

EC-457. A communication from the Deputy Assistant Secretary of the Air Force (Supply and Maintenance), transmitting, pursuant to law, a report on the conversion of the base supply function at the U.S. Air Force Academy, CO, to performance by contract; to the Committee on Armed Services.

EC-458. A communication from the Assistant Secretary of Defense (Acquisition and Logistics), transmitting, pursuant to law, a report on the performance of Department of Defense commercial activities for fiscal year 1986; to the Committee on Armed Services.

EC-459. A communication from the chairman of the Marine Mammal Commission, transmitting, pursuant to law, the 14th annual report of the commission covering calendar year 1986; to the Committee on Commerce, Science, and Transportation.

EC-460. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "Performance Profiles of Major Energy Producers, 1985"; to the Committee on Energy and Natural Resources.

EC-461. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting a draft of proposed legislation to authorize appropriations for the Nuclear Regulatory Commission for fiscal years 1988 and 1989, and for other purposes; to the Committee on Environment and Public Works.

EC-462. A communication from the Secretary of Education, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-463. A communication from the Attorney General of the United States, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-464. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-465. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law,

copies of D.C. Act 6-279 adopted by the Council on December 16, 1986; to the Committee on Governmental Affairs.

EC-466. A communication from the chairman of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1987; to the Committee on Governmental Affairs.

EC-467. A communication from the Postmaster General, transmitting, pursuant to law, the annual report of the Postmaster General for fiscal year 1986; to the Committee on Governmental Affairs.

EC-468. A communication from the Chairman of the Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the annual report of the Commission for calendar year 1986; to the Committee on Governmental Affairs.

EC-469. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-470. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-471. A communication from the Assistant Secretary of Health and Human Services (Management and Budget), transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-472. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report on the review of the accounting systems in use during fiscal year 1986; to the Committee on Governmental Affairs.

EC-473. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report on the system of internal accounting and administrative controls in effect during fiscal year 1986; to the Committee on Governmental Affairs.

EC-474. A communication from the Administrator of General Services, transmitting, pursuant to law, a report entitled "Donation of Federal Surplus Personal Property, Fiscal Year 1986"; to the Committee on Governmental Affairs.

EC-475. A communication from the Administrator of General Services, transmitting, pursuant to law, a report on the cost of operating privately owned vehicles to Government employees while engaged on official business; to the Committee on Governmental Affairs.

EC-476. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Bi-Annual Audits of the Advisory Neighborhood Commissions for the period October 1, 1983 through September 30, 1985"; to the Committee on Governmental Affairs.

EC-477. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report on competition advocacy for fiscal year 1986; to the Committee on Governmental Affairs.

EC-478. A communication from the Administrator of the Health Care Financing Administration, Department of Health and Human Services, transmitting, pursuant to law, a report on a proposed new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-479. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report on waivers of certain grounds of admissibility for certain aliens under section 207(c)(3) of the Immigration and Naturalization Act; to the Committee on the Judiciary.

EC-480. A communication from the Chairman of the Copyright Royalty Tribunal, transmitting, pursuant to law, the annual report of the Tribunal for fiscal year 1985; to the Committee on the Judiciary.

EC-481. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to terminate the State Justice Institute; to the Committee on the Judiciary.

EC-482. A communication from the Executive Secretary of the National Security Council, transmitting, pursuant to law, the annual report of the Council under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-483. A communication from the Secretary of Edcuation, 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 Labor and Human Resources.

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. HELMS:

S. 523. A bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code; to the Committee on Govermental Affairs.

By Mr. HEINZ (for himself and Mr. ROCKEFELLER):

S. 524. A bill to provide financing for adjustment to international competition, to provide additional weeks of unemployment compensation for individuals participating in a job training program for dislocated workers; and to strengthen the job training program for dislocated workers under title III of the Job Training Partnership Act; to the Committee on Finance.

By Mr. MCCONNELL:

S. 525. A bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 526. A bill to designate the Salt-Gila aqueduct of the central Arizona project as the "Fannin-McFarland Aqueduct"; to the Committee on Energy and Natural Resources.

S. 527. A bill to designate the Tuscon aqueduct, phase A, of the central Arizona project as the "Stewart Udall-Barry Goldwater Aqueduct"; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 528. A bill to designate the Granite Reef Aqueduct of the central Arizona project as the "Hayden-Rhodes Aqueduct"; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. ROTH, Mr. ROCKEFELLER, Mr. HEINZ, Mr. LAUTENBERG, Mr. PRESSLER, Mr. BENTSEN, Mr. DANFORTH, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. BAUCUS):

S. 529. A bill to amend the Trade Expansion Act of 1962 to improve the President's ability to prevent importations that impair national security; to the Committee on Finance.

By Mr. HEINZ (for himself, Mr. MATSUNAGA, Mr. WALLOP, Mr. BOREN, Mr. DANFORTH, Mr. PRYOR, and Mr. DURENBERGER):

S. 530. A bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. CRANSTON, Mr. GARN, Mr. D'AMATO, Mr. RIEGLE, Mr. SARBANES, Mr. HEINZ, Mr. DIXON, and Mr. SASSER):

S. 531. A bill to repeal the sunset provisions in FHA and related laws; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SASSER:

S. 532. A bill for the relief of Joseph Keusch; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. MURKOWSKI, Mr. HECHT, Mr. CRANSTON, and Mr. PRESSLER):

S. 533. A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. PELL):

S. 534. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastic on land and in the waters have on the environment, including the effects on fish and wildlife; to make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. PELL):

S. 535. A bill to implement the provisions of Annex to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

By Mr. NICKLES:

S. 536. A bill to eliminate artificial distortions and enhance competition in the natural gas marketplace; to the Committee on Energy and Natural Resources.

By Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. HUMPHREY, and Mr. GRAMM):

S. 537. A bill to amend the United States Housing Act of 1937 to encourage resident management of public housing; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ZORINSKY (for himself and Mr. EXON):

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. QUAYLE (for himself, Mr. KASTEN, Mr. MCCAIN, Mr. DURENBERGER, Mr. DANFORTH, Mr. LUGAR, Mr. SYMMS, Mr. NICKLES, Mr. DOMENICI, Mr. ROTH, Mr. HUMPHREY, Mr. BOSCHWITZ, and Mr. WARNER):

S. Res. 104. Resolution calling on the Internal Revenue Service to revise Form W-4; to the Committee on Finance.

By Mr. CRANSTON:

S. Con. Res. 17. Concurrent resolution regarding the promotion of democracy and security in the Republic of Korea, and for purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HELMS:

S. 523. A bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code; to the Committee on Governmental Affairs.

RIGHT TO APPEAL CERTAIN ADVERSE PERSONNEL ACTIONS BY CERTAIN POSTAL SERVICE EMPLOYEES

Mr. HELMS. Mr. President, prior to the Postal Reorganization Act of 1971, non-bargaining-unit employees had the option of appealing an adverse personnel action to the U.S. Civil Service Commission. Since the creation in 1971 of the U.S. Postal Service as an independent establishment of the executive branch, only postal employees who are veterans, called preference eligibles, or who are covered by collective bargaining agreements providing for binding arbitration, may appeal adverse personnel actions to an outside entity; that entity is the Merit Systems Protection Board [MSPB]. This is the same appeal right available to veterans employed by other executive branch entities.

Other Postal Service employees—supervisors, Postmasters, Postal Inspectors, and clerical personnel—can appeal adverse personnel actions only through an internal appeals system. If one of these employees disagrees with the final decision of the Assistant Postmaster General for Employee and Labor Relations, the employee's only recourse is to sue in Federal court. Veterans and union members, as I previously mentioned, may appeal the final Postal Service decision to the Merit Systems Protection Board for an additional review outside the Postal Service system.

Mr. President, last Congress my distinguished colleagues on the Governmental Affairs Committee determined that the current internal disciplinary process employed by the Postal Service gives the appearance of unfairness and should be modified. The National League of Postmasters called this lack of outside review a lack of basic due process rights regarded as essential in the American legal system. My good friend and distinguished colleague from Alabama, Senator HEFLIN, introduced a bill last Congress—S. 2134—to expand MSPB appeal rights, he explained that in his judgment, "it is inherently unfair for an employee to defend against a serious disciplinary action through a strictly internal review process."

Although the bill introduced last Congress would have extended the right to appeal to the MSPB, it would have extended the right only to Postmasters and other managerial personnel—not to Postal Inspectors and clerical employees.

Perplexed by this omission, I tried to find the rationale behind it. Ultimately, I discovered that there was no good reason to exclude Postal Inspectors and clerical employees from coverage under the bill. That's why I offered an amendment to the bill last year.

Unfortunately, after my amendment was agreed to by the bill's sponsors in both the Senate and the House, the bill was blocked in the closing hours of the session. Otherwise, all Postmasters and other Postal Service employees would currently be enjoying the right to appeal adverse personnel actions to the Merit Systems Protection Board.

Rather than rely on amending the bill again this year, I decided simply to take the bill as reported last year by the Subcommittee on Civil Service, Post Office and General Services, incorporate my amendment, and reintroduce it, which I do today.

Like the bill reported last Congress by the Subcommittee on Civil Service, Post Office, and General Services, the bill I introduce today has two parts. The second part provides that the Office of Personnel Management may, at the request of the U.S. Postal Service, appeal an MSPB decision to the U.S. Court of Appeals if either OPM or the Postal Service determines that: First, the Board erred in interpreting a civil service or Postal Service law, rule, or regulation affecting personnel management; and second, the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. This will make the Postal Service procedures consistent with the procedures followed by other Federal agencies.

Mr. President, so that all employees of the Postal Service may soon enjoy the right to appeal adverse personnel action to the Merit Systems Protection Board, I urge expeditious consideration and passage of this bill.

By Mr. McCONNELL:

S. 525. A bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SODBUSTER CLARIFICATION ACT

Mr. McCONNELL. Mr. President, in order to meet an urgent need among small family farmers in Kentucky and other States, I rise today to introduce the Sodbuster Clarification Act of 1987. This legislation is indeed but a clarification of the conservation title of the 1985 farm bill and will spare many small family farmers from facing a maze of bureaucratic redtape just to plant a crop in 1987.

Title 12 of the Food Security Act of 1985 mandated that farmers, as a condition for price support eligibility for program crops, must execute a farm conservation plan for their farm by 1990. Furthermore, any farmer who is bringing farmland into production for the first time since 1981, must complete his farm conservation plan prior to planting a crop in 1987 in order to receive price support for the 1987 crop year. I might remind my colleagues that the conservation title was virtually the only part of the farm bill which enjoyed anything like unanimous approval and I have no intention of dismantling this historic legislation.

However, many small family farmers, including thousands in my State, may be forced to submit themselves to an unreasonable bureaucratic burden to maintain their price support eligibility on the 1987 tobacco crop unless the farm bill's conservation title is clarified. Unless changed, tobacco growers will be forced to furnish documentation as to planted acreage of tobacco since 1981 before a farm conservation plan can be completed. This in and of itself causes an awesome administrative task for ASCS—not to mention the aggravation to the farmer—upon which I will expand later. But it may be impossible for the Soil Conservation Service to write farm plans for small tobacco farms before the tobacco is planted later on this year. The law states that a farm plan must be in place before new acreage is plowed in 1987.

The particular problem facing small tobacco growers, and I speak of planted acreages often less than 1 acre, is that cultural practices for burley tobacco are not compatible with practices used by corn growers who plant hundreds of acres in one field. It is not uncommon for a tobacco farmer to plow a small section of a field in per-

manent grass to plant his tobacco crop, and occasionally, this land may not have been cultivated since 1981. This incompatibility of cultural practices has skewed the Soil Conservation Service's ability to administer this provision. By law, SCS must write a farm plan for a farm in this category before his 1987 tobacco crop is planted or the farm is ineligible for price support on program crops.

In a county like Shelby County, KY, with 2,500 to 3,000 farms growing tobacco, I think my colleagues can begin to see why SCS probably cannot complete its mandate in a timely fashion and why farmers are becoming very uneasy. As a member of the Senate Agriculture Committee during deliberations on the conservation provisions of the farm bill, I can say it was clearly never our intention to make administrative management of the sodbuster provision so rigid that it created an unfair burden for farmers. In my view, this provision creates a potential nightmare for many Kentucky tobacco growers.

My legislation would clarify and simplify the process for establishing a farm conservation plan. The bill would give SCS authority to allow a producer certification, with the approval of an SCS representative and the chairman of the local soil and water conservation district, to suffice as a farm plan under the act.

For example, a farmer who will plow new ground for the 1987 crop year only could certify as to his intent, including his planting plans for 1988 and beyond. If SCS determines the farmer's intended efforts meet the conservation needs for that farm, then his certification will constitute his farm conservation plan. No further follow-up or expenditure of taxpayer money would be required. Should the SCS for some reason question the certification, my legislation in no way precludes SCS from making an onsight evaluation of the conservation needs of the farmer. The Soil Conservation Service would then be freed to carry out its congressionally mandated objective of treating much larger acreages of highly erodible cropland.

In addition, I think it should be clear that ASCS must be a little more concerned about the implications of its own administrative decisions on the sodbuster provision. I have been made aware of a perfect example of the kind of administrative interpretation which makes USDA look inept and forces farmers to furnish historical data for small acreages of corn planted years ago.

ASCS is currently requiring all farmers, regardless of the acreage of corn planted in the last 6 years, to document plantings. What makes this requirement so onerous is that many farmers plant small acreages for their own use and do not report their planted acreage. These producers had no intention of applying for farm program benefits—indeed, we should be grateful to them for playing a small role in reducing the costs of Federal farm spending. But for sodbuster purposes, ASCS is requiring these farmers to completely reconstruct their history of planted acreage—no matter the size of the acreage—before they will be eligible to receive price support on tobacco.

The PRESIDING OFFICER. The Senator's additional time has expired.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to speak for 1 more minute.

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

Mr. President, there are counties in Illinois, where farmers will plant more corn than all of the tobacco farmers in Kentucky combined. This is further evidence that the sodbuster provisions—when strictly interpreted—present an unfair bureaucratic burden on small farmers. I might remind my colleagues that report language of the farm bill specifically states that "It is not the intent of the conferees to cause undue hardship on producers to comply with these provisions." I submit, Mr. President, that forcing farmers to spend 2 hours in the ASCS Office to report a total of 20 acres of corn over 6 years is an undue hardship.

Enactment of this legislation will mean my small farmers would be free to plant their 1987 crop without fear of losing price support because of the Government's inability to timely complete its work. I see no reason why this legislation should be controversial and it would be my hope that it can be considered by the Agriculture Committee and the full Senate as soon as possible. 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. 525

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 "Sodbuster Clarification Act of 1987".

SEC. 2. CONSERVATION PLAN EXEMPTION TO HIGHLY ERODIBLE LAND USE PROHIBITION.

Section 1212(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3812(a)(2)) is amended—

(1) by inserting "conservation plan" the following: "that documents the decisions of the person with respect to land use, tillage, and conservation treatment measures and that is"; and

(2) by adding at the end thereof the following new sentence: "In carrying out this subsection, the Secretary, Soil Conservation Service, and local soil conservation districts shall minimize the quantity of documentation a person must submit to obtain an exemption under this paragraph.".

By Mr. DECONCINI (for himself and Mr. MCCAIN):

S. 526. A bill to designate the Salt-Gila Aqueduct of the Central Arizona Project as the "Fannin-McFarland Aqueduct"; to the Committee on Energy and Natural Resources.

S. 527. A bill to designate the Tucson Aqueduct, Phase A, of the Central Arizona Project as the "Stewart Udall-Barry Goldwater Aqueduct"; to the Committee on Energy and Natural Resources.

DESIGNATION OF CERTAIN SEGMENTS OF THE CENTRAL ARIZONA PROJECT

Mr. DECONCINI. Mr. President, I am introducing legislation today to redesignate two segments of the Central Arizona Project aqueduct system for former Senators Paul Fannin and Ernest McFarland, and former Interior Secretary Stewart Udall and Senator Barry Goldwater. Under the legislation I am proposing, the Salt-Gila Aqueduct will be renamed the Fannin-McFarland Aqueduct and the Tucson Aqueduct, Phase A, will be renamed the Stewart Udall-Barry Goldwater Aqueduct.

For my colleagues in the Chamber who are not familiar with the Central Arizona Project, I would like to take a few minutes to explain the purposes of the project and its importance. The Central Arizona Project was authorized by the Congress in 1968. Its purpose was to bring Arizona's allocation of Colorado River water to the rural and metropolitan communities of central and southern Arizona. Arizona's water supply in this desert region of the Southwest is almost exclusively supported by ground water. As a result of continuing growth, serious problems of ground water overdraft have been nearing critical stages in some areas. We have been the forerunner among States in water conservation but our efforts are simply not enough. The CAP will enable Arizona to put its allotment of Colorado River water to beneficial long-term use. The CAP is the most important Federal project in Arizona. It is indeed our "lifeblood."

Getting the Central Arizona Project authorized and getting it sufficiently funded throughout these lean budget years has been no easy feat. Many prominent individuals in Arizona and at the national level have contributed generously over the years to the CAP. Men like Paul Fannin, Ernest McFarland, Stewart Udall, and Barry Goldwater had the wisdom and foresight to support this work for the success of the CAP when many referred to it as a "Mad Man's Dream." At the very least, the long and arduous efforts of these four national leaders from Arizona should be honored though the naming of portions of this project for their steadfast contributions. Now is an appropriate time for such actions. Today, the CAP is 49 percent complete

and water is flowing through the massive aqueduct and canal system to communities in the Phoenix area and central Arizona. My distinguished friend and colleague, Mr. MCCAIN, is introducing legislation today, S. 528, to commemorate the contributions of Carl Hayden, the "father" of the CAP, and former House minority leader, JOHN J. RHODES.

Barry Goldwater has been an ardent supporter of the CAP since 1948 when he was a member of the Arizona Interstate Stream Commission. As a member of this commission he warned the Governor of Arizona and the Congress of the serious economic consequences that would face Arizona without the CAP. In 1952, he was elected to the Senate and continued his struggle to win congressional approval of the CAP. After the CAP's authorization in 1968, Arizonans could rest assured of its continued progress as long as Barry Goldwater sat in the Senate. Barry Goldwater has since retired from the Senate knowing that the dream he has shared with millions of Arizonans is nearly complete.

Stewart Udall shares that dream as well and has played a vital role in its implementation. Stewart Udall's family has been a pioneer of modern irrigation in the Southwest for more than a century and Stewart has kept that tradition alive. As a Member of the House of Representatives, Stewart Udall was a strong supporter of CAP legislation. As Interior Secretary he continued to support the CAP and advised Arizona legislators and Congress on matters pertaining to the CAP. As Interior Secretary he was known for his fairness in considering the interests of all affected parties: agriculture, environmental groups, and the Navajo Indians. His advice and support guided this legislature's decision to approve the CAP.

As Governor of Arizona, Paul Fannin supervised State water agencies in their relations to the CAP and advised them in decisions that shaped Arizona water policy. He called for an information and education campaign on the CAP to help Arizonans realize the great importance of the project to Arizona's future. After being elected to the U.S. Senate he cosponsored and actively pressed for passage of the legislation that finally authorized the CAP after over half a century of diligent efforts by Western lawmakers.

Ernest McFarland, former Governor of Arizona and U.S. Senator from Arizona, supported the CAP as a Senator by sponsoring the first bill calling for its authorization in 1947 and continued his struggle as Governor of Arizona. He was known as the "chief strategist" for CAP legislation while he served on various Senate committees. Ernest McFarland attended the groundbreaking ceremonies for the CAP in 1973 satisfied that his efforts and those of his colleges had been successful in making the CAP a reality for Arizona.

It is only appropriate that we in Arizona attempt to honor these men for their great contributions to Arizona and the CAP.

Mr. President, I ask unanimous consent that the text of the bills be printed at this point in the RECORD, and I urge my colleagues on the Senate Energy and Natural Resource Committee to take timely action on this legislation.

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

S. 526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Salt-Gila aqueduct of the Central Arizona project, constructed, operated, and maintained under section 301(a)(7) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(7)), hereafter shall be known and designated as the "Fannin-McFarland Aqueduct".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Fannin-McFarland Aqueduct".

S. 527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) The Tucson Aqueduct, Phase A, of the Central Arizona project, constructed, operated, and maintained under section 301(a)(6) of the Colorado River Basin Project Act (43 U.S.C. 1521(a)(6)), hereafter shall be known and designated as the "Stewart Udall-Barry Goldwater Aqueduct".

(b) Any reference in any law, regulation, document, record, map, or other paper of the United States to the aqueduct referred to in subsection (a) hereby is deemed to be a reference to the "Stewart Udall-Barry Goldwater Aqueduct".

By Mr. MCCAIN (for himself and Mr. DECONCINI):

S. 528. A bill to designate the Granite Reef Aqueduct of the Central Arizona project as the "Hayden-Rhodes Aqueduct"; to the Committee on Energy and Natural Resources.

DESIGNATION OF "HAYDEN-RHODES AQUEDUCT"

Mr. MCCAIN. Mr. President, I am pleased to join with my distinguished colleague from Arizona, Mr. DECONCINI, in sponsoring three bills which will rename the Central Arizona project aqueduct after six dedicated and committed Arizonans.

Mr. President, on November 15, 1985, the first major portion of the central Arizona project, the Granite Reef Aqueduct was completed. On that day, Arizona history was written. Colorado River water began flowing into the Phoenix metropolitan area. The occasion was marked by celebrations of this long-awaited triumph over time and nature as well as many engineering, funding, and political obstacles. That date marked the culmination of the tireless efforts of an untold many; however, the names of Carl Hayden and John Rhodes, whose public service careers spanned over 70 years, are among those names that we must honor for their individual efforts to see this dream become a reality.

Carl Hayden and John Rhodes were truly dedicated to seeing the CAP deliver water not only to the Phoenix area, but ultimately to Tucson. Senator Hayden, as the long-time chairman of the Senate Appropriations Committee, was in the unique position to transform the concept of delivering Colorado River water to central and southern Arizona into a reality. His efforts culminated in September 1968 when legislation was signed into law authorizing the central Arizona project.

Senator Hayden's work in the Senate was matched by John Rhodes' contributions in the House of Representatives. During his 30 years in the service of the people of Arizona, John Rhodes displayed the leadership and the statesmanship necessary to forge the alliance that would ensure funding for the central Arizona project.

Arizona owes a tremendous debt of gratitude to Carl Hayden and John Rhodes. Designating the Granite Reef portion of the central Arizona project as the Hayden-Rhodes Aqueduct is only a small token of the appreciation that all Arizonans feel toward these two great Americans. It is only appropriate that the aqueduct which carries the waters of the Colorado River to the district that these men once represented be named in their honor.

Mr. President, I urge my colleagues' support for this legislation as well as for the two measures introduced by Mr. DECONCINI to honor Senator Fannin, Senator McFarland, Senator Goldwater and former Secretary of the Interior Stewart Udall, four other Arizonans who equally merit this honor and distinction.

By Mr. HEINZ (for himself, Mr. MATSUNAGA, Mr. WALLOP, Mr. BOREN, Mr. DANFORTH, Mr. PRYOR, and Mr. DURENBERGER):

S. 530. A bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes; to the Committee on Finance.

ONE-YEAR DELAY IN CERTAIN TAX CHANGES

● Mr. HEINZ. Mr. President, the legislation that I am introducing today changes the Tax Reform Act in two ways. It postpones for 1 year the effective date of a provision requiring partnerships, S corporations, personal service corporations and trusts to adopt calendar year-end reporting for Federal income tax purposes. It also shortens from 4 to 3 years the period

in which most taxpayers can spread taxes owed as a result of this change. I appreciate the interest and support of my fellow cosponsors, my distinguished Finance Committee colleagues Senators MATSUNAGA, WALLOP, BOREN, DANFORTH, PRYOR, and DURENBERGER.

We are introducing this legislation because the new tax reform provision will impose an extreme hardship on many CPA's and accountants.

The beginning of the year through April 15 is known as the tax season. Most accountants are working 7-day weeks. The provision asks them to bunch required information reporting early in the calendar year during the tax season. Every CPA and accountant I've met has said there is no way they can perform these added duties during the tax season.

It's likely that to comply with these new rules, they and their clients will have to file extensions. That means increased interest, tax compliance costs, and frustration for individual taxpayers, plus the threat of potential penalties and higher professional costs in obtaining assistance during what will be an incredibly difficult time of the year.

The compression of all of these returns being filed in the various Internal Revenue Regional Service centers could bring back a recurrence of the processing nightmare 2 years ago in IRS service centers across the Nation. We don't want a repeat of what happened during 1985. Many can recall very vividly, that many tax returns were disposed of or incorrectly processed because the Philadelphia personnel did not have sufficient time to process the paper work in the first 3½ months of the year. We may find that the revenue raised by this provision is not worth the trouble and expense of correcting the administrative problems it creates, let alone the loss of taxpayer confidence in our self-assessment system of taxation. I am not predicting a repeat of the 1985 problems, but I believe we should carefully study the impact of this provision before lumping a great deal of work into a very brief period for the IRS.

Those affected by this provision will be required to close their books twice and file two sets of Federal and State tax returns for each of the two periods ending in calendar year 1987. Many of those affected are small businesses in this country which are organized as partnerships, S corporations, or personal service corporations. We should carefully weigh the impact of this burden on them.

In addition to the increased tax compliance efforts and costs, the provision is disruptive to business and the economy in other ways. There are important business considerations involved in selecting a fiscal year, rather than a calendar year. Most entities select a fiscal year ending date which coincides with the slow time in their business, to allow personnel to work on closing the books and to facilitate taking inventories. For instance, a ski resort would prefer to close its books after the end of the season, an automobile dealership might want a year which coincides with the model year, and a farmer might want to close the books just prior to a year's planting after receiving all revenue and paying all expenses of the prior year. The calendar yearend requirement means businesses must close the books and take inventory on December 31, regardless of where in the business cycle that date may fall. Contracts, compensation arrangements, retirement and employee benefit plans which are now on a fiscal year will have to be renegotiated and amended.

Because most businesses will want to conform their financial reporting period to their tax accounting period, this provision requires even more work and has even broader implications than compliance with the tax law, since financial reporting will also be adjusted. Owners will have difficulty comparing the results of operations as the length of the accounting periods and the months included will be different. CPA services will be more difficult and costly for businesses and individuals to obtain, as CPA's strive to serve the accounting, auditing, and yearend tax planning needs of their clients within a brief period at the end of the calendar year.

Many more small businesses have elected to be taxed as subchapter S corporations for limited shareholder liability and to avoid double taxation of corporate earnings. In recent years, we have changed the tax laws to make this election more available to small business. The yearend provision automatically would require a corporation which elects subchapter S to have a calendar yearend, and this new restriction may discourage some making the election.

The calendar yearend provision was added in the final stages of the tax bill's development, without any benefit of discussion or committee hearings. I hope that my colleagues' support for this bill will send a strong message of concern and result in the early scheduling of hearings. We must develop a better solution before the end of this year. If that is not possible, then I hope as a last resort that we will postpone the effective date of this potentially troublesome provision for at least a year, both to mitigate as well as to provide more time to study its impact.

Also, under the legislation we are introducing today the provison which now allows many of the affected taxpayers to spread the additional income which will result from this change over 4 years would be reduced to 3 years. Such a 1-year deferral, coupled with a 3-year spread period would not significantly affect the revenue estimates which were apparently an important reason for the change made last year. Above all, we need early hearings on the problems and issues I have discussed to try to identify a long-term solution that will result even with the adoption of our delay legislation.

In conclusion, Mr. President, we must enact a delay early this year to avoid unnecessary changes in yearends and to avoid problems in 1987 estimated tax payments. The calendar yearend provision affects millions of taxpayers, and I urge my colleagues to cosponsor this bill.

I ask unanimous consent that 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. 530

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

SECTION 1. 1-YEAR DELAY IN TAXABLE YEAR CHANGES.

(a) PARTNERSHIPS, S CORPORATIONS, AND PERSONAL SERVICE CORPORATIONS.—Paragraph (1) of section 806(e) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

(b) TRUSTS.—Paragraph (1) of section 1430(c) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

SEC. 2. 1-YEAR REDUCTION IN ADJUSTMENT PERIOD FOR ACCOUNTING CHANGE.

(a) PARTNERSHIPS, S CORPORATIONS, AND PERSONAL SERVICE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2)(C) of the Tax Reform Act of 1986 is amended by striking out "first 4 taxable years" and inserting in lieu thereof "first 3 taxable years".

(2) CONFORMING AMENDMENT.—Paragraph (2)(C) of the Tax Reform Act of 1986 is amended by striking out "1986" and inserting in lieu thereof "1987".

(b) TRUSTS.—

(1) IN GENERAL.—Paragraph (2) of section 1403(c) of the Tax Reform Act of 1986 is amended by striking out "4-taxable year period" and inserting in lieu thereof "3-taxable year period".

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 1403(c) of the Tax Reform Act of 1986 is amended by striking out "December 31, 1986" and inserting in lieu thereof "December 31, 1987".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect as if included in the Tax Reform Act of 1986.●

● Mr. WALLOP. Mr. President, I am pleased to join my colleague from Pennsylvania [Mr. HEINZ] in sponsoring this bill which would postpone for 1 year the yearend requirement of the Tax Reform Act of 1986. The Tax Reform Act of 1986 was a major rewrite of a Tax Code that has been in place for many, many years. Indeed, it took a bill that was 925 pages long to

revise the 1954 Tax Code. Certainly a bill of such magnitude will not be without its errors or its oversights. The yearend requirement is such an oversight. And those that stand to lose the most from this oversight are small businesses, the ones least equipped to deal with this accounting change. My State of Wyoming has been built on the small business, Mr. President, and I am hearing from them now that something must be done to alleviate their burdens in complying with this new rule.

What are the burdens in complying with this requirement? First, it will make it difficult, if not impossible, for returns to be completed by the original due date which will necessitate costly and inconvenient extensions of time to file returns. Second, all affected taxpayers would be required to incur the costs of closing their books two times and filing two sets of tax returns for each of the two periods ending in calendar year 1987. Third, it will be disruptive and counterproductive to the economy. The requirement fails to recognize that there are many legitimate business reasons to select a fiscal year rather than a calendar year. The list goes on.

The yearend requirement is one of the accounting changes put in the tax bill to raise revenue in order to meet the goal of revenue neutrality. But it is a one-time revenue raiser only. Is it worth imposing this hardship on taxpayers and return preparers, and the IRS for that matter, for revenue that will cease to exist? I think not. Frankly, I question whether the bill we are introducing today goes far enough. Grandfathering fiscal year partnerships, S corporations, and personal service corporations may well be the best solution.

But because of the deficit problem, for now, this is a reasonable compromise. Postponing the requirements for 1 year will result in a negligible revenue impact, and it will give us the opportunity to fully examine the ramifications of this change. I hope the Members of this body will join Senator HEINZ and me in supporting this legislation so that we have a chance to determine if the yearend requirement really is necessary, and if it is, come up with an equitable and workable solution to assist taxpayers in complying with the requirement.●

By Mr. DODD (for himself, Mr. CRANSTON, Mr. GARN, Mr. D'AMATO, Mr. RIEGLE, Mr SARBANES, Mr. HEINZ, Mr. DIXON, and Mr. SASSER):

S. 531. A bill to repeal the sunset provisions in FHA and related laws; to the Committee on Banking, Housing, and Urban Affairs.

REPEAL OF SUNSETS IN FHA PROGRAMS

● Mr. DODD. Mr. President, today I am introducing legislation which would make permanent the insuring authority of the Federal Housing Administration.

The Federal Housing Administration [FHA] was created in 1934 to insure mortgages for low- and moderate-income Americans who might not otherwise qualify for mortgages in the conventional mortgage market. One of the most successful partnerships ever created between the public and private sectors, the FHA is not only an emblem of our Nation's commitment to the American dream of home ownership, but is the bedrock of our Nation's housing finance system.

Since its inception 53 years ago, the FHA has helped over 15 million Americans fulfill their dream of home ownership and has helped raise the Nation's home ownership rate from about 40 percent in the 1930's to more than 63 percent today.

Yet, in spite of its immense success and despite its zero cost to the American taxpayer, the present administration has made it clear over the years that its goal is to eliminate or severely curtail the FHA insurance programs. The administration believes that the FHA's insurance functions should be shifted in large measure to the private sector.

It was nearly 2 years ago that President Reagan tentatively approved selling the FHA to private industry and authorized a study of such a proposal. Last week, the HUD FHA task force released the study and recommended, somewhat surprisingly, against selling the FHA. That was good news. The administration realized at long last that there is not a willing buyer or an attractive sales price for the FHA. The administration realized at long past that no private mortgage insurers can or want to usurp the FHA's true role—that the FHA has a singular and irrefutable function in an evolving mortgage and housing market.

Now it is time for those of us in Congress to spread the good news and make permanent the insuring authority of the Federal Housing Authority. That is the intent of my legislation.

While administration threats to privatize the FHA have undoubtedly destabilized the mortgage and housing markets and threatened the plans of thousands of low- and middle-income Americans, we in Congress have exacerbated the situation by continuing to haggle over our periodic function to renew the FHA's insuring authority and set a credit cap. In fiscal 1986 alone, FHA insuring authority lapsed six times; six times threatening to derail the plans of thousands and thousands of American homeowners. And each time, as Congress extended the authority by degrees, it was not the role or effectiveness of the FHA that was at issue. Rather, it was that players on all sides of every housing issue used the FHA extension issue as a political football wielded to gain political advantage in the broader context of housing policy. The only losers in this obdurate game have been prospective homebuyers.

By making permanent the insuring authority of the Federal Housing Administration, my legislation will permanently redress the administration's mistaken intention of weakening or eliminating the FHA. It will also clarify the intent of the Congress toward FHA by removing the issue of FHA insuring authority from the political arena altogether and at long last remove the distortive role that such discussion has played in establishing—or not establishing—sound housing policies. Most importantly, by making permanent the insuring authority of the FHA, we return to prospective homebuyers their right to do business with the FHA honestly and reliably.

I urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the full text of this legislation appear in the RECORD at the close of my remarks.

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

S. 531

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

SECTION 1. REPEAL OF SUNSETS OF FHA PROGRAMS.

(a) REPEALS.—Each of the following provisions of law is repealed:

(1) Section 217 of the National Housing Act.

(2) The fifth sentence of section 221(f) of the National Housing Act.

(3) Section 244(d) and the last sentence of section 244(h) of the National Housing Act.

(4) The last sentence of section 245(a) of the National Housing Act.

(5) The second sentence of section 809(f) of the National Housing Act.

(6) The second sentence of section 810(k) of the National Housing Act.

(7) The second sentence of section 1002(a) of the National Housing Act.

(8) The second sentence of section 1101(a) of the National Housing Act.

(9) Section 312(h) of the Housing Act of 1964.

(10) Section 515(b)(4) and section 523(f) of the Housing Act of 1949.

(11) Section 1319 of the National Flood Insurance Act of 1968.

(b) AMENDMENTS.—

(1) The first sentence of section 2(a) of the National Housing Act is amended by striking out "and not later than September 30, 1987".

(2) Section 1336(a) of the National Flood Insurance Act of 1968 is amended by striking out "during the period ending September 30, 1987,".●

● Mr. D'AMATO. Mr. President, I rise today to join with my distinguished colleague from Connecticut, Senator DODD, introducing legislation that would make permanent the insuring authority of the Federal Housing Administration [FHA] of the U.S. De-

partment of Housing and Urban Development.

This bill would allow the FHA to continue, without interruption, its operating authority for numerous mortgage insurance programs. Last year the FHA insuring authority was allowed to expire a shocking six times. FHA shut down its operation a total of 51 days. This caused confusion and frustration among many prospective homebuyers. Under the legislation being introduced today, this will never happen again.

Congress established the Federal Housing Administration in 1934 in the wake of the Great Depression. The private mortgage insurance market had ceased to exist. Substandard housing was commonplace. Only 40 percent of Americans were homeowners. Essentially, the Nation's housing financing system was in disarray.

During its illustrious 53-year history, FHA has assisted more than 15 million American families realize the dream of homeownership. Prior to FHA, this dream was restricted to a minority of wealthy individuals due to the stiff mortgage terms required. Under FHA, many low-, moderate-, and middle-income families have become homeowners. FHA insures low-downpayment mortgages with interest rates and terms that are more attractive than those available in the conventional mortgage market. Today, approximately two-thirds of our Nation's households own their home. In addition, millions of renters have benefited from decent and affordable housing.

Besides single-family and multifamily housing programs, FHA administers insurance programs for disaster victims, rural home purchases, housing rehabilitation, hospital construction, cooperative housing development, and inner-city high-risk areas. Many individuals benefit from the FHA programs. FHA is one of the most successful partnerships ever created between the public and private sectors.

Mr. President, I trust that my colleagues will join us and support this very important piece of legislation that will allow us to preserve our Nation's housing financing structure.●

By Mr. THURMOND (for himself, Mr. MURKOWSKI, Mr. PRESSLER, Mr. CRANSTON, and Mr. HECHT):

S. 533. A bill to establish the Veterans' Administration as an executive department; to the Committee on Governmental Affairs.

ESTABLISHMENT OF THE VETERANS' ADMINISTRATION AS AN EXECUTIVE DEPARTMENT

Mr. THURMOND. Mr. President, I rise to introduce legislation which would upgrade the Veterans' Administration to a Cabinet-level department and would provide for a Secretary of Veterans' Affairs within the President's Cabinet. I am pleased that the distinguished ranking member of the Veterans' Affairs Committee, Senator FRANK MURKOWSKI, has endorsed this legislation and is the first original cosponsor. Senator MURKOWSKI has historically provided strong support for this legislation. With his commitment to veterans issues and his outstanding leadership in this area, I am hopeful of expedient Senate passage of this important bill. No Member of the Senate has worked more diligently in behalf of our veterans than Senator MURKOWSKI.

In recognition of the contributions to freedom and liberty made by servicemen and women, our Government has placed a high priority on the welfare of its veterans. It is the highest obligation of citizenship to defend the Nation in time of need, and this obligation creates an equal responsibility on the part of our Nation to care for the men and women who have worn the uniform. It is most appropriate that the principal Federal agency charged with providing benefits and services to veterans, and their dependents and survivors, have Cabinet-level status. The honor and respect due our veterans requires no less.

Mr. President, many factors warrant upgrading the Veterans' Administration to a Cabinet-level department and establishing the position of Secretary of Veterans' Affairs within the President's Cabinet. Significantly, the unique nature of veterans benefits must be taken into account and distinguished from the many social programs provided to others. Veterans benefits are not handouts; they have been earned through great pain and sacrifice, and oftentimes, by the loss of lives.

In addition, the size and importance of the Veterans' Administration in our system of government justifies establishing the Veterans' Administration as a Cabinet-level department. The Veterans' Administration is the largest independent agency of the Federal Government. Its budget authority of $27.1 billion for fiscal year 1986 ranks among the largest of the Federal departments and agencies. Furthermore, the 222,000 employees of the Veterans' Administration outnumber the employees in any other Federal department or agency except the Department of Defense.

Mr. President, it is important to emphasize that today there are some 28 million veterans, and about 51 million dependents and survivors of veterans in the United States. The programs administered by the Veterans' Administration touch virtually every family in America in some way. The Veterans' Administration operates the largest, centrally managed health care system in the United States. In fiscal year 1986, the Veterans' Administration distributed $14.3 billion in compensation and pension benefits, and approximately $962 million in education, training, and rehabilitation assistance payments.

Moreover, the VA Home Loan Guaranty Program has provided millions of veterans with an opportunity for home ownership. Over 11 million VA guaranteed home loans have been made since institution of the program. The Veterans' Administration also operates 111 national cemeteries. It provided burial assistance to nearly 116,000 deceased veterans' families in fiscal year 1986.

In addition to having the enormous responsibility for administering these diverse programs, the Administrator of Veterans' Affairs must address some unique issues which further emphasize the great importance of his position. Providing effective, innovative readjustment programs for our Vietnam-era veterans most certainly remains a high priority matter. Additionally, we are faced with meeting the demands placed upon our hospital and health care system by the aging veteran population. Today, over 36 percent of U.S. males 65 and over are veterans. This percentage is expected to almost double to approximately 62.5 percent by the year 2000.

Mr. President, in light of the commitment of our Nation to care for our deserving veterans, not to mention the size and importance of the Veterans' Administration in our Government, I believe it is imperative that the Veterans' Administration be a Cabinet-level agency. I have offered legislation to effect this change on several occasions in the past, and I do so again today.

In a time of large budget deficits and great pressures to restrain the growth of Federal spending, it is most important that the Veterans' Administration be involved closely in Government planning at the highest level. The legislation I am introducing today would ensure this involvement, and I urge my Senate colleagues to join Senator MURKOWSKI, the other distinguished cosponsor of this bill, and me in working toward its early enactment.

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. 533

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the independent establishment in the executive branch of the Government known as the Veterans' Administration is hereby redesignated as the Department of Veterans' Affairs and shall be an executive department in the executive branch of the Government.

(b) The positions of the Administrator of Veterans, Affairs and the Deputy Administrator of Veterans' Affairs are hereby redes-

ignated as the Secretary of Veterans' Affairs and the Deputy Secretary of Veterans' Affairs, respectively.

AMENDMENTS TO TITLE 38, UNITED STATES CODE

SEC. 2. (a) Title 38, United States Code, is amended by striking out "Veterans' Administration" and "Administrator" each place the terms appear in such title and inserting in lieu thereof "Department" and "Secretary", respectively.

(b)(1) Section 101 of such title is amended by adding at the end thereof the following:

"(33) The term 'Department' means the Department of Veterans' Affairs.".

(2)(A) Section 201 of such title is amended to read as follows:

"§ 201. Department of Veterans' Affairs an executive department

"The Department of Veterans' Affairs is an executive Department in the executive branch of the Government, especially created for or concerned in the administration of laws relating to the relief and other benefits provided by law for veterans, their dependents, and their beneficiaries.".

(B) The item relating to such section in the table of sections at the beginning of chapter 3 of such title is amended to read as follows:

"201. Department of Veterans' Affairs an executive department.".

OTHER AMENDMENTS

SEC. 3. (a) Section 19(d)(1) of title 3, United States Code, is amended by inserting before the period at the end thereof the following: ", Secretary of Veterans' Affairs".

(b) Section 101 of title 5, United States Code, is amended by adding at the end thereof the following:

"The Department of Veterans' Affairs.".

(c) Section 5312 of title 5, United States Code, is amended by adding at the end thereof the following:

"Secretary of Veterans' Affairs.".

(d) Section 5313 of title 5, United States Code, is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof the following:

"Deputy Secretary of Veterans' Affairs.".

(e) Section 5314 of title 5, United States Code, is amended by striking out "Deputy Administrator of Veterans' Affairs.".

(f) Section 5315 of title 5, United States Code, is amended by striking out "Inspector General, Veterans' Administration" and inserting in lieu thereof the following:

"Inspector General, Department of Veterans' Affairs.".

(g) Section 5316 of title 5, United States Code, is amended—

(1) by striking out "Associate Deputy Administrator of Veterans' Affairs" and inserting in lieu thereof "Associate Deputy Secretary of Veterans' Affairs"; and

(2) by striking out "Veterans' Administration" after "Chief Benefits Director,", after "General Counsel of the", and after "Director, National Cemetery System," and inserting in lieu thereof "Department of Veterans' Affairs".

SAVINGS PROVISIONS

SEC. 4. (a) All orders, determinations, rules, regulations, permits, grants, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the President, by the Administrator of Veterans' Affairs, or by a court of competent jurisdiction, in the performance of functions vested in the Administrator, and

(2) which are in effect at the time this Act takes effect,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings or any application for any license, permit, certificate, benefits, or financial assistance pending before the Veterans' Administration at the time this Act takes effect, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked in accordance with law by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) The provisions of this Act shall not affect suits commenced prior to the date this Act takes effect, and in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against the Veterans' Administration or by or against any individual in the official capacity of such individual as an officer of the Veterans' Administration, shall abate by reason of the enactment of this Act.

REFERENCE

SEC. 5. Any reference to the Veterans' Administration or to the Administrator of Veterans' Affairs in any law, rule, regulation certificate, directive, instruction, or other official paper in effect after the effective date of this Act shall be deemed to be a reference to the Department of Veterans' Affairs or to the Secretary of Veterans' Affairs, respectively.

EFFECTIVE DATE

SEC. 6. This Act and the amendments made by this Act shall take effect at such time as may be specified by the President by Executive order, but such time may not be later than six months after the date of the enactment of this Act.

Mr. MURKOWSKI. Mr. President, I rise to join with my distinguished colleague from South Carolina, Senator THURMOND, in introducing a bill to elevate the Veterans' Administration to a Cabinet-level executive department.

I would like to recognize the contribution of Senator THURMOND on behalf of our Nation's veterans. Senator THURMOND's involvement with veterans' affairs goes back to the initiation of the Veterans' Committee as a standing committee of the U.S. Senate. His tireless dedication to veterans' issues is well known to all Members of the Senate, and it is a distinct privilege for me to join with Senator THURMOND in the introduction of this very, very important piece of legislation to elevate the Veterans' Administration to Cabinet level.

I would like to point out, in addition to the comments made by my distinguished colleague, that the Veterans' Administration does have an extraordinary responsibility to the 28 million veterans of America and their families as well.

Given this very real and substantial secondary level of beneficiaries, the Veterans' Administration has the potential for affecting the health and well-being of more than 79 million Americans—approximately one-third of the population of the United States.

I think it is fair to say that this is the largest single group not represented by the direct Cabinet-level representation, veterans, their families, all the builders, the financiers, and those involved in health care, because virtually one out of every three Americans is in some way affected by the veterans of our country or the VA Administration's service.

Madam President, the Veterans' Administration is now entering its 57th year of service to the Nation's veterans. Although the Veterans' Administration's high standards of service have not changed, the range of service offered, and the logistics of administering those services have expanded almost exponentially. From its humble beginnings of a few hospitals and nursing homes, to today's network of world-class medical centers and affiliated medical schools, as well as a nationwide system which annually administers billions of dollars of Federal benefits to individuals, the Veterans' Administration plays an important and expanding role in health-care and delivery of benefits throughout this country.

The Veterans' Administration is the largest independent agency in the Federal Government, with a budget in excess of $27 billion and 218,000 full-time employees, making the number of personnel second only to the Department of Defense and the Postal Service.

I might point out, of course, that the Department of Defense is well represented at the Cabinet level.

It is the largest health-care delivery system in the world, with 172 major medical centers, 228 outpatient clinics, and 119 nursing homes. The VA's insurance program is the largest in the United States, and beneficiary payments for VA compensation, pension and benefit programs—ranging from education assistance to rehabilitation and job training—exceed $15 billion a year. The VA Home Loan Program, which has guaranteed home loans of $266 billion since the inception of the program, has had a major impact on the economic well-being of the country.

As the former chairman of the Senate Veterans' Affairs Committee, and now as the ranking minority member, I am familiar with the Veterans' Administration's broad scope of operations. It is with this knowledge—and appreciation for the tremendous burden of responsibility placed on the shoulders of any VA Administrator—that I urge my colleagues to support this bill which would elevate the Veterans' Administration to a Cabinet-level department, thereby placing the VA Administrator at a level commensurate with his responsibilities, and establishing the Administrator in a readily accessible role as counsel to the President, as a member of the Cabinet.

Controlling the deficit-plagued Federal budget has consumed vast quantities of public resources and effort in recent years. This complex process requires calm and responsible deliberation from those most directly affected by the distribution of our increasingly limited supply of funds. The men and women who sit in daily counsel with the President exercise that deliberation to the best of their abilities and do so with the greater good of the Nation foremost in their minds. In view of the Veterans' Administration's immense impact on our society, and in consideration of its size, it is essential that the Administrator of Veterans' Affairs participate in those important discussions with the President and his Cabinet.

The Administrator of Veterans' Affairs—because he oversees an agency that must maximize every available dollar—is well versed in budgets and the concept of a greater good. I believe the Administrator of Veterans' Affairs, by the very nature of the position, would be an asset to the President's Cabinet as its members work together to bring the Federal budget under some semblance of control. Clearly, Madam President, an agency that has been so much a part of this Nation, and has done so much good for veterans, has more than proven itself worthy of elevation to a Cabinet-level department.

The passage of time has brought with it larger responsibilities to the Veterans' Administration and the Administrator of Veterans' Affairs. Madam President, the increased importance and responsibilities of the Veterans' Administration warrant the Agency's elevation to a Cabinet-level department, and the time has come to acknowledge, in a meaningful way, the true importance of this Agency.

Madam President, I join America's veterans in acknowledging the long-standing commitment of my distinguished colleague from South Carolina, Senator THURMOND, and his work on behalf of veterans. His commitment to ensuring fair, reasonable, and responsible legislation for veterans is reflected in many of the benefit programs administered by the VA that came about through his efforts. It is my hope that his work to have the Veterans' Administration recognized as a Cabinet-level department will enjoy similar success. I am pleased to join him in asking for the support of the Senate in seeking the speedy adoption of this important proposal.

I have been advised that the Senator from Nevada [Mr. HECHT] asks to be added as a cosponsor. I ask unanimous consent that he be so added.

I have also been advised that Senator CRANSTON, the chairman of the Veterans' Committee, has also asked to be a cosponsor. I ask unanimous consent that he be so added.

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

By Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BAUCUS, and Mr. PELL):

S. 534. A bill to require the Administrator of the Environmental Protection Agency to conduct a study of the measures available to reduce the adverse effect discarding or dumping of plastic on land and in the waters have on the environment, including the effects on fish and wildlife: To make recommendations for eliminating or lessening such adverse effects; and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water; to the Committee on Environment and Public Works.

S. 535. A bill to implement the provisions of Annex to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

PLASTIC WASTE LEGISLATION

Mr. CHAFEE. Mr. President, I am pleased to introduce today two bills which address the adverse effects of plastic waste on the environment, especially its effect on fish and wildlife.

Over the last decade, there has been growing concern among conservationists and scientists over discarded plastic in our Nation's waters and on land. Entrapment in plastic debris such as six-pack holders, packing bands, lost or discarded fishing nets, and ingestion of plastic materials is known to kill thousands of birds, seals, turtles, sea lions, and fish each year.

My bills will require that all plastic six-pack holders be made from degradable materials, and will require that EPA provide Congress with recommendations on how to reduce the harmful effects of plastic pollution on the environment. A separate bill will implement the terms of an international treaty which makes it illegal for ships to intentionally dump plastic garbage in U.S. waters.

The Environmental Protection Agency recently commissioned a study entitled "Use and Disposal of Nonbiodegradable Plastics in the Marine and Great Lakes Environment," which points to a growing body of evidence that plastic, when improperly disposed of, harms the oceans and its inhabitants in a multitude of ways.

After World War II, plastic materials displayed a hundredfold growth in the marketplace. Metal, glass, paper, and cloth have rapidly replaced plastic in thousands of products. In 1985 about 50 billion pounds of plastics were used.

Of the total, over 10 billion pounds were used in packaging applications, a substantial portion of which makes its way into our marine environment. Lightweight plastic products discarded in the water neither sink nor disintegrate. This debris is virtually invisible to many types of marine life, and can float for years, causing entrapment and killing marine animals before eventually washing ashore.

Plastic debris also poses a hazard to fish and wildlife through ingestion. Raw plastic particles, from which plastic products are manufactured, enter the waters from manufacturing plants or are lost from ships. Fish and wildlife eat these particles and plastic bags because of their resemblance to natural food. Autopsies of sea turtles, seals and sea birds have revealed, in some cases, several pounds of ingested plastic.

Another major problem tied to plastic debris is ghost fishing, or the tendency of lost or discarded nets to continue to catch fish indefinitely. Because these nets are made from durable plastics, they trap and kill sealife for decades.

The plastic pollution problem has grown to such a point that we cannot walk to our Nation's beaches and parks without encountering plastic litter. Beach cleanup efforts in some coastal States, including Rhode Island, have resulted in the collection of many thousands of discarded plastic products including six-pack holders, packing bands, pieces of fishing nets, and containers.

It is also reported that marine debris poses hazards to seagoing vessels. Propellers, shafts, and intakes of marine vessels have been fouled by floating nets and other plastic debris. Plastic debris also poses a threat to divers.

We cannot continue to ignore the adverse environmental impacts of these materials. Congress needs to carefully examine the environmental pollution of discarded plastics on land and in waters and take appropriate steps to correct the problem.

My bills tackle the plastics pollution problem in the following ways:

First, the EPA Administrator will be required to build upon the aforementioned study documenting the extent of plastic pollution in the environ-

ment, and recommend to Congress methods available to eliminate or lessen the adverse effects of the pollution. Specifically EPA will be required to look at the feasibility of using degradable plastics in fish nets, packing bands and other plastic products which pose a threat to the environment. EPA will also evaluate the use of incentives to reduce improper plastics disposal, such as recycling, bounties and rewards.

In undertaking this study, the Administrator will consult with the U.S. Fish and Wildlife Service, other Government departments or agencies doing research in this area, as well as the affected industries.

The bill provides for a ban of nondegradable plastic six-pack holders and other plastic beverage connecting devices. EPA is required to issue the regulation 18 months after the date of enactment of this act.

Mr. President, I'd like to add that 11 States, including my own State of Rhode Island, have banned the sale of nondegradable six-pack holders. Other States include Connecticut, Delaware, Maine, Massachusetts, New York, New Jersey, Oregon, Vermont, California, and Alaska.

My second bill addresses a major source of plastic pollution: plastic garbage intentionally dumped from ocean-going vessels. This bill creates domestic legislation which implements the provisions of Annex V of the International Convention for the Prevention of Pollution from Ships, commonly known as MARPOL. This approach, endorsed by the Coast Guard, would make it illegal for ships operating in U.S. waters to intentionally dump plastic garbage.

According to the EPA study, most of the plastic debris in the marine environment comes from ocean sources. That amount is estimated at 6.4 million metric tons per year. While accidental loss of plastic items from ocean sources contributes to the problem of debris, deliberate disposal at sea is a greater problem.

The United States is expected to ratify Marpol Annex V within the next few weeks. My bill will assure that domestic legislation implementing the provisions of this important annex will be enacted without delay. Companion legislation implementing Annex V has already been introduced in the House of Representatives by Mr. STUDDS. This legislation takes a giant step toward eliminating plastic waste from our ocean and coastal environment.

I hope my colleagues in the Senate will join me in this effort to reduce the plastic pollution of our land and waters.

By Mr. NICKLES:

S. 536. A bill to eliminate artificial distortions and enhance competition in the natural gas marketplace; to the Committee on Energy and Natural Resources.

NATURAL GAS REGULATORY REFORM ACT

Mr. NICKLES. Mr. President, today I am introducing the Natural Gas Regulatory Reform Act of 1987, a bill which will help assure this Nation a reliable, long-term supply of natural gas at reasonable prices.

Over the past decade, the Federal Government has seriously distorted the natural gas marketplace. Federal price controls induced producers to drill for high-cost gas when there were large volumes of "old" gas that could have been produced in the absence of the artifically low Federal price ceilings. In addition, Federal law continues to require that natural gas be set aside as a special fuel and not be permitted to be used in large industrial or utility applications despite its abundance. The partial decontrol of natural gas in 1985 has resulted in a tremendous surplus of natural gas, but continued regulation of "old" gas has caused much of this least expensive gas source to be shut in. As a result, gas end users are paying unnecessarily higher prices for gas, both when directly purchased and when used in the form of electricity produced from gas.

The legislation I am introducing today will help relieve residential, commercial, and industrial natural gas consumers from these Government-created market distortions which jeopardize future domestic supplies, and therefore, the future prices U.S. consumers will pay for natural gas.

The Natural Gas Regulatory Reform Act of 1987 will deregulate all remaining regulated natural gas by releasing the gas from Federal wellhead price controls as gas contracts are renegotiated or renewed. The act will eliminate the artificial and unnecessary restrictions imposed by the Congress in 1978 on fuel use by electric utilities and major industrial companies. In addition, the act ends the "incremental pricing" provisions of the Natural Gas Policy Act, which also distort market price signals to both residential and industrial gas consumers. These first three provisions of the bill are virtually identical to the measures that I introduced on June 13, 1985, as S. 1302. In addition, the bill provides a limited protection against antitrust action for independent producers who form cooperative associations to market natural gas.

When President Reagan removed price and allocation controls from the domestic petroleum industry in 1981, improved market efficiencies promptly brought down the price U.S. consumers paid for petroleum products, decreased our imports and increased domestic oil production. In 1978, Congress partially laid the groundwork for eventual decontrol of natural gas prices by decontrolling "new" gas supplies in the mid-1980's. Unfortunately, Congress left half of America's gas under permanent regulation. These steps to remove price controls from "new" gas in 1985, and the effort by the Federal Energy Regulatory Commission to address "old" gas pricing in Order No. 451, have already significantly increased supplies of natural gas and lowered the average price of natural gas for consumers. But by leaving half of the Nation's natural gas forever regulated, existing law continues to encourage the shutting in of gas reserves that may be economically feasible to produce at market prices. My bill would end that and thereby encourage the production of domestic gas that will otherwise never be produced.

The Natural Gas Regulatory Reform Act of 1987 will accelerate the free market process of increasing supplies and lowering prices to consumers by gradually decontrolling "old" gas supplies as contracts expire or are renegotiated. Thus, this bill enhances supply and avoids premature shutting in and abandonment of older, still productive fields without any attendant price shock to consumers. Importantly, this bill does not abrogate any existing contracts. Parties to the "old" gas supply contract are free to negotiate a new market-based price—be it higher or lower—without Federal Government interference. Under this bill, the parties are also free to elect to do nothing at all and allow the contract to run at the old price until the expiration date, at which point the contract is open for renegotiation.

The FERC has taken a major step toward revising "old" gas contract prices in its Order No. 451 by allowing gas held artificially below market prices to be renegotiated to a level closer to market values. Although I am encouraged by the steps the Commission has taken at the request of the Department of Energy to move forward to address, through existing law, the distortion in the natural gas market brought about by the price controls in the Natural Gas Act and perpetuated by the Natural Gas Policy Act of 1978. While the Commission's actions in Order No. 451 will help alleviate some of the regulation-induced distortions in the natural gas market, the Commission cannot entirely eliminate these distortions. This is because existing law does not give the Commission the authority to "deregulate" old gas.

Existing law permits setting the price of natural gas at "just and reasonable" levels. What is a "Just and reasonable" price under Federal law does not necessarily reflect the true fair market value of gas at any particular point in time. Moreover, existing law precludes both price and supply flexibility and precludes the

ability of buyers and sellers of natural gas to freely enter into contract terms that inure to the interests of both parties.

I am not introducing this legislation out of dissatisfaction with the efforts of the Commission—they are doing what they can. I am introducing this legislation because I recognize that the Commission is precluded under current law from doing more. This legislation is intended to build on what the Commission has done in Order No. 451. Moreover, Order No. 451 is in litigation and the courts must rule on its validity—not because it is bad policy, but because it may, as alleged by some, be beyond the Commission's statutory authority. Order No. 451 is not a panacea, as it does not restore true supply and demand mechanisms to the natural gas market. However, Order No. 451 is a good step in the correct direction of moving natural gas pricing closer to a free market.

Finally, I remind my distinguished colleagues that "old" natural gas is the only American natural resource that is price controlled at its source. Natural gas is natural gas, irrespective of the date it was discovered. Surely, we have had sufficient recent experience in Federal intervention in oil and gas price controls to enable us to conclude that wellhead price ceilings are both economically inefficient and do not provide long-term price benefits to consumers. It is time for the Congress to enact a mechanism to eliminate the last remaining category of fossil fuel price controls. Title I of the legislation I am introducing today will provide that decontrol mechanism, and it does so without abrogating natural gas contracts.

In addition, the legislation that I am introducing will remove Federal legal barriers that prevent natural gas consumers from making prudent fuel choices. Title II, repeal of the gas use restriction provisions of the Powerplant and Industrial Fuel Use Act of 1978, and title III, repeal of the incremental pricing requirements in title II of the Natural Gas Policy Act of 1978, are similar to the same titles of S. 1302, which I introduced on June 13, 1985. The titles in the measure I am introducing today are identical in text to the bill introduced last month by Senator JOHNSTON, the distinguished chairman of the Committee on Energy and Natural Resources, S. 85, of which I am a cosponsor.

Along with the natural gas pricing and consumer fuel choice measures in this bill, I am including a provision designed to facilitate the evolution of direct sales of natural gas between consumers and independent producers. Title IV permits independent produers to form cooperatives to meet the new demands of the gas marketplace for the direct marketing of their gas. This provision provides the independent producer cooperative association with a defense against Federal antitrust laws, provided that the cooperative association is voluntary, is composed only of independent producers and that the cooperative association does not take actions which are intended to reduce competition. The provision expressly exludes agreements that have "the purpose of raising prices" outside the narrowly drafted permissible activity of pooling their natural gas so that the cooperative members can bargain effectively with gas purchasers.

The term "independent producer" in this provision is defined as any person whose natural gas production does not exceed 5.6 million cubic feet per day and is not an interstate pipeline, intrastate pipeline, or local gas distribution company or an affiliate of such person. The 5.6 million cubic feet per day limitation was chosen because it approximates the Btu equivalent of the 1,000 barrel per day limitations applied to "independent" oil producers in the Internal Revenue Code with respect to the percentage depletion allowance and the special rates provisions of the crude oil windfall profit tax.

Enactment of this marketing cooperative provision will lower the price of natural gas sold directly to local gas distribution companies and industrial users, as well as to pipelines, by increasing competition among the sellers of natural gas in the gas fields. With its Order No. 436, the FERC is improving the ability of gas consumers to purchase gas at more favorable prices by selecting among competing sellers. However, in today's evolving natural gas marketplace, pipeline affiliates and major producers enjoy tremendous advantages in marketing gas to high-volume gas consumers, especially if the consumers are their traditional customers or their own affiliates. Title IV will give independent producers an opportunity to form marketing cooperatives to pool their gas reserves, in order to improve their ability to compete with pipelines and major producers for the direct sales market. Clearly, the consumer will benefit from the increased competition.

I am studying various additional legislative solutions designed to alleviate the difficulties gas producers are having in selling their gas to end users. I am particularly concerned that many gas producers are encountering difficulty in securing pipeline space for their gas sales and their need for access through non-Order No. 436 pipelines.

In summary, my bill will help relieve residential, commercial and industrial natural gas consumers from Government-created market distortions which jeopardize future supplies and prices. In addition, this bill provides an opportunity for Congress to make the changes necessary to boost the depressed natural gas industry. Consumers and the industry would both benefit from this legislation.

Mr. President, I ask unanimous consent that the text of the Natural Gas Regulatory Reform Act of 1987 be printed at this point in the RECORD.

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

S. 536

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

SHORT TITLE; TABLE OF CONTENTS

SECTION 1. (a) SHORT TITLE.—This act may be cited as the "Natural Gas Regulatory Reform Act of 1987."

(b) TABLE OF CONTENTS.—

TITLE I—REMOVAL OF WELLHEAD PRICE CONTROLS AND REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN FIRST SALES OF NATURAL GAS

REMOVAL OF WELLHEAD PRICE CONTROLS

SEC. 101. Section 121 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3331) is amended by the deletion of the words "Subject to the reimposition of price controls as provided in section 122, the" and inserting in lieu thereof "The", and by the addition of a new subsection (f) to read as follows:

"(f) SPECIAL RULE.—The provisions of subtitle A shall not apply to—

"(1) gas subject to any contract for the first sale of natural gas that was executed after the date of enactment of this subsection, or

"(2) gas subject to any contract for the first sale of natural gas that was renegotiated after the date of enactment of this subsection if such renegotiated contract expressly provides that the provisions of subtitle A shall not apply, or

"(3) gas subject to any contract for the first sale of natural gas that will expire, lapse, or terminate pursuant to its own

terms after the date of enactment of this subsection at such time as that contract expires, lapses, or terminates pursuant to its own terms, or

"(4) gas subject to any contract for the first sale of natural gas that expired, lapsed, or terminated pursuant to its own terms, or

"(5) gas subject to any contract for the first sale of natural gas which does not expire at the end of a fixed term of years and which contains a provision permitting redetermination of prices in the event of decontrol shall be deemed eligible for the redetermined price pursuant to such provision, and any otherwise applicable limitation of the Natural Gas Act or this act shall not apply."

REPEAL OF NATURAL GAS ACT JURISDICTION OVER CERTAIN SALES OF COMMITTED OR DEDICATED NATURAL GAS

SEC. 102. Section 601(a)(1)(B) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)(1)(B)) is amended by striking "or" at the end of clause (ii), by replacing the period at the end of clause (iii) with a semicolon, and by the addition of a new clause (iv) to read as follows:

"(iv) natural gas exempted from the operation of subtitle A of title I pursuant to section 121(f)."

REPEAL OF PROVISIONS ALLOWING REIMPOSITION OF PRICE CONTROLS AND REPORT TO THE CONGRESS

SEC. 103. (a) Sections 122 and 507 of the Natural Gas Policy Act of 1978 (15 U.S.C. 3332 and 3417) are repealed.

(b) the table of contents of the Natural Gas Policy Act of 1978 (15 U.S.C. 3301 note) is amended by striking the items relating to sections 122 and 507.

TITLE II—REPEAL OF CERTAIN SECTIONS OF THE POWERPLANT AND INDUSTRIAL FUEL USE ACT OF 1973

SEC. 201. (a) The following sections of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq.) are repealed:

(1) sections 103 (a)(16), (a)(18), (a)(19), and (a)(29)—(42 U.S.C. 8302 (a)(16), (a)(18), (a)(19), and (a)(29));

(2) sections 201 and 202 (42 U.S.C. 8311 and 8312);

(3) section 302 (42 U.S.C. 8342);

(4) section 401 (42 U.S.C. 8371);

(5) section 402 (42 U.S.C. 8372); and

(6) section 405 (42 U.S.C. 8375).

(b) The table of contents of the Powerplant and Industrial Fuel Use Act of 1978 is amended by striking the items relating to the sections repealed by subsection (a) of this section.

CONFORMING AMENDMENTS

SEC. 202. (a) Section 102 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301) is amended by striking "and major fuel-burning installations" and "and new" wherever these phrases appear.

(b) Section 103 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8302) is amended—

(1) in subsection (a)(13)(B), by—

(A) striking clause (ii)(III);

(B) striking "; or" at the end of clause (ii)(II), and inserting a period in its place; and

(C) inserting "and" at the end of clause (ii)(I);

(2) in subsection (a)(15), by striking "or major fuel-burning installation" and "or new" wherever these phrases appear;

(3) in subsection (a)(20), by striking "or major fuel-burning installation";

(4) by redesignating subsections (a)(17), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), (a)(25), (a)(26), (a)(27), and (a)(28) as subsections (a)(16), (a)(17), (a)(18), (a)(19), (a)(20), (a)(21), (a)(22), (a)(23), (a)(24), and (a)(25);

(5) in subsection (b), by striking "or major fuel-burning installation" wherever this phrase appears;

(6) in subsection (b)(1)(D), by striking everthing after "synthetic gas involved" and inserting in its place a period; and

(7) by striking subsection (b)(3), and redesignating subsection (b)(4) as subsection (b)(3).

(c) Section 104 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8303) is amended to read as follows:

"The provisions of the Act shall apply in all the States, Puerto Rico, and the territories and possessions of the United States, except Hawaii and Alaska.".

(d) Section 303 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8343) is amended—

(1) by striking "or installation" and "or installations" wherever the phrases appear;

(2) by striking "or 302" wherever the phrase appears;

(3) by striking subsection (a)(3);

(4) by amending subsection (b)(1) to read as follows:

"(1) The Secretary may prohibit by rule, the use of natural gas or petroleum under section 301(b) in existing electric powerplants.";

(5) in subsection (b)(3), by striking "or major fuel-burning installation"; and

(6) by amending the last sentence of subsection (b)(3) to read as follows: "Any such rules shall not apply in the case of any existing electric powerplant with respect to which a comparable prohibition was issued by order.".

(e) Section 403 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8373) is amended by striking—

(1) in subsection (a)(1), "major fuel-burning installation, or other unit" and the comma immediately preceding this phrase and "installation, or unit" and the comma immediately preceding this phrase;

(2) in subsection (a)(2), "installation, or other unit" and the comma immediately preceding that phrase, and "installation, or unit" and the comma immediately preceding that phrase;

(3) in subsection (a)(2), the last sentence; and

(4) subsection (a)(3).

(f) Section 404 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8374) is amended by striking—

(1) in subsection (c), "new or" in the phrase "applicable to any new or existing electric powerplant"; and

(2) subsection (g).

(g) Section 701 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8411) is amended by striking—

(1) in the last sentence of subsection (b), "or installation";

(2) subsection (c);

(3) in the title of subsection (d), "And Exemptions";

(4) in the first sentence of subsection (d)(1), "or any petition for any order granting an exemption (or permit";

(5) in subsection (d)(1)(B) "or in the consideration of such petition,";

(6) in subsection (f), "or a petition for an exemption (or permit) under this Act (other than under section 402 or 404,"; and

(7) subsection (g).

(h) Section 702 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8412) is amended by striking—

(1) in the title of subsection (a), "Or Exemption";

(2) in subsection (a), "or granting an exemption (or permit)";

(3) subsection (b), and redesignating subsection (c) as subsection (b);

(4) in the first sentence of subsection (b)(1) (as redesignated), "or by the denial of a petition for an order granting an exemption (or permit) referred to in subsection (b),";

(5) in the first sentence of subsection (b)(1) (as redesignated), "such rule, order, or denial is published under subsection (a) or (b)" and inserting in its place "such rule, or order is published under subsection (a)";

(6) in the first sentence of subsection (b)(2) (as redesignated), "the rule, order, or denial" and inserting in its place "the rule or order";

(7) in the second sentence of subsection (b)(2) (as redesignated), "(or denial thereof"; and

(8) in subsection (b)(3) (as redesignated), "any such rule, order, or denial" and inserting in its place "any such rule or order".

(i) Section 711 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421) is amended by striking in the first sentence of subsection (a), "or a major fuel-burning installation".

(j) Section 721 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8431) is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(k) Section 723 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8433) is amended by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c).

(l) Section 731 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8441) is amended by striking—

(1) "or major fuel-burning installation" wherever the phrase appears; and

(2) "title II or" in subsections (a)(1) and (g)(3).

(m) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is amended by striking in the first sentence of subsection (a), "from new and existing electric powerplants and major fuel-burning installations" and inserting in its place "from existing electric powerplants".

(n) Section 761 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8471) is amended by striking—

(1) in subsection (a), "any existing or new electric powerplant or major fuel-burning installation" and inserting in its place "any existing electric powerplant"; and

(2) in subsection (b)—

(A) "new or" in the phrase "In the case of any new or existing facility"; and

(B) "except to the extent provided under section 212(b) or section 312(b)" and the comma immediately preceding that phrase.

TITLE III—REPEAL OF INCREMENTAL PRICING REQUIREMENTS

SEC. 301. (a) Subject to subsections (b) and (c) of this section title II of the Natural Gas Policy Act of 1978 (15 U.S.C. 3341-3348) is repealed, and the items relating to title II are stricken from the table of contents of that Act.

(b) A rule promulgated by the Commission under title II of the Natural Gas Policy Act of 1978 shall continue in effect only with respect to the flowthrough of costs incurred before the enactment of this section, including any surcharges based on such costs.

(c) The Commission may take appropriate action to implement this section.

TITLE IV—LIMITED ANTITRUST RELIEF FOR INDEPENDENT GAS PRODUCER COOPERATIVES

DEFINITIONS

SEC. 401. (a) The term "antitrust laws" shall mean the federal laws defined in section 2(37) of the Natural Gas Policy Act of 1978.

(b) The term "independent producer" means any person whose natural gas production does not exceed 5.6 million cubic feet per day, provided, however, that any person who is an interstate pipeline, intrastate pipeline or local distribution company, as defined in sections 2(15), 2(16) and 2(17) of the Natural Gas Policy Act of 1978, or who is an affiliate of such person, as defined in section 2(27) of the Natural Gas Policy Act of 1978, may not be considered an independent producer for the purposes of this title.

(c) The term "independent producer cooperative" shall mean any group of independent producers formed and operated for the purpose of pooling natural gas to enable the cooperative members to bargain effectively for the sale of the natural gas to any person, provided that such group is not formed or operated for the purpose of raising prices.

ANTITRUST RELIEF

SEC. 402. (a) In any action under the antitrust laws, the formation or operation of an independent producer cooperative shall not be deemed illegal per se, but shall be illegal only if the anticompetitive effects substantially outweigh the procompetitive effects.

(b) In lieu of the treble damages provided for in 15 U.S.C. section 15, any person who is entitled to recover damages resulting from the formation or operation of an independent producer cooperative shall recover only the actual damages sustained.

(c) Nothing in this title shall affect the ability of the United States, any State or a private party from obtaining an injunction against an independent producer cooperative for conduct that is proven to be illegal under the standard set forth in section 402(a) hereof.

By Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. HUMPHREY, and Mr. GRAMM):

S. 537. A bill to amend the United States Housing Act of 1937 to encourage resident management of public housing; to the Committee on Banking, Housing, and Urban Affairs.

RESIDENT MANAGEMENT OF PUBLIC HOUSING

● Mr. ARMSTRONG. Mr. President, today, along with the Republican leader, Senator DOLE, Senator GRAMM of Texas, and Senator HUMPHREY of New Hamsphire, I am introducing legislation which would help give residents of public housing the chance to manage their own housing projects. I first introduced this legislation in August 1985 during the 99th Congress. I do so again this year because I remain strongly committed to this innovative and promising idea.

Resident management of public housing is not a new concept, but one that has yet to reach its full potential. In several cities throughout America, residents of several projects have joined together to take control of their living conditions and, indeed, their lives. They have done so with a commitment, determination, and energy that is both breathtaking and heartwarming to behold.

Right here in Washington, DC, in the shadows of the Capitol Building, Kimi Gray of the Kenilworth-Parkside Resident Management Corp. has led the Kenilworth Gardens project through revolutionary changes over the past 4 years. According to a study prepared by the accounting firm Coopers and Lybrand for the National Center for Neighborhood Enterprise [NCNE], vast improvements have occurred at Kenilworth since 1982 when the residents took over. For the 1982 to 1985 period:

Rent receipts have increased 77 percent.

Welfare dependency was reduced 50 percent while income from work increased 27 percent. Many families went off welfare completely.

Crime has been reduced by 75 percent transforming a once dangerous neighborhood to one where residents work happily with police and live more safely.

Administrative costs at the project were reduced by over 60 percent for 2 consecutive years. Kenilworth is now generating enough revenues to pay its own operating expenses and the bulk of its energy costs.

But what cannot be measured in statistics is the new spirit at Kenilworth, the atmosphere of hope and success that is now part of life there. The residents have made it happen by taking matters into their own hands.

Other resident management corporations in Boston, St. Louis, New Orleans, Chicago, and elsewhere have had similar success. But the potential for resident management has yet to be fully realized, and the Federal Government can play a positive role in further encouraging this opportunity.

The legislation I am introducing would provide an opportunity for residents to manage their own public housing. First, the legislation sets forth guidelines under which residents may establish a management corporation. Second, the bill provides that resident management corporations would be eligible to enter into contracts with local public housing agencies to undertake all responsibilities for the project. In doing so, residents would not lose eligibility for compreshensive operating assistance provided under the law. Third, the legislation would allow resident management corporations to retain any income earned as a result of efficient management practices and plow that money back into project improvements. Fourth, the legislation allows the Secretary of HUD, at the request of resident management corporations, to waive prevailing wage requirements and other unnecessary regulations that significantly increase the cost of operating public housing. Finally, the legislation authorizes HUD to provide technical assistance and training to residents wishing to establish their own management corporation.

What the legislation does not do is require any public housing project in the United States to establish a resident management program. It simply seeks to facilitate such a program should residents of a project voluntarily decide to undertake it.

Mr. President, others in both the House and Senate have advanced similar resident management proposals. I commend them for doing so and look forward to working with them. I believe this will be the year a resident management program is enacted into law. I will do my best to ensure that whatever emerges from Congress is the most sensible and effective way to pursue so promising an idea.

Mr. President, in closing I simply want to note the outstanding efforts that have been made on behalf of the resident management initiative by Bob Woodson of the National Center for Neighorhood Enterprise [NCNE) here in Washington. It is largely through his labors that so many have come to embrace resident management.

Mr. President, I ask unanimous consent that two articles on the Kenilworth-Parkside project be printed at this point in the RECORD. I also ask that the bill be printed in the RECORD.

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

S. 537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Housing Act of 1937 is amended by adding at the end thereof the following:

"RESIDENT MANAGEMENT

"SEC. 20. (a) PURPOSES.—The purposes of this section are to provide a means for improving existing living conditions in public housing projects, to encourage increased resident management of public housing projects, and to provide increased flexibility for public housing projects that are resident managed by—

"(1) waiving certain statutory and regulatory requirements;

"(2) permitting the retention and use for certain purposes of any revenues exceeding operating and project costs; and

"(3) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

"(b) PROGRAM REQUIREMENTS.—

"(1) RESIDENT COUNCIL.—As a condition of entering into a resident mangement program, the elected resident council of a public housing project shall approve the establishment of a resident management corporation. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to

both the corporation and council. If there is no elected resident council, a majority of the households of the public housing project shall approve the establishment of a resident council to determine the feasibility of establishing a resident management corporation to manage the project.

"(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing project and the public housing agency, in cooperation with the Secretary, shall jointly select a qualified public housing management specialist to assist in determining the feasibility of, to help establish, and to provide training in the daily operations of a resident management corporation.

"(3) BONDING AND INSURANCE.—Prior to assuming any management responsibilities for a public housing project, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection, in accordance with regulations and requirements of the Secretary and the public housing agency. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

"(4) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the public housing agency establishing the respective management rights and responsibilities of the corporation and the public housing agency. Such contract shall include specific terms governing management personnel, access to project records, submission of and adherence to budgets, rent collection procedures, tenant income verification, tenant eligibility determinations, tenant screening and selection, tenant eviction, the acquisition of supplies and materials, and such other matters as may be appropriate.

"(5) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing project shall be audited annually by a certified public accountant. A written report of each audit shall be forwarded to the public housing agency and the Secretary.

"(c) WAIVER OF FEDERAL REQUIREMENTS.—

"(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation, the Secretary may waive any requirement established by the Secretary (and not specified in any statute) that the Secretary determines unnecessarily increases the costs or restricts the income of a public housing project.

"(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may waive the applicability of the provisions of section 12 that require the payment of prevailing wages to all persons employed in the development and operation of a public housing project.

"(3) REPORT ON ADDITIONAL WAIVERS.—Not later than 6 months after the date of enactment of the Housing Act of 1986, the Secretary shall submit to the Congress a report setting forth any additional waivers of Federal law that the Secretary determines are necessary or appropriate to carry out the provisions of this section. In preparing the report, the Secretary shall consult with resident management corporations and public housing agencies.

"(4) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 16 or rental payments under section 3(a).

"(d) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing projects managed by resident management corporations shall be provided with comprehensive improvement assistance under section 14, to the extent budget authority is available for such section. Public housing agencies may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection.

"(e) OPERATING SUBSIDY.—

"(1) CALCULATION.—Notwithstanding any provision of section 9 or any regulation under such section, the operating subsidy for a project managed by a resident management corporation shall not be less than the public housing agency per unit monthly amount provided in the previous year as determined on an individual project basis. Any contract for project management entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the project itself, from sources such as rents and charges and the amount of income to be provided to the project from the other sources of income of the public housing agency. The amount of income to be provided by the public housing agency and the operating subsidy established for the project under this subsection may not be reduced during the 3-year period beginning on the date of the enactment of this Act or on such later date on which a new resident management corporation is established, except that, if the total income of the public housing agency is reduced, the income provided by the public housing agency to the resident-managed project may be reduced in proportion to the total income reduction of the public housing agency.

"(2) RETENTION OF REVENUES IN EXCESS OF EXPENSES.—If the resident management corporation has revenues in excess of project operating costs, the resident management corporation shall be permitted to retain those excess revenues for purposes of improving the maintenance and operation of the project, acquiring ownership of the project, and for any other purpose that promotes the development, provision, and delivery of housing for low-income households. The retention of excess income in any form by the resident management corporation shall not result in diminution of operating subsidies that otherwise would be provided to the public housing agency.

"(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.".

[From the Washington Post, May 20, 1985]

HOUSING TENANTS EXPERIMENT WITH SELF-GOVERNMENT

(By Arthur S. Brisbane)

Every weekday morning about 7:30 Gladys Roy leaves her apartment at the Kenilworth Courts public housing project and walks to work, keeping an eye out for unmowed front yards in the sprawling complex. An unkempt lawn means she'll fine the tenant.

Crossing Quarles Street, where the junkies will hang out later in the day, Roy enters the offices of the Kenilworth Parkside Resident Management Corp. and gets a whiff of the strong cleanser her staff uses to scour away the dirty residue of neglect.

She takes her seat behind the manager's desk. For two decades, the 52-year-old mother of nine was just one of the many welfare recipients living at Kenilworth. Now she runs the project and makes $17,000 a year doing it.

She and her staff have not converted Kenilworth Courts and its smaller sister project, Parkside, into anything like paradise. But they are making a case that tenants can fight poverty and perhaps run government housing better than the government can.

They are part of the District's first experiment in tenant management, in which the residents are managing and running their 25-year-old public housing complex. They appear to have halted somewhat the marked deterioration of their homes and, in so doing, have brought jobs to the project and income to its residents.

One of the fewer than 10 such operations in the country, the resident management program at Kenilworth, begun in 1982, receives mostly favorable reviews from some housing experts and federal Housing and Urban Development officials. District housing officials and some Kenilworth residents are more restrained in their assessment, however, and they suggest that claims made by the resident managers and their supporters may be overstated.

"I think it is one of the most successful in the country, in my experience of going around the country and looking at seven or eight of them," said Robert Woodson, president of the National Center for Neighborhood Enterprise, an organization that studies housing and other issues.

"Our general view is that it is working," said Ken Beirne, general deputy assistant secretary for HUD's policy development and research department. "The question of all the reasons why it is working I don't think has been resolved yet."

The District's Housing and Community Development department, which gave the management contract to tenants, appears to have adopted a wait-and-see attitude toward resident management.

"It's a concept that we do support, and it's one we do want to work with residents to expand," said Madeline M. Petty, department director. ". . . On the surface it appears that it is something that we want to do."

Directed by a board of residents, the Kenilworth-Parkside managers head a staff of 30 residents hired to prepare the budget, collect the rent and perform the maintenance on the 464 units where 2,500 persons live in the far Northeast section of the District.

Through stricter enforcement, the resident managers have increased rent collections 179 percent according to a report the American Enterprise Institute is compiling on the resident-management experiment.

On-site administrative costs have dropped 60 percent, the report says, and expenditures for routine maintenance have declined 20 percent since March 1982, when the residents took over from Central City Property

Management Co., a private firm under contract with the city to run Kenilworth.

Yet even as the residents win battles, they discover new enemies. A recent increase in drug dealers and users, rousted by police from other areas of the city, demonstrates the affinity between public housing and some of society's most intractable ills.

And inside the project, not every resident is enamored of the new management headed by Khni Gray, the 40-year-old spark plug and board chairman of the Kenilworth-Parkside Resident Management Corp.

Some residents, such as Jacqueline Robinson, think Kenilworth is much improved. "You could say it has picked up since the tenants took over," she said. But, then, her brother Gracia Robinson got a job with the resident management corporation.

Willie Mae James, who lives in a five-bedroom unit with 12 relatives, said, "I think it has gotten a little better but not too much. When they fix things, they don't stay fixed."

Her daughter, Neicy James, added. "they are too strict. They check on you. They see who's living here. They put your rent up, if you make more money. . . . If they see trash in your yard, they fine you for it—even if it's not yours."

Some tenants give the management good marks for maintenance but say they are frustrated by the crime problem. "No, they don't need those people [resident managers]," said Eleanor Farley. "They need somebody to do something about the drugs in the street."

Fred Thomas, deputy police chief for the 6th District, said his officers arrested 50 to 60 persons on drug charges last month at Kenilworth. Most of them were not residents. "They just come there to ply their trade," he said.

Thomas credits the residents with helping police discourage drug traffickers, who are attracted to the wooded areas and the sanctuary afforded by the nearby Maryland state line.

"If we didn't have help from them," he said, "it would be a heck of a lot worse situation."

Meanwhile officials at the city's housing department question whether the experiment is as successful as it is portrayed by Gray and the American Enterprise Institute.

Petty expressed doubt that the numbers cited by Gray and the institute are accurate and said her department was compiling its own statistics. She declined to release any data on rent collection, maintainance and administrative costs at Kenilworth-Parkside.

In similar experiments elsewhere, experts have reported tensions between tenant management groups and public housing authorities.

"There are some housing authorities that in fact have fear that they will lose control if they give residents more say in what's going on," said Clyde McHenry, a housing consultant who helped train the Kenilworth managers.

McHenry headed the New Orleans public housing authority and was later named an assistant secretary at HUD for public housing during the Carter administration.

Phil Abrams, a former HUD undersecretary, recalled that District housing officials in 1983 chose not to seek funds actively to completely renovate tenant-managed Kenilworth Courts. Abrams, the official responsible for doling out those funds, bypassed the city's list of priorities and designated $13.2 million for Kenilworth-Parkside.

"Mayor Barry had always been supportive [of resident management]," said Abrams, now a real estate developer in Denver, "but the bureaucracy in the housing authority was somewhat reticent and, I think, somewhat threatened by the success of tenant management. So they made the judgment, in applying for modernization funds, that there were other projects that were in worse shape than Kenilworth."

HUD has not released the funds for the modernization project, which was announced in October 1983. "The money is supposed to go to Kenilworth," a HUD spokesman said.

"But we are waiting to put in place a series of meetings that need to happen before decisions can be made."

When the rehabilitation project starts, the resident management corporation will become a partner with Gilbane/Smoot, a contractor and construction management corporation formed by the Gilbane Building Co. Gilbane/Smoot and the tenants will oversee the construction work.

The city's Housing and Community Development Department will retain the power to let contracts for the project, but Gray believes that the joint partnership will provide more jobs to Kenilworth residents.

Opened 25 years ago, Kenilworth was built to provide housing for some of the District residents displaced by the urban renewal of Southwest.

Parkside, a 42-unit housing project erected in 1940, was merged with Kenilworth Courts at the time of Kenilworth's opening.

In the years that followed, Kenilworth shared the fate of many big city public housing projects. Many welfare-dependent residents did not pay their rent regularly. The city failed to maintain the property properly, and it became run down. According to residents, there was little, if any, heat and hot water during 1979, 1980 and 1981. Rats were everywhere.

Meanwhile, Kimi Gray and her supporters were taking note of tenant groups in cities such as St. Louis, Boston and New Orleans that were experimenting in the 1970's with resident management of public housing.

Resident management, Gray came to believe, "gives residents back the responsibility of taking care of their community. It provides jobs. Maintenance calls are answered within 24 hours. The engineer lives on the grounds. When the heat goes out, he becomes cold, too."

[From the Washington Times, May 17, 1985]

A Successful Test of the Agenda in the District of Columbia

(By Richard Vigilante)

It is no surprise that the future of American public housing policy is being decided inside Washington, D.C. But it might be a surprise that in an important sense it's being decided just barely inside Washington, D.C. not downtown, where the politicians meet the policy pros, but in a questionable neighborhood one step from the Maryland border, where sits a public housing project that three years ago was known as one of the worst in the city.

The project is called Kenilworth-Parkside, and its already famous in the policy community. Though there are others like it around the country, its phenomenal success and fortunate location have made it Exhibit A of the "housing radicals."

This merry band, mostly think-tankers and Hill staffers is convinced the solution to the disasterous state of public housing is to turn the projects over to the experts—the residents, most of whom are on welfare and some of whom have never held regular jobs or acquired marketable skills or even decent work habits. An odd choice of personnel to run, and eventually own, a multimillion-dollar piece of real estate. If Kenilworth-Parkside is a fair example, it works.

Three years ago, Kenilworth-Parkside was everything the phrase "the projects" has come to mean: Considered simply as housing, it was a disaster. Heat and hot water were the exception, not the rule. The most routine maintenace was neglected, and vandalism and tenant abuse made maintenance pointless, anyway. Rents were neither willingly paid nor vigorously collected and the project lost hordes of money.

As a community it was even worse; overrun by drugs, crime, despair, and fear; 85 percent of the residents relied chiefly on government largess for their income 30 percent were totally dependent, teen-age pregnancies were frequent.

In 1982, the residents of the project decided that living conditions had crossed into the intolerable zone. They formed their own management corporation, elected a board of directors from among the residents, and convinced the city to let them run the place.

Within two years they radically improved living conditions; restored regular heat and hot water, patched up leaky roofs and other gross physicial defects, cut operating costs 60 percent, and raised rent receipts 13 percent.

So much anyone who understands incentives might have predicted since the managers live in the project, they suffer when the heat goes off. But in those two years crime also dropped 75 percent, resident income rose substantially, and welfare dependency and teen-age pregnancies were reduced by half though essentially the same people were living there as in 1982.

The evidence indicates that over these broad social changes are directly attributable to the resident takeover.

The story of the transformational Kenilworth-Parkside could fill a book, though as told by Kimi Gray, the Kenilworth resident who heads the board of directors, it would be a novel, not a doctoral thesis. The theme would be straightforward—the end of childhood.

Current public housing programs, along with most welfare programs, assume their clients are part of an "underclass," not merely poor, but socially deranged members of a culture that attaches, as one theorist put it "no value to work, sacrifice, self-improvement, or service to family, friends, or community." But a similar description might be made of very young children—notoriously, though innocently, selfish because everything is done for them.

The Kenilworth experience suggests the "underclass" theorists who design welfare programs have it backwards. Residents of public housing and other government dependence behave irresponsibly because all responsibility has been taken from them.

According to Kimi Gray, Kenilworth residents behave responsibly because they have responsibility: they are self-governing, making their own rules and enforcing them.

Break a window? Pay a fine, enforced by the residents. Poor people can't afford to pay fines? "Wrong," says Kimi, "Poor people can't afford to break windows." Don't cut your grass? Management will cut it and send you a bill. Let your kids "hang out" all day causing trouble instead of going to school? You'll be reported to the authori-

ties and if you don't straighten out your kid you'll be evicted. There have only been two evictions.

This is not totalitarianism—middle-class people live under similar restraints. Indeed at Kenilworth the rules are so cherished by the community they work more like the status restraints of middle-class neighborhoods than like citations from a lawbook.

One reason welfare dependency has declined is that all the work of the projects from running the furnaces to fixing the roofs, is done by resident employees. More importantly, self management has created a community, and in that community "watching soap operas all day and collecting welfare" is not acceptable behavior. Crime has dropped 75 percent because the community defends itself—one of the principal social activities at Kenilworth seems to be watching the street and calling the police.

The next step the residents hope, will be the ultimate responsibility, ownership, first by management collectively and then by those residents who wish and, with subsidies, could afford to buy their units co-op style.

Public policy analyst Cicero Wilson, who had studied Kenilworth-Parkside closely for the American Enterprise Institute, points out that as tenants public housing residents are encouraged to be irresponsible.

As their incomes rise, their rents rise, discouraging work. Indeed, income increases can eventually force them out of their homes. The current system guarantees that the most responsible residents of the community will be punished or forced to leave.

With ownership as a goal, tenants would have an incentive to raise their incomes and protect their homes—like adults in the real world, not children sentenced to the welfare nursery.

Ownership is the ultimate goal of the housing radicals. Rumor has it that mild-manner HUD Secretary Sam Pierce has radical blood in his viens. Let's hope.●

By Mr. ZORINSKY:

S.J. Res. 51. Joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week"; to the Committee on the Judiciary.

NATIONAL CZECH AMERICAN HERITAGE WEEK

● Mr. ZORINSKY. Mr. President, on behalf of the Czech American citizens throughout the United States, I rise today to introduce a joint resolution designating the week of July 27 to August 2, 1987, as "National Czech American Heritage Week." This legislation pays tribute to the thousands of Czech Americans who live in the United States.

The first documented Czech immigrant, Augustine Herman, arrived in New Amsterdam in 1633. Czech immigrants began arriving in large numbers after 1850 seeking religious, economic, and political freedoms. By 1890, some 170,000 persons had arrived. by 1900, Czech immigrants and their descendents, had settled in particularly large numbers in the cities of New York, Cleveland, and Chicago. In addition, they were established in large numbers in farming communities throughout the breadbasket of the United States stretching from Wisconsin to Texas. Today, Czech immigrants and their descendents can be found in each and every State in the United States.

Throughout the history of the United States, Czech immigrants and their descendents have made significant and unique contributions to American culture. Czech's have been particularly active in the newspaper business, politics, and in intellectual and religious movements of the day. By involving themselves in these areas, Czech immigrants and their descendents became a significant voice in the American intellectual landscape. The most recent wave of Czech immigrants, following the implementation of the Czechoslovakian Communist regime in 1948 and the Soviet-led invasion of Czechoslovakia in 1968, continue to infuse American culture with fresh ideas and talent.

While Czech immigrants successfully integrated into the American mainstream, they have never lost touch with their heritage. Czechs formed fraternal and gymnastic societies soon after arriving in the United States. Today, ethnic pride is still manifested through these organizations as well as through the many Czech festivals held in towns throughout the midwest and nationwide.

It has been my privilege to take this time on the Senate floor to urge my colleagues to join me in recognizing July 27 to August 2, 1987, as a week to remember and reflect on the unique heritage of Czech Americans.

Mr. President, I ask unanimous consent that Senator EXON be listed as an original cosponsor of this measure. I also request unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 51

Whereas since the immigration of the first documented Czech settler, Augustine Herman, to New Amsterdam in 1633, Czechs and Americans of Czech descent have played a vital role as contributors to United States rural and urban life;

Whereas Czech immigrants, seeking religious, economic, and political freedom, have throughout the years contributed significantly to the arts, sports, education, and commerce;

Whereas Czech immigrants, fleeing the communist regime in 1948 and the 1968 Soviet led invasion of Czechoslovakia, represent the latest in the tradition of Czech immigrants seeking political freedom in the United States, and are particularly noteworthy for their impressive contributions in literature and other intellectual and professional pursuits;

Whereas in the 19th century Czech immigrants established hundreds of gymnastic clubs, known as "sokols", throughout the United States, and this dedication and aptitude for sports continues and is well embodied in the accomplishments of the recent Czech immigrant, Martina Navratilova, the number one ranked women's tennis player in the world for the past five consecutive years; and

Whereas the state of Nebraska has the largest percentage of Czech descendants per capita, and the town of Wilber, Nebraska, known as the Czech capital of the United States, celebrates its 26th Annual National Czech Festival on August 1-2, 1987: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing on July 27, 1987, and ending on August 2, 1987, is designated as "National Czech American Heritage Week", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such period with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. CONRAD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 10

At the request of Mr. CRANSTON, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 23

At the request of Mr. ROTH, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 23, a bill to make changes in the Trade Adjustment Assistance Program.

S. 40

At the request of Mr. MOYNIHAN, the name of the Senator from Montana [Mr. BAUCUS], and the Senator from Vermont [Mr. STAFFORD] were added as cosponsors of S. 40, a bill to amend section 1 of the Atomic Energy Act to 1954, as amended, to clarify that no nuclear plant should operate without assurance from the Federal Government's experts on emergency preparedness that the public health and safety can and will be protected.

S. 51

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 52

At the request of Mr. PRESSLER, the name of the Senator from Nevada [Mr. HECHT] was added as a cosponsor of S. 52, a bill to direct the coopera-

tion of certain Federal entities in the implementation of the Continental Scientific Drilling Program.

S. 69

At the request of Mr. TRIBLE, the name of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Massachusetts [Mr. KERRY], and the Senator from Maryland [Ms. MIKULSKI] 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. 109

At the request of Mr. INOUYE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Indiana [Mr. LUGAR], Senator from Hawaii [Mr. MATSUNAGA], and the Senator from Montana [Mr. MELCHER] were added as cosponsors of S. 109, a bill to permit the naturalization of certain Filipino war veterans.

S. 129

At the request of Mr. INOUYE, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Alaska [Mr. STEVENS], the Senator from Montana Mr. MELCHER], the Senator from South Dakota [Mr. PRESSLER], the Senator from Washington [Mr. EVANS], the Senator from California [Mr. CRANSTON], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 129, a bill to authorize and amend the Indian Health Care Improvement Act, and for other purposes.

S. 181

At the request of Mr. RIEGLE, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of S. 181, a bill entitled the "Public Safety Officers' Death Benefits Amendments of 1987."

S. 182

At the request of Mr. RIEGLE, the names of the Senator from California [Mr. WILSON], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 182, a bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time in the continental United States for Presidential general elections.

S. 184

At the request of Mr. DODD, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 187

At the request of Mr. MELCHER, the names of the Senator from New Jersey [Mr. BRADLEY], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 187, a bill to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums.

S. 200

At the request of Mr. NICKLES, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 200, a bill to amend the Internal Revenue Code of 1954 to repeal the windfall profit tax on crude oil.

S. 233

At the request of Mr. BOREN, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Wyoming [Mr. WALLOP] were added as cosponsors of S. 233, a bill to amend the Internal Revenue Code of 1986 to encourage increased production of domestic crude oil, and for other purposes.

S. 248

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 248, a bill to amend title 10, United States Code, to permit members fo the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 249

At the request of Mr. DODD, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 249, a bill to grant employees parental and temporary medical leave under certain circumstances, and for other purposes.

S. 268

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 268, a bill to amend title 5, United States Code, to provide child adoption benefits for Federal Government employees.

S. 269

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 269, a bill to amend title 10, United States Code, to provide child adoption benefits for members of the Armed Forces.

S. 270

At the request of Mr. HUMPHREY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 271

At the request of Mr. HUMPHREY, the name of the Senator from Oklahoma [Mr. NICKLES], the Senator from Mississippi [Mr. COCHRAN], the Senator from Iowa [Mr. GRASSLEY], the Senator from North Carolina [Mr. HELMS], and the Senator from Pennsylvania [Mr. HEINZ] were added as cosponsors of S. 271, a bill to amend section 1001 of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 334

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. SYMMS], was added as a cosponsor of S. 334, a bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act.

S. 336

At the request of Mrs. KASSEBAUM, the names of the Senator from Nebraska [Mr. ZORINSKY], and the Senator from Pennsylvania [Mr. HEINZ], were added as cosponsors of S. 336, a bill to amend the Securities Exchange Act of 1934 to impose disclosure requirements on persons acquiring more than 5 percent of certain classes of securities.

S. 346

At the request of Mr. ZORINSKY, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Pennsylvania [Mr. HEINZ], were added as cosponsors of S. 346, a bill to amend the Railroad Retirement Act of 1974 to allow a worker to be employed in any nonrailroad employment and still qualify for an annuity, subject to current deductions in the tier 1 benefit on account of work and new deduction in the tier 2 benefit if the employment is for his last nonrailroad employer.

S. 347

At the request of Mr. SASSER, the names of the Senator from Arizona [Mr. DECONCINI], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 350

At the request of Mr. DURENBERGER, the names of the Senator from Indiana [Mr. QUAYLE], and the Senator from Wisconsin [Mr. KASTEN] were added as cosponsors of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 368

At the request of Mr. MATSUNAGA, the name of the Senator from Colorado [Mr. WIRTH], was added as a cosponsor of S. 368, a bill to amend the Federal Food, Drug, and Cosmetic Act to ban the reimportation of drugs in the United States, to place restrictions on drug samples, to ban certain resales of drugs purchased by hospitals and other health care facilities, and for other purposes.

S. 383

At the request of Mr. QUAYLE, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 383, a bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes.

S. 408

At the request of Mr. KERRY, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 408, a bill to amend the Atomic Energy Act of 1954 to allow full participation by State and local governments in the licensing process for nuclear power facilities and to require that emergency planning extend to a minimum of 10 miles in radius around each nuclear power facility.

S. 457

At the request of Mr. SYMMS, the name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 457, a bill to amend the Tax Reform Act of 1986 to delay for 1 year the increase from 80 to 90 percent in the current year liability for estimated tax payments by individuals, and for other purposes.

S. 477

At the request of Mr. CRANSTON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 477, a bill to assist homeless veterans.

S. 479

At the request of Mr. THURMOND, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 479, a bill to amend chapter 73 of title 10, United States Code, to provide a minimum monthly annuity under such chapter.

S. 490

At the request of Mr. BENTSEN, the name of the Senator from Minnesota [Mr. BOSCHWITZ] was withdrawn as a cosponsor of S. 490, a bill to authorize negotiations of reciprocal trade agreements, to strengthen U.S. trade laws, and for other purposes.

SENATE JOINT RESOLUTION 9

At the request of Mr. SARBANES, the names of the Senator from Connecticut [Mr. DODD], the Senator from Connecticut [Mr. WEICKER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. METZENBAUM], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Washington [Mr. ADAMS], and the Senator from New York [Mr. D'AMATO] 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 13

At the request of Mr. SYMMS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 19

At the request of Mr. WARNER, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Kansas [Mr. DOLE], the Senator from Missouri [Mr. BOND], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987, as "National Energy Education Day."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from Oregon [Mr. HATFIELD] 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 39

At the request of Mr. SIMON, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. BOREN], the Senator from Indiana [Mr. QUAYLE], the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. DECONCINI] were added as cosponsors of Senate Joint Resolution 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."

SENATE JOINT RESOLUTION 41

At the request of Mr. GLENN, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of Senate Joint Resolution 41, a joint resolution to designate the period commencing on November 22, 1987, and ending on November 29, 1987, as "National Family Caregivers Week."

SENATE JOINT RESOLUTION 49

At the request of Mr. HATFIELD, his name was added as a cosponsor of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. HUMPHREY, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. HATFIELD, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE RESOLUTION 92

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of Senate Resolution 92, a resolution rejecting the administration's recommendation to eliminate the excise tax exemption for alcohol fuels.

SENATE RESOLUTION 93

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 94

At the request of Mr. BYRD, the names of the Senator from Pennsylvania [Mr. SPECTER], and the Senator from New Mexico [Mr. DOMENICI] were added as cosponsors of Senate Resolution 94, a resolution concerning arms control negotiations with the Soviet Union.

At the request of Mr. ROCKEFELLER, his name was added as a cosponsor of Senate Resolution 94, supra.

At the request of Mr. PELL, his name was added as a cosponsor of Senate Resolution 94, supra.

SENATE RESOLUTION 98

At the request of Mr. RIEGLE, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 98, a resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

SENATE CONCURRENT RESOLUTION 17—REGARDING THE PROMOTION OF DEMOCRACY AND SECURITY IN THE REPUBLIC OF KOREA, AND FOR OTHER PURPOSES

Mr. CRANSTON submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 17

Whereas the American people have an enduring commitment to help secure and promote democracy for the people of the Republic of Korea;

Whereas American citizens have demonstrated commitment to the freedom of the people of the Republic of Korea by our sacrifices during the Korean War, by our ongoing defense treaty relationship, including the stationing of 40,000 U.S. troops in the Republic, and our provision of more than $12 billion in economic and military aid since 1953—assistance which is advanced in furtherance of democracy, not dictatorship;

Whereas in 1988 the Republic of Korea plans the transition of presidential power and the hosting of the summer Olympic games;

Whereas these events will focus international attention on the Korean Peninsula;

Whereas a peaceful, democratic transition of governmental power could become the political landmark that will secure the path toward genuine democracy for South Korea;

Whereas the Republic of Korea's increasing role in the international economy has not been matched by a commensurate increase in the enforcement of internationally-recognized standards in civil and political rights;

Whereas genuine democracy, governmental respect for internationally recognized human rights, and internal stability best guarantee the security of the Republic of Korea against any conceivable threat of aggression from North Korea; and

Whereas large numbers of citizens of the Republic of Korea have expressed dissatisfaction with the severe limits imposed by the authorities on freedom of expression and access to the political process: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That (a) the American people reaffirm our commitment to promoting the development of democracy for all the Korean people.

(b) It is the sense of Congress that

(1) the deep interest of the United States in securing democracy and human rights in the Republic of Korea would best be served by the peaceful establishment of genuine democratic institutions;

(2) the necessary condition for achievement of a genuine democracy is an electoral system designed, by agreement among the South Korea political parties, to give the people of the Republic of Korea confidence that the outcome of those elections will reflect their will; and

(3) the necessary conditions of such elections are freedom of expression, freedom of the press, respect for due process of law, an independent judiciary, an end to the use of torture, the release of all political prisoners, the restoration of full political and civil rights; and legal implements to guarantee the proper and humane treatment of all political detainees.

Mr. CRANSTON. Mr. President, today I am submitting a concurrent resolution in support of progress toward genuine democracy for the people of South Korea.

The United States and the Republic of Korea have maintained a close friendship over the past four decades and continue to share many common concerns—for security in northeast Asia, for the promotion of international trade, and for a continuation of the mutually beneficial relations between our two nations. I know that the South Korean people have not forgotten the sacrifices of the Americans who served in Korea during the Korean war, and they are grateful for the continued assistance and security United States Forces in South Korea provide today. The Korean people have not forgotten the economic aid from the United States which helped them, in part, to build the flourishing economy they now enjoy.

Because of this historical friendship, Americans have had a large reservoir of good will to draw upon in South Korea. But that supply of good will is not limitless, and indeed, we are now confronted with a rising tide of anti-Americanism in South Korea. How can this be possible, in view of the close relationship our two countries have enjoyed? It seems the United States suffers from the perception, growing among the South Korean people, that we are allied with the tyranny, with the injustices and abuse of the Chun dictatorship. We must dispel this false perception by stating clearly to the South Korean people that United States interests lie in the furtherance of democracy, not dictatorship.

Our firm show of support will come at a crucial time in South Korea's history. The people of that nation will face a number of challenges in 1987 which will determine the political future of South Korea. Negotiations between leaders of the South Korean Government and opposition leaders over the divisive issue of constitutional reform are currently proceeding, albeit slowly. The ruling party insists on a parliamentary form of government; the opposition New Korea Democratic Party would like a system of direct presidential elections. There is serious concern among the opposition that no fair parliamentary election can be held because of severe distortions of the popular will inherent in the administration of the current electoral laws.

We must hope that a spirit of cooperation will prevail and that these negotiations will lead to a compromise that will be acceptable to the majority of South Koreans. Any such compromise must provide for a government representative of the will of the Korean people, significant electoral reform, and legal instruments which guarantee fundamental political and civil rights to all the citizens of the Republic of Korea. If a resolution to the current political impasse is not achieved, I fear we may see increased violence that could seriously disrupt not only South Korea's immediate election plans, but also the longer term prospects for a transition to democracy there.

South Korea has never, in modern times, experienced a democratic transfer of power. There is finally a chance that genuine democratic development can take place in Korea in the next year. Unfortunately, this chance grows increasingly dim as the political confrontation intensifies without a negotiated settlement in sight.

While it is not for us to dictate to the South Korean people which form of government is most appropriate for them, it is high time we lent more meaningful support to the principle of democracy there. Several weeks ago a student at Seoul National University was brutally tortured and killed in police custody. The death of Park Jong-Chul has become a rallying-point against Chun's oppression for the many students, workers, and other Korean citizens who have been struggling and demonstrating for democracy in recent months. Park's death is by no means the only example of the severe abuses of the Chun regime. Harrassment, arrest, and imprisonment of virtually all outspoken dissenters, including journalists and clergymen, has been the customary method of dealing with political opposition to Chun.

I fear that violence may become more widespread and severe if the Korean people lose hope that democratic progress can be made in the near future. The American people must do what we can to strengthen the hope by reassuring the Korean people of our enduring commitment to democracy in South Korea. As we did in our relations with the people of the Philippines, we must make clear our interest in promoting full human and political rights for all the citizens in that country. And we must demonstrate our interest in free and fair elections, freedom of press, and the release of all political prisoners there.

The resolution I am introducing today is designed to make the position of the United States clear on this issue. Its purpose is to reaffirm to those in South Korea struggling for democracy that the United States is on their side and shares their hopes. It is designed, as well, as a clear reminder and warning to South Korean authorities that American's commitment is to defend democracy, not dictatorship: our troops are in South Korea to advance freedom, not fascism.

As Chairman of the East Asian and Pacific Affairs Subcommittee of the Senate Foreign Relations Committee, it is my intention to hold hearings on the political situation in the Republic

of Korea at the earliest opportunity in March, and to move any resolution forward in the committee to permit action by the full Senate.

As the South Korean people look forward to a successful 1988 Seoul Summer Olympics with justified pride, let us encourage them to hope that the Olympics will take place in a free and democratic country. Let me make clear the commitment of the people of the United States to democracy, justice, and human rights in South Korea.

SENATE RESOLUTION 104—URGING REVISION OF IRS FORM W-4

Mr. QUAYLE (for himself, Mr. KASTEN, Mr. MCCAIN, Mr. DURENBERGER, Mr. DANFORTH, Mr. LUGAR, Mr. SIMMS, Mr. NICKLES, Mr. DOMENICI, Mr. ROTH, Mr. HUMPHREY, Mr. BOSCHWITZ, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 104

Whereas, the Tax Reform Act of 1986, Public Law 99-514, necessitated changes in wage withholding to reflect new rate schedules and changes in withholding allowances which may affect individual income tax liability; and

Whereas, title XV of the Tax Reform Act of 1986 instructed the Internal Revenue Service to issue new Forms W-4, and required that employers withhold income taxes from employees' wages consistent with employees' most recent withholding allowance certificate if the employees do not file a revised Form W-4 on or before October 1, 1987; and

Whereas, the Senate Finance Committee Report to accompany the Committee version of the Tax Reform Act of 1986, H.R. 3838, relating to Section 562 of the bill stated, "While the Committee believes that the changes in the substantive law made by this bill will permit wage withholding to approximate tax liability more closely for many taxpayers, the Committee believes that increased complexity in the current Form W-4 and wage withholding tables is not desirable, even if it were designed to permit withholding to approximate tax liability more closely. Consequently, neither Form W-4 nor the withholding tables is to be made more complex when they are revised in accordance with this provision of the bill"; and

Whereas, the revised Form W-4 issued by the Internal Revenue Service on November 18, 1986 is four pages in length, may require taxpayers to complete as many as 46 separate lines of information, refers taxpayers to a total of four different IRS publications for instructional purposes, and is unnecessarily complex and confusing; and

Whereas, the complexity of the Form W-4 has fostered a negative perception of the Tax Reform Act of 1986 by taxpayers, caused unnecessary tension in the relationship between employers and employees, and placed an inordinate burden on taxpayers, and;

Whereas, the more complex Form W-4 and the accompanying new requirement that taxpayers must have withheld 90 percent of tax liability, rather than the previous level of 80 percent, reduces the margin for unintended error and unpredictable fluctuations in income and thus may subject taxpayers to penalties and interest due under Section 6654 of the Internal Revenue Code; and

Whereas, the IRS has indicated that it is reviewing various alternatives but has made no commitment to issuing a new Form W-4, and;

Whereas, further delay in the issuance of a simpler Form W-4 may cause a great number of taxpayers to be unknowingly and unintentionally underwithheld, and thus penalized unfairly: Now, therefore, be it

Resolved, That it is the sense of the Senate that the IRS should revise the Form W-4, giving highest priority to simplicity and clarity of instructions, and that such revision should be completed in a timely manner in order to avoid undue penalty to taxpayers from underwithholding.

● Mr. QUAYLE. Mr. President, when it comes to terrifying the American people, Hollywood has its rival in Washington. Just as Hollywood has scared moviegoers across the country with Paramount Pictures' B-grade epic horror story, "Friday the 13th," and its five sequels, Washington has scared the wits out of U.S. taxpayers once again by using F-grade judgment in producing the new W-4 forms, or "Tax Horrors Part III."

The original scare came in 1982 when Congress required 10 percent withholding on all dividend and interest income. Because of the hardships this provision imposed upon withholding and financial institutions, I helped lead the successful campaign in Congress to repeal that unwieldy law in 1983.

Next came the thrill contemporaneous auto logs of 1984, a requirement that Congress included in deficit-reduction legislation that year as a means of preventing the tax avoidance that occurs when people claim business deductions for what are actually personal expenses. But the Internal Revenue Service interpreted the requirement to mean that, unless a detailed log was kept of each and every business use of a vehicle, no tax deduction or credit would be allowed. Once again an onerous burden had been imposed on American taxpayers, and once again Congress did the right thing in 1985 and passed a bill I cosponsored to repeal the new and unwarranted Federal regulations.

The latest horror story was perpetrated on November 18, 1986, when the IRS released the new form W-4.

I am proud to have been the first in the Senate to introduce a comprehensive tax reform proposal back in May 1982—the SELF tax plan—for simplicity, efficiency, low rates, and fairness. It was no coincidence that the first letter of the acronym for my bill was "S" for simplicity. It was the public's desire to simplify the maze-of-a-tax-code that provided the impetus for the early stages of Federal tax reform.

Yet that vital objective has been abandoned by the Tax Reform Act of 1986 and its accompanying regulations. Many believe that a tax code cannot be both simple and fair, but Mr. President, does not eliminating loopholes, special preferences, and tax expenditures make the system both simpler and fairer?

Mr. President, I would like to quote from a few of the letters I have received from Hoosier taxpayers about the new W-4 form:

I have just received the new W-4 with accompanying instructions. After reading them for an hour, I called my accountant and gave them to him * * *. I have now forgotten how to spell SEMPLESITI.

Can't we have forms the average citizen can fill out without having to hire an accountant or lawyer?

Not only are these forms confusing, they are a burden on businesses and are affecting the employer-employee relationship:

Companies are having to spend lots of time and money running off explanations trying to help their employees fill out the new W-4 forms.

Another letter about the W-4 form that I received from one of my constituents asks, "Would you please have someone answer the following questions?:

Why is it necessary to refer to four other forms to help fill out this one?

Why do we need an 800 phone line to order three of these forms, one of which is not available?

Why after eighteen busy signals at an IRS office was I referred to four people who gave me two different answers?

How can you lawfully file this form on September 30, and yet know you won't be hit with a $500 fine plus interest for a wrong estimate?

These are telling questions indeed, and to date, the IRS has provided no satisfactory answers to them. The reviews of the new W-4 form from America's heartland are unanimous: The latest Washington horror production has bombed, and the only way to address the critics' very reasonable outrage is by sending the IRS back to the cuttingroom.

Mr. President, Hoosiers, like all Americans, enjoy a good scare for entertainment's sake now and then, but they don't like it one bit—nor should they—when Washington shocks their day-to-day lives with an unnecessarily complex tax form coupled by the threat of a penalty if they do not successfully negotiate its prohibitive maze of instructions.

To win back the faith of the American taxpayers, Mr. President, I believe Congress must take corrective action. For starters, we should enact S. 350, legislation introduced by Senator DURENBERGER that I am cosponsoring to extend the waiver of estimated tax penalties for another year. Under this bill, no estimated tax penalties would be imposed on individuals for taxable years 1986 and 1987 to the extent that underpayment of estimated tax is cre-

ated or increased by any provision of the Tax Reform Act of 1986. Taxpayers would still be required to pay their 1986 taxes by April 15, 1987, and to pay their 1987 taxes by April 15, 1988, or they would be subject to a penalty for failure to pay tax.

Congress should also pass into law S. 457, legislation authored by Senator SYMMS that I have also cosponsored. This bill would delay for 1 year the provision of the Tax Reform Act of 1986 that increased from 80 to 90 percent the portion of the current year's tax liability that must be paid by individuals as estimated tax payments to avoid an estimated tax penalty. The first section of the bill would also extend the waiver of individual estimated tax penalties another year, while section two would enable certain individuals to elect to pay part or all of the income taxes owed for the taxable year in 1987 in three equal installments, which would be due on April 15, June 15, and September 15, 1988.

Finally, the Senate should broadcast its plan of the form W-4 by passing the measure I am introducing today. My sense of the Senate resolution calls on the IRS to "revise the form W-4, giving highest priority to simplicity and clarity of instructions." My initiative further stipulates "that such revision should be completed in a timely manner in order to avoid undue penalty to taxpayers from underwithholding."

I urge my colleagues to join me cosponsoring this resolution and calling for its prompt consideration and adoption.●

AMENDMENTS SUBMITTED

NATIONAL APPLIANCE ENERGY CONSERVATION ACT

GRAMM AMENDMENT NO. 31

Mr. GRAMM proposed an amendment to the bill (S. 83) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; as follows:

On page 16, line 16, strike "every".

On page 17, line 18, strike "every".

On page 19, strike line 22 and all that follows through page 20, line 20.

On page 22, strike line 6 and all that follows through page 23, line 3.

On page 25, strike line 3 and all that follows through line 24.

On page 26, line 19, strike "every".

On page 27, strike line 23 and all that follows through page 28, line 13.

On page 29, line 21, insert the following and redesignate subsections (j), (k), (l), (m), (n), and (o), accordingly:

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsection (1)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces) after publication of the final rule establishing a standard.

On page 55, strike lines 13 through 15 and insert "of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

On page 2, line 21, delete "(m)" and insert "(o)" in lieu thereof,

On page 28, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 29, line 18, delete "(j) and (k)" and insert "(l) and (m)" in lieu thereof,

On page 34, lines 24 and 25, delete the "(j)" the two places it appears and insert "(l)" in lieu thereof, and

On page 9, line 9; page 39, line 19 and page 40, line 12 delete "1986" and insert "1987" in lieu thereof.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding the following hearings:

Oversight hearing on fiscal year 1988 budget for Indian programs on Thursday, February 19, 1987, in Senate Dirksen G-50 beginning at 9 a.m. Those wishing additional information should contact the committee at 224-2251.

S. 187, the Native American Cultural Preservation Act on Friday, February 20, 1987, in Senate Dirksen 628, beginning at 10 a.m. Those wishing additional information should contact Clara Spotted Elk at 224-2644.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee has rescheduled its organizational meeting and hearing on the administration's fiscal year 1988 budget for the SBA to Tuesday, February 24, 1987. The hearing will commence at 2:30 p.m., and will be held in room 428A of the Russell Senate Office Building. For further information, please call John Ball, the committee staff director at 224-5175.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Energy Regulation and Conservation.

The hearing will take place Thursday, March 12, 1987, 9:30 a.m., in room SD-366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning 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.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Betsy Moler at (202) 224-0612.

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. FORD. Mr. President, I would like to announce for the information of the Senate and the public that hearings on the Department of Ener-

gy's Uranium Enrichment Program and on the status of the domestic uranium mining industry have been scheduled before the Subcommittee on Energy Research and Development.

These hearings will take place on Monday, March 9, 1987, at 2 p.m., and on Friday, March 13, 1987, at 9:30 a.m., in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the current status of the Department of Energy's Uranium Enrichment Program and on the domestic uranium mining industry.

Those wishing to submit written testimony should address it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information please contact Cheryl Moss at (202) 224-7569.

Mr. President, I would like to announce for the information of the Senate and the public that hearings on clean coal technology have been scheduled before the Subcommittee on Energy Research and Development.

These hearings will take place on Thursday, April 2, 1987 at 9:30 a.m., and on Thursday, April 9, 1987, at 9:30 a.m., in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the Department of Energy's fiscal year 1988 authorization request on clean coal technologies within the Department's Fossil Energy Program.

Those wishing to submit written testimony should address it to the Subcommittee on Energy Research and Development, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information please contact Cheryl Moss at (202) 224-7569.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce a schedule change. The full committee hearing concerning the President's proposed budget for the Department of Energy for fiscal year 1988, previously scheduled to start at 2 p.m. on Wednesday, February 18, will begin instead at 2:30 p.m. in SD-366.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Thursday, March 5, 1987, at 9:30 a.m., to receive testimony from Senators on congressional election campaign finance reform proposals referred to the committee. The committee will be focusing on the following bills: S. 2, introduced by Senators BOREN and BYRD, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; S. 50, introduced by Senator MOYNIHAN, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns, to change certain contribution limits for elections, and for other purposes; S. 179, introduced by Senators SIMON and MOYNIHAN, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns; and S. 207, introduced by Senator GORE, to provide for the partial public financing of general elections for candidates for the U.S. Senate, and for other purposes.

Senators who wish to testify or to submit a statement for the hearing record are requested to have their staffs contact Jack Sousa, elections counsel of the committee, on 224-5648.

For further information regarding this hearing, please contact Mr. Sousa.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BYRD. Mr. President, I have two requests which have been cleared on the other side of the aisle by the able Republican leader. They deal with committee meetings.

I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate today, at 2 p.m., to hold hearings on the nomination of Robert Gates to be Director of the CIA.

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today, at 2 p.m., to resume hearings on proposed legislation authorizing funds for the fiscal years 1988 to 1989 for the Department of Defense focusing on U.S. military property.

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

ADDITIONAL STATEMENTS

JAPAN'S TRADE WITH CUBA

● Mr. CHILES. Mr. President, the issue of trade is currently at the center of the political stage—and rightfully so. The tremendous deficits which the Nation continues to mount are sapping our Economic strength and must be reduced. But there are other international trade practices which are equally damaging to America's economic and military power. Trade is blossoming, for instance, between allies of the United States and the revolutionary regime of Cuba.

This trade with Cuba directly undermines United States interests around the world. To the extent that other nations purchase export commodities from Cuba, they allow Castro to export troops and revolution to other points around the globe. Troops, in fact, are one of Cuba's major exports. They maintain a sizable presence of troops in both Angola and Nicaragua—in direct opposition to United States policy. The export of troops, however, is a drain on Cuba's economy; it must sell other commodities in order to raise much needed hard currency. Without hard currency, the Cubans could not export their revolution, nor could they purchase the technology and hardware necessary for economic growth.

Trade with Cuba also directly benefits the Soviet Union. Aside from troops, Cuba's main exports are agricultural commodities, and sugar is by far the most important. Unless a market is found for Cuban products, their economy requires ever larger subsidies from the Soviet Union. Thus, the trade which our allies conduct with Cuba assists not only the Cuban economy, but also that of the Soviet Union. The Soviets also face difficulties with hard currency, and trade with Cuba reduces the drain which the Cuban economy places on the Soviet economy.

A number of Cuban's trading partners are also nations who receive aid from the United States. But one of the heaviest traders with Cuba is Japan. According to an article published in Forbes Magazine, the Japanese purchased about $60 million in sugar and shrimp in only the first 6 months of 1986. At the same time, they exported approximately $210 million in goods to Cuba. In order to allow Cuba to purchase all these excess goods, the Japanese have also been very generous in extending credit to the Cuban economy. For a number of years, Japan has been Cuba's largest non-Communist creditor. The extent of this trade with Cuba was revealed in this Forbes article. The article suggested that the Japanese credit allows Cuba to purchase essential items like agricultural chemicals, machinery, motors, and computers—items that keep the Cuban economy afloat.

Mr. PRESIDENT, the trade our allies conduct with Cuba is worse than regrettable. It is dangerous. By propping up the Cuban economy, they are spreading revolution and violence. In addition to undermining U.S. policies they are sacrificing peace for profit. With the large surplus in trade which Japan builds each year, surely they could curtail the credit which is extended to Cuba: If not for friendship to the United States, then at least for

sound Economic and political reasons. I believe it is in our allies best interests to prevent Cuba from exporting subversion, and I think they should therefore reconsider their trading practices with Cuba for their own sake. I ask that the Forbes article on Japan's trade with Cuba be entered in the RECORD.

The article follows:

[From Forbes magazine, Nov. 3, 1986]

A FRIEND IN TOKYO

(By Howard Banks)

Fidel Castro's totalitarian regime, aside from sugar, has nothing to pay with—except mercenary soldiers, whom the Japanese don't need—yet Japan has been pouring goods into Cuba at an accelerating pace. Heedless of Washington's exasperation and Cuba's total inability to pay. Tokyo's attitude toward this lopsided trade seems to defy common sense.

Official Japanese trade figures show that in 1983 Japan's exports to Cuba came to $104.7 million, not much more than Japan's imports from Cuba that year, $92.1 million. Since then exports have exploded—to $250.3 million in 1984, $300.9 million in 1985 and an annual rate of over $420 million in the first half of this year. Japanese imports from Cuba—mostly sugar and shrimp—have relatively speaking, stayed about the same: $78 million in 1984, $92.3 million in 1985 and an annual rate of around $120 million in the first half of 1986.

Nobody in Washington or Tokyo is at all eager to discuss a matter this delicate on the record. And obviously Japan's aid is nowhere near as critical as the $3 billion or more annual subsidy that Fidel gets from Moscow. Nevertheless, U.S. government officials believe that Japan's recent flood of exports is clearly preventing the Cuban economy from sliding over the edge. (Things are so bad that Fidel began rationing beer a month ago.)

To the visitor's casual eye, the only Japanese presence in the street of Havana is innocent things like Sanyo radios and tape recorders to be sold to tourists in hard currency shops in the major hotels. But the bulk of Japanese exports are believed to involve items like agricultural chemicals, simple machinery, electric motors, small computers, that keeps things going.

Who's paying? The Cubans, but with money borrowed from the Japanese. For some years now Japan has been Cuba's largests non-Communist creditor, the latest known-for-sure figure is around $500 million debt outstanding at the end of 1984. A conservative guess, based on the growing trade gap and probably unpaid interest, suggests the current number is close to $850 million and rising. Cuba's total debt to the Free World is now figured at around $3.6 billion. Of this total, $1.8 billion is owed to governments, $1.35 billion to foreign banks and the rest to suppliers, who will most likely have to whistle for their money.

For months Hector Rodriguez, Llompart, president of Cuba's central bank, the Banco Nacional de Cuba, has been touring Western capitals, cap in hand. Cuba's foreign reserves dipped below $100 million in the first quarter of this year, and he needed help. Llompart did succeed in getting his Western bankers, headed by Credit Lyonnais of France, to reschedule over a generous ten years Cuba's convertible-currency debt maturing in 1986 ($117 million plus $15 million interest). It was nothing like the $500 million in new money he had been asking for, but it was no tougher than deals granted other LDCs with a heck of a lot better chance of repaying.

So, what's in it for the Japanese to pour money into a sinking creditor—a creditor that is openly hostile to Japan's best customer, the U.S.? That's something of a mystery. Japanese largesse comes at a tough time for the Fidel dictatorship. Big Daddy in Moscow has refused to increase either of his major subsidies. Moscow has not upped the quantity of oil they give him—which he then resells on world markets for hard currency—to offset falling oil prices. And the Soviets have cut by around 10% the 21 cents a pound they were paying for Cuban sugar (way over the world price of around 6 cents a pound).

It this just the export-and-bedammed psychology carried to irrational extremes? Or is there more here than meets the eye? To American inquiries, government or private, the Japanese say only. "We must discuss this with colleagues." Meaning: We wish you wouldn't ask.●

THE 69TH ANNIVERSARY OF LITHUANIAN INDEPENDENCE

● Mr. WEICKER. Mr. President, by occupying Lithuania, the Soviet Union is breaking the basic human rights laws that the United States strongly supports. As the leader of the free world we strongly support the Lithuanians as we celebrate the 69th anniversary of the Lithuanian Independence Day. By celebrating this day we pledge our support to a people whose cultural and religious past has been ignored, and our commitment to the ideals of freedom and equality.

The Lithuanians declared themselves independent in 1918 after nearly a century of Czarist Russia occupation. Unfortunately this did not last very long for in 1939 the Soviet Union returned and took over the free country. The people of Lithuania gave a hard and long fight during which more than 300,000 people were deported to labor camps in Siberia. They suffered as a country and stayed united. They were stripped of their basic human rights, but they would never give up their religious beliefs.

As another year of their struggle begins, the people of the United States should give their support to the people of this important country who will not give up their cultural and religious heritage. We must realize the significance of Independence Day and recognize it as an example of great will. This is a lesson to us all and as such, we must learn from the Lithuanians and always remember their plight.

I salute the great courage and determination of the Lithuanians. They are still unyielding to the Soviet presence in their country and refuse to give up their national identity. We must help them restore not only religious freedom, but also political, cultural, and basic human rights. Our support and best wishes go to them once again as they continue their struggle for liberty.●

RULES OF THE SPECIAL COMMITTEE ON AGING—100TH CONGRESS

● Mr. MELCHER. Mr. President, in compliance with section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Special Committee on Aging is published the commitee's rules, which I submit for printing in the RECORD.

The rules are as follows:

I. CONVENING OF MEETING AND HEARINGS

1. *Meetings.* The Committee shall meet to conduct Committee business at the call of the chairman.

2. *Special meetings.* The members of the Committee may call additional meetings as provided in Senate Rule XXVI(3).

3. *Notice and agenda.* (a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least *one week* before its commencement; (b) Meetings. The Chairman shall give the members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least *5 days* in advance of such meeting; (c) Shortened notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. *Presiding officer.* The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the ranking majority member present shall preside. Any member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. *Procedure.* All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meetings or hearing may be closed by a vote in open session of a majority of the members of the Committee present.

2. *Witness request.* Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. *Closed session subjects.* A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: 1) national security; 2) Committee staff personnel or internal staff management or procedure; 3) matters tending to reflect adversely on the character or reputation or to invade the privacy of the individuals; 4) Committee investigations; 5) other matters enumerated in Senate Rule IIVI (5) (b).

4. *Confidential matter.* No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part by way of summary, unless specifically author-

ized by the Chairman and ranking miniority member.

5. *Broadcasting.* (a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant; (b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. *Reporting.* A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. *Committee business.* A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority member is present. One member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. *Polling.* (a) *Subjects.* The Committee may poll 1) internal Committee matters, including those concerning the Committee's staff, records, and budget; 2) other Committee business which has been designated for polling at a meeting; (b) *Procedure.* The Chairman shall circulate polling sheets to each member specifying the matter being polled and the time limit for completion of the poll. If any member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls; if the Chairman determines that the polled matter is one of the areas enumerated in rule II.3, the record of the poll shall be confidential. Any member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. *Authorization for investigations.* All investigations shall be conducted upon a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the ranking Minority member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the ranking Minority member agree that there exists temporary cause for more limited knowledge.

2. *Subpoenas.* Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other member of the Committee designated by him. Prior to the issuance of each subpoena, the ranking minority member, and any other member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. *Investigative Reports.* All reports containing findings of recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the members of the Committee.

V. HEARINGS

1. *Notice.* Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours' notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. *Oath.* All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. *Statement.* Any witness desiring to make an introductory statement shall file 50 copies of such statement with the Chairman or clerk of the Committee 24 hours in advance of his appearance, unless the Chairman and ranking Minority member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize his prepared statement.

4. *Counsel.* (a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or deposition or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation or association; (b) A witness who is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee. Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. *Transcript.* An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact; the Chairman or a staff officer designated by him shall rule of such request.

6. *Impugned persons.* Any person who believes that evidence presented, or comment made by a member of staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may (a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record; (b) request the opportunity to appear personally before the Committee to testify in his own behalf; and (c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides, the requested questions, or paraphrased versions or portions or them, shall be put to the other witness by a member or by staff.

7. *Minority witnesses.* Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. *Conduct of witnesses, counsel and members of the audience.* If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSION

1. *Notice.* Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or be a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. *Counsel.* Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. *Procedure.* Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a member of the Committee. If the member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a member of the Committee.

4. *Filing.* The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. *Commission.* The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. *Establishment.* The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex-officio members of all subcommittees.

2. *Jurisdiction.* Within its jurisdiction, as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. *Rules.* A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee membership, and for hearings shall be one member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.●

THE 150TH ANNIVERSARY OF THE BIRTH OF PRESIDENT GROVER CLEVELAND

● Mr. LAUTENBERG. Mr. President, I am pleased to announce that March 18 of this year will mark the 150th anniversary of the birth of President Grover Cleveland, our 22d and 24th President, and the only United States President born in New Jersey. To commemorate this special occasion, Mayor George T. Imperial and the city council of Caldwell, NJ, where President Cleveland was born, have designated the week of March 15 through 22 as "President Grover Cleveland Week."

Grover Cleveland was born the fifth child of the Rev. Richard F. Cleveland and Anna Neal Cleveland. The Cleveland family lived in Caldwell until young Grover was 4 years old, when they moved to New York State.

Grover Cleveland was the only President to win election to two nonconsecutive terms of office. His most memorable achievements included overhaul of the civil service system, handling of the national credit problem and an active foreign policy, including a role in the arbitration of the British-Venezuelan boundary dispute over British Guinea.

President Cleveland was also on hand in 1886 to accept on behalf of the American people the gift from the French Government of the Statue of Liberty. At the dedication ceremonies for the Statue of Liberty, President Cleveland said,

> We are not here today to bow before the representation of a fierce warlike god, filled with wrath and vengeance, but we joyously contemplate instead our own deity keeping watch and ward before the open gates of America and greater than all that have been celebrated in ancient song.

After he completed his second 4-year term of office in 1897, President Cleveland returned to New Jersey and settled in Princeton with Mrs. Cleveland and their children. He lectured at Princeton University and upon his death in 1908, was laid to rest at Princeton.

To commemorate this important date in American history, the township of Caldwell is planning a ceremony at President Cleveland's birthplace at 207 Bloomfield Avenue in Caldwell, which will be attended by community, State and national dignitaries, business, civic, educational, and religious leaders, citizens of New Jersey, and friends and relatives of the Cleveland family. Area schools will sponsor essay and poster contests celebrating New Jersey's only native born President. A flag dating back to the year 1837, the year of Cleveland's birth, will be displayed. Historic debates will be reenacted between Cleveland and his opponent in the elections of 1888 and 1892, Benjamin Harrison. At the close of the week, Caldwell will hold an ecumenical service at the First Caldwell Presbyterian Church, where President Cleveland's father served as pastor.

Mr. President, I commend Mayor Imperial and Jacqueline Beusse of Essex Fells, who will chair this weeklong celebration, for honoring the memory of Caldwell's native son President Cleveland.●

LITHUANIAN INDEPENDENCE

● Mr. LEVIN. Mr. President, I would like to bring to the attention of my colleagues the 69th anniversary of Lithuanian independence. As a cosponsor of the resolution proclaiming February 16, 1987, to be "Lithuanian Independence Day," I find it fitting to pay homage to the late Jonas Svoba, a Lithuanian educator. Mr. Svoba fled the Soviet Union, and came to Detroit nearly 40 years ago. An active member in several Lithuanian organizations, he was also the founder of the Lithuanian Saturday School in Detroit.

Mr. Svoba died in November 1986. He will be remembered as a historian and educator who was highly thought of in his community.●

OKLAHOMA CONGRESSMEN AND FARM LEGISLATION: 1924-28

● Mr. BOREN. Mr. President, Philip A. Grant, Jr., Professor of History at Pace University, New York City, has written a comprehensive article concerning a very significant period of agricultural history in the State of Oklahoma. His article, "Save the Farmer—Oklahoma Congressmen and Farm Relief Legislation 1924-1928," cites the activities of 10 esteemed members of Oklahoma's congressional delegation. These members devoted a considerable amount of energy in an effort to improve the economic condition of Great Plains farmers between 1924 and 1928, a time reminiscent of the situation facing many farmers today.

Mr. President, I commend Professor Grant's article to my colleagues. I ask that the article be included in the RECORD.

The article follows:

"SAVE THE FARMER"—OKLAHOMA CONGRESSMEN AND FARM RELIEF LEGISLATION, 1924-1928

(By Phillip A. Grant, Jr.)

During the years between 1924 and 1928 farm relief was widely acknowledged as the most exasperating issue facing Congress. The precipitous decline in American farm income and the failure of agriculture to share in the general prosperity of the 1920s profoundly disturbed many congressmen from rural districts and agrarian states. Forming a bipartisan farm bloc, rural congressmen offered a number of legislative initiatives to alleviate the plight of American agriculture.

Among the individuals vested with the responsibility of evaluating the various bills and resolutions were the two United States senators and eight members of the House of Representatives from Oklahoma. Between 1924 and 1928 the ten members of the Oklahoma congressional delegation devoted a substantial amount of time and attention to the task of seeking a solution to the farm crisis. As the spokesmen of a major farm state close to the geographic heart of the nation, these congressmen were quite familiar with the serious problems plaguing agriculture in the Great Plains and the nearby states of the South and West.

The most widely publicized agricultural measure pending before Congress between 1924 and 1928 was the Farm Relief (McNary Haugen) Bill. Co-authored by Senator Charles L. McNary of Oregon and Representative Gilbert N. Haugen of Iowa, the Farm Relief Bill was first proposed in February of 1924. The bill generated a spirited nationwide debate over the extent to which the federal government should intervene in the agricultural economy. Although the details of the bill varied with each succeeding session of Congress, the McNary-Haugen proposal featured the equalization principle. The bill authorized the establishment of a federal farm board to purchase specified commodities during years of large output. The board would keep farm surpluses off the market until prices increased or sell them abroad at the prevailing world figure. An equalization fee was to be paid by producers to compensate the government partially for any financial losses incurred by selling at lower world prices.

In 1924 the McNary-Haugen Bill was formally considered only by the House of Representatives. A slightly modified version of the original bill was introduced by Representative Haugen on May 2, 1924, and favorably reported by the House Committee on Agriculture on the same day. On May 20 the bill was brought before the House chamber for general debate. Although there was a consensus that the bill would not pass the House at this time, the members had ample opportunity to voice their sentiments on the issue of farm relief during the seven days of floor discussion.

Four members of the House of Representatives from Oklahoma delivered speeches on the McNary-Haugen bill. They were Democrats Charles D. Carter of Ardmore, Thomas D. McKeown of Ada, and Fletcher B. Swank of Norman, and Republican Milton C. Garber of Enid. Carter, KcKeown, Swank, and Garber were experienced public servants and were destined to spend an aggregate total of fifty-eight years on Capitol Hill.

Carter, elected to Congress immediately after Oklahoma attained statehood in 1907, lamented the "extremely deplorable" conditions to which the farmers of Oklahoma and the surrounding states had been subjected since the beginning of the 1920s. Charging that the Republican administration of President Calvin Coolidge apparently did not "even remotely realize" the desperation afflicting many of the farmers in the western half of the nation, Carter described the magnitude of the farm crisis: "Crop failure has followed crop failure, and the price of farm products has been reduced and deflated with no corresponding reduction in the price of things they have to buy until our farmers have about lost heart and courage."

Serving his fourth of eight terms in the House, McKeown complained that the farmers were "being ground between the upper stone of high prices for his necessities and the lower stone of low prices for his products." McKeown maintained that the products of the farmer in 1924 would hardly buy one-half as much as in 1919. Warning his colleagues that the farmers of Oklahoma were "not struggling for comfort but for their very existence," he declared that he was "unwilling to confess that the House of Representatives is impotent in this emergency."

Swank, a member of the House Committee on Agriculture, represented seven counties in the central part of Oklahoma. Arguing that the McNary-Haugen Bill was designed "to meet a great emergency," he stressed that farmers were leaving rural communities and migrating to the cities because they could "not long continue to produce the necessities of life at a loss." Swank, urging the House to take compassion on the farmer by approving the McNary-Haugen measure, concluded: "This bill will greatly assist him in recovering from the depression of his prices during the past four years, and will show him that we are interested in him and the welfare of his family."

Garber, whose spacious district encompassed the Panhandle and most of northwestern Oklahoma, was one of the few Republicans elected to the House from the Sooner State since statehood. Although generally sympathetic to the Coolidge Administration, Garber agreed with his Democratic colleagues that the "ills of the farmer are fundamental, demanding immediate relief." Endorsing the concept of direct federal involvement, Garber, noting that the national government had intervened in behalf of industry and transportation, asked "why should it not do as much for agriculture until it extricates itself from its present condition."

Since a majority of the key congressmen of both political parties had indicated opposition to the McNary-Haugen Bill, it seemed virtually certain that the bill would be defeated in the House. After the Speaker's gavel fell, the McNary-Haugen Bill was rejected on a 155-22 roll call. In sharp contract to the prevailing majority the members of the Oklahoma delegation voted 7-0 in favor of the bill's passage.

The Farm Relief Bill was reintroduced by Representative Haugen on April 26, 1926. On the following day the Committee on Agriculture recommended that the bill be submitted to the House for approval. Beginning on May 4, the House set aside ten days for debate on the bill. While many of the speeches were similar to those of 1924, the House members generally acknowledged that the farm crisis had become more severe during the intervening two years.

Six Oklahoma congressmen urged the House either to pass the McNary-Haugen Bill or approve some other comprehensive remedy for the misfortunes of American farmers. Voicing their opinions on the need for action were Representatives Carter, McKeown, Swank, Garber, William W. Hastings of Tahlequah, and Elmer Thomas of Medicine Park.

Carter, alarmed that the nation's agricultural problem had reached its "most acute stage," reported that many of Oklahoma's farmers had either been forced into bankruptcy or foreclosed and driven from their homes. Insisting that the American farmer was in "dire distress," McKeown implored the House to approve a bill by which the farmer "can better his condition and lift it up." According to Swank, the farmers of the United States realized that "they have been the target for unjust and unfair discrimination, while at the same time they have been engaged in our most important business." Garber, resentful that the farmers of the country had not received their proportionate share of the national income, reasoned that the national government "should be as greatly concerned in agriculture as it has been and now is in other lines of industry."

Hastings, who in 1926 was completing his fifth of nine terms in the House, surmised that the reality of a serious farm problem was conceded by everyone. Acclaiming agriculture as "our greatest basic industry," Hastings warned that to "further impoverish and destroy" the farm economy guaranteed that every type of business would be harmed. Hastings climaxed his remarks: "Legislation favorable to the farmer, therefore, benefits every citizen of the Nation and surely Congress can be depended upon to enact some sound legislation that will tend to alleviate his condition.

Elmer Thomas, a former President pro tempore of the Oklahoma Senate, was waging a vigorous campaign to win election to the United States Senate in 1926. Emphasizing that American agriculture "is in distress and needs relief." Thomas stated that the farmers of the nation were petitioning Congress to "solve the problem of their approaching bankruptcy." Advocating that the resources of the federal government be mobilized, Thomas expressed the view that "agriculture as an honorable, respectable, and prosperous occupation, can and will be saved."

On May 21, 1926, the House defeated the McNary-Haugen Bill on a 167-212 roll call. Freshman Republican Representative Samuel J. Montgomery of Bartlesville was the sole Oklahoman to cast a negative vote on the bill. Although somewhat disappointed at the bill's fate, its supporters were consoled that the measure in 1926 lost by only forty-five votes. In 1924 the losing margin had been sixty-seven votes.

Unlike 1924 and 1926, the Senate in 1927 took the initiative in expediting the McNary-Haugen Bill. On December 14, 1926, the bill was reintroduced by McNary and on January 24, 1927, it was endorsed by the Senate Committee on Agriculture and Forestry. Since both Majority Leader Charles Curtis of Kansas and Minority Leader Joseph T. Robinson of Arkansas strongly favored farm relief legislation, it was generally assumed that the Senate would pass the McNary-Haugen Bill.

The Senate deliberations on the McNary-Haugen measure began on February 2, 1927. In rather leisurely fashion the Senate debated the question of farm relief for eight days. After disposing of several substantive amendments and rejecting a motion to recommit, the Senate on February 11 passed the McNary-Haugen Bill on a 47-39 tabulation. Voting affirmatively on the bill were the two United States senators from Oklahoma, Republicans John W. Harreld of Oklahoma City and William B. Pine of Okmulgee.

On February 14 a privileged resolution was offered to bring the Senate bill to the House floor for immediate consideration. On the same day this resolution was approved by the committee on rules. According to the terms of the resolution, only two hours of general debate would be permitted in the House chamber.

Three Oklahoma congressman, Representatives McKeown, Garber, and Hastings, spoke in behalf of the McNary-Haugen Bill. As in 1926, these three gentlemen beseeched the House to pass farm relief legislation.

Acknowledging that he represented an agrarian constituency, McKeown appealed to congressmen from industrial districts to vote for the passage of a farm relief bill relief bill. McKeown, while conceding that the McNary-Haugen Bill was not a perfect proposal, emphasized that agricultural legislation "is imperative and speed in enacting a relief measure is the essence of the necessity." Alleging that since the beginning of the 1920s, the nation's farmers had "seen their earnings vanish like a mist before a newborn gale," McKeown feared that the homeowning independent farmer was "fast passing out of the picture of American life."

Garber explained that the American farmer was seeking "relief from the conditions created for prosperity for labor and industry which now operate against him and place him at a disadvantage with which he is unable to cope." Insisting that the farmer must receive prices that will yield him a reasonable profit, Garber asked the House to provide the farmer with the "machinery to successfully merchandise his products."

Noting that every member of Congress was aware of the existence of an authentic farm crisis, Hastings was convinced that farmers could not survivie under existing conditions. Urging his colleagues to "restore confidence in the justice and fairness of our Government" by approving the McNary-Haugen Bill, Hastings concluded:

"Pass this bill and you add to the prosperity of the entire citizenry of the Nation. The prosperous farmer buys more of the goods

manufactured in the East, furnishes more products for transportation, spends more improving his farms, employs more men, has money in the bank, spends more money with local merchants, more generously supports schools and churches, and is better able to clothe, educate, and maintain his family. The proceeds of his products go into the channels of trade, and the result is beneficial to all."

Based on the tone of the floor discussion, it seemed likely that the McNary-Haugen Bill would be approved by the House. On February 17, 1927, the House voted 214-178 in favor of the bill's passage. As in 1926, Oklahomans were aligned 7-1 for the bill. The sole dissenter again was Representative Montgomery.

On February 25, 1927, President Calvin Coolidge vetoed the McNary-Haugen Bill. Since Coolidge had sternly warned that he was opposed to the idea of a federal farm board, the President's action had been anticipated by all the principal congressional leaders. Acknowledging the impossibility of overriding the veto, Senator McNary merely proposed that the Chief Executive's message be referred to the Committee on Agriculture and Forestry.

In 1928 the McNary-Haugen Bill received its maximum exposure on Capitol Hill. For eleven weeks the bill was the only question of consequence pending before Congress. Unlike 1927, both the House and Senate scrutinized the bill in a thorough and patient manner and without difficulty reached a consensus on its merits.

The Farm Relief Bill was reintroduced by McNary on March 7, 1928. After promptly securing the endorsement of the Senate Agriculture and Forestry Committee, the measure was placed on the Senate calendar. The Senate thereupon analyzed the McNary-Haugen Bill for eight days between March 29 and April 12.

The Senate passed the McNary-Haugen Bill on April 12, 1928, by the impressive margin of 53-23. The bill, which had been approved by a margin of eight votes in 1927, prevailed in the Senate by a thirty vote majority in 1928. The McNary-Haugen measure commanded the support of a solid majority of senators affiliated with both political parties, including Democrat Elmer Thomas and Republican William B. Pine of Oklahoma.

On April 14, 1928, the McNary-Haugen Bill received a favorable report from the House Committee on Agriculture. The House debate on the bill lasted from April 26 to May 3. Three Oklahomans, Representatives Swank, Everette B. Howard of Tulsa, and Jed Johnson of Anadarko, participated in the deliberations on the McNary-Haugen Bill and voiced sentiments similar to the ones advanced by the Oklahoma delegation in 1924, 1926, and 1927.

Swank argued that the distress pervading agriculture signified that there could be no general prosperity in the nation. Reminding his colleagues that their entire supplies of food and clothing were produced on farms, he asked the House to pass the McNary-Haugen Bill and place the farmer of the United States "upon the same plane as our other citizens." Swank, attempting to describe the magnitude of the existing situation, observed that "never in the history of this country have we seen agriculture and farming conditions so depressed as in the past eight years."

Agreeing with Swank's interpretation, Howard, a former Oklahoma State Auditor, stressed that the plight of American agriculture was "deplorable." Howard, insisting that enactment of the McNary-Haugen Bill would assure a "square deal" for the country's farm community, summarized the problem: "The farmers continue to toil from daylight to dark, as do their wives and children, and are unable to pay their interest, taxes, and other expenses and do not enjoy in full even the necessities of life."

Johnson, who served twenty years in Congress and sixteen years as a Judge of the United States Customs Court, praised the McNary-Haugen Bill as "an honest effort to help the farmer to help himself and to restore to the farmer the stabilization of farm products." Citing the McNary-Haugen plan as obviously of paramount importance to the status of agriculture, Johnson bluntly concluded: "We must give the farmer this measure or go home empty handed, as far as farm legislation is concerned."

On May 3, 1928, the House of Representatives passed the McNary-Haugen Bill by the convincing margin of 204-121. Among the 102 Republicans and 100 Democrats favoring the bill were all eight members of the Oklahoma delegation. Thus, between 1924 and 1928 the number of House members supporting the McNary-Haugen measure rose from 155 to 204, while the opponents dwindled from 222 to 121.

A conference committee was appointed on May 4 to reconcile the comparatively minor differences between the House and Senate versions of the bill. Within ten days the conferees succeeded in resolving the variations in the respective bills. With the eight Oklahomans casting affirmative votes the House on May 14 adopted the conference report on a 204-117 roll call. Two days later the Senate approved the report by voice vote.

It was absolutely certain that President Coolidge would veto the 1928 McNary-Haugen Bill. The President officially disapproved the bill on May 23. In contrast to 1927, however, the members of the Senate's farm bloc were determined to challenge Coolidge's veto. On May 25, the Senate ballotted 50-31 in favor of a motion to override. Since there were four votes short of the necessary two-thirds majority, the veto was upheld.

The President's second veto of the McNary-Haugen Bill marked the culmination of four years of spirited debate over the wisdom of farm relief legislation. Although the McHary-Haugen Bill was never enacted into law, it attracted enormous attention throughout the country and alerted millions of Americans to the plight of the nation's farmers.

There were three basic reasons explaining why all but one of the fourteen Oklahomans who served in Congress between 1924 and 1928 supported the McNary-Haugen Bill. First, there was a close identification in Oklahoma with the other states of the Great Plains. Another factor was the sustained presence of the Democratic Party as Oklahoma's dominant political force. Finally, and perhaps most important, was the solidly agricultural complexion of the Oklahoma economy.

The Great Plains, extending from the southern boundary of Oklahoma to the Canadian border, contained the nation's highest proportion of farm population and was more severely plagued by the agricultural crisis than any other region. Even under normal circumstances no section of the country was more thoroughly dependent upon agriculture for its economic survival. During the 1920s the Great Plains experienced the lowest rate of population growth in the United States, a factor largely attributable to a $2,385,000,000 (28.4%) decline in the value of farm property. In 1924 congressmen from the Great Plains voted for the McNary-Haugen Bill by the unanimous margin of 26-0, while in 1926 they favored the measure by a 27-1 ratio. In 1927 and 1928 the respective majorities in behalf of the McNary-Haugen Bill were 35-1 and 36-0. Indeed, Representative Montgomery, the sole congressman from the Great Plains who opposed the McNary-Haugen Bill, was defeated for re-election in 1926. The unwavering commitment of Great Plains congressmen to a federal farm relief program was certainly reflected by the votes of the Oklahoma delegation on the various roll calls between 1924 and 1928.

Although the McNary-Haugen Bill was coauthored by two distinguished Republicans, it was the Democratic Party which exhibited increasing enthusiasm for the bill with each passing year. In 1924 Democrats in the House opposed the McNary-Haugen Bill by a majority of 100-52, while in 1926 Democrats were aligned 89-6 against the bill. The situation changed dramatically in 1927, when the bill commanded the support of congressional Democrats by a 127-80 majority. In 1928 Democratic endorsement for the bill grew to 123-70, and in the same year the Democratic National Convention adopted a platform strongly advocating passage of the McNary-Haugen Bill. The fact that Democrats won twenty-one of twenty-six congressional elections during the period the McNary-Haugen Bill was under consideration certainly established that Oklahoma was an essentially Democratic state, and the successive tabulations on the McNary-Haugen Bill furnished evidence that Oklahoma Democrats were an important component in the growing Democratic acceptance of the McNary-Haugen Bill.

According to the Census of 1920, 72.5% of the 2,028,283 citizens of Oklahoma resided in rural communities. Five years later the Department of Commerce found that 1,045,000 (50.1%) of the people of Oklahoma lived on farms, thereby constituting the highest number of individuals engaged in agriculture of any of the states in the Great Plains. Altogether in 1925 there were 197,000 farms and 30,869,000 acres of farmland within the confines of Oklahoma. Between 1920 and 1930 the value of farm property in the Sooner State dropped by $119,000,000 (8.8%). Between 1924 and 1928 Oklahoma produced 235,492,000 bushels of wheat, 280,084 bushels of corn, 138,078 bushels of oats, and 7,207,000 pounds of cotton. In the aggregate totals for the period from 1924 to 1928 Oklahoma ranked fourth in the nation in wheat production and fifth in cotton production. An analysis of the prices commanded by such crops as wheat, corn, oats, and cotton indicated that the Oklahoma farm economy was in a precarious position. The official price statistics were:

	1924	1928
Wheat	$1.24/bushel	$1.00/bushel.
Corn	$0.89/bushel	$0.68/bushel.
Oats	$0.53/bushel	$0.47/bushel.
Cotton	$0.22/pound	$0.17/pound.

Thus, over a four-year interval farm prices dwindled as follows: Wheat 19.9%; Corn 24.8%; Oats 11.3%; Cotton 22.7%. The ominous figures for Oklahoma farmers obviously meant that congressmen from a predominantly agrarian state would be vigilant in

their efforts to enact a measure such as the McNary-Haugen Bill.

Between 1924 and 1928 Congress on four separate occasions had the opportunity to review the McNary-Haugen Bill. During the same comparatively brief period the farm crisis became the paramount domestic issue facing the Nation. The numbers of the Oklahoma congressional delegation, representing a State whose economy was primarily based on agriculture, mobilized in behalf of the McNary-Haugen bill and hoped that it's passage would provide a desperately needed remedy for the frustrations and hardships of their constituents.●

LITHUANIAN INDEPENDENCE DAY

● Mr. ZORINSKY. Mr. President, on the 16th of February, 69 years ago, Lithuania proclaimed itself an independent nation from czarist Russia. Much like our patriots of 200 years ago, the brave Lithuanian people established a Lithuanian Republic guaranteeing freedom of speech, freedom of assembly, and freedom of religion.

However, just 22 years after Lithuania achieved independence in 1918, the Soviet Union invaded the country, along with her sister states of Estonia and Latvia. It is fitting that we should reflect on a country whose independence was brutally stolen on the day that our Nation celebrates the birthdays of our great Presidents, including George Washington, father of our free and democratic government.

In their forceful annexation of Lithuania, the Soviets sought to crush the flourishing economy, and rich cultural and religious community. Thousands of Lithuanians were slaughtered, thousands more were deported to Siberian labor camps.

Since 1940, deportation, exile, and imprisonment of the Lithuanian people continue. The U.S.S.R. supplants this drain of people with Russian citizens in an effort to dilute Lithuanian culture. As part of the russification process, the native language and cultural heritage are suppressed. Attempts to celebrate this heritage, or even the acknowledgement of Independence Day, is cause for imprisonment. Native Lithuanians continue to endure violations of basic human rights, and social, political and religious persecution.

The Soviets have succeeded in only physically repressing this proud people; they cannot crush their spirit. The struggle for their freedom continues not just in Lithuania, but in Lithuanian communities worldwide.

The Lithuanian American community is particularly strong, and I am pleased that we are joining them in efforts to free their nation and the other Baltic States. The United States refuses to recognize the Soviet annexation of the Baltic States. We demand that the U.S.S.R. abide by its verbal commitment to such treaties as the Helsinki final act which commits all parties to respect basic human rights and the principles of self-determination.

The strength and spirit of Lithuanians is inspiring, for it speaks of the struggle of peoples throughout the world to be free. The spirit of freedom cannot be destroyed. We must continue to join in solidarity against the suppression of Lithuania until its people are allowed the self-determination which they rightfully deserve.●

RULES OF PROCEDURE OF THE COMMITTEE ON RULES AND ADMINISTRATION

● Mr. FORD. Mr. President, I ask that pursuant to paragraph 2 of rule XXVI of the Standing Rules of the Senate, and Rules of Procedure of the Committee on Rules and Administration adopted on January 15, 1987, be printed in the RECORD at this point.

The rules of procedure follow:

RULES OF PROCEDURE OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 15, 1987)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 10 a.m., in room SR 301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competive position of such person; or

(F) may divulge matters required to be kept confidential under other provisions of law or Govrnment regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committees or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising approriate non-agenda topics.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath; provided, however, that once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on the measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7 (b) and (c) or rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.●

VERIFICATION

● Mr. SIMON. Mr. President, I receive the daily report of the Foreign Broadcast Information Service about various things being said and printed in the Soviet Union.

The January 17 issue of Pravda contained an article that included an interview with A.M. Petrosyants, the head of the Soviet delegation to the talks in Geneva.

It is frankly an encouraging statement and one that should not be lightly dismissed.

One of the things he says, "I must remind you the U.S.S.R. has repeatedly declared its agreement to the establishment of any verification to ensure confidence in the compliance with these treaties, including onsite if necessary."

We have never worked out an onsite inspection agreement with the Soviets and in some areas that will be essential. For example, in the area of chemical weapons there can be no satellite inspection that is adequate and no other form of inspection other than onsite inspection.

The statement of Mr. Petrosyants is one we ought to look at carefully.

I ask that the article from Pravda on January 17 be printed in the RECORD.

PRAVDA CITES PETROSYANTS ON VERIFICATION

[Interview with A.M. Petrosyants, head of Soviet delegation to talks on ending and banning nuclear weapon tests, under the rubric "Authoritative Opinion": Not a Question of Verification"—first three paragraphs are unattributed introduction]

[Text] U.S. President Reagan has sent a letter to the Senate expressing the administration's readiness to agree in principle to the ratification of the Soviet-American 1974 treaty on the Limitation of Underground Nuclear Weapon Tests and 1976 Peaceful Nuclear Explosions Treaty. However, this is accompanied by the setting of conditions for verification of compliance with the treaties. Thus the President's letter says, in particular.

"Unfortunately . . . the treaties on the limitation of underground nuclear weapon tests and underground nuclear explosions for peaceful purposes are not effectively verifiable in their present form. Large uncertainties are present in the current method employed by the United States to estimate Soviet test yields. I have on several occasions reported to Congress on the problems with Soviet compliance with the Treaty on the Limitation of Underground Nuclear Weapon Tests. Therefore, achieving Soviet agreement to improved verification measures that would provide for effective verification of these treaties has been my highest priority in the area of nuclear testing limitations."

We asked A.M. Petrosyants, chairman of the U.S.S.R. State Committee on the Utilization of Atomic Energy and head of the Soviet delegation at the talks on ending and banning nuclear weapon tests, to comment on this statement. This is what he said:

[Petrosyants] The Soviet Union has repeatedly declared its desire to ratify the treaties named, if the United States confirms its readiness to do the same. But as you can see, the U.S. Administration took 10 years in one case and 12 years in the other to come round to the idea of submitting them to the Senate for ratification, even then stipulating it is necessary to step up verification of compliance.

In this connection I must remind you the U.S.S.R. has repeatedly declared its agreement to the establishment of any verification to ensure confidence in the compliance with these treaties, including on-site inspection [proverka na mestakh] if necessary.

I should also say that both treaties, even without being ratified, are effectively in force, although doubts, requiring appropriate explanations, have arisen more than once on both sides as to compliance with the terms of the 1974 treaty, which limits the yield of underground nuclear explosions to 150 kilotons. Incidentally, I will observe that doubts and inquiries have often come from the United States even when there were no grounds for this.

Washington extols the "Cortex" method to improve verification, although it has substantial shortcomings. American experts have evidently convinced the President of the advantages of this method without telling him what the U.S. delegation admitted at the talks, namely: The "Cortex" method determines the yield of an underground nuclear explosion with an error of plus or minus 30 percent. In other words, if the yield of the explosion is 100 kilotons, the method could record it as 70 or 130 kilotons. And that is, of course, fraught with the risk of distrust and complaints.

It has also been stated repeatedly in this context that the U.S.S.R. is prepared to discuss at the conference table, with the participation of qualified experts, and to adopt all necessary decisions to improve verification of the yield of nuclear explosions, provided this work is oriented without fail toward preparing a treaty on ending tests and banning nuclear weapons.

We would like the American delegation to come to the fourth round of the talks, which opens on 22 January, with a decision to embark on preparing such a treaty. Then the Soviet and American delegations would be able in a calm, businesslike atmosphere to discuss and adopt the necessary decisions on the organization and implementation of the best forms of verification. This could be carried out both by all technical means of national verification and with the participation of international verification, and where necessary, on-site inspections.

In any event, for our country verification is not a problem. The U.S.S.R. is no less interested than the United States in ensuring that verification is effective. We are in favor of resolving all questions of verification, on condition, I repeat, this is a stage on the path to preparing a treaty on a total end to tests and the banning of nuclear weapons.

So there is no need for the American side to "break down an open door," as the saying goes. It is even worse if the question of verification is being raised again in Washington solely to block the decision which the peoples of the world await and demand.●

THE 69TH ANNIVERSARY OF LITHUANIAN STATEHOOD

● Ms. MIKULSKI. Mr. President, I rise today to speak to the free people of the world with a resounding appeal: Never forget the plight of our friends in Estonia, Latvia, and Lithuania, who cry out for freedom Soviet domination.

Yesterday marked the 69th anniversary of Lithuanian statehood. But freedom for Lithuanians was short lived. In the early days of World War II, Soviet troops occupied the Baltic nations. When the war and the suffering it brought finally ended, the Russians remained. Since that time, Lithuanians have been persevering under the suffering brought by the Russians.

Soviet leaders are trying to wipe out the culture, heritage, traditions, and language in all the Baltic States. Thousands of Lithuanians have been sent to gulags because they love their country. They have been replaced by Russians, so that any hope for freedom will be muted.

The United States has never recognized the Soviet occupation of Lithuania. Nor should we ever.

Mr. President, when we demand freedom for Lithuania, we safeguard freedom in the United States. When we reach out to the people of Lithuania, we reach back to our principles of freedom, democracy, and self-determination. When we pledge that we will never forget, we pledge that one day freedom will come to Lithuania.●

RELEASE OF REVEREND FARISANI

● Mr. SIMON. Mr. President, as we are all happily aware, Reverend Farisani has been released from detention in Venda, South Africa.

On January 23 I introduced a resolution (S. Con. Res. 11) which called on the South African authorities to do all they could to get Reverend Farisani released. On January 30 he was allowed to return home to his wife and family.

Reverend Farisani was not tortured during his 70-day detention, but he was interrogated more extensively than ever before. He has lost about 30 pounds from his hunger strike, but in general, he is doing well. He will be in the hospital for a little while to recover from the damage done by some of the leg braces that were used for his confinement.

There are many people who worked hard to get Reverend Farisani released and I would like to express my deepest appreciation for their dedication and good efforts. I would like to give spe-

cial thanks to American Ambassador Ed Perkins and his staff in South Africa and South African Ambassador Herbert Buekes here in Washington. They played a critical role in the release of Reverend Farisani.

I would also like to commend Martin Sovak and the Lutheran Council as well as Amnesty International, for effectively bringing this situation to the public's attention and for the organization which made their efforts a success. Congressman Gunderson and his able staff are also to be commended for their prompt and effective work in the House.

I appreciate all the interest my colleagues have shown in this case and I am truly happy that this resolution will not have to come to the floor of the Senate.●

FIRST NUCLEAR EXPLOSIVE TEST OF THE YEAR

● Mr. SIMON. Mr. President, on Tuesday, February 3, 1987, the Department of Energy detonated its first nuclear explosive test of the year. The test was conducted 2 days ahead of schedule, the better to keep it "under wraps." It is unfortunate that a test of this political magnitude was advanced in time, presenting Congress and the American people with a fait accompli.

Why was this test so important? It was critical because the Soviet Union had announced that it would resume its own testing program, halted by them since August 1, 1985, when the U.S. Government set off its first nuclear test of the year. We have now done this. I think we are all worse off.

We will once again have an unbridled competition between the United States and U.S.S.R. in developing newer and more dangerous nuclear weapons. We are moving backward, and we are losing valuable time.

We are moving in the wrong direction. The United States ought to be the leader in arms control, not in the arms race. We should ratify the Threshold Test Ban and Peaceful Nuclear Explosions Treaties, and we ought to enter comprehensive test ban negotiation to end nuclear testing for all time.

We have conducted at least 200 more tests than the Soviets have sicne our testing program began. By all accounts our warheads are more reliable, safer, and more technologically advanced. We know that we can verify extremely small explosions—below 1 kiloton—and we know that the Soviets will agree to onsite monitoring. We ought to test their sincerity. We want to modernize, to develop a new generation of destabilizing nuclear weapons. And as we do that, the Soviets, of course, will do the same. We will all be losers.

We have it n our power to change directions. The Soviets have agreed to resume negotiations to end testing. We ought to take them up on their offer, and make the February 3 test the last one either of our nations conducts.●

LITHUANIAN INDEPENDENCE DAY

● Mr. SIMON. Mr. President, yesterday, February 16, 1987, marked Lithuanian Independence Day. Along with Senators DONALD RIEGLE and ALAN DIXON, I introduced Senate Joint Resolution 39 to commemorate the brave struggle of the Lithuanian people.

The Lyons Township in Illinois recently passed a proclamation similar to Senate Joint Resolution 39. I commend their proclamation to my colleagues' attention, and call once again for all Americans to join with us during the week of February 16, 1987, to celebrate Lithuanian Independence Day.

I ask that the Lyons Township proclamation be printed in the RECORD.

PROCLAMATION

Whereas, the Independent State of Lithuania was declared in Vilnius in 1253 by then King Mindaugas; and

Whereas, since the year 1795, the right of Lithuanian people to enjoy freedom and independence has been interrupted by the ravages of war, having been conquered by the Russians and later liberated in World War I, and enjoyed freedom for 22 years only to be deprived of their inherent right of independence once again in World War II by Russian rule and dominated and oppressed under a communist dictatorship; and

Whereas, The United States of America has never recognized the forceful incorporation of Lithuania into the Soviet Union; and

Whereas, many Lithuanian people immigrated from their native land to the United States of America and joined friends and relatives and now enjoy the freedom and independence for which they had bravely searched for centuries; and

Whereas, the Township of Lyons can proudly acclaim that many Lithuanians-Americans have chosen the Township of Lyons as their permanent place of abode in which to live and rear their children and their citizenry has proven to be a valuable asset to this community.

Now, therefore, the Lyons Township Board/Supervisor, do hereby proclaim February 16, 1987, to be Lithuanian American's Day and direct that the Lithuanian Flag be flown on the lawn of the Township Offices from noon, Saturday, Februray 14, 1987 to February 21, 1987, and we call upon all residents of the Township of Lyons to join with others in acknowledging our special thanks to them for selecting the Township of Lyons as their home, and we offer our prayers to the American Lithuanian People for the safety and well-being of their many friends and relatives who remain in their occupied land.●

LITHUANIAN INDEPENDENCE DAY

● Mr. LAUTENBERG. Mr. President, today I rise to join my colleagues in commemorating February 16, 1987, the 69th anniversary of Lithuanian independence, as Lithuanian Independence Day. I have also cosponsored Senate Joint Resolution 39, which proclaims this day formally as Lithuanian Independence Day.

On February 16, 1918, the people of Lithuania declared their independence after nearly a century of occupation by Czarist Russia. Yet that moment of independence was brief. Just 22 years later, Lithuanian independence was crushed when more than 300,000 Soviet troops marched into Lithuania under the protection of the Nazi-Soviet alliance.

During the past 48 years, the Lithuanian people have endured many hardships under Soviet occupation. Imagine waking up in a country where you have been stripped of the most basic human rights and civil liberties. Where you cannot freely practice your religion, learn you native language, or elect political leaders of your choice. The Lithuanians do not have to imagine. They have experienced these dreadful conditions firsthand since 1940.

The Soviets have steadily sought to undermine the Lithuanian Catholic Church. After World War II, the Soviets closed all remaining monasteries and convents, placed high taxes on the church and arrested half of the clergy. Today, three of Lithuania's eight dioceses lack bishops. The KGB reportedly screens and approves all clerical candidates, and restricts the number of university-educated candidates who may enter the clergy.

The Soviets pressure the Lithuanians to abolish their native language and discourage learning of Lithuanian history and literature. They prohibit the celebration of Lithuanian Independence Day.

Despite this brutal oppression, the Lithuanians continue to resist. Thousands of freedom fighters have sacrificed their lives as part of a grassroots resistance movement fighting Russification. Protests for the right of self-determination, for religious and political freedom continue to occur.

The Lithuanian people have not given up hope. The thirst for freedom remains unquenched. Lithuanians continue to struggle for the basic freedoms Americans take for granted.

On Lithuanian Independence Day, we acknowledge and pay tribute to that long and noble struggle to break free of the chains of Soviet domination. We salute the steadfast belief in the principles of independence and the deep-rooted love of freedom which have enabled the Lithuanian people to endure years of Soviet oppression. On Lithuanian Independence Day, we send a message to the Lithuanian people that we have not forgotten their struggle or their aspirations. Nor will we forget them until they are free.●

IN RECOGNITION OF SENATOR BILL BRADLEY

● Mr. LAUTENBERG. Mr. President, I would like to bring to the attention of my colleagues a Washington Post magazine cover story recognizing the accomplishments of my friend, the distinguished senior Senator from New Jersey, Senator BILL BRADLEY.

"Bill Bradley Takes His Shot," the magazine's February 1 cover story, profiles my colleague and his outstanding achievements in shepherding comprehensive tax reform legislation from its inception through enactment. The Post's portrait of Senator BRADLEY—a most accurate one—shows a man of integrity and vision; a dedicated, energetic, and thoughtful Senator whose "passion for perfection" has made him hold fast to his dreams even under the most trying circumstances. That same passion for perfection has continued to drive Senator BRADLEY in all his pursuits.

I am proud to represent New Jersey in the Senate with BILL BRADLEY. His work is an inspiration to all of us in the U.S. Congress. I ask that the full text of the Washington Post magazine's cover story be printed in the RECORD.

The article follows:

[From the Washington Post magazine, Feb. 1, 1987]

BILL BRADLEY TAKES HIS SHOT

(By Dale Russakoff)

After leaving the New York Knickerbockers in 1977, Bill Bradley banished basketball from his life. He stopped watching it, even on television, flatly refused to play with anyone except his daughter, turned down interviews with magazines likely to play up his past. A member of the U.S. Senate, in Bradley's mind, could not win respect in short pants.

Besides, he was a grown-up now, as he was painfully reminded on his fortieth birthday in 1983, when friends gave him films of some of his old Knick games. Bradley the senator grew nostalgic, and went to a neighborhood court to recapture the era of Dollar Bill Bradley, the all-pro forward with the high-priced contract and skinflint ways. The next day he couldn't move. "It's over," he said. "I lived the life and it ends. There's a physical end."

But in politics, unlike basketball, it's not over even when it's over. Which is why, only two years later, on a fall day in 1985, when Bradley the senator wanted to reform the federal tax system, he found himself in his shorts in the House of Representatives gym, passing, dribbling, running, shooting and yelling out plays to a team of frustrated jocks better known as congressmen.

Bill Bradley wanted tax reform so badly that he was willing to play basketball for it.

One thing must be said about Bill Bradley: He leaves very little to chance. As a celebrated player for the Knicks and the Princeton Tigers, he was known for computing kaleidoscopic possibilities in his mind with every movement of bodies or basketball, visualizing the optimal play, making it happen. "Seeing the whole court," his teammates called it. He transferred his habit of mind to the U.S. Senate, particularly in his five-year quest for a new tax system. He honed his mind and his political instincts in the most unrelentless fashion, waking up nights thinking about deductions and loopholes, brain-storming by day with tax authorities, stumping the country to debate his proposal with every conceivable interest group—"He would go to the opening of an envelope," said his press secretary, Lisbeth Pettengill—scripting so many strategies that he sometimes drove colleagues to distraction.

It was just another strategy, then, that led Bradley on that fall day of 1985, with tax reform mired in the House Ways and Means Committee, to put on his shorts and play ball with members of the tax-writing panel who had nagged him for months to show them his stuff.

"It was terrific," recalled Rep. Marty Russo (D-Ill.), a tall, blustery lawmaker who pretends he is hard to impress. "He was as great as ever. He just ran the offense and directed everybody. He shot about four times, and as I recall he made all of them. The rest of the time he just passed. Sometimes we wouldn't know he was passing to us because he wasn't looking our way. So a lot of people got hit in the head. That's how good he was and how bad we were. It was great. I'll never forget it."

Asked what he learned from Bradley, Russo said: "Keep running, keep your eyes open and hustle, always hustle. I would tell him, 'All I wanna do is shoot, I don't wanna hustle.' And he said, 'I knew that about you before.'"

For the record, the House Ways and Means Committee passed tax reform on Nov. 23, 1985, and President Reagan signed the Tax Reform Act of 1986 into law last Oct. 22. Bill Bradley's brief return to basketball will not go down in history as a turning point. But it didn't hurt.

More than a year ago, as the Senate took up tax reform, Bradley agreed to be interviewed at each turn in the bill's path, sharing strategies and thoughts on how he hoped to turn in the bill's path, sharing strategies and thoughts on how he hoped to turn his idea into legislation. In return, it was agreed that the story would not be published until after the tax bill became law or died.

For most of Bradley's 43 years, national audiences have had an interest in watching him grow and evolve, from star college athlete and role model for young boys across the country to Rhodes Scholar to professional ballplayer to senator from New Jersey. Always, there has been an expectation of a next step, and Bradley has so far obliged, but with a twist—turning down scholarships from the reigning basketball colleges to study at Princeton, turning aside pro contracts as a college athlete to study at Oxford, turning aside further studies to become a professional ballplayer, turning down advice from wiser heads who counseled more modest political beginnings than the U.S. Senate. Bradley's audience now expects that his next step will be a race for the White House, but it is also characteristic that Bradley is biding his time, even as others would hurry him.

In the tax debate, Bradley lacked the kind of power that traditionally makes things happen: He was a junior Democrat in a Republican Senate. His only hope was to win over the powerful, find the openings, see the whole court. Participants in the debate disagree over the exact role he played. Some saw a political naif, painted by circumstances as a canny strategist. Others saw a shrewd and patient player, content to be underestimated. One Republican called him a "moral force," whose credibility and reputation for honesty attracted support for the bill.

Again, his past provides a compelling metaphor. At Princeton in the 1960's, Bradley was known for throwing passes, often with his back turned, "based on nothing but theory and hope," wrote John McPhee in a New Yorker profile, later a book, *A Sense of Where You Are,* about Bradley in his college days. The coaches called them Bradley's "hope passes." Before Bradley turned his back, McPhee wrote, "he happened to notice a screen, or pick-off, being set up by two of his teammates, its purpose being to cause one defensive man to collide with another player and thus free an offensive man to receive a pass and score." If everything went as planned, Bradley's pass would hit its target, and the crowd would gasp. If not the ball would fly into the stands.

Tax reform was Bradley's hope pass. He lofted a potent idea into the political arena, but had it not been for a stable of seasoned players—from President Reagan on down—and other fortuitous circumstances, the pass might have flown into the crowd, where the notion of tax reform had languished for more than two decades.

Bradley understood this, having written in his 1976 book, *Life on the Run,* about basketball and life, "The point of the game is not how well the individual does but whether the team wins. That is the beautiful heart of the game, the blending of personalities, the mutual sacrifices for group success . . .

"The essence of the game is selectivity, knowing one's limitations and abiding by them."

It should be noted that confidential access to Bradley does not provide inside dope on the wheelings and dealings of the day, tantalizing tips about the maneuverings of adversaries, glimpses of his highs and lows. He may be the most guarded member of the Senate.

Sitting at his oversized desk—ordered by his wife, Ernestine Schlant, a professor of German and comparative literature, to accommodate her husband's 6-foot, 5-inch frame—Bradley perferred talking about the intricacies of oil depletion allowances to trading gossip. He refused on principle to talk behind a colleague's back, even one who talked behind his. He seemed placidly above it all. Through more than two dozen long and short interviews at high and low points in the tax debate, Bradley rarely displayed either frustration or great excitement. He took the long view, unusual in a business where every moment is what you make it.

For example, when the tax bill was near death in the Republican-controlled Senate early last year, Bradley professed not to be concerned. He believed that if the bill died in 1986, Republicans would pay dearly at the polls in November, and a new Congress would arrive in Washington in 1987 with tax-reform fever. It was difficult to understand how Bradley could believe this. At that time, no other lawmaker or strategist thought the bill could be resurrected beyond 1986. Maybe Bradley thought he could scare Republicans into supporting the bill; maybe it was the old jock who refused to think negatively.

Bradley enjoys being out on a limb by himself, and always has. His sense of timming is his own, governing his ambition and his legislative strategy. "He sets his own pace," said former New Jersey governor Brendan Byrne, who learned this in 1974

when he tried without success to persuade Bradley to quit the Knicks and run for Congress. "He always did, and still does. He knows exactly what it has to be."

Bradley also sets his own course on matters of substance, sometimes to the dismay of fellow Democrats. For example, he voted last year for military aid to the contra rebels, astonishing liberal colleagues by calling this the path of caution: Better to contain the Marxist government of Nicaragua by aiding rebels, he said, than to leave it unchecked and later be forced to send in troops. The vote brought unaccustomed criticism from within his party, but he has not backed down.

In a curious way, the controversy highlights a side of Bradley's appeal: He is not perceived as playing to the stands, at least in ways to which the audience is accustomed. If people disagree with him or find him plodding, they also have a feeling that what they see is what they get. Even his looks are part of this image. He towers over colleagues, but he walks like anything but a jock—a little slumped, even humble. During the tax debate, Bradley was often seen hurrying down Senate corridors with a clutch of senators and aides, bending his frame in awkward fashion to get within whispering range of their ears, or hearing range of their whispers. His black hair is thinning on top and his suits are plain, especially the olive one that his aides abhor. His Knicks teammates used to joke that Bradley would be the last person to get mugged in New York because he looked as if he already had been.

For a public man, Bradley has considerable ambivalence toward The Crowd. He will talk to a reporter in a manner as informal as to a friend, but he will stop short at odd moments, such as when he is asked what books he is reading. "It's the old problem. I encountered this in high school and I certainly encountered it in college. You tell a member of the press you're reading a book about geology and then every person you meet says, 'Hey, I saw you read this book about geology and you say, 'Yeah,' and then you've got to talk about geology all the time."

At the same time, he will go home to New Jersey for a day and relish such experiences as slow-dancing with 21 elderly women—one at a time—who crowd around him at a senior citizens center, hamming it up at a press conference with a group he cofounded known as Athletes Against Tobacco and hobnobbing with 500 Democrats who paid $300 apiece to attend his annual fundraiser.

While he guards his privacy, he has a politician's concern with image. Told that other senators had been interviewed about his role in the tax debate, Bradley asked a reporter: "What else did these senators say?"

"About the tax bill?"

"Yeah, about the tax bill and . . ." (*uncomfortable pause*) " . . . well, about me."

"Taxes intrigued me conceptually," Bradley said early last year, "because it's a closed body of knowledge you can come close to mastering with some certainty. It's not like the question, 'What is beauty?' that has an infinite number of answers to it."

Mastery has been a constant throughout Bradley's life. He grew up in Crystal City, Mo., a small town south of St. Louis, the only child of the local bank president and a mother prominent in community affairs. "As early as I can remember," Bradley wrote in *Life on the Run*, "I was programmed to become a successful gentleman." His childhood was one lesson after another—dancing, trumpet, French horn, piano, boxing, tennis, golf, swimming, canoeing, typing, French and horseback riding. Though being the banker's son at first isolated Bradley, basketball made him one of the boys.

He was not a natural as a basketball player—a suburban child in a city boy's game, he wasn't a great runner or jumper—but he made up for it with discipline and a passion for perfection that led him back to solitude. As McPhee recounted, Bradley stuffed 10 pounds of lead slivers in his sneakers to build up his legs, attached blinders to a pair of glasses to block out his lower range of vision, which forced him to dribble without looking at the ball, and arranged chairs as decoy-opponents, then practiced dribbling around them. All this by himself in the Crystal City school gym for 3½ hours a day after school and eight hours on Saturdays.

Bradley isn't a natural as a politician either. His speaking style is earnest but unexciting. When he arrived at the Senate, he was a tabula rasa to politics, having skipped such training grounds as a state legislature or city council. He was a stranger in a world ruled by seasoned, horse-trading politicians and entrenched interests—the world that created the existing tax code.

Elected largely on the strength of his celebrity as a scholar-athlete, Bradley spent his first years in the Senate in studied obscurity, struggling to shake the jock image, to establish himself as a serious lawmaker. He longed for a day when press accounts would identify him as something other than "Sen. Bill Bradley, former New York Knick." Perhaps by design, he tackled the most esoteric issues—energy security, taxes and the Third World debt—devoting days and nights to finding ways to translate them into the lexicon of politics. His first year, he spent more than 100 hours presiding over the Senate, learning parliamentary rules of the game, observing the moves of the chamber's seasoned players.

He earned a reputation as a bona fide bore.

In 1981, he began his quest to overhaul the federal income tax system. At the time, it took a certain political innocence even to broach the idea. Everyone conceded that the code was unfair, but virtually every interest group had a stake in it. The bottom line was that powerful interests enjoyed deductions that wiped out their taxes; the weak paid the freight. And there was no end in sight. That very year, Congress embraced Reagan's sweeping tax cut, greatly widening loopholes through which companies and individuals would avoid paying a total of more than $350 billion a year in taxes. Bradley cast the lone no-vote in the Senate Finance Committee.

To Bradley, the tax code was a rigged game. "I think Bill's motives were about as pure as there are in this business," said Rep. Thomas J. Downey (D-N.Y.). "I think he just thought governments fall because people lose confidence in things as fundamental as the tax system."

So here was Bradley, a political novice, suggesting that colleagues from oil states, timber states and industrial states—politicians aligned closely with unions, real estate developers, banks and other influential groups—forfeit tens of billions of dollars of tax benefits in the name of lowering tax rates for everyone. He wanted them to take up the flag of something he called the "general interest"—people who didn't lobby, didn't make political contributions didn't even write letters.

It seemed reminscent of Bradley's wide-eyed reaction when he learned, as a basketball player, of a dizzying range of ways to shelter his considerable income. "I just want to be paid well for something I love," Bradley recalled telling his tax lawyer. "It's not that simple," came the answer.

Tax policy surfaced at the start of Bradley's political life—in his 1978 election, when he faced a supply-side Republican who envisioned economic growth through large tax cuts. Bradley proposed instead a smaller cut, to be followed by a look at the entire system. When he later moved to make good on his promise, proposing a plan to close dozens of loopholes and slash tax rates—the idea that ultimately shaped the 1986 tax law—his 1978 campaign manager termed it a political dog. "I'm a crude, cynical politician, and I told him that major tax overhaul is not something that is really a catchy topic," said Susan Thomases, now a New York attorney. "With his usual patience and determination, he said to me, 'I'm going to pursue this, and what I need from you is not why it can't be done but some help in how to win.' "

Something similar happened in 1981 when Bradley raised the idea with his legislative counsel, Gina Despres. A former corporate tax attorney, Despres responded that she knew many disappointed veterans of past attempts at tax reform. But she ultimately agreed to take a second look, and said she was struck by the political opportunity: Simply closing the loopholes would make it possible to slash tax rates far lower than even Reagan contemplated without losing a cent of federal revenue. The lower you drove the rates, the more loopholes Congress would be forced to close to make up the difference, framing a stark choice between "general" and "special" interests.

Here was the Democratic answer to supply-siders that Bradley had been seeking since 1978: a way to sound his party's historic theme of fairness (closing loopholes) while tapping into the Republican hold on the theme of economic growth (cutting tax rates).

In his Hart Building office—a long, cavernous box adorned with modern art, Grant Wood prints, endless piles of books, drawings by Bradley's 11-year-old daughter, Theresa Anne, photographs of Bradley embracing fellow Knicks as they won two national championships in 1970 and 1973—Bradley tackled the tax system with the same zeal for mastery that lured him to the Crystal City school gym. Led by Despres, a group of tax economists and lawyers began drilling Bradley on one section of the tax code after another—who benefits, who pays, how changes could affect the economy—on and on for six months until he had put together a bill. Bradley recruited as cosponsor Rep. Richard A. Gephardt (D-Mo.), who separately had expressed interest in the idea and who happened to represent Bradley's native Crystal City.

The Bradley-Gephardt Fair Tax proposed to slice the top individual tax rate to 30 percent—from the existing 50 percent—with more than half of individual taxpayers paying no more than 14 percent. In exchange, a wide range of deductions would be repealed or eliminated. A similar overhaul was proposed for corporations. For all its boldness, though, the plan made a big concession to the Republican tide, proposing no increase in the corporate tax burden that Congress and Reagan had lightened so dramatically in 1981.

"He was obsessed, that I can tell you," said Bradley's wife, Ernestine. "Bill knew what he wanted to do, but he still would check with 50 people, sounding them out, getting different input." His single-mindedness reached such a pitch that one Sunday when Bradley appeared on a pretaped television show, Theresa Anne, then 7, took a friend by the hand and walked out of the room. "We are leaving the room," his daughter said. "You are on TV. You will probably only talk about loopholes."

Bradley was convinced that a sort of silent majority would clamor for this new system, if only he could spread the word. The idea was to boil down all the knowledge, numbers and theory into something seductively elementary.

He was met by stunning indifference.

A Chicago television anchor greeted Bradley in 1985 this way: "Our challenge this morning is to talk for 30 minutes about tax reform and have one viewer left." Twenty minutes into the taping, the interviewer confessed, "I can't even think of one intelligent question to ask about the tax bill. It's not irresponsible to get into other subjects, is it?" Bradley said he didn't want to talk about anything else.

"I remember going to editorial boards with him, and people would just look at him with blank stares," said press secretary Pettengill. "They'd say, 'This is such an *intellectual* issue.' "

The lack of interest of others seemed only to strengthen Bradley's resolve. Pettengill recalled one meeting with a confounded newspaper editorial board at which Bradley finally grabbed a piece of paper, drew a tall, vertical block and, like a teacher with a visual aid, explained: If you have a narrow base (he pointed to the thin base of the block) you have to raise rates very high to bring in the right amount of revenue (he pointed to the top of the tall block). Then he turned the paper on its side, so that the block was now horizontal and very short. "But if you broaden the base . . ." A look of discovery came over his listeners. Such were the victories of the early days.

Though tax reform was a bomb on the road, it nonetheless enhanced Bradley's reputation among Republican strategists. In 1983 and 1984, influential Republicans began viewing the idea as a magnet for millions of blue-collar voters who saw the tax system—like the government—as stacked against them. Rep. Jack Kemp (R-NY), a supply-side apostle, with presidential ambitions, produced his own version of Bradley-Gephardt in 1984. A year later, Reagan embraced tax reform as his No. 1 domestic policy goal, assigned it to his most respected political strategist, Treasury Secretary James A. Baker III, and forced it to the top of the congressional agenda.

"As soon as he proposed to study it [tax reform—, I knew we had hit a nerve," Bradley said. "And I knew why we had hit a nerve. They believed that lowering tax rates was an even bigger issue than it probably was. I took their issue and I took it further."

In interviews at the time, a number of Bradley's committee colleagues predicted that he would not be a "player" in the Senate tax debate. After all, Bradley was a Democrat—a junior one at that—in a chamber run by Republicans and ruled by seniority. "Bradley will be on the intellectual level," said Sen. Charles Grassley (R-Iowa), "trying to get people to see things in terms of concepts, but I don't actually see that translating into a big effect on the end product." Said a Democrat who declined to named: "He's sincere, I have no question about his intelligence, but as for shaping legislation, Bill has yet to do that. I don't see it happening."

"Bradley's strength," said a key Republican who worked on the tax bill, "is that he is a person who believes in the integrity of his ideas. There will be people who ask him for the petty favor and he says no. He doesn't build up the conventional political IOUs. So the truth of the matter is he doesn't play the kind of game that results in the ability to deliver votes, but he still has an enormous influence on the process. It's just a different kind of influence."

Bradley is uncomfortable with this image of himself as an intellectual in a chamber of tacticians. "I'm committed, but I'm also a politican," he said recently. "I take it as a high compliment that [Rep. Dan] Rostenkowski [chairman of the House Ways and Means Committee] once said of me that I know what buttons to push in a dark room. I'm not just up there in my ivory tower. That's not where I want to be and that's not where I was. There are some deals in there [the new tax code] for my state, you know."

It is ironic that Bradley nowadays is viewed as long on brain work and short on spontaneity—qualities he meshed remarkably as a basketball player. "On a basketball court, there is in a real sense an artistic moment," he said. "You're creating something. One of the things I always admired about Russell [Long] was his ability to be spontaneous on the Senate floor."

In Bradley's eyes, Russell B. Long is "the most fascinating senator I ever met." He is also Bradley's opposite in almost every visible detail. Portly and avuncular, Long retired last year after 38 years in the Senate, including more than a decade as chairman of the Finance Committee. Descended from a Louisiana political dynasty headed by his father, Huey P. Long, and his uncle, Earl Long, Russell Long elevated to an art the use of power through trading favors, collecting chits and rubbing elbows.

In a 1979 floor debate, Bradley watched the canny Louisianan offer a pro-oil amendment that got only 20 votes. Confused at first, since Long rarely offered losers, Bradley later understood. "He was testing his base strength, his core. He knew that whatever happened from then on, he started with 20 votes."

Last spring, it was Bradley's turn to test his own base. A version of tax reform had managed to pass the House only to hit the skids in the Senate Finance Committee. Day after day, committee members filed into their wood-paneled chamber, took seats on a platform above the wall-to-wall lobbyists in the audience, and approved loopholes for industry after industry. Finance Committee chairman Bob Packwood (R-Ore.) was being ridiculed in national publications as "Senator Hackwood," and respected politicans were writing off tax reform as an idea whose time would never come.

In this context, Bradley solemnly offered a series of amendments to strip away tax benefits for oil and timber, industries that dominated the home-state economies of more than half the committee. As some senators eyed each other in exasperation, Bradley delivered a lengthy history lesson on how, over many decades, political clout had produced $5.6 billion in tax breaks for the energy and timber industries. He then proposed to eliminate them, and to use the extra tax revenue to cut rates for low and middle-income Americans. None of his five amendments got more than three votes. Two got only one—Bradley's.

Bradley had found his base and it was Bradley.

The creed that best describes Bradley's approach to the tax debate is one he recited to McPhee more than 20 years ago. Picked up from Easy Ed Macauley, a 6-foot 9-inch St. Louis basketball star of Bradley's youth, it went like this: "When you are not practicing, remember, someone somewhere is practicing, and when you meet him, he will win."

After Reagan began exploring tax reform in earnest in late 1984, Bradley spent part of almost every day in his Senate office with Despres and chief of staff Marcia Aronoff, brainstorming and trading rumors of threats to the effort. He hatched so many strategies for neutralizing so many potential minefields that some of his allies used to joke about what one called "the latest Bradley scheme that was going nowhere."

Bradley launched a tireless courtship of the two chief congressional tax-writers, Rostenkowski and Packwood, knowing that nothing would happen legislatively without the commitment of both chairmen. They were unlikely comrades for Bradley: Rostenkowski, a battle-scarred veteran of Chicago ward politics, and Packwood, a maverick Republican with a flair for the unpredictable. But as the effort progressed, they came to trust Bradley more than they trusted each other.

When Bradley first requested a meeting with Rostenkowski two years ago, the chairman's aides said he didn't want visitors. They later learned that Bradley had flown to Chicago, arrived on Rostenkowski's doorstep and had gotten an audience. Whenever Rostenkowski needed him, Bradley told him, he was at his service. When Rostenkowski's bill reached an impasse in committee, Bradley crossed the Capitol to lobby committee members one-on-one in their offices—not unheard of, but a strong statement from a senator. When the liberal House Democratic Study Group balked at the bill because of low tax rates for the wealthy, Bradley went to a closed meeting to argue that liberals should support tax reform in the cause of restoring trust in government. While the shuttle diplomacy did not always succeed, it did win over Rostenkowski. "This man works more hours than an automated teller machine," Rostenkowski remarked.

As for Packwood, he initially distrusted Bradley, believing he aimed to force the Republican Senate to kill the bill, giving Democrats an issue in 1986 and Bradley a chance to play the saint in a chamber of sinners. But over time, a certain rapport developed. Early in the debate, Packwood and Bradley spent days together in seemingly interminable hearings as companies, charities, hospitals, virtually every interest group in the country, pleaded for tax breaks. Bradley responded to each plea with his gospel of a broader base and lower rates. Though a defender of the existing tax system, Packwood found himself growing exasperated with witnesses he later characterized as "trying to use this tax code to do everything for everyone who's trying to do anything in this country."

When a witness defended a tax break, Packwood would ask: If we had a zero tax rate, would you need a tax break to invest? The answer was invariably no. So if we drive the rates low enough, Packwood continued, at some point you don't need your tax break. Right?

It was a distinctly Bradleyesque line of questioning.

Nonetheless, for several months after that, Bradley watched Packwood and the Finance Committee approve a proliferation of loopholes, enough to increase the federal deficit by $100 billion. Though the bill appeared to many to be dying, Bradley called this merely "discouraging," part of a stage the committee had to go through, like children who learn lessons the hard way. The natural impulse was to give everyone a tax break, Bradley said, but that would only increase the clamor for loopholes, ensuring the death of tax reform. In Bradley's conversion scheme, you had to star into the abyss before you saw the light.

Through this period, Bradley also remained a detail man, arriving at committee sessions with legal pads filled with his own calculations regarding tax code provisions. He constructed a matrix on two pieces of legal-sized paper taped together, with 24 features of the tax system in columns across the top, every income bracket down the side, and a blizzard of numbers in the middle, showing at a glance how dozens of potential changes would affect the system. After four years of single-minded concentration, Bradley had a ready argument against challenges and a dizzying array of numbers in his head to back it up.

If brainwork failed him, Bradley could fall back on basketball. When the Finance Committee retreated to West Virginia last year for a tax debate, "We sat around and had drinks and he told us about his first two years on the Knicks when they made him a guard and he couldn't dribble and he wasn't getting to play," recalled Bill Diefenderfer, the committee staff director, now a Washington lawyer, who became Packwood's alter ego on the bill. "I'm sure he's bored talking about it, but he also understands it's a currency, an immediate opening. Members of Congress have something they know they can talk about with him: What's it like to play in the NBA?"

Bradley's ultimate opening came last April. After leading his committee to the brink of killing tax reform, Packwood scrapped the loophole-fraught bill and fashioned a last-ditch proposal to slash rates by repealing or limiting dozens of existing write-offs. His blueprint meshed elements of Bradley-Gephardt with an idea from Reagan's tax reform plan: Raising business taxes $100 billion, cutting individual taxes the same amount.

The proposal came at a time when Republicans feared the political consequences of killing tax reform. If Packwood was correct in thinking Bradley wanted to embarrass Republicans, this was an acid test. But Bradley surprised Packwood by delivering an impassioned speech for the bill when the chairman unveiled it, and offering himself as a sort of Boy Friday, ready for any task Packwood assigned. Packwood immediately began invoking Bradley's support at every opportunity. "I came around full circle to think that Bradley was right," Packwood said, describing his turnaround as a "conversion" and Bradley as his evangelist.

"Bradley deserved credit, but that wasn't the main reason Packwood lauded him," said Diefenderfer. "Bradley helped our credibility. Packwood could go to Democrats and say, 'If you vote against this bill, you vote against Bill Bradley and a Democratic idea.' He could go to Republicans and say, 'You can vote against this amendment [that would weaken the bill]. and if your Democratic opponent says anything, you can say Bill Bradley voted against it.' "

At 12:19 a.m. on May 7—less than two weeks after Packwood unveiled his last-ditch package—the Finance Committee passed it 20-0, an unheard-of mandate for a major tax bill. The low rates—the bill had a top rate of 27 percent for individuals, 33 percent for corporations—and the chance to look statesmanlike held more political allure than an army of entrenched interests. Committee members burst into spontaneous applause for their vote, hailing Packwood's courage and Bradley's vision. As members filed wearily out of the room, Packwood and Bradley met at the doorway. Spontaneously, they fell into each other's arms in a bear hug.

For a senator not prone to great highs and lows, Bradley was a fountain of excitement on the morning after the vote. Everything he had said and done for four years had come to flower. Normally a master of monotone, he was talking fast and with feeling. Normally scrupulously humble, discussing his "bold approach" and Packwood's adoption of it. "You know it takes courage to be bold in politics," he said. "You come to the bold approach because you've looked at it carefully, thought it through and said, 'Look, this is what I think is in the best interest of the country,' or you come to a bold approach because you're led there by finding the failings of the more cautious approach . . . So [Packwood] took the bold stroke, he got positive reinforcement."

When the bill reached the Senate floor, Bradley the theorist became Bradley the dealmaker. He and Packwood were convinced that to keep the bill from unraveling, they had to defeat every proposed amendment, even those that would close remaining loopholes. That meant that to protect what he liked in the bill, Bradley had to swallow what he didn't like—deals cut by Packwood to win support from the committee's factions—loopholes for banks, defense contractors, oil drillers, even a special loophole for eight well-connected investors in a western coal mine. There was also a loophole to help Bradley's home state—tax-free bonds for construction of solid waste dumps, New Jersey's most unfortunate growth industry.

Bradley did not move easily into the dealmaker's role. He made one last effort in the final hours of Finance Committee deliberations to wipe out certain oil-drilling tax shelters defended by the panel's formidable oil-state bloc. With lights from more than a dozen television cameras bathing the room in eerie yellow, Bradley recited his standard speech: "What we have here is a special provision, carved for a certain number of investors . . . The premise of tax reform is that you give people lower tax rates and that in exchange for that they give up loopholes." When the roll was called on the shelter provisions, Bradley bellowed "nay" with such force that the speakers in the committee room vibrated. He lost.

Bradley's defeat apparently was a key to the tax bill's success, because the support of the oil bloc proved crucial to victory. Had Bradley prevailed, such influential senators as Long, Majority Leader Robert J. Dole (R-Kan.), Lloyd Bentsen (D-Tex.) and others would have helped the opposition on the Senate floor. "We had nicked oil several billion dollars, which is no small amount for an industry on its knees. He seemed to want to get that last pound of flesh. He'd rather be right," remarked a Republican who worked on the bill.

It is a truism that politicians develop chits when they are perceived as doing something for others that goes against their interests. So it was that when the bill reached the Senate floor, Bradley found himself with a bit of clout over the oil bloc. His distaste for oil loopholes being well established, Bradley proposed to swallow the shelters if oil-state senators would rally opposition to amendments aimed at weakening the bill. In case they reneged, Bradley announced on the Senate floor, he had in his pocket four amendments designed to close down oil tax shelters. Given Bradley's status, conferred by Packwood, as the credibility seal on the tax bill, this was no small threat.

When another senator did make a run at the shelters, Bradley rose uncomfortably to defend the oil bloc and to make a bow to the powers that be. "This is a good bill," he said. "For this good bill to become law, we are going to need the leadership of Senator Long, Senator Bentsen, Senator Dole, Senator [David] Boren [D-Okla.] and others." Like Bradley, the oil bloc honored its half of the bargain, delivering crucial votes against every threat to the bill. "I think for the first time, he actually earned a chit," said a Republican.

The Senate floor was almost empty last June 24 when Bradley rose for his final speech on the Finance Committee bill. He was hoarse and his eyes were half-closed from exhaustion. Bradley was known as a sleep-inducer, but this time he decided to talk without a text, to express feelings as well as thoughts. He said he believed the unfairness of the tax system, which touches 100 million Americans—more than had voted in the 1984 presidential election—was eroding trust in government. With sadness in his voice, he told of a New Jersey man whose 26-year-old son could think of nothing but how to avoid paying taxes. The young man's father had told Bradley. "I am worried there is a whole generation of young Americans out there who believe they have no obligation whatsoever to support the legitimate functions of government." For Bradley, who had devoted himself in two careers to hard work and playing by the rules, the young man's attitude constituted a personal affront. "A tragedy," he called it. "Ultimately tax reform is not just about money," he said. "It is about personal dignity and individual security. It is about being in control of our lives while having a government that is sensitive to our needs. Most important, it is about hope."

Bradley had just ad-libbed his way through one of the best speeches of his career—vintage Bill Bradley playing Jimmy Stewart playing "Mr. Smith Goes to Washington." In the visitor's gallery, his wife Ernestine found that her eyes were watering. "He felt it so much," she said, "and he said it with such simplicity."

In the last hours of the last crisis over the tax bill, Bradley's years of thinking, calculating and midwifing landed him in a position to save the game. A conference committee of the House and Senate, seeking to meld the two chambers' versions of the bill, hit an impasse because its compromise measure would deliver few or no tax cuts to certain people with upper-middle-range incomes while giving the wealthy a windfall and removing 6 million low-income people from the tax rolls. The House demanded a 29 percent top tax rate for individuals to shuffle the benefits; senators refused to go beyond 28.

Poring over his matrix, Bradley devised a sleight-of-hand to solve the crisis. By phasing out some tax benefits for upper-income taxpayers, and reconfiguring certain fea-

tures for lower- and middle-income people, the bill could retain a nominal top rate of 28 percent while taxing families with incomes from $100,000 to $200,000 at a higher, "phantom" rate. Outrageous in the view of tax policy purists, this constituted a deft dodge in the view of politicians. Packwood signed off on it, and now it was all up to Rostenkowski.

Throughout the conference, Bradley had operated as a back channel between the two chairmen, giving Rostenkowski hourly "weather reports" on the leanings of key senators, then ferrying intelligence on House conferees back to the Senate. Bradley was secretive about this role. When calling Rostenkowski from the Senate, he often whispered his tips.

With Packwood on board, Bradley called Rostenkowski to alert him that the Senate chairman wanted to meet and propose a compromise. Rostenkowski, skeptical, said he wanted Bradley to come too. Packwood, well aware of Bradley's rapport with Rostenkowski and eager to reach agreement, already had put in the request. With only Bradley and their top aides looking on, the two chairmen met in Rostenkowki's Capitol office, and called it a deal.

"It was," Bradley said later of the moment, "like getting to take the last-second shot. You know, somebody threw you the ball, now are you going to shoot or not? Or is it going to go in or not? It goes in, you get the game."

"I thought it would feel like winning a championship," Bradley said. "But it didn't. It was like winning an election. It's the question of whether politics is the same kind of release as basketball, and the answer is no. It is never as clear cut, it is never as resolved, it is never that one is clearly recognized as the world champion—if only for another year."

Even as he spoke, economists were denouncing the new tax law as a threat to jobs and certain industries, Democrats were denouncing his contra vote and some colleagues were asking leading questions, such as: How much in life is subject to mastery, anyway? What happens when this rational method of breaking tasks into component parts, and turning each part inside out, yields wrong answers, or none at all?

Bradley, for his part, appears untroubled by the scrutiny. He has a new obsession, the Third World debt, an issue with less play in Peoria than tax reform ever had, which is fine with him. With the Democrats' return to power in the Senate, he has charge of two influential subcommittees, and says this is all he wants for now. He is not—repeat not—interested in the presidency, he keeps saying to those who keep asking.

Of course many people expect something more from the only man on earth with an Olympic gold medal and a presidential pen from the signing of the Tax Reform Act of 1986. A recent poll of voters in Iowa, scene of the first presidential caucuses in 1988, showed Bradley running third among Democratic prospects. Last year, White House pollster Richard Wirthlin named him as one of two Democrats who posed a serious threat to the GOP in 1988. Suffice it to say that if the tax debate made Bradley a player, it also upped the stakes.

When it was all over, and Bradley was a player in a new arena, a reporter wondered: Why these recurring allusions to the life he left behind? Why would he spurn it, then flirt with it? Was he pining for that old peak moment?

"No, no, I'm not looking for it, I've come to terms with it," he said. "That is over, just like I'm not constantly jumping to touch the ceiling in every room I go in just to show that I can jump. Those days are over."

He used to do that?

"Sure, jump up and touch the ceiling.

Anyway . . . " Suddenly, Bradley was laughing uncontrollably. He got out a few words ("This was a kid . . . "), then cracked up laughing again. The very idea: A serious senator having once been a kid who got his kicks touching ceilings. "And, of course, here it would be absurd," Bradley said, looking up at a 16-foot ceiling in his Senate office, doubling over in more laughs.

"No, no, no, no, but my point is that you don't want to jump up to touch the ceiling not because you don't feel like it, but because you can't. You know, it's over. That part of your life is over. Basketball is over. It's over! I'm not seeking to return to that, you see? And that is why I can feel so positive about it, in a way, because it was a special moment."

(Dale Russakoff covered the Tax Reform Act of 1986 for The Post's national staff.)●

SENATOR JOHN EAST: THE TRIBUTES CONTINUE FOR A STATESMAN WHO IS SORELY MISSED

Mr. HELMS. Mr. President, more than 7 months have passed since the tragic death of Senator John P. East, but the tributes to this great American continue. In fact, Mr. President, I have not appeared anywhere in the country since that time without people in all walks of life coming to me to express their sadness that John's brilliance and integrity are no longer a part of the process of the U.S. Senate.

The affection and respect in which he will always be held constitute a splendid monument for the life and career of John East, because John East was a dedicated statesmen who held firm to the principles of constitutional government and to the defense of the free world. He was a distinguished member of the academic community before he came to the U.S. Senate and he remained an active member of the board of directors of the University Professors for Academic Order, a group of dedicated conservative professors supportive of excellence, freedom, and accountability in higher education.

During the organization's annual convention in Washington, DC in December of 1986, tribute was paid to Senator East by a friend, Dr. Donald J. Senese, former Assistant Secretary for Educational Research and Improvement in the U.S. Education Department.

The tribute to Senator East captured the spirit of his career and contribution to our Nation. I ask unanimous consent that the remarks by Dr. Senese be printed in the RECORD.

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

TRIBUTE TO THE LATE SENATOR JOHN EAST

(By Dr. Donald J. Senese, University Professor for Academic Order Meeting, Washington, DC)

We pause here to remember one of our own who is no longer with us this year—the late Senator John East of North Carolina.

John East not only shared our philosophical orientation in education and politics but he was an interested and dedicated member of this organization, the University Professor for Academic Order. He subscribed to our principles and from his positions as professor and United States Senator lent his support and encouragement to us in seeking new members. We relied on the respect and fame he enjoyed—"If UPAO is good enough for John East, it must be a fine group and I will join" was our hope as we sent out his letter of endorsement.

I am sure most of you are familiar with the specifics of the career of John East. He was born in Illinois, attended college, suffered an attack of polio which left him confined in a wheelchair, attained advanced degrees, taught political science at East Carolina University, and in a very narrow but significant election won a seat in the United States Senate in 1980. During that campaign not many people gave John East much of a chance to reach that lofty position. If one was familiar with John East's determination, you knew he was going to try his best as he always did. He won that seat.

We now know that his potential effectiveness in that position was limited by health problems. Nevertheless, he made a serious effort toward accomplishment. As a freshman Senator, he was in a unique position entering the Senate at a time when his party, the Republican Party, had captured their first Senate majority in 28 years. He refused to be the silent freshman Senator. He began hearings with his subcommittee on one of the most crucial issues of our generation and he utilized his position in the U.S. Senate to call for a politics of commonsense and constitutional government.

Senator John East did something rare in our day. He did not rely upon the cliches and popular political terminology of the moment. He called forth the cultural tradition of the West—Plato, Aristotle, Acquinas—to give substance and basis for his political utterances. He did appeal to the higher nature in the individual in trying to make political discussion a lofty and worthy enterprise.

Another one of our favorites, Russell Kirk, made this comment about John East in paying final tribute to him: John East knew that politics is the art of the possible; but also he knew that a decent political order cannot long subsist without moral imagination and intellectual power. Not many senators seem to apprehend so well that hard truth. Sen. East lived that truth.

Those of us who are students of political science and history know how the substance and the flourish of rhetoric has declined from the early days of our history, even in the early days of this century. The popular election of Senators, the thirty second analysis of critical issues demanded by the television media, and our fast-paced life has eliminated the thoughtful consideration of ideas and the carefully constructed paragraph in presenting a case. We can only read some of those great speeches of the past.

One of these orators lived in this century, Senator George Moses of New Hampshire,

and I would like to borrow the words of Senator Moses who paid tribute to a friend of his, another Senator from North Carolina Senator Overton. These words of another era fit the service of John East. Senator Moses noted: It was but natural that the tremendous tasks which he was then laying down should have left their mark upon him, and that his slackening powers should have found thereafter only those occasional bursts of fiery zeal with which he sometimes roused himself to action which electified the Senate. He was passing into the evening of his life—an evening destined to be long and golden, warmed with the color of an autumn day. He was surrounded by the solicitude of an adoring family—and we shared that solicitude with them. He fell to sleep and we saw him laid to his rest, our grief tempered by the reflection that we had been privileged to know him and to love him.

The pain and agony endured by John East must have been great—and we now know overwhelming—that he by choice left this world he had worked so hard to make better. He left to us like many other great men an enduring legacy. He was not only an activist but also a philosopher and scholar for our causes. Out of his many public statements, he left us much to read and to reflect upon.

One of his comments I believe show the enduring quality of the man because he helps to set the tone on how politics and the art of governing should be approached. The comment was contained in an article he did for the Intercollegiate Review (Spring/Summer, 1982) entitled "Political Theory and Public Policy." John East wrote: An understanding of theory must precede the development of sound public policy, for it sets the tone, direction, and parameters of public discussion. In addition, it affords depth and substance to an analysis of public issues. Absent theory, there is no direction, depth or substance to dialogue over public policy, and the result is the politics of drift. Democratic politics degenerates into little more than the push and pull of interest group competition. As there are no points and reference, we are soon back to Plato's antagonists, the Sophists, who looked upon politics as merely the pursuit of power per se and success. If the goal is a healthy body politic without theory, it is impossible of attainment. Theory instructs us concerning the nature of things and the nature of man. Theory is the only avenue to the deepest and fullest understanding, and it affords the foundation for developing the most mature and enduring public policy.

We lost a great man with the departure of Senator John East but he gave us an enduring legacy. We can only say thank you to him and work to continue to build on the foundation he established. Let us remember him fondly in a moment of silence.

COMMUNIST CHINA EMERGENCY HUMAN RIGHTS SITUATION

Mr. HELMS. Mr. President, on January 29 I informed the Senate of the developing human rights emergency in the People's Republic of China. At that time I noted that a number of Chinese intellectuals had been dismissed from their positions for advocating the principles of freedom and democracy. I also raised the question of what might happen to Chinese students in the United States who return with some understanding of these same principles.

It is my sad duty, Mr. President, to inform the Senate that my worst fears have been realized. The purges have continued and the first returned student, Mr. Yang Wei, has been arrested.

The vice president of the Chinese Writers Association, Mr. Liu Binyan, has become the target of a campaign of vilification and abuse. According to the Washington Post, Mr. Liu is best known to Chinese readers as an investigative reporter who uncovered abuses of power by local Communist Party secretaries, extortion, bribery, intimidation of intellectuals and persecution of ordinary people.

The Shenzhen Youth News and the Society newspaper of Shanghai have been closed for advocating Western democratic ideals. Radical elements within the Chinese Communist Party are reportedly targeting the World Economic Herald of Shanghai.

The editor of the Jianan Literature and Art Journal has been imprisoned for 7 years by the People's Republic of China Ministry of State Security. He has been accused of advocating "freedom and democracy" for his native country.

The former deputy editor of People's Daily, Wang Ruowang, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse. Mr. Wang, a Communist Party member for 50 years, was accused of having spoken out for freedom.

Mr. President, the Communists have not stopped with attacks on their own journalists and press. In a most ominous turn of events, they have arrested and expelled Mr. Lawrence MacDonald, an American reporter for Agency French Press. He was accused of espionage, charge he and his agency categorically denied. His expulsion came 6 months after the expulsion of New York Times reporter John Burns, also on a trumped-up charge of espionage. In Burns' case the espionage amounted to photographing a 1,000-year-old bridge.

Mr. President, it appears to this Senator that the United States Government has not raised the issue of freedom of the press at a high enough level to properly catch the attention of Chinese officials. We seem not to react with the same vehemence to Chinese actions, no matter how wrong they may be perceived to be, as we do to similar actions taken by the Soviet Union and East European countries.

Mr. President, I have been informed that the U.S. Ambassador to Beijing regards this as a low-level consular issue. This is far more than a consular issue and should be treated as such. It is time this is treated at the highest level. Secretary of State Shultz will be in Beijing the first week in March and the freedom of American reporters to operate in the Peoples' Republic of China should lead the agenda. We ask no more than what we grant to Chinese reporters operating in this country.

These cases of alleged espionage never seem to be cleared up. The Chinese are never specific about the charges against journalists. A vacuum is created that tends to be filled with rumor and innuendo about journalists that are expelled. The excuse is made too often that there is a bureaucratic problem in China—an excuse that defuses responsibility and prevents the Embassy from dealing directly with the Chinese authorities most directly involved.

As one who spent most of my life in the news business prior to coming to the Senate, I suspect that American newsmen in Beijing must be fed up with being pawns in internal Chinese power struggles.

At the same time I am deeply concerned about the fate of Chinese students who return to their native land full of hope that the functioning system of basic liberties which we have in the United States might be transfered, at least in part, to mainland China.

Mr. President, I will circulate a Dear Colleague letter later today with two concurrent resolutions attached. The first resolution deals with the issue of press relations between the United States and the Peoples' Republic of China. The operative provision calls for the United States Government to retaliate against the expulsions of Mr. Burns and Mr. MacDonald by expelling at least one Chinese reporter. The resolution points out that Chinese reporters are Chinese Government officals and not private citizens as are American journalists.

The second resolution addresses the overall human rights emergency in the Peoples' Republic of China. The operative provisions call upon the administration to raise the issue before the U.N. Commission on Human Rights now meeting in Geneva. It also calls on the administration to give some measure of protection to Chinese students now in the United States who might fear for their personal safety when they return. Unfortunately, such fears have proved to be well founded.

Mr. President, it is not often that I agree with the editors of the Washington Post. However, they were right on target with their subheadline on January 26: "Charges, Arrest of Student Seen as Official Effort To Intimidate." The People's Republic of China is trying to intimidate our journalists. They chose to make an example of the American reporter with the best command of Chinese in Beijing and consequently the best Chinese contacts.

The question is whether we are going to appease the Communists yet another time, or are we going to draw the line on the fundamental issue?

Mr. President, I ask unanimous consent that two articles from the Washington Post and one from the New York Times be included in the RECORD; also, I ask unanimous consent that these two resolutions be printed in the RECORD.

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

[From the Washington Post, Jan. 26, 1987]

CHINESE ACCUSE U.S. REPORTER

(By Daniel Southerland)

BEIJING, Jan. 25.—Chinese authorities have accused an American reporter of obtaining secret intelligence information from a Chinese student, the official New China News Agency said today.

Lawrence MacDonald, a U.S. citizen working for the French news service Agence France-Press, was quoted by colleagues at the agency's bureau here as saying that he knew nothing of the affair described in the accusation.

The New China News Agency said in a two-paragraph report today that according to the government authorities, a Chinese student at Tianjin University, Lin Jie, was arrested for his "secret collusion with and providing intelligence to Lawrence MacDonald."

Western diplomats said that the accusation made against MacDonald, 32, and the arrest of the Chinese student appeared to be designed to intimidate both Chinese sources and western journalists. The aim, they said, would be to disrupt contacts that have produced stories unfavorable to the Chinese government.

The authorities leveled their accusation against MacDonald, of San Louis Obispo, Calif., at a time when they are conducting a campaign against western democratic influences.

Three intellectuals have been expelled from the Chinese Communist Party over the past two weeks as a result of the campaign against "bourgeois liberalism."

It was announced yesterday that the latest of the three, Liu Binyan, China's best-known living journalist, was expelled from the party for attacking Marxism and vilifying the party.

The Chinese news agency said that the Tianjin bureau of the State Security Ministry had obtained "conclusive evidence" against MacDonald and Lin Jie through an investigation.

The security ministry referred to in the news agency report is responsible for counterespionage and surveillance of foreigners and appears to be organized along the lines of the Soviet KGB.

The Beijing bureau of AFP issued a statement saying it knew nothing of the accusation against MacDonald and learned of it only today through the Chinese news agency dispatch.

MacDonald was in Hong Kong following a vacation in Thailand. He had planned to take a plane to Beijing this afternoon but was apparently warned by friends of the accusation made against him and decided to stay in Hong Kong.

A western diplomat speculated that the Chinese authorities issued the report on MacDonald this afternoon with the intention of alerting his Beijing bureau before his return and having him stay in Hong Kong.

The diplomat said that in this way, the authorities could hope to achieve the intimidating effect they wanted without having to make a difficult and no doubt heavily publicized case against MacDonald.

"The idea would be to intimidate people without having an embarrassment or crisis on their hands," the diplomat said.

The Chinese authorities knew exactly when MacDonald intended to return to Beijing because he had applied for a visa in Hong Kong and provided them with his travel plans. He had also informed his Beijing bureau of his plans.

The Chinese news report on the case, which was repeated by an announcer on the national television evening news tonight, gave few details of what was said to have occurred between MacDonald and Lin Jie in Tianjin.

A prodemocracy demonstration took place at Tianjin University in late December, but MacDonald was covering demonstrations in Shanghai at the time.

Although the Chinese report was short on details, it did say just enough to give the average Chinese the message that journalists might be spies and that dealing with them could prove to be dangerous.

MacDonald is respected by his colleagues as an aggressive, hardworking reporter. His ability to speak Chinese is superior to that of most of the foreign correspondents based here, making it easier for him to establish contacts with a variety of Chinese at all levels of society.

Most observers think that MacDonald's ability to speak fluent Chinese is one reason why the State Security Ministry selected him as a target.

Created four years ago, the ministry is believed to have grown in influence over the past year or two.

The explusion of New York Times correspondent John Burns last July followed an accusation by the ministry that he had entered a restricted zone to gather intelligence.

MacDonald had reported last year on a case involving the State Security Ministry. According to the AFP story published last Sept. 1, an intelligence officer named Yu San, described as director of foreign affairs for the ministry, had fled to the West last January.

China's Foreign Ministry declined at the time to comment on the reported defection.

[From the Washington Post, Feb. 8, 1987]

MY EXPULSION FROM CHINA

(By Lawrence MacDonald)

The last phone call I got in Peking came at 7 on Friday morning, Jan. 30.

In winter in north China it is still dark at that hour and I recall my wife saying as I climbed from bed to answer the phone that it was probably family calling from the States.

Instead, a stern male voice asked for me by my Chinese name. He said he was an officer of the Peking State Security Bureau and he ordered me to report in one hour to the Peking police station that deals with foreigners. A woman repeated the order in English, asked if I understood and hung up.

The call was disturbing but not entirely a surprise. Five days before, the New China News Agency said a Chinese college student named Lin Jie had been arrested for "secret collusion" with me and the passing of unspecified "intelligence information." The next day, Foreign Ministry officials alleged I had engaged in activities "incompatible" with my status as a journalist during recent student demonstrations. By Wednesday, the Chinese government had dismissed my denials and the protests from my employer, Agence France-Presse, and had presented an ultimatum: I must leave China within several days. I began preparing to leave the following Tuesday, four days away.

Now my wife and I had to report to the police headquarters dealing with foreigners in the Chinese capital—officially known as the Peking Public Security Bureau Foreign Affairs Section. Along with AFP's Peking bureau chief, we arrived at an old-fashioned courtyard house in the shadow of the Forbidden City, the former imperial palace. It was 8 o'clock. I was shown alone to a small room where several uniformed security officers stood about. A senior officer entered, removed a vast green coat he wore over his shoulders like a cape, and stood opposite me to read an expulsion order. One of the uniformed men took photographs, while another taped the proceedings with a video camera.

I was then led to a black Mercedes with heavy curtains. They put me in the back between two young security guards and we sped to the airport in a six-vehicle motorcade. It took half an hour. Nobody spoke. At the airport the Mercedes parked in a garage beneath the terminal to wait for the flight.

The minutes ticked by. I realized this was my only opportunity to speak to representatives of the State Security Ministry about the charges laid against me.

I spoke in Chinese, slowly and quietly. I said: "You may believe that I actually gathered intelligence and engaged in activities incompatible with my status as a journalist. I did not. I am being expelled because there are people in China who don't want foreigners and Chinese to have too many contacts. I am being made to serve as an example, to frighten Chinese people and foreign journalists.

"Why is China so poor? Why can't China become strong and rich? Why must China be so frightened of ideas from the outside? People talk about feudalism holding China back. This is feudalism. People talk about the need for the rule of law. Where is the rule of law that a Chinese student can become the victim of this sort of political campaign?"

The guards on either side of me and the driver and officer in the front seat stared straight ahead. They said nothing. I looked for long moments at the guards. I saw their eyes grow moist, whether from anger, regret or simple fatigue I will never know.

I was sad to leave China. My assignment to Peking two years before had culminated a dream that reached back to childhood, when my maternal grandparents, who had themselves spent 30 years in China as missionaries, captured my imagination with stories of valor, suffering, cruelty and kindness that represented for me lives fully lived. In the more than 10 years that I lived in Taiwan, Hong Kong and the mainland my respect and admiration for the Chinese people have grown. Being unable to go to China is like being unable to go home.

Expelling a foreign reporter and arresting a Chinese student fit nicely into the current campaign against "bourgeois liberalization." Student demonstrators' demands last December for "press freedom" were deeply disturbing to China's rulers. I never sought or obtained any intelligence information. But I did write several stories that were embarrassing to individual Chinese officials.

I do not know what will happen to Lin Jie. As I write, another young man in China is reported to have been sentenced to seven years in prison for advocating the overthrow of the Communist Party. I carry the burden of knowing that nothing I can do or say would help Lin Jie and that virtually anything could be twisted against him.

His arrest brings into focus a dilemma that confronts foreign journalists working in any authoritarian society, particularly China, where abrupt ideological shifts have been commonplace since the Communists came to power in 1949. A gifted former journalist who left China last year in despair at the State Security Ministry's monitoring of her activities, has written that a Western journalist who continued to work in China had two options: disappointing editors by writing superficial stories that mirror China's official view of itself, or seeking "truth from facts" and thereby risking the safety of Chinese friends and contacts.

Like most foreign journalists working in China, I sought a middle road, but recent events suggest that it is more difficult than most of us had imagined.

After about 40 minutes in the garage, the Mercedes pulled onto the cold, bright tarmac. State Security Ministry photographers and a video cameraman, this time in plainclothes, again recorded the scene as I was led aboard a special flight to Hong Kong moments before the plane began to taxi for takeoff. The sky was unusually clear. As the aircraft rose, I saw below the hard, brown earth of the north China plain, the shimmering ice of ponds and canals, tight villages huddled close to the earth.

I may never know the full reasons I was expelled. Perhaps it had been the work of the same conservatives who had forced the sudden resignation of Chinese Communist Party General Secretary Hu Yaobang less than two weeks before. The strength of these forces is difficult to estimate, but there is little doubt that they are currently on top in the power struggle to see who will succeed Deng Xiaoping. Should they succeed, many of the reforms China has embarked upon in recent years may be slowed or brought to a halt.

[From the New York Times, Feb. 8, 1987]

A REPORTER'S ODYSSEY IN UNSEEN CHINA

(By John F. Burns)

Tired and dusty after a day's driving from the north, three men on a Yangtze River motorcycle pulled into the courtyard of the inn at Guanduping, a village in China's heartland province of Shaanxi. They stowed their helmets in the cycle's sidecar and moved toward a group of villagers seated at tables of hand-hewn slate.

An old man paused as he ferried bowls of steaming noodles to the bare-chested villagers. Although Tian Binggao, the innkeeper, had not seen a foreigner since Japanese troops passed through the village in 1938, he showed little surprise at finding an American and an Englishman outside his inn on a balmy evening last June, nearly 200 miles from the closest of the country's officially "open" cities.

He settled the foreigners and their Chinese companion at a table and listened attentively to the conversations that developed between them and the villagers. Later, after dusk settled on Shaanxi's dust-brown hills, he put the visitors to bed on his own k'ang, a traditional sleeping platform of stacked bricks.

The hospitality of that first night on the open road proved a fitting prologue for the experiences that the three travelers—Edward E. McNally, an American lawyer, Zhang Daxing, a Chinese recently returned from studies in the United States, and this writer, then The New York Time's correspondent in Beijing—had as we traveled unescorted across the mountains and plains of Central China, from the industrial city of Taiyuan to the semitropical bamboo forests along the border of Sichuan.

With this article, the story of that unauthorized 1,000-mile journey, and of my subsequent arrest, imprisonment and expulsion from China, is told publicly for the first time. As it happens, the six months since I was pulled from a prison cell in central Beijing and deported for having allegedly used the motorcycle journey for "spying" on military installations have also seen a dramatic swing in the political mood in China, one that may, in retrospect, help to explain why the authorities reacted to our trip as they did.

More important, if the conservative attack on the reforms in China gathers pace, our journey may serve as a benchmark of how things stood in a brief interlude of the mid-1980's, when the country seemed more relaxed than at any other time in its modern history. Just as our experiences provided us with a heady but elusive sense of freedom, so the Chinese people, once more facing a crackdown by Communist Party hardliners, may be in danger of losing their new-found liberty.

Our trip exposed us to a back-roads China that war and revolution have made inaccessible to foreigners since the 1930's, the China that has benefited most from the reforms initiated by the country's 82-year-old paramount leader, Deng Xiaoping.

Moving far beyond the "open cities" to which foreigners are normally restricted, we saw how Mr. Deng's reforms have fostered a well-being rural China has not known in generations. We saw a country where politics had virtually disappeared from everyday life, rural dwellers were exploiting the climate of broadening tolerence to make money, to laugh, to concentrate on family and personal contentment instead of the millenial social and political goals that were the dominating factors in rural life under Mao Zedong.

At a personal level, the journey was my most rewarding in more than six years of reporting from China, for The Globe and Mail of Toronto in the early 1970's and for The New York Times from 1984 to 1986. Until the night at Mr. Tian's inn, my China had been the one seen by the overwhelming majority of foreigners, one of polite but wary officials, of ever-watchful guides, of official guest houses and banquets and "brief introductions" at factories and hospitals that compensated in length for what they lacked in candor.

On our journey south, I felt for the first time that I was seeing an unrehearsed China, the one I had read about in the chronicles of earlier 20th-century travelers. Away from the planes and trains and buses that channel most visitors from one major center to another, aboard a motorcycle that gave us freedom to travel at will and to talk to whom we pleased. I felt an enormous fulfillment as if all my years in the country had been but a preparation for this one extraordinary ride.

The decision to travel beyond the open areas without official permission evolved over several months. Like many Westerners living in China in recent years, I had become impatient with an official policy that proclaimed an "openness" toward foreigners while maintaining many of the constraints familiar from my earlier assignment.

My frustrations may have been greater than those of others seeing the country for the first time. On my return to Beijing in 1984, senior officials greeted me with intimate dinners in out-of-the-way restaurants, whispering apologies for out less-pleasant encounters during the Cultural Revolution and pledging that they would do all in their power to help.

The promises went unfulfilled. The working environment was more relaxed than a decade earlier, but few of my requests for assistance in obtaining interviews or trips were answered, much less granted. There were other unpalatable reminders of the suspicions that attach to Westerners. Staff members assigned to us by the Government rifled through our personal papers and reported regularly to their superiors on our private lives as well as on work-related matters.

Meanwhile, I was meeting more and more Western visitors, many of them Americans, who were venturing without permits into remote regions of the country and returning with accounts of a climate in which suspicion seemed absent. In every case I heard of, local authorities who stopped the travelers reacted to their presence in restricted areas either by asking them to move on to the closest "open" area or, at worst, by imposing a fine equivalent to $31.25.

The sense that it was time for me to test the possibilities was strengthened when a friend who works as a foreign correspondent for the French news magazine L'Express arrived in Beijing and regaled Foreign Ministry officials in my presence with accounts of a monthlong bus trip he had taken across southern China without a permit. The senior official present merely laughed and said "This is a new style of travel."

The spirit of adventure was also encourged by Mr. Deng, who repeatedly told visiting statesmen, investors and others that they should not take his word for the progress the country was making under the "open door" reforms. "You must go and see for yourselves," he said

Mr. McNally and I had envisaged a journey that would begin in the central China city of Xi'an and traverse Sichuan province to reach the southern city of Kunming. But a Chinese friend whose father had worked in southern Sichuan warned us that the area was heavy with sensitive installations, including the rocket base at Xichang. Moving our starting point father north, to the industrial city of Taiyuan, we plotted a course that would sweep southwestward across Shanxi province to the Yellow River boundary with Shaanxi, thence to the Communists' wartime sanctuary at Yanan, southward again to Xi'an, and from there up through the Qin Ling Mountains to Sichuan, where our last call was to have been at Mr. Deng's birthplace in Guangan county.

Our departure from Taiyuan coincided almost exactly with the 50th anniversary of the journey made by Edgar Snow, the Missouri-born journalist who left Beijing on his way to the encounters with Mao and Zhou Enlai that resulted in his classic account of the Communists' beginnings, "Red Star Over China." For several hundred miles, we would be re-tracing Snow's footsteps. There was comfort in the thought that he, too, had set off without the Government's blessing.

From the moment we left the built-up area of Taiyuan, a steel city that sits in the lee of the Great Wall, we began experiencing the unscripted pleasures other unlicensed travelers had reported.

For one week, we spoke to whom we pleased. We slept in smoky inns, in truck-drivers' rest houses, in a mountain cave. We bathed in mountain rivers, ate in peasant restaurants and hauled our motorbike onto the flatbed of a truck to drive for hours through a summer storm. Time and again, we laughed with curious villagers who gathered about us as we repaired the bike's fragile spokes.

Whether it was a bed for the night, fuel for the motorbikes, or an escorted journey into the hills to see an ancient Buddhist temple, no effort seemed too much for the villagers we met along the way.

The remoteness of many of the mountain villages we passed through was brought home to me when we stopped late one evening in a village in southern Shaanxi. As I crouched by the rear wheel of our cycle to repair some broken spokes, a hand from the crowd began running through my curly hair. "Excuse me," said the owner of the hand, "with regard to your hair, did you suffer an electric shock?" Elsewhere, peasants kneeled to measure my feet, marveling like Lilliputians at my size 11 shoes.

In the town of Zhenba, about 20 miles from the Sichuan border, the county party secretary dispatched the local historian to meet with us. He told us we were only the second foreign visitor in the town's 2,000-year history, the first being an American fighter pilot shot down by the Japanese in 1943. With no roads out of the mountains at the time, the pilot was carried from the region in a sedan chair.

Among the ordinary people with whom Mr. Zhang and I conversed in Chinese, there was a widespread curiosity about the outside world. A truck driver encountered in a village south of Xi'an told us that he had seen an American film about trucking, "Convoy," and wanted to know if American truckers really tangled so frequently with the police.

"Quite a bit, I suppose," I said.

"It's no different here," he replied.

Politics were not mentioned unless we raised the subject. More than once, we found villagers who could not name the local party boss. Outside the inn in Guanduping, I asked a group of young men who was in charge of matters in Beijing. "Who cares?" one of them said, laughing. Mr. Tian told us that the decline in the power of the local party secretary, a petty tyrant under Mao, was the most important of all the changes under Mr. Deng. "Nobody's looking over our shoulders now," he said.

A thriving spirit of enterprise greeted us wherever we went. Wheat fields and rice paddies were dotted with families working their private plots. From early morning to past dusk it was hard to find anybody of working age who was not busy, a contrast with the lethargy characteristic of the state-owned economy of the cities.

We traveled down an unbroken chain of private inns to private restaurants, in private motorcycle shops and private coal mines, we saw how people indoctrinated against the evils of capitalism had turned their skills and energies to profit. What we observed in two provinces made nonsense of official figures that claim only 20 million people are self-employed, out of a population of 1.1 billion.

Mr. Tian, the innkeeper, had tilled the rocky hillsides near his home for more than half a century before the reforms spurred him to start gathering wild apples and pears to sell in a nearby town. It took him five years to amass the equivalent of $300, the first cash his family had ever had. With another $600 borrowed from relatives and friends, he built his three-room inn beside the main road to Yanan. With a general store selling grain, bicycle seats and shoelaces built onto the inn, his first year generated $750 in profit, more than he had earned in a lifetime of farming.

"We do not ask for much," he told us as his wife stirfried noodles for our breakfast. "But if we can make a small profit, my children can do better. One day, they can each have a house of their own."

Outside Yanan, blackened tunnel entrances began appearing in the hills. Turning down a side road, we came on a granite-lined shaft sunk 50 feet into the ground. This was our first look at the new industry of private coal-mining, which was to produce about 20 million of the output of 870 million tons China produced in 1986. An aging watchman told us that groups of men, sometimes 1 or 2, in the bigger mines 10 or 12, pool their labor and capital. After the local utilities bureau approves a site, they work 16 hours a day with hand shovels sinking shafts and digging tunnels. The coal is dug by hand, loaded onto tractors and hauled to neighboring power stations.

In a province in which millions of people were outside the cash economy until a few years ago, the miners are earning an average of $750 a year, three times the income of prosperous local peasants. Looking at a charcoal-stained flue through which deadly coal gas is burned off, we wondered how many men died in the process. "There are risks," the watchman said. "But this way a man can build a new life."

Those forsaking the "iron rice bowl" of guaranteed employment run the risks of entrepreneurs everywhere. In Yanan, we befriended Zhang Yuanxin, a factory worker who had borrowed $2,250 to buy a battered, 20-year-old Liberation truck. Twice a week, he drives the 230 miles to Xi'an, ferrying freight. The journey, normally 12 hours, has been taking up to two days, because of breakdowns.

Over dinner at the Shanghai Restaurant in Yanan, other drivers laughed at his travails. "You're having a hard time now, admit it," the driver of a factory truck said. He drew an imaginary roof over his head and added: "I like to keep things nice and safe. Why risk my head?"

Many of the simple joys and traditions of country life have been revived. In Fenyang, a market town in Shanxi, we saw a funeral procession of a kind proscribed by Mao, who condemned all "superstition." A musical ensemble playing a dirge preceded a procession bearing a portrait of the deceased, an elderly lady. Behind, came trays of steamed dumplings, an offering for the afterlife. At the rear, a dozen young people were cloaked head to toe in the traditional funeral white, inscriptions of filial piety pinned to their backs.

Driving into the night in the Bashan Mountains near Sichuan, we passed lovers leaning against haystacks, youths using a remote stretch of road for motorcycle races, and three men who seemed to be busy stealing bags of road builders' concrete.

On our last night, in the Qin Ling Mountains, we came across a cave above a churning alpine river. Needing firewood, blankets and straw, we drove half a mile to a peasant's house, borrowed what we needed, then set up in the cave for the night. It was the eve of the Fourth of July, and Mr. NcNally produced glasses for a toast. Mr. Zhang reached into his pack for a harmonica, then treated us to an impromptu concert of American ballads, including a rousing version of "Oh! Susanna."

In the morning, the young peasant who had lent us the blankets, Yang Chaojin, took us on a hike into the mountains, to a village with a recently-restored Buddhist temple. The villagers' pride, and their religious commitment, were affecting. As we walked, Mr. Yang spoke of his sadness in having completed only a year of primary school. "When I dream at night," he said, "it is of being in a classroom. I am an illiterate man. I have no skill."

The incident made a strong impression on Mr. Zhang, only recently returned from four years of study at Middlebury College in Vermont. Disillusioned with his prospects when we left Beijing, he appeared to have found a new faith. "I wasn't sure there was a place for me in China," he said. "People have been away too long, that I've picked up too many 'American' ways. Out here, I feel as though I belong."

Our adventure ended a few hours later, outside a guest house in Zhenba, in the small hours of the morning. Unaware that we were next door to the county police headquarters, we sounded the motorcycle horn in an attempt to rouse a napping desk clerk. Awakened by the noise, a policeman came out to admonish us, then asked for our travel permit.

Mr. McNally carried a letter from Beijing University, endorsing our journey. He had spent the 1985-86 academic year there, on leave from the United States Justice Department, teaching American constitutional law. But neither of us carried an official voucher for travel outside "open" areas—the 244 cities and towns that then constituted the tourists' China.

After two days of back and forth with authorities in Beijing, the local police commander said that he had been instructed to have us write a "self-criticism" acknowledging our breach of the travel regulations, which we supplied, and to send us back to the capital by train. Back in Beijing, I had a brief session at the Foreign Ministry that concluded with officials assuring me that the matter had been resolved.

Ten days after our departure from Zhenba, on July 17, I drove to the Beijing airport with my wife, Jane, and two small children, en route to a vacation in the United States. In the customs hall, we were surrounded by uniformed officers from the Security Ministry, who led us into a small room of the departures hall, where a police videocamera crew awaited us. With my 5-year-old son clinging to my waist, the initial interrogation, which would last for 15 hours, began. Past midnight, long after the children had returned to the city with their nanny, Gen. Xilian Zhang, the officer in charge, returned to the terminal from a meeting in the city and told me that I was to be taken to my apartment for a search and from there to a prison. "You should prepare for the worst, and hope for the best," he said.

The first sight of Pao Ju jail was depressing. Situated off a busy residential lane about two miles from Beijing's Tian An Men Square, it is a maze of grimy red-brick buildings, windows gaping with broken glass, rusting bars and shades of rotting rattan. I was led to a cell in a section that appeared to be reserved for privileged prisoners.

Downstairs, Chinese prisoners clustered 14 to a cell, with no furniture and a privy beneath a trapdoor. Upstairs, I had the same space—8 feet by 14—to myself, with a low cot. Heavy padding covered the walls. Ceiling lights burned 24 hours a day, a precaution against suicides.

The only book I was allowed to keep from the collection I had brought from home, a volume of Mr. Deng's collected works, gave me food for thought. Reading with an eye to my own situation, I found frequent reference to an old Chinese idiom, "patting the tiger's backside," a reference to those who misjudge the tolerance of the powerful. It seemed well-tailored to my case.

After awhile, General Zhang relaxed the detention rules. My wife and I were allowed to exchange letters, and meetings were arranged with United States and British diplomats, with my wife, and with A.M. Rosenthal and Warren Hoge, the Times editors who had flown to Beijing. After I had eaten virtually nothing for the first two days, the prison cook was dispatched to ask me what I would like. Soon fresh vegetables were showing up in the tin bowls the guards brought to me three times a day.

General Zhang, an oval-faced man in his 50's with the manner of a country schoolmaster, told me that he had been an espionage investigator "for many years," but there were anomalies in his technique. Facing me across a rough-hewn table in a dingy, cramped room at the rear of the jail complex, he took few notes and seemed to forget, or ignore, much that I told him. He was generally pleasant, even apologetic. "It is a legacy of the Cultural Revolution," he said when I complained of the bullying manner of one of his juniors. "The younger generation does not have any manners."

When I rejected his offer of a peach during one post-midnight session, saying it seemed inappropriate for us to be friendly when I was being held on a capital charge, he flashed a smile. "No, no, not so serious, not so serious," he said. "We have many penalties for spying. For example, 20 years in prison. Do not fear to be shot."

Under China's travel law, the three of us could have been punished with a warning or a fine. But because the State Security Bureau insisted throughout that the issue was not unauthorized travel, but espionage, we had to wonder whether we had inadvertently approached a sensitive military installation. If so, it was in innocence.

I challenged General Zhang to tell me what he meant by the "classified military objects" we were supposed to have photographed. "Think hard," he said, "did you not photograph a bridge?" I remembered that we had—a 1,000-year-old marble structure in a village in southern Shaanxi. I had snapped Mr. McNally on the bridge, seated on the motorcycle and surrounded by local children. "Ah ha," the general said. "So you admit photographing strategic installations."

In Beijing, some weeks later, Foreign Ministry officials told colleagues of mine privately that they opposed my arrest and subsequent expulsion but had been overruled by the security apparatus. The officials hinted that the affair was linked in some way to other problems that have dogged the Ministry of State Security in the last year, including the spying conviction of one of its agents, Larry Wu-Tai Chin, in a United States court, and the defection of a senior official of the ministry, Yu Zhenshan, to the United States.

Among United States and British diplomats involved in securing my release, there was a feeling that internal politics had played at least some part in the affair. One theory was that the State Security Ministry, institutionally wary of foreigners, had seized an opportunity to show how dangerous the broadening contacts with outsiders can be—and in so doing, to strike a blow against the policy of the "open door."

Whatever the motive, Mr. Zhang, our Chinese companion, who had been arrested 16 hours before me, briefly released, then rearrested, was kept in jail for two months. When he was finally released, it was on the face-saving basis that his four years as a student in the United States had "disoriented him" and made him susceptible to the wiles of foreigners. Mr. McNally, who was in Hong Kong at the time of the arrests, canceled plans to return to Beijing.

At breakfast time on the sixth day of my imprisonment, one of General Zhang's aides came bounding up the stairs with a bag containing my clothes. I was given five minutes to dress and was then taken to the prison reception room. Inside, another officer awaited me with a written statement and a videocamera crew. The officer told me to stand at attention. I refused.

"John Fisher Burns, correspondent of The New York Times, born 1944, citizen of Great Britain, male, resident of Beijing, the State Security Bureau has investigated your activities. You have broken into restricted military areas and committed espionage. The facts are clear and proven. You have endangered the security of the People's Republic of China. You are ordered deported."

I was marched outside to a security wagon. It passed slowly out of the steel gates, threaded its way through the early morning crush of bicyclists and onto the airport road. I gazed through the tinted windows at roadside vegetable sellers, horse-drawn carts and mud-walled homes, the commonplaces of everyday Chinese life that I might never see again. The wagon parked on the airport tarmac, beside a Chinese airliner.

A uniformed officer asked me to sign for my passport, handed me a ticket and a boarding card, and ordered me up the service stairs onto the covered ramp leading to the aircraft's forward door. The officer turned on his heel and descended the way he had come. I glanced at the ticket. The destination was Hong Kong.

CONCURRENT RESOLUTION

(Calling for the attention of the United States Congress to the human rights situation in the People's Republic of China)

Whereas Mr. Liu De, Editor of the Jianan Literature and Art Journal has been imprisoned for seven years by the People's Republic of China Ministry of State Security;

Whereas the principal charge against Mr. Liu was his advocacy of "democracy and freedom" for his native country;

Whereas Mr. Liu Binyan, Vice Chairman of the Chinese Writers Association has been dismissed from his position and has become the target of a public campaign of vilification and abuse;

Whereas the said Mr. Liu Binyan is best known to Chinese readers as an investigative reporter who uncovered abuses of power by local Communist Party secretaries, extortion, bribery, intimidation of intellectuals and persecution of ordinary people;

Whereas the Shenzhen Youth News has been ordered closed by officials of the People's Republic of China;

Whereas the said Shenzhen Youth News was accused by Chinese officials of promoting Western democratic ideals;

Whereas the Society newspaper of Shanghai has been ordered closed by officials of the People's Republic of China;

Whereas the Society newspaper of Shanghai was accused of advocating Western democratic ideals;

Whereas a new bureau has been established directly under the Chinese State Council to tighten control and censorship of the press;

Whereas radical elements within the Chinese Communist Party are reported to be targeting the World Economic Herald of Shanghai, a newspaper that has published a wide variety of views over the past year;

Whereas Mr. Wang Ruowang, the former Deputy Editor of People's Daily, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Wang, a Communist Party member of fifty years, was accused of having said, "If I am not given freedom, I will fight for it";

Whereas Mr. Fang Lizhi, the Vice President of the University of Science and Technology at Hefei, Anhui, has been dismissed from his position and has become the subject of a public campaign of vilification and abuse;

Whereas the said Mr. Fang has been accused of arguing that "the starting point of democratic ideology is from the lower levels to higher";

Whereas Mr. Guan Weiyan, the President of the University of Science and Technology at Hefei, Anhui, has been dismissed from his position for not having censored the said Mr. Fang;

Whereas Mr. Lu Jiaxi and Mr. Yan Dengsheng, the President and Vice President, respectively, of the Chinese National Academy of Sciences, have been dismissed from their positions for having advocated freedom of scientific inquiry;

Whereas Mr. Yang Wei, a 1983 graduate of the University of Arizona has been imprisoned and charged with unspecified counter-revolutionary activities by officials of the Shanghai Public Security Bureau;

Whereas the principal accusation against the said Mr. Yang is advocacy of political freedom in China;

Whereas Mr. Yang's wife, a student at Baylor University in Waco, Texas, has been refused information about her husband's whereabouts by Chinese authorities;

Whereas the treatment of Mr. Yang and his family is frightening to all Chinese students now studying in the West and meant to be so by Chinese authorities;

Whereas Mr. Zhu Houze, the Chief of Propaganda for the Chinese Communist Party has been dismissed from his position for advocating freedom of expression in ideological debate;

Whereas the People's Republic of China is a member state of the United Nations,

Whereas the People's Republic of China has adopted the United Nations Charter and accepted its principles in authoritative declarations and resolutions including the Universal Declarations of Human Rights;

Whereas the activities of the People's Republic of China authorities described above violate such principles in the United Nations Charter as are presented in the Preamble (emphasizing fundamental human rights); Article 2 (2) [pledging all members to a good faith commitment to Charter obligations]; Article 55 (a)(b)(c) [promotion of human rights and fundamental freedoms]; and Article 56 [pledge to carry out said principles];

Whereas the activities of the People's Republic of China authorities described above violate the basic standards found in the Universal Declaration of Human Rights via the Preamble [pledge of respect for human rights and fundamental freedoms]; Article 2 [guarantee of all rights to every citizen of signatory member state]; Article 3 [guarantee of life, liberty and security of the person]; Article 7 [equal protection before the law]; Article 8 [trial by competent tribunal]; Article 9 [prohibition against arbitrary arrest or detention]; Article 10 [fair public trial]; Article 18 [freedom of thought and conscience]; Article 19 [freedom of speech and expression]; Article 20 [freedom of peaceful assembly and association]; and Article 29 [limitation of state intrusion on individual rights];

Whereas the People's Republic of China by the action of its Government and Communist Party authorities violated Article 13 (1)(b) [promoting international education and assisting human rights] of the United Nations Charter;

Whereas the People's Republic of China has violated the Universal Declaration of Human Rights in Article 26 [right to an education directed at full development of personality] and Article 27 (1)(2) [right to participate in cultural life with protection of moral and material interests resulting from one's own intellectual labors];

Whereas cultural relations between the United States and the People's Republic were established by the United States/People's Republic of China Cultural Agreement signed in Washington on January 31, 1979;

Whereas under the terms of the said Cultural Agreement the People's Republic of China guaranteed the encouragement and facilitation of the exchange of information and cooperative programs (Articles I, II, and III);

Whereas exchanges of scholars and students between the United States and the People's Republic of China were established by the Understanding on the Exchange of Students and Scholars reached in Washington in October 1978 and the United States/People's Republic of China Agreement in Science and Technology signed in Washington January 31, 1979;

Whereas under the terms of the said agreement on the exchange of students and scholars, the People's Republic of China guaranteed a two-way scientific and scholarly exchange for students, graduate students and scholars, offering full study support and research opportunities for the purpose of improving contacts in science, technology and education;

Whereas under the terms of the said agreement on Science and Technology the People's Republic of China promised cooperation, exchange of information and documentation, joint research, contacts between scientific entities and cooperation among the scientific communities of each nation;

Whereas the Government and Communist Party officials of the People's Republic of China are in violation of the aforesaid Cultural, Scientific and Technology and Exchange of Students and Scholars Agreements by the arrest and continued detention without trial of returned University of Arizona student Yang Wei: Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That it is the sense of the Congress that the current urgent situation in human rights in the People's Republic of China should be placed on the agenda of the United Nations Commission on Human Rights now meeting in Geneva, Switzerland.

Be it further resolved, That it is the sense of the Congress that the United States Government should reexamine its policy towards permitting Chinese students to study at American colleges and universities.

Be it further resolved, That it is the sense of the Congress that the United States Government should reexamine its technology (including nuclear) and arms transfer policies towards the People's Republic of China.

Be it further resolved, That until the human rights situation in the People's Republic of China clarifies, the United States Government should offer Chinese students studying in the United States participation in the Extended Voluntary Departure Program.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the chief of the diplomatic mission of the People's Republic of China to the United States.

CONCURRENT RESOLUTION

(Calling for the President to uphold American rights under the United States/People's Republic of China Cultural Agreement and other matters.)

Whereas Mr. John Fisher Burns, a British subject and Beijing correspondent for the *New York Times* was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas the said espionage consisted of having photographed a thousand years-old marble bridge;

Whereas Mr. Burns was expelled from China on July 23, 1986;

Whereas Mr. Lawrence MacDonald, an American citizen and Beijing correspondent for the Agency French Press was accused of espionage by officials of the People's Republic of China Ministry of State Security;

Whereas Both Mr. MacDonald and Agency French Press formally denied the accusations of espionage;

Whereas the charges against Mr. MacDonald were totally unfounded and Mr. MacDonald had never transcended the standards of professional ethics;

Whereas these actions taken by the People's Republic of China Ministry of State Security were intended to intimidate both Chinese sources and Western Journalists;

Whereas the expulsion of Mr. MacDonald came in retaliation for legitimate broadcasting by the Voice of America, an agency of the United States Government;

Whereas press relations between the United States and the People's Republic of China were established by the United States/People's Republic of China Cultural Relations Agreement signed in Washington January 31, 1979;

Whereas Article II of the said agreement commits the Chinese Government to encourage and facilitate the development of contacts and exchanges between the two countries including news organizations;

Whereas the United States Information Agency is the lead agency on the said cultural agreement for the United States Government;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were contrary to the spirit and intent of the said cultural agreement;

Whereas the expulsions of Mr. Burns and Mr. MacDonald were meant to discourage the development of contacts and exchanges between the two countries and, thus, specifically contrary to Article II of said cultural agreement;

Whereas Chinese reporters and correspondents are not private citizens but rather officials of the Government of the People's Republic of China; Now, therefore, be it

Resolved by the Senate, (The House of Representatives concurring), That it is the sense of the Congress that the Government of the United States should expel one reporter of the People's Republic of China from the territory of the United States.

Be it further resolved That the Secretary of State should personally inform appropriate officials of the Government of the People's Republic of China that if another American reporter or another reporter for an American news organization should be expelled under like circumstances, the United States would be forced to consider the said cultural agreement null and void.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER (Ms. MIKULSKI). The Senator from Alabama.

CONSTITUTIONAL AMENDMENT TO LIMIT CAMPAIGN SPENDING

Mr. HEFLIN. Madam President, I rise, today, in strong support of Senate Joint Resolution 21, a constitutional amendment proposed by my colleague from South Carolina Senator HOLLINGS, which would provide Congress with authority to enact laws regulating campaign spending for Federal elections.

At no other time in the history of our Nation has money played a greater role in the elections process. Because the political battlefield has moved from the tree stump or stage in the center of the town square to the costly arena of mass communications, the candidate who possesses the greatest funds with which to advertise his own merits, or, increasingly, to expose the inadequacies of his opponent, stands the greatest chance of winning election. I believe that this emphasis on the almighty campaign dollar is harmful to our present political system, and unfairly discriminates against candidates who may be better qualified and better able to serve, but who are unable to raise the astronomical sums needed to wage a political campaign.

Finances have even played an increasing role in the way elected officials spend their time and efforts. Fundraising events and dinners, which are more frequent occurrences than ever before, are occupying more and more of the valuable attention and energies of all Members of Congress at the expense of those we have been elected to represent. I believe that something must be done to put an end to the disproportionate role that finances play in politics, today, and in every election. Some action needs to be taken to make ideas, not money, the most important issue in a campaign, and the determinant factor on election day.

There are many efforts in the 100th Congress which are designed to lessen the emphasis which politicians place on election finances. One measure would decrease the amount of contributions a candidate would be able to receive from special interest groups and political action committees [PAC's]. While I have favored such legislation in the past, I do not believe that provisions should be adopted which would infringe on the ability of individuals to participate in political campaigns. Contributors are not the culprits in this issue—not even special interest groups and PAC's. These organizations are, after all, primarily comprised of or obtain their funding from individual citizens who are supporting an entity which they consider to be pursuing worthy goals. I have always encouraged the participation of the public in both the elections process and in Government. I do not believe that we should inhibit the ability of individuals to participate in the political process. Rather, I believe that we should attack the true culprit which exists in our political system—out of control campaign spending.

However, Mr. President, congressional efforts to limit campaign spending were declared unconstitutional by the U.S. Supreme Court in 1975. In the case of Buckley versus Valeo, the Court equated spending with the freedom of speech and ruled that limitations placed on campaign spending by the Federal Election Campaign Act of 1974 violated the first amendment. Given that decision, only a constitutional amendment would allow Congress to impose legal limits on the amount of money a candidate for Federal office could spend in an election. I believe that the adoption of such a constitutional amendment is exactly the path that Congress should pursue.

Our Federal campaign laws now contain piecemeal and incomplete provisions where some aspects of the Campaign Reform Act of 1974 were declared unconstitutional by the Supreme Court. If adopted, this constitutional amendment would enable Congress to address the issue of election reform without constraint. It would clear the way for a complete overhaul of our campaign laws. I believe that, for the sake of the elections process, for the sake of renewed confidence in the integrity of elected officials, we need to eliminate the effect of the dollar in the political campaign. I urge each of my colleagues to join in this very important effort.

S. 181: PUBLIC SAFETY OFFICERS' DEATH BENEFITS AMENDMENTS OF 1987

Mr. HEFLIN. Madam President, I rise today to join my colleague from Michigan [Mr. RIEGLE] in cosponsoring Senate bill 181, the Public Safety Officers' Death Benefits Amendment of 1987.

The public safety officers of our Nation—Law Enforcement officers, firefighters, and corrections officers, face life-threatening challenges. For these individuals, danger is a way of life. These public safety officers should be highly commended for their determination, courage and commitment. I believe that for their services, the public safety officers and their survivors should be given every consideration we as a nation can possibly give.

Senate bill 181 would accomplish two important goals. First, it would increase the amount of death benefits available to the survivors of a public safety officer who died in the line of duty. Second, it would enable a parent to receive death benefits.

Benefits would be increased from $50,000 to $100,000. The proposed increase would be funded from a trust created by payments of $500 paid to the U.S. Treasury by each convicted Federal felon. According to the Administrative Office of the U.S. Courts, in the past 6 years, there have been 154,489 convicted felons. Because of this large number, the trust fund would provide the additional money needed to increase the death benefits.

In addition to added benefits and parent eligibility, the public safety officers benefits legislation would streamline the procedures for payments to survivors of those public safety officers killed in the line of duty. The program's objectives are to: First, pay eligible claims within 2 weeks of the filing of a fully documented claim; second, issue a determination on a ineligible claim within 4 weeks of filing a fully documented claim; three, conduct an appeal hearing within 60 days of an appellant's request; and four issue a determination on an appeal within 30 days of the official close of the appeal hearing.

Each day, public safety officers face certain danger while serving the people of this Nation. I believe that our public safety officers should be able to face these threats with the knowledge that their families would be provided for in the event of some tragedy. This is a responsibility for which our society should be accountable.

I urge my colleagues to support S. 181.

BEN HALEY—ATMORE'S 1986 CITIZEN OF THE YEAR

Mr. HEFLIN. Madam President, I rise today to congratulate my good friend, Ben Haley, who was recently named as the Citizen of the Year for the city of Atmore, AL. Throughout his life, Ben has demonstrated a genuine concern for his fellow citizens, and a selfless desire to contribute to his community and to our State. I believe that he is an outstanding recipient of this award.

Ben Haley has been a tremendous asset both to Atmore and to the State of Alabama. The work that he has done has always been motivated by a desire to help his fellow man and to improve the conditions of all. He has offered his talents and his services to lend a helping hand and provide a needed contribution in many different ways, in numerous positions and as a participant of many organizations. It would be impossible to mention them all, but I will name a few. He has served as drive chairman of the Budget and Admissions Committee of the Atmore United Fund, Inc. He has been the secretary-treasurer of Escambia Industries, Inc., and was instrumental in bringing Vanity Fair to Atmore. He served as president of the Atmore Rotary Club during 1960 and 1961. He served for 12 years as disaster chairman of the American Red Cross. He served as president of the Atmore Area Chamber of Commerce, and also served as a member of the Atmore Chamber of Commerce Board of Directors. He served on the Atmore City Council for 12 years, and served for three terms on the Atmore City School Board. Finally, he was director of the We Care Foundation, which helped to promote crime prevention.

Mr. Haley possesses the full confidence of all the people of Atmore for his efforts in placing other people before himself. His work and his attitude is a great example to people throughout his community, and his State. He has taken the active interest in the Government, and in civic duties, which every citizen should. I believe that this is a very appropriate honor to be given to Ben Haley, and know that he will continue to serve his fellow citizens in the future. He is a man who has many friends, and whose efforts have touched many lives. He has demonstrated a care and a concern for the well-being of his community that should be emulated. I congratulate him on this honor, and salute the citizens of Atmore for making such a fine choice.

Madam President, I ask unanimous consent that the attached article from the Atmore Advance be printed in the CONGRESSIONAL RECORD.

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

BEN HALEY NAMED ATMORE'S 1986 CITIZEN OF THE YEAR

(By Mike Scogin)

Realtor Ben Haley was named Atmore's "Citizen of the Year" at the Atmore area Chamber of Commerce's annual meeting Thursday night.

A crowd of more than 300 attended the meeting, giving Haley a standing ovation.

Haley was visibly surprised by the announcement.

"I told my wife, let's go to the banquet and see who gets the award and act surprised when he is named," Haley said accepting the award, "Well, I'm surprised."

The award was presented by Brad Byrne who said Haley was a most deserving recipient.

"He has touched the lives of people in all walks of life," Byrne said. "The nominations for him came from people of diverse backgrounds. I know of times when he would drive people to the doctor and not ask anything in return.

"He loves people. He loves Atmore."

Byrne then read off a list of Haley's accomplishments which include:

Being a record blood donor. Haley has given blood 99 times which amounts to 12 gallons and three pints.

Past drive chairman of the Budget and Admissions Committee of the Atmore United Fund, Inc.

Past secretary-treasurer of Escambia Industries, Inc., and was instrumental in bringing Vanity Fair to Atmore.

President of the Atmore Rotary Club during 1960-61.

Served for 12 years as disaster chairman of the American Red Cross.

President of the Atmore area Chamber of Commerce for the 1967-68 year and also served as a member of the Atmore Chamber of Commerce Board of Directors.

Atmore city council member for 12 years, from 1968-1980.

Appointed to First National Bank Board of Directors.

In 1985 was appointed to a one-year term on the Alabama Real Estate Commission representing the First Congressional District. In 1986, he was appointed as one of seven commissioners to a five-year term on the Alabama Real Estate Commission.

Served three terms on the Atmore City School Board.

Director of the We Care Foundation, helping to promote crime prevention.

Responsible for planning the recent Herbert Barnes Honor day, which brought more than 90 classmates from the 1940s together to pay respect to Barnes for his service to Escambia County High School and the youth of Atmore.

Went into the United States Navy at 15-years-old.

"I'm overwhelmed," Haley said after the presentation. "There are people more deserving than me. I've always felt it was better to give than to receive but I have been rewarded by every endeavor I have taken.

"It seems that I've always been the recipient. I'm surprised and I don't deserve this, but I assure you I'm going to accept it. It will always have a prominent place in my heart and office.

"I appreciate the confidence the people in Atmore have shown in me by giving me this."

Before the award ceremony, master of ceremonies Robert Maxwell asked the crowd to pause for a moment in honor of the late Floyd Currie, who died last week after a long battle with cancer.

Currie, a noted historian, had written several papers on the history of Atmore and Escambia County. He had also been active with the Chamber of Commerce.

"Floyd was a most kind and gentle person," Maxwell said. "We will miss him."

The meeting was the closing event for David Swift as the chamber's two-term president. Jim Kizer, the 1987 president, was introduced and praised Swift's efforts. He said Swift did a magnificent job for Atmore.

The guest speaker was humorist Shearen Elebash who entertained the crowd with songs and skits. The audience responded with a standing ovation.

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

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

UNANIMOUS CONSENT AGREEMENT—S. RES. 103

TIME LIMITATION

Mr. BYRD. Madam President, I ask unanimous consent that on Calendar 17, Senate Resolution 103, a resolution dealing with relations with the Philippines, there be an overall time limitation of not to exceed 50 minutes, the time to be equally divided as follows: 10 minutes for Mr. PELL, 10 minutes for Mr. HELMS, 10 minutes for Mr. KENNEDY, 10 minutes for Mr. DOLE, and 10 minutes for myself.

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

AMENDMENTS AND MOTIONS

Mr. BYRD. Madam President, I ask unanimous consent also that when Senate Resolution 103 is called up and made the pending business before the Senate, no amendments be in order thereto, and no motions to recommit with instructions be in order.

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

TIME FOR DEBATE

Mr. BYRD. Madam President, I ask unanimous consent that there be no additional time for debate thereon over and above the names listed and the times for each, and that there be no time for debate on a motion to reconsider.

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

ORDERS FOR THURSDAY, FEBRUARY 18, 1987

ADJOURNMENT UNTIL 2 P.M.

Mr. BYRD. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until Thursday, February 19, until the hour of 2 p.m.

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

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that there be no call of the calendar under rule VIII, on Thursday, and that no resolutions over under the rule come over on Thursday.

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

ROUTINE MORNING BUSINESS AND CONSIDERATION OF S. RES. 103

Mr. BYRD. Madam President, I ask unanimous consent that at the conclusion of the orders that have been entered into for Thursday for the recognition of Senators there be a period not to exceed 2 minutes for morning business, after which the Senate proceed to the consideration of Calendar Order No. 17, Senate Resolution 103, relations with the Philippines.

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

ROLL CALL VOTE

Mr. BYRD. Madam President, there will be a rollcall vote on the final adoption of that resolution.

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

Mr. BYRD. Madam President, I ask for the yeas and nays on the passage of the resolution.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Madam President, I ask unanimous consent that on Thursday the following special orders obtain: Senators PROXMIRE, ARMSTRONG, HEINZ, and MCCONNELL, each for not to exceed 5 minutes.

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

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent that the special orders that I have just gotten immediately follow the recognition of the two leaders under the standing order on Thursday.

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

REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD. Madam President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from annex V, Regulations for the Prevention of Pollution by Garbage from Ships (Treaty Document No. 100-3), which was transmitted to the Senate on February 9, 1987, by the President of the United States.

I further ask that the annex 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 President's message follows:

To the Senate of the United States:

I transmit herewith, for the advice and consent of the Senate, Annex V,

Regulations for the Prevention of Pollution by Garbage from Ships, an Optional Annex to the 1978 Protocol Relating to the International Convention for the Prevention of Pollution from Ships, 1973, (MARPOL 73/78). I also transmit for the information of the Senate the report of the Department of State on this Annex.

The MARPOL Protocol entered into force for the United States on October 2, 1983. Annex V and the other two Optional Annexes III and IV, which deal with pollution from packaged harmful substances and sewage, were transmitted only for the information of the Senate when the original MARPOL Convention was transmitted to the Senate on March 22, 1977, for its advice and consent to ratification.

Annex V prohibits (subject to limited exceptions) the disposal from ships into the sea of all plastics, including but not limited to synthetic ropes, synthetic fishing nets, and plastic garbage bags. It also restricts the discharge at sea of other types of garbage to specified distances from the nearest land.

The entry into force of Annex V of MARPOL 73/78 will be an important step in controlling and preventing pollution from discharges of ship generated garbage. I recommend that the Senate give early consideration to Optional Annex V of MARPOL 73/78 and give its advice and consent to ratification.

RONALD REAGAN.

THE WHITE HOUSE, *February 9, 1987.*

ORDER FOR STAR PRINT—S. 2

Mr. BYRD. Madam President, on behalf of Mr. BOREN, I ask unanimous consent that a star print be made of S. 2, the Senatorial Election Campaign Act of 1987, for the purpose of making minor technical corrections.

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

HISTORY OF UNITED STATES SENATE

Mr. BYRD. Madam President, I inquire of the distinguished acting Republican leader if he has any further business to transact today or if he knows of any Senators on his side who wish to be recognized before the close of business today and finally, in any event, upon the conclusion of my statement on the history of the U.S. Senate today, whether he would have any objection to adjourning over until Thursday under the previous order, or I could put in a quorum call at that time and alert him to the fact that I have completed my statement and if he has further business at that time, I will be glad to await his arrival on the floor.

Mr. SIMPSON. Madam President, I thank the majority leader. There are no objections to any of the expressions of the majority leader from this side of the aisle.

I commend Senator BYRD for his continuing compilation of an extraordinary history, which I have been privileged to note both from the chair and from this side of the aisle. It is indeed something that will be of great interest to this country for many years to come. I commend him on it.

One of the great tributes paid to me when I had these awesome powers in my hand before, in unknown days—heavens, to think of it now, it just excites me—but you would say to me, "You go ahead and close up. If you need me, I will be there; but, if not, just go right ahead." And I always appreciated that trust and confidence. It is the same trust and confidence I repose in you.

So when you have completed that interesting bit of history, I shall be absent from my chambers and you may go forward, sir.

Mr. BYRD. Madam President, I thank my friend, the very able Senator from Wyoming, the acting Republican leader.

ORDER OF PROCEDURE

Mr. BYRD. Madam President, I ask unanimous consent, then, that, upon the conclusion of my statement, unless another Senator appears on the floor and wishes to be recognized at this time, the Senate then stand in adjournment over until Thursday next at the hour of 2 p.m.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

(Mr. GRAHAM assumed the chair.)

THE UNITED STATES SENATE THE SENATE AND WATERGATE

Mr. BYRD. Mr. President, historians are constantly rewriting our history. The passage of time helps them better assess the impact of events. New research reveals previously unknown information that changes our views of the past. New interests stimulate us to examine groups and issues we previously overlooked. Primarily, however, history is rewritten to make the past more meaningful to the present. Seeking to explain current events—bewildering as they can be and often are—we turn to the past to uncover the roots of present problems and to reexamine the historical players and the decisions they made. Thus, different generations form different opinions about the past. Such constant reevaluation may frustrate those who search for "definitive" or "objective" history, but it is exactly what brings history to life and makes it so fascinating.

Take the history of congressional investigations., Were I speaking in the 1950's, I would undoubtedly draw my text from Alan Barth's *Government by Investigation* and Telford Taylor's *Grand Inquest*, two intensely critical studies of investigations by Congress. These books were the product of their time. When Telford Taylor damned congressional investigations as "a most potent and versatile engine of destruction," he had in mind recent activities by Senator Joseph McCarthy, the Senate Internal Security Subcommittee, and the House UnAmerican Activities Committee.[1] Thirty years later, scholars have reached vastly different, more respectful attitudes towards investigations, as demonstrated by the essays presented in a five-volume series, *Congress Investigates*, edited by Arthur Schlesinger, Jr.[2] What accounted for this change? Clearly it was the Watergate investigations by the Ervin Committee in the Senate and the Judiciary Committee in the House. Watergate showed the vital necessity of congressional investigations, and it stimulated historians to reinterpret past investigations under this new light.

These days, more than a decade after that investigation, *Newsweek* magazine informs us that Richard Nixon is back, and Hofstra University is sponsoring a retrospective conference on Nixon's presidency. For a whole generation of young Americans, Watergate has recessed into the mists of history, back along with the Tweed Ring, *Credit Mobilier*, Teapot Dome, and other events of which they have heard but would be hard pressed to define. Recently, a history professor and his family went to see the movie "Heartburn." As they were leaving the theater, his wife mentioned that one of the characters was based on Carl Bernstein of "All the President's Men." Their 20-year-old son asked, "Who is Carl Bernstein, and what was 'All the President's Men'?" He remembered Watergate in general, but the details escaped him.

Under such circumstances, it seems appropriate to devote one of the speeches in my continuing series on the history of the United States Senate to Watergate. No matter what one thinks of Richard Nixon, he implanted his name on the history of his time. Between 1952 and 1972, he appeared on all but one of the presidential ballots, a record unmatched by any other individual in American History. Much of his long and controversial career was associated with the Senate. Although he served just two years as a United Staes senator from California, he spent eight vice presidential years as president of the Senate.

When I came to the Senate in 1959, I was sworn in by Vice President Nixon. Later, during his five years as president, he sparred frequently with the

Footnotes at end of article.

members of this body, and it was the Senate investigation into Watergate that led to his resignation.

Ironically, Richard Nixon's political career was begun and ended by congressional investigations. When he arrived here in 1947 as a freshman member of the House of Representatives, Nixon was appointed to the House UnAmerican Activities Committee. It was during that committee's investigation of accusations brought by Whittaker Chambers against Alger Hiss, that Nixon had become convinced of Chambers' truthfulness, had stuck with him even after others had given up. Nixon's persistence seemed ultimately vindicated when Hiss was convicted of perjury. The Hiss case propelled the young congressman into a race for a Senate seat, which he won after a memorably rancorous campaign. Two years later, at the age of thirty-nine, Nixon was chosen to run for vice president on Eisenhower's ticket—only six years after his first race for public office.

There was something strangely addictive about Richard Nixon, something which drew the press, politicians and voters back to him time after time, no matter how often they swore him off. He survived one crisis after another, fending off accusations and embarrassments that would have destroyed other politicians. Not for nothing did he name his first memoir *Six Crises.* After losing the presidency in 1960 and the governorship of California in 1962, he announced to the press that they would not have Richard Nixon to kick around any more because he was retiring from politics. then, remarkably, he rose from the ashes, fashioned a "New Nixon," and won the presidency in 1968. A man of breath-taking political boldness, Nixon was reminiscent of some of the earlier American political leaders whom I have discussed in this series, particularly Aaron Burr and James G. Blaine. Brilliant, ambitious, immensely capable, but hardly scrupulous men, each came close to mastering the political scene of his era by breaking the established rules of the game. Each in turn was brought down largely by his own doings.

Watergate was Nixon's Waterloo, although he never gave much evidence of fully comprehending the magnitude of that scandal. Not long ago, the National Archives released a tape recording of one of President Nixon's conversations with Rabbi Baruch Korff in 1974. In this tape, the president dismissed Watergate as "the thinnest scandal in American history." [3] Just three months later Mr. Nixon became the first president in our history to resign from office. He realized that the House would impeach him, and that the great majority of Senators, Republicans and Democrats alike, would convict him and remove him from office. Nixon was not alone in his confusion. Almost everyone found it hard to fathom the motivations behind Watergate. Why would a President on the brink of a landslide reelection gamble it all with a "third-rate burglary?" What could the Watergate conspirators have hoped to have accomplished that night at the Democratic National Committee? Did Nixon know of the scheme, or was it something concocted by his subordinates? Hence, the familiar question which Senator Howard Baker asked: "What did the president know, and when did he know it?"

Mr. President, to understand Watergate and to be fair to Richard Nixon, I would like to review the larger social and political scene in America during the years immediately prior to that ill-fated burglary. The Vietnam war was still raging, a terrible war that transformed Lyndon Johnson from a popular president to somewhat of a national outcast. The war divided Congress and the society as a whole into "hawks" and "doves." Anti-war sentiments spread widely, especially on the college campuses where students and faculty held teach-ins, seized ROTC buildings, and occupied the offices of college presidents. Rioters burned our cities. Assassinations deprived us of some of our inspirational leaders. A disillusioned generation of young people, once excited by John F. Kennedy's call to national and international service, now "dropped out" and "turned on." A Counter-Culture escaped into drugs, rock music, and communal living. In the meanwhile, a conservative backlash developed in response to the campuses disturbances, Black Power movement, and hippie lifestyles. Confrontations took place between anti-war demonstrators and "hard hats," between flag burners and flag wavers. The nation seemed to be unraveling.[4]

Against this fiery backdrop, the 1968 presidential election took place, with Richard Nixon, Hubert Humphrey, and George Wallace as the major contenders. Although Nixon ran well ahead in the polls for most of the campaign, Humphrey closed the gap during the final weeks. Election night was a cliff hanger, and not until the next morning when the final results from Illinois came in did he know for sure that Richard Nixon had been elected. In his moment of triumph, Nixon recalled a sign held by a small girl at one of his rallies, a sign that read: "Bring Us Together." As a nation, we fervently hoped that he could bring us together.

During his campaign, Nixon alluded to a "secret plan" to end the war, and as president he instituted a "Vietnamization" program to withdraw American troops gradually. But not only did the war continue during Nixon's administration, it spread across the borders into Laos and Cambodia. Massive demonstrations against the war took place in Washington and across the nation. Nightly coverage on evening news broadcasts kept the war constantly before the public. Revelations of the Mylai massacre deeply shocked Americans and further undermined popular support for the war. Publication of the "Pentagon Papers" in 1971 also shook the Nixon White House, which established a special unit known as the "Plumbers" to clamp down on government leaks. In the White House, a seige mentality developed, which presidential aide William Safire described as an "us" versus "them" way of thinking.[5] The president's counsel, John Dean, saw the roots of Watergate in this attitude. In testimony before the Ervin Committee he said:

> To one who was in the White House and became somewhat familiar with its inner workings, the Watergate matter was an inevitable out growth of a climate of excessive concern over the political impact of demonstrators, excessive concern over leaks, an insatiable appetite for political intelligence, all coupled with a do-it-yourself White House staff, regardless of the law.[6]

During 1971 and 1972, Nixon aides initiated or participated in a series of break-ins, wire-taps, and "dirty tricks," all in the name of national security, but really to promote the reelection of the president. The bungled burglary at the Democratic headquarters on June 17, 1972, was not an isolated incident, but part of a whole chain of illicit episodes. In his memoirs, President Nixon insisted that he first learned of the break-in when he read the newspapers at Key Biscayne the next morning. "It sounded preposterous," he wrote. "I dismissed it as some sort of prank." However, days later the president learned from his closest aide, H.R. Haldeman, that the break-in had involved "someone who is on the payroll of the Committee to Re-Elect the President." Nixon immediately saw the situation in terms of public relations. As he recorded in his diary: "The problem here, of course, is to get somebody on the PR side who will get out some of the negatives on the other side like this, so that this story just doesn't appear to be a clumsy attempt on our part to get information illegally from the Democrats." [7]

Nixon's reaction was shared widely in Washington and across the nation. Few people could believe the president, with his commanding lead in the polls, would jeopardize his position with such an inept and bungled operation. Washington's more prestigious journalists did not see much of a story there, and it fell to two junior reporters on the *Washington Post's* local staff to make the first public connection between the Watergate burglars and the White House staff. Soon we all came to know the names of Bob

Woodward and Carl Bernstein, and avidly read their bylines in the *Post*. Senator George McGovern, the Democratic candidate for president, tried his best to make Wategate a campaign issue, but never generated much enthusiasm for it. On election day, Nixon romped to one of the greatest landslide victories in presidential history. But this strange, unhappy man found little gratification or fulfillment in either the campaign or its results. In his memoirs, Nixon described the campaign as "one of the most frustrating and, in many ways, the least satisfying of all." Recalling election night, Nixon added: "I am at a loss to explain the melancholy that settled over me on that victorious night." Perhaps he recognized more than did the rest of us how much the cloud of Watergate hung over his presidency.

After his reelection, Richard Nixon went off to Camp David to brood about the next four years. As he saw it: "At the beginning of my second term, Congress, the bureaucracy, and the media were still working in concert to maintain the ideas and ideology of the traditional Eastern liberal establishment that had come down to 1973 through the New Deal, the New Frontier, and the Great Society." Now, Nixon intended to implement the more conservative ideals of what he called the "New Majority." Congress had resisted his plan to reorganize the federal government, he believed, but during his second term he would triumph, one way or another. "I was a man of the Congress, and I was proud of the fact," Nixon wrote, "But by 1973 I had concluded that Congress had become cumbersome, undisciplined, isolationist, fiscally irresponsible, overly vulnerable to pressures from organized minorities, and too dominated by the media."

"My reading of history," Nixon explained in his memoirs, "taught me that when all the leadership institutions of a nation become paralyzed by self-doubt and second thoughts, that nation cannot long survive unless those institutions are either reformed, replaced, or circumvented. In my second term I was prepared to adopt whichever of these three methods—or whichever combination of them—was necessary." [8] Quite clearly, President Nixon set out to circumvent Congress. He impounded funds that Congress appropriated, he began dismantling the Office of Economic Opportunity, ignoring the laws that created it, and he conducted an interventionist foreign policy with minimum consultation with congressional leaders, and he denied Congress necessary information by an extensive use of executive privilege and presidential secrecy. Many members of Congress fretted over the growth of the "Imperial Presidency" during the Nixon administration, without knowing how to respond. The president seemed destined to get his way. As Professor Arthur Schlesinger has written: "Had Nixon succeeded in imposing these doctrines/of impoundment of appropriated funds and unreviewable executive privilege/on top of his amplified claims for the presidential war-making power, he would have effectively ended Congress as a serious partner in the constitutional order." [9]

When the 93rd Congress convened in January 1973, Watergate loomed at the top of its agenda. Although the scandal had not affected the president's reelection, newspaper stories during the interregnum continued to link the Committee to Reelect the President with the Watergate burglars—who were then on trial in the Court of Judge John Sirica. Senator Edward Kennedy had already been investigating Watergate through his Judiciary subcommittee, but Majority Leader Mike Mansfield felt strongly that the investigation be headed by a senator who was not a potential presidential candidate. When S. Res. 60 established a Select Committee on Presidential Campaign Activities, Mansfield persuaded the venerable Sam Ervin to serve as its chairman. Other Democratic members included Senators Herman Talmadge, Daniel Inouye and Joseph Montoya. Senators Howard Baker, Edward Gurney and Lowell Weicker represented the Repubicans. Senator Ervin selected Georgetown law professor Sam Dash as chief counsel, and Senator Baker appointed Tennessee attorney Fred Thompson as the minority counsel. Both of these counsels, by the way, have written useful memoirs of their experiences on what became known as the Ervin Committee, or Watergate Committee.[10]

By all accounts, the choice of Sam Ervin to chair the investigation was an inspired one. Senator Ervin had deep respect from both sides of the aisle in the Senate as a defender of the Constitution. As his biographer later wrote: "In a few short weeks, this self-proclaimed country lawyer with his bottomless barrel of aphorisms from Shakespeare, the Bible, and the North Carolina mountains, became a national symbol of decency and fairness in politics, the embodiment for many of wisdom, a genuine American folk hero." Senator Ervin was not afraid to follow any lead, to go anywhere the investigation led. "A lot of people say, well the government is coming to a standstill and you'd better be careful about how much truth you find out; you don't want to wreck the government," he conceded. "They say if you find the truth is leading too close to the president, you must suppress the truth because it's necessary to have a stable government. In reply to that, I would say that I don't think you can found a government on the suppression of truth; I don't think a government or an institution of that nature will endure very long" [11]

When the Watergate Committee began its work, it faced the ominous hurdle of "executive privilege." President Nixon gave every intention of using this murky prerogative to prevent the Senate committee from examining relevant documents and questioning administration officials. As Professor Philip Kurland has written: "The White House was convinced, and with good reason, that the greatest threat to any disclosure of malfeasance was to be found in the committee. And so President Nixon and his staff made every effort to frustrate and undermine the committee's activities."

"I'm satisfied that executive privilege does not cover wrongdoing," said Senator Ervin. "The only thing in the Constitution that covers wrongdoing is the self-incrimination clause, and if any of the White House aides wish to come down and plead the Fifth Amendment, why the committee will honor the plea." [12]

On March 2, 1973, President Nixon announced that he would exert executive privilege to prevent White House Counsel John Dean from appearing before the Ervin Committee. The Senate Judiciary Committee, which was then holding hearings on the nomination of L. Patrick Gray to succeed J. Edgar Hoover as director of the FBI, suggested that it would delay Gray's confirmation until Dean testified. The White House refused to comply. They decided that Mr. Gray was dispensable, and so they let him hang there and "twist slowly, slowly in the wind," as John Erhlichman later so chillingly testified.

Mr. President, I was not a member of the Watergate Committee, but I did serve on the Senate Judiciary Committee. I felt, as I said at the time, that the Watergate cloud hung heavily over Mr. Gray, and that he did not deserve such an important post until he had made a full accounting of his relationship with the White House and with the Watergate inquiry. On February 28, 1973, I got Mr. Gray to admit that the records of the FBI's probe into Watergate had been turned over to the president's counsel, Mr. Dean, and that Dean had been present when FBI agents interrogated other White House staffers. But, as I pointed out, Mr. Gray had previously testified that, after the Watergate break-in, two of Dean's aides had searched E. Howard Hunt's office in the Old Executive Office Building (which is located next to the White House and used as an extension of the White House offices) and had turned the contents from Hunt's safe over to Dean—and, yet, two days later, during an FBI interview, Dean denied knowing whether Hunt had an office at the White

House. I asked Mr. Gray if Dean had lied to the FBI agents, and he answered: "that judgment probably is correct." The FBI director's admission in turn made John Dean decide that he must testify before the Ervin Committee, which I believe was the major turning point in the investigation. (President Nixon later withdrew Mr. Gray's nomination as FBI director).

Other circumstances also convinced Dean to cooperate with the committee. On March 23, Judge John Sirica handed down maximum sentences to the Watergate burglars. However, Judge Sirica shrewdly made these sentences provisional to encourage the defendants to cooperate with the Federal grand jury investigating the larger implications of Watergate. One of the defendants, John McCord met with Ervin Committee Special Counsel Sam Dash to provide evidence of White House complicity, specifically against John Dean and Jeb Stuart Magruder, deputy director of the Committee to Reelect the President (known by its appropriately ominous acronym of CREEP). Days later, McCord testified before a closed session of the Ervin Committee, providing significant information about payoffs from CREEP to the Watergate burglars for their silence.[13]

But before Dean and Magruder would testify, they demanded immunity from prosecution, or else they would exercise their constitutional rights under the Fifth Amendment. Special Prosecutor Archibald Cox would have preferred that the committee postpone its hearings until judicial proceedings could begin. But the Ervin Committee voted to continue hearings, on the grounds that informing the Nation took precedence over courtroom needs. Cox then asked that the courts grant immunity only on the condition that Dean and Magruder be prohibited from testifying at a televised session. The committee responded that the court had no such authority, under separation of powers. Judge Sirica ruled on behalf of the committee. "In hindsight, perhaps even Cox would agree that the televised testimony of Dean and Magruder produced far more good than harm," wrote James Hamilton in his study of congressional investigations, *The Power to Probe*. "It was the testimony of these two men that first helped the nation understand the extent of the Watergate affair and the moral rot in the White House."[14]

With Dean and Magruder prepared to testify, the White House made a dramatic attempt at "damage control." On April 30, in a nationally televised address, President Nixon announced that he was accepting the resignations of his closest aides, H.R. Haldeman and John Ehrlichman, as well as Attorney General Richard Kleindiest, and implied that he had fired John Dean. These moves hardly ended the Watergate inquiry. Instead, they revealed the significance of the charges and made the press and public even more eager for full disclosure. In this highly-charged atmosphere, the Ervin Committee opened its public hearings on May 17, in the Caucus Room of the Russell Senate Office Building. Senate staff, the press, and the public vied for space in that normally spacious room, while at home the nation watched on television.

Senator Ervin opened the proceedings, solemnly. "If the many allegations to this date are true, then the burglars who broke into the Democratic National Committee at the Watergate were, in effect, breaking into the home of every citizen of the United States," he said. "And if these allegations prove to be true, what they were seeking to steal were not the jewels, money or other property of American citizens, but something more valuable—their most precious heritage: the right to vote in a free election." The committee then heard startling evidence from a string of witnesses. James McCord produced the first "bombshell" by telling of a series of clandestine meetings with Jack Caulfield, an administration official, who had sought his silence with promises of executive clemency. A former New York policeman, Tony Ulasewicz, provided some comic relief with his own version of secret meetings and anonymous telephone calls, but Ulasewicz confirmed that the offer of executive clemency had been made on the instructions of the president's counsel, John Dean. The committee also heard how Hugh Sloan, treasurer of CREEP, had been pressured to cover up the cash payments he made to the Watergate defendants.[15]

By now it was clear that Dean would be a star witness, and that the success or failure of the hearings might depend upon his candor and credibility. On the advice of counsel, Dean had prepared a 246-page statement recalling all that he could about Watergate and its cover-up. Dean admitted his own role, and his personal use of campaign finances, but more significantly he outlined the inner history of the White House response to Watergate. Dean began his public testimony on June 25, and it took him a full day to read his statement.[16]

Although Dean was simply reading a statement, without cross-examination from the committee, his testimony was riveting and his revelations shocked the country. According to Sam Dash, "It presented a devastating mosaic of intrigue, illegality and abuse of power participated in by the highest officials in government, including the President of the United States." And the criminal activity was more serious than the Watergate burglary. The president had "authorized illegal police-state methods and had abused the power of executive law enforcement agencies to crush dissent and to destroy his enemies." In his statement and testimony, Dean specifically implicated Attorney General John Mitchell, and Haldeman and Ehrlichman in the cover-up attempts to buy the Watergate burglars' silence. Sam Dash asked him: "Frankly and honestly, Mr. Dean, when you left the president on September 15 [1972], did you just have an impression as to his knowledge of the cover-up, or did you have a conviction concerning that?" Dean quietly replied: "Mr. Dash, there was no doubt in my mind that the president was aware of it."

Public opinion polls showed that seventy percent of the American people believed that John Dean was telling the truth, but the committee still needed to find corroborating evidence, especially as it faced more hostile witnesses, notably former Attorney General John Mitchell, H.R. Haldeman, and John Erhlichman. In a closed-door session, Sam Dash reported to the committee that the president had exerted executive privilege and denied his request for relevant documents. Several senators recommended issuing the president a subpoena. Senator Howard Baker, the ranking Republican, objected and suggested that the committee arrange a meeting with the president. "I think if you explain the committee's need of these papers to the president, he's going to give them to us," and added that the chairman should call the president and urge such a meeting. With all of the committee members gathered in Senator Ervin's office, the chairman put through the call. The others could hear only the chairman's side of the conversation, but when he hung up, his faced flushed, Ervin told them: "You know, the president was shouting at me on the other side of that telephone that all we wanted to do is to get him. He kept repeating it, and I could hardly talk to him. But he did agree to a meeting next week." That same day, they learned that Nixon had entered the hospital; his doctors reported he was suffering from pneumonia.[17]

The next day, the Watergate investigation took another dramatic, unexpected turn. The staff had been conducting painstaking interrogations of subordinates in the Nixon White House and the Committee to Re-Elect the President, checking one set of testimony against another for inconsistencies. Two young majority staff members, Scott Armstrong and Gene Boyce, were questioning Federal Aviation Administrator Alexander Butterfield, a former White House official. Howard Liebengood, then one of Senator Baker's staff on the committee, felt the minority should have someone

present during the interrogation, and sent Don Sanders. After Armstrong completed some three hours of questioning, Sanders added one of his own: "John Dean has testified that at the end of one conversation with the president he was taken to a side of the Oval Office and addressed by the president in a very low voice concerning a presidential exchange with /Charles/ Colson about executive clemency. Do you know of any basis for the implication in Dean's testimony that conversations in the Oval Office are recorded?" Butterfield surprised the three men by responding that he had worried that this question would be asked, and then proceeded to tell them of an elaborate recording system in the president's office and other White House locations. Thus, ironically, a question from a Republican staff member uncovered the most important piece of evidence, the White House tapes, that would implicate Richard Nixon in the Watergate cover-up and end his presidency.[18]

While Butterfield's admission made the committee's case, it also diverted attention from the hearings to the efforts of obtain the tapes, and to learn what was on them. As Professor Kurland has noted, the tapes made even the testimony of Haldeman and Ehrlichman seem "anticlimactic." Both men disclaimed knowledge of or responsibility for the events surrounding Watergate, but nobody believed them; nor did many believe their claims that the president was innocent of knowledge or involvement in the affair. The Senate Watergate Committee hearings recessed in August and resumed again in September, but they never again captured the attention they had during John Dean's testimony. Other events predominated: the "Saturday Night Massacre," in which Attorney General Elliot Richardson resigned rather than carry out President Nixon's order to fire Special Prosecutor Archibald Cox (Nixon objected to Cox's persistent efforts to obtain the White House tapes); the resignation of Vice President Spiro Agnew, over an unrelated case of bribery and income tax evasion; Nixon's release of an edited version of the tapes (one with a mysterious eighteen-and-a-half minute gap); the efforts of the new Special Prosecutor, Leon Jaworski, to see the *unedited* tapes; and on July 24, 1974, the Supreme Court's unanimous decision in *United States v. Nixon*, that "executive privilege" did not entitle the president to withhold his tape recordings from a criminal proceeding. That same day, the House Judiciary Committee took up articles of impeachment against President Nixon.

The opening of the White House tapes provided the "smoking gun" that had long been missing from the Watergate investigation: the direct link between the president and the cover-up. A tape recording on June 23, 1972, six days after the Watergate break-in, revealed that Nixon and Haldeman conspired to use the Central Intelligence Agency to head off an FBI investigation of the burglary. This revelation eroded what little was left of the president's support on Capitol Hill, and his impeachment and removal seemed a foregone conclusion. Nixon chose to resign instead, on August 9, 1974.

In contrast to these momentous events, publication of the Watergate Committee's final report in June 1974 was a modest happening, but the 1250-page report became the most detailed chronicle of the wrongdoing in the Nixon administration. The report also proposed certain reforms to avoid—or at least to deal with—future Watergates. One of these reforms was the law which currently permits the attorney general to request appointment of an "independent counsel"—in effect, a special prosecutor. This provision has gone into effect several times subsequently, during the Carter and Reagan administrations. Several other important reforms grew out of the Watergate investigation, even though they were not directly the product of the Ervin Committee. The War Powers Act of 1973, which Congress passed over President Nixon's veto, required the president to consult with Congress within forty-eight hours of sending combat troops abroad or engaging in military action. The Congressional Budget and Impoundment Act of 1974 provided that Congress, by a majority vote, could force the spending of appropriated monies which the president tried to impound. These bills significantly advanced the reassertion of congressional power and authority, but neither bill would have been possible without the revelations of Watergate.

While the Watergate investigation destroyed many reputations, it also drew national attention to the purposes and positive accomplishments of congressional investigations, and to the ability of the committee members. Senator Sam Ervin became a national hero, a new "Uncle Sam," who stood for honesty and principle.[19] The ranking Republican, Howard Baker, also emerged from his difficult assignment with deep respect, both in the Senate and the nation, which launched his later career as both minority and majority leader of the United States Senate, and as a candidate for the presidency of the United States.

At the height of the Watergate scandal, some of President Nixon's defenders warned that such intense congressional scrutiny would destroy not only Richard Nixon but the presidency as well. Those fears did not materialize. Few scholars have done more to promote the concept of a strong presidency in their writing than has Arthur Schlesinger, Jr., but as Professor Schlesinger reminds us in his most recent book, *The Cycles of American History*, "the Constitution intends a strong Presidency with an equally strong system of accountability."[20] Accountability is the very heart of our system of checks and balances, and congressional investigations provide an important mechanism for its achievement, by checking the abuses of executive power and proposing legislative remedies. The Watergate Committee, through its seriousness, diligence, and ultimate success, reminded us of this truth, and continues to serve as a model for our times.

Mr. President, I ask unanimous consent to have printed in the RECORD footnotes to "The Senate and the Watergate" and "Watergate: Chronology of the Crisis."

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

FOOTNOTES TO "THE SENATE AND WATERGATE"

[1] Alan Barth, *Government By Investigation* (New York, 1955); Telford Taylor, *Grand Inquest, The Story of Congressional Investigation* (New York, 1955).

[2] Arthur M. Schlesinger, Jr. and Roger Bruns, eds., *Congress Investigates: A Documented History, 1792-1974* (New York, 1975), 5 vols.

[3] *Washington Post*, 4 September 1986.

[4] See Allen J. Matusow, *The Unraveling of America: A History of Liberalism in the 1960s* (New York, 1984), and James Gilbert, *Another Chance: Postwar America, 1945-1968* (New York, 1981).

[5] William Safire, *Before the Fall* (Garden City, 1975).

[6] U.S. Senate, Select Committee on Presidential Campaign Activities, *Presidential Campaign Activities of 1972*, 93rd Congress, 1st sess., Book 3, 957-9.

[7] Richard M. Nixon, *RN: The Memories of Richard Nixon* (New York, 1978), 625-8.

[8] Ibid., 665, 717, 763.

[9] Arthur M. Schlesinger, Jr., *The Cycles of American History* (Boston, 1986), 280.

[10] Samuel Dash, *Chief Counsel, Inside the Ervin Committee—The Untold Story of Watergate* (New York, 1976); Fred D. Thompson, *At That Point In Time: The Inside Story of the Senate Watergate Committee* (New York, 1975).

[11] Paul R. Clancy, *Just a Country Lawyer: A Biography of Senator Sam Ervin* (Bloomington, 1974), 5, 13.

[12] Philip B. Kurland, "The Watergate Inquiry, 1973," in Schlesinger and Bruns, *Congress Investigates*, V:201; Sam J. Ervin, Jr., *The Whole Truth: The Watergate Conspiracy* (New York, 1980), 32-6.

[13] Dash, *Chief Counsel*, 27-48.

[14] James Hamilton, *The Power to Probe: A Study of Congressional Investigations* (New York, 1976), 22.

[15] Dash, *Chief Counsel*, 125-35.

[16] Kurland, "The Watergate Inquiry," 212.

[17] Dash, *Chief Counsel*, 162-75.

[18] Thompson, *At That Point in Time*, 81-5.

[19] Clancy, *Just a Country Lawyer*, 300.

[20] Schlesinger, *The Cycles of American History*, 277-336.

WATERGATE: CHRONOLOGY OF THE CRISIS

1972

June 17. Five men carrying electronic surveillance equipment were arrested in the Democratic National Committee Headquarters in the Watergate office building in Washington, D.C.

July 1. Former Attorney General John N. Mitchell resigned as manager of President Nixon's re-election campaign.

Aug. 1. The FBI and the General Accounting Office (GAO) began investigations of the finances of the Committee to Re-elect the President after *The Washington Post* reported that a $25,000 check intended for President Nixon's campaign had been deposited in the account of one of the five Watergate burglars.

Aug. 29. At a news conference, President Nixon said that after a complete investigation of the June 17 incident by White House Counsel John W. Dean III, Nixon could declare "categorically" that "no one in the White House staff, no one in this administration, presently employed, was involved in this very bizarre incident."

Sept. 15. A federal grand jury indicted the five men caught in the Democratic headquarters—James W. McCord Jr., Bernard L. Barker, Frank A. Sturgis, Eugenio R. Martinez, and Virgilio R. Gonzalez—and two former Nixon aides: G. Gordon Liddy, counsel to the Finance Committee to Re-elect the President and E. Howard Hunt, Jr., a former White House consultant. The seven were charged with conspiracy, burglary and violation of federal wiretapping laws in connection with the June 17 break-in.

Oct. 19. *The Washington Post* reported that the Committee to Re-Elect the President had directed a network of political espionage, financed by a secret committee fund controlled by former Nixon campaign manager John N. Mitchell.

Oct. 15. *The Washington Post* reported that Donald H. Segretti, recruiter of undercover agents for the political espionage campaign, named Dwight L. Chapin, Nixon's appointments secretary as one of his contacts in the operation.

Oct. 23. *Time* magazine reported that Segretti was hired by Chapin and White House aide Gordon Strachan and was paid by Herbert W. Kalmbach, Nixon's personal attorney.

Oct. 25. *The Washington Post* named H.R. Haldeman, White House chief of staff, as one of the five men authorized to approve payments from the secret cash fund financing the political intelligence operation.

Nov. 7. Nixon was re-elected President with more than 60 percent of the popular vote.

1973

Jan. 8. The trial of the seven men accused in connection with the June 17 break-in began.

Jan. 11. U.S. District Court Judge John J. Sirica accepted a guilty plea from defendant Hunt.

Jan. 15. Four more of the Watergate break-in defendants—Barker, Sturgis, Martinez and Gonzalez—pleaded guilty.

Jan. 30. The remaining defendants in the Watergate break-in trial—Liddy and McCord—were found guilty of conspiracy, burglary and wiretapping.

Feb. 7. The Senate approved by a 77-0 vote a resolution creating the Senate Select Committee on Presidential Campaign Activities (known as the Senate Watergate Committee), to investigate and study "the extent . . . to which illegal, improper, or unethical activities" occurred in the 1972 Presidential campaign and election.

March 5. An FBI memorandum, disclosed during Senate Judiciary Committee hearings on the nomination of L. Patrick Gray III as director of the FBI, said that officials of the Nixon re-election committee had tried to impede the FBI investigation of the Watergate incident.

March 23. Judge Sirica sentenced six of the seven Watergate defendants. Liddy, who was described as the mastermind of the break-in and bugging, was sentenced to a term of six years and eight months to 20 years in prison. Hunt, Barker, Martinez, Sturgis and Gonzalez were sentenced provisionally to the maximum sentence of 35 years for Hunt and 40 years for the other four.

Judge Sirica postponed sentencing McCord and read a letter sent him by McCord on March 19. It said, in part: "There was political pressure applied to the defendants to plead guilty and remain silent. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case and to the motivation and intent of the defendants. Others involved in the Watergate operation were not identified during the trial when they could have been."

March 24. Samuel Dash, counsel to the Senate Watergate Committee, said that McCord has begun giving him "a full and honest account" of the Watergate affair.

The Los Angeles Times reported that McCord had told Dash that White House Counsel Dean and former Nixon campaign aide Jeb Stuart Magruder knew of the plans to break into the Democratic headquarters and bug it.

March 29. *The Washington Post* reported that McCord told the Senate Watergate Committee that Liddy told him the bugging plans had been approved by Mitchell—and were known in advance by Charles W. Colson, former special counsel to President Nixon.

April 5. At the nominee's request, President Nixon withdrew the nomination of Gray as permanent FBI director. Confirmation of Gray became unlikely after he revealed to the Senate Judiciary Committee during hearings on his nomination that he had turned over FBI files of the Watergate investigation to White House Counsel Dean.

April 17. At a news conference, President Nixon said that there had been "major new developments" in the Watergate case and that he had begun "intensive new inquiries" into the affair "as a result of serious charges which came to my attention."

April 19. Attorney General Richard G. Kleindienst removed himself from further involvement in the Watergate case, citing his earlier working relationships with Nixon administration officials now implicated in the matter.

April 27. At the trial of two men charged with stealing and publishing the Pentagon Papers—Daniel Ellsberg and Anthony Russo—U.S. District Court Judge W. Matthew Byrne Jr. read a secret memorandum in court saying that E. Howard Hunt and G. Gordon Liddy had burglarized the office and files of Ellsberg's former psychiatrist, Daniel Fielding.

April 30. President Nixon announced the resignations of his chief of staff Haldeman, his chief domestic advisor John D. Ehrlichman, Dean and Attorney General Kleindienst. He announced that he was nominating Secretary of Defense Elliot L. Richardson as the new attorney general.

After the resignations were announced by White House press secretary Ronald L. Ziegler, Nixon addressed the nation via television, taking full responsibility for any improper activities connected with his 1972 campaign. Nixon said he did not learn of the true proportions of the Watergate case until March 1973 when "new information" suggested "there had been an effort to conceal the facts both from the public and from me. As a result," he continued, "on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter."

"There can be no whitewash at the White House," Nixon asserted.

May 1. A summary of an interview on April 27 by FBI agents with Ehrlichman, released by Judge Byrne to defense counsel in the Pentagon Papers case, disclosed that Nixon had directed Ehrlichman to undertake an independent investigation of that case which had led to the Fielding burglary by Hunt and Liddy.

The Senate by voice vote approved a resolution asking Nixon to appoint a special prosecutor for the Watergate case.

May 5. Egil Krogh Jr., a former White House aide now undersecretary of transportation, took full responsibility for the Fielding break-in in an affidavit filed in the Pentagon Papers case. Krogh was part of a special White House investigative unit working to stop leaks of government information to the press; the group was nicknamed the White House "plumbers." Krogh resigned as transportation undersecretary May 9.

May 10. Four men, including two former Nixon cabinet officers, Mitchell and Maurice H. Stans, former commerce secretary and Nixon campaign finance chairman, were indicted by the federal grand jury in New York on charges of conspiring to arrange a secret $200,000 contribution to the President's 1972 re-election campaign.

May 11. The Pentagon Papers trial ended abruptly, as Judge Byrne dismissed all charges of espionage, theft and conspiracy against Ellsberg and Russo and declared a mistrial because of government misconduct.

May 14. William Ruckelshaus, acting FBI director, reported that records of 17 wiretaps of newsmen and government officials from May 1969 to February 1971 had been found in the White House safe of former presidential adviser Ehrlichman.

May 17. The seven-member Senate Select Committee on Presidential Campaign Activities, chaired by Sen. Sam J. Ervin Jr. (D. N.C.), opened its hearings on the Watergate case.

May 18. Attorney General-designate Richardson said he would appoint Harvard Law School professor Archibald Cox as the special prosecutor for the Watergate case.

Convicted Watergate conspirator McCord began testifying before the Senate committee describing White House pressure to get him to keep silent and plead guilty in return for eventual executive clemency.

May 22. President Nixon released a 4,000-word statement in which he conceded for the first time that there had been "wide-ranging efforts" in the White House to cover up aspects of the Watergate case but denied that they took place with his approval or knowledge. The White House coverup efforts, Nixon asserted, were linked to his desire to protect national security by preventing disclosure of intelligence operations.

June 6. Hugh W. Sloan Jr., who resigned as treasurer of the Finance Committee to Re-elect the President shortly after the June 17, 1972, break-in, told the Senate Wa-

tergate Committee of Dean's efforts to persuade him to plead the Fifth Amendment at the Miami trial of Watergate break-in conspirator Barker and attempts by Nixon campaign officials Magruder and Frederick C. LaRue to get him to falsify financial transactions between campaign officials and the bugging team.

He said he had resigned rather than perjure himself.

June 14. Magruder, testifying before the Senate Watergate Committee, admitted his own complicity in the scheme to spy on the Democrats and acknowledged that he had perjured himself before the grand jury. He also testified that Mitchell had approved plans for the break-in and had participated in a coverup of the incident.

June 25. Dean appeared before the committee, testifying under a grant of limited immunity. He said that the President was aware of the coverup as early as September 1972, citing a number of specific conversations he had with the President in which he found presidential knowledge of the coverup. These conversations included ones taking place on Sept. 15, 1972, Feb. 27 and 28, 1973, March 13 and 21, 1973, and April 15, 1973.

During the April 15 conversation Dean said he told Nixon he had been telling his story to federal prosecutors. Nixon, he said, then began asking "leading questions which made me think that the conversation was being taped." Dean said they discussed the Watergate affair, and during the conversation Nixon told him he had been joking when he made the comment about how easy it would be to get the $1-million for Watergate hush money.

July 10. Former Attorney General Mitchell, once Nixon's closest political adviser, appeared before the Senate committee and admitted that he never had warned the President of the Watergate scandal because he wanted to "keep the lid on through the election," and later because the knowledge "would affect his (Nixon's) presidency."

According to Mitchell, the President, if informed of the coverup, would have "lowered the boom" on his aides, and a whole catalog of White House "horror stories" would have been revealed.

Contradicting the sworn testimony of former White House and campaign officials, Mitchell denied he approved in advance the 1972 bugging operations against the Democrats. He said he had attended meetings where there was discussion of the plan, but had never approved it.

July 16. Alexander P. Butterfield, administrator of the Federal Aviation Administration and former aide to Haldeman, was a surprise witness before the Senate committee. Butterfield revealed that beginning in the spring of 1971 devices were installed in the President's White House and Executive Office Building offices which automatically taped all of Nixon's conversations.

Later in the afternoon, the White House acknowledged that all of Nixon's conversations since early 1971 had been recorded.

Following Butterfield's appearance, Kalmbach, one of President Nixon's personal lawyers, began testifying before the committee. Kalmbach's name had been mentioned in connection with the raising of hush money for the seven convicted Watergate conspirators, Kalmbach admitted that he had raised $150,000 but denied knowledge of the coverup. He said he thought the money was for family support and lawyers' fees.

July 17. Claiming executive privilege, Nixon ordered the Secret Service to withhold from the Senate investigating committee all information about secretly made recordings of the President's White House conversations. In response, the committee sent a letter to Nixon asking his "cooperation in making available to the committee records and tapes which are relevant" to its investigation.

July 23. President Nixon refused to allow either the Senate committee or the special prosecutor access to relevant White House tapes. In a letter to Sen. Ervin, Nixon said that to allow such access would violate the constitutional doctrine of separation of powers.

The Senate committee voted unanimously to subpoena relevant tapes and White House documents. Special Prosecutor Cox announced he too would seek a subpoena. Three subpoenas—two from the committee and one from the Watergate special prosecutor—were accepted at the White House late in the afternoon.

July 24. Ehrlichman appeared before the Senate Watergate Committee, saying that he welcomed the opportunity to "refute every charge of illegal conduct on my part."

July 26. Nixon rejected the subpoenas from the Senate committee and the special prosecutor, both of whom then went to federal court to ask that their subpoenas be enforced. (White House deputy press secretary Gerald Warren said that Nixon would abide by a "definitive" Supreme Court decision on the issue.)

July 30. Former White House Chief of Staff Haldeman began his appearance before the Senate Watergate Committee, denying that he had any role in the coverup or that the President had any knowledge of the coverup but admitting that he had disbursed cash for political "dirty tricks."

Aug. 2. Richard M. Helms, former director of the Central Intelligence Agency (CIA), told the Senate committee of White House efforts to involve the CIA in the coverup, and to use the CIA to head off FBI investigations of Watergate.

Aug. 3. L. Patrick Gray III told the Senate committee that he had destroyed documents from E. Howard Hunt's office safe which he was given by Dean and Ehrlichman with the admonition that they "clearly should not see the light of day."

Aug 15. President Nixon, in a televised address, again denied any prior awareness of the Watergate break-in or the coverup.

Aug. 29. Judge Sirica ordered Nixon to turn over to him the tape recordings subpoenaed by the Watergate special prosecutor for use before the grand jury. Sirica ruled that he could only decide the validity of Nixon's claim of executive privilege to protect the tapes from this use if he himself inspected the tapes.

Aug. 30. Nixon and his lawyers decided to appeal Sirica's ruling as inconsistent with the separation of powers and the need to preserve the confidentiality of private presidential conversations.

Sept. 4. Ehrlichman, Krogh, Liddy and David R. Young, a former aide to Henry A. Kissinger, presidential assistant for national security affairs, were indicted by a Los Angeles county grand jury for the burglary of the office of Ellsberg's psychiatrist.

Sept. 24. Hunt testifed before the Senate Watergate Committee, alleging that Colson was aware early in 1972 of the large-scale intelligence plan which led to the June 17 break-in. Hunt described his work for the White House as one of the "plumbers" and his involvement in the Watergate break-in.

Oct. 1. Segretti pleaded guilty to three misdemeanor charges for his "dirty tricks" activity during the 1972 presidential election campaign.

Oct. 3. Appearing under a limited grant of immunity, Segretti told the Senate Watergate Committee about the "dirty tricks" he had engaged in during the 1972 campaign. He said he reported regularly to Chapin, then the President's appointments secretary.

Oct. 10. Vice President Spiro T. Agnew, virtually untouched by the Watergate scandal, resigned his office after pleading no contest to a charge of income tax evasion. Agnew entered his plea before U.S. District Court Judge Walter E. Hoffman in Baltimore. He was sentenced to three years of unsupervised probation and a $10,000 fine.

Oct. 12. President Nixon announced that House Minority Leader Gerald R. Ford (R. Mich.) was his choice to fill the vice presidential vacancy.

In a 5-2 decision, the U.S. Circuit Court of Appeals for the District of Columbia upheld Judge Sirica's Aug. 29 ruling that President Nixon should surrender to the court subpoenaed tape recordings relevant to the Watergate case.

Oct. 19. Nixon released a statement saying he would not seek Supreme Court review of the appeals court ruling. Instead, he offered to supply Judge Sirica and the Senate committee with a statement of the contents of the tapes, which he would prepare. Sen. John C. Stennis (D Miss.) would be given full access to the tapes in order to verify the accuracy of the statement. The special prosecutor was to make "no further attempt . . . to subpoena still more tapes or other presidential papers of a similar nature."

Cox explained that he could not comply with the proposal because it would "defeat the fair administration of justice."

Oct. 20. Cox, at an afternoon press conference said he had no intention of resigning.

To accept Nixon's proposal would create "insuperable difficulties" for him as prosecutor, Cox said. He complained of "repeated frustration" in his attempts to get information from the White House about Watergate, the alleged coverup, and the "White House plumbers."

White House press secretary Ziegler announced that Nixon had ordered Richardson to dismiss special prosecutor Cox, that Richardson had resigned rather than comply and that Nixon then had fired Deputy Attorney General Ruckelshaus, who also refused the order. (Ruckelshaus said later he had resigned before being fired.) Ziegler explained that Solicitor General Robert H. Bork, next in line of authority at the Justice Department, had become acting attorney general and had fired Cox. The actions later became known as the "Saturday night massacre."

Several hours after Ziegler's announcement, FBI agents sealed off the offices and files of the special prosecution team headed by Cox, as well as those of Richardson and Ruckelshaus. U.S. marshals replaced the FBI agents at the special prosecution offices the next day, and the guards were removed from the Justice Department offices.

Oct. 22. House Democratic leaders tentatively agreed to have the House Judiciary Committee begin an inquiry into the grounds for impeaching Nixon.

Oct. 23. White House attorney Charles Alan Wright announced at U.S. District Court that because of "the events of the weekend," Nixon has decided to abide by the appeals court ruling that he must turn over to the court subpoenaed tapes and documents.

A letter to Nixon promising a $2-million 1972 campaign contribution from a dairy industry group in return for action to curb dairy imports was leaked to the press. Signed by a representative of Associated Milk Producers Inc. of San Antonio, Texas, the letter was dated Dec. 16, 1970. Two weeks after that, Nixon imposed quotas on certain dairy products.

Oct. 26. President Nixon announced at a nationally televised news conference that Acting Attorney General Bork would appoint a special Watergate prosecutor.

Oct. 30. The New York Times reported that former Attorney General Kleindienst had told prosecutors that in 1971, President Nixon personally ordered him to halt a Justice Department appeal of an antitrust ruling favorable to the International Telephone and Telegraph Corporation (ITT), Kleindienst had told the Senate Judiciary Committee in 1972 that there were no White House attempts to influence the case, which was settled out of court.

The House Armed Services Subcommittee on Intelligence issued a report on its investigation of Central Intelligence Agency involvement in the Watergate scandal. It concluded that the agency had been used by top White House officials to obstruct an FBI investigation of the Watergate break-in.

Oct. 31. J. Fred Buzhardt Jr., a White House attorney, told Judge Sirica that two of the nine tape recordings the President had been ordered to turn over to the court did not exist. He said that one conversation had been conducted on a phone that was not hooked into the White House recording system. The other, between Nixon and his counsel, Dean, April 15, 1973, had not been recorded because the recorder had run out of tape.

Nov. 1. Bork appointed Houston attorney Leon Jaworski as the new Watergate special prosecutor, and Nixon named Sen. William B. Saxbe (R Ohio) as attorney general.

Nov. 9. Judge Sirica gave final sentences to the six Watergate conspirators who had been given provisional sentences in March. Hunt received 2½ to eight years in prison and a $10,000 fine; Barker, 1½ to six years; McCord, one to five years; Martinez, Sturgis and Gonzalez, one to four years.

Nov. 17. President Nixon reasserted his innocence during a question-and-answer session with Associated Press managing editors. During the television session, Nixon stated, "People have got to know whether or not their President is a crook. Well, I'm not a crook."

Nov. 21. White House Counsel Buzhardt told Judge Sirica that an 18-minute section of the subpoenaed tape of a June 20, 1972, conversation between Nixon and Haldeman consisted only of an "audible tone" and no conversation.

Nov. 26. The White House turned over to the court the existing subpoenaed tapes, with an analysis of the tapes listing claims of executive privilege to protect portions of them for disclosure to the special prosecutor.

Testifying at a session concerning the 18-minute gap in the June 20 tape. Rose Mary Woods, Nixon's personal secretary, said that she apparently had accidently caused at best part of the gap while transcribing the tape for the President on Oct. 1, 1973.

Dec. 6. Ford was sworn in as the nation's 40th vice president, after the Senate and House had approved his nomination.

Dec. 8. Nixon released documents concerning his personal finances, including his federal income tax returns for 1969-1972. He asked the Joint Committee on Internal Revenue Taxation to decide whether he owed additional taxes. Earlier it was revealed that President and Mrs. Nixon had paid only minimal federal income taxes in 1970 and 1971. Nixon said he would abide by the judgment of the committee.

1974

Jan. 2. The Internal Revenue Service said that it would audit Nixon's recent income tax returns.

Jan. 5. The White House announced that James D. St. Clair, a Boston attorney, would replace Buzhardt as head of the White House Watergate legal team. Buzhardt would remain at the White House as counsel to the President.

Jan. 8. The White House released two lengthy documents rebutting charges that Nixon had granted favors to the dairy industry and to the International Telephone and Telegraph Corp. (ITT) in exchange for large campaign contributions.

Jan 15. A panel of experts appointed by Judge Sirica reported that the 18-minute gap on the June 20, 1972, tape was caused by at least five separate erasures and rerecordings.

Jan. 18. After four days of hearings concerning the gap in the tape, Sirica recommended that a grand jury investigate the possibility that someone had intentionally destroyed evidence.

Jan. 24. Krogh, who pleaded guilty Nov. 30 to violating the civil rights of Daniel Ellsberg's former psychiatrist, by burglarizing his office, was sentenced to six months in prison.

Jan. 30. Nixon, in his state of the union message, said he had "no intention whatever" of resigning. On the subject of Watergate the President said: "As you know, I have provided to the special prosecutor voluntarily a great deal of material. I believe that I have provided all the material that he needs to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent. I believe the time has come to bring that investigation and the other investigations of this matter to an end. One year of Watergate is enough."

Feb. 6. With only four dissenting votes, the House gave the Judiciary Committee broad power to conduct its inquiry into the possible impeachment of President Nixon.

Feb. 19. By unanimous vote, the Senate Watergate Committee ended public hearings.

The trial of former cabinet secretaries Mitchell and Stans on charges of perjury, conspiracy and obstruction of justice opened in New York.

March 1. Seven former Nixon aides—Mitchell, Haldeman, Ehrlichman, Colson, Robert C. Mardian, Kenneth W. Parkinson and Strachan—were indicted by a federal grand jury for conspiring to hinder the investigation of the Watergate burglary.

At the same time, the grand jury gave Judge Sirica a bulging briefcase and a sealed envelope. (Later it was revealed that the envelope contained a grand jury report on the evidence implicating Nixon in the coverup.)

March 7. A federal grand jury indicted six men for violating the civil rights of Ellsberg's psychiatrist: Ehrlichman, Colson, Liddy, Barker, Martinez and Felipe De Diego.

March 18. Sirica ruled that the House Judiciary Committee could obtain the Watergate grand jury report and related material.

March 21. Sirica's decision to turn over the grand jury's report to the House impeachment inquiry was upheld, 5-1, by the U.S. Court of Appeals for the District of Columbia.

April 3. The staff of the Joint Committee on Internal Revenue Taxation found that Nixon owned $476,431, including interest, on back taxes for 1969 through 1972. Nixon said he would pay $467,000 in back taxes and interest in compliance with a similar report from the Internal Revenue Service.

April 11. The House Judiciary Committee voted to subpoena the tapes of more than 40 presidential conversations and set April 25 as the deadline for compliance. The deadline was later extended to April 30.

April 18. Judge Sirica, at the request of Jaworski, issued a subpoena for tapes and documents of 64 presidential conversations with Dean, Ehrlichman, Haldeman and Colson.

April 28. Mitchell and Stans were acquitted on all 15 counts by the New York jury trying the criminal conspiracy case.

April 29. In a nationally televised speech, Nixon responded to the House Judiciary Committee's subpoena for 42 tapes by announcing he would make public the edited transcripts of White House Watergate conversations.

April 30. The White House released a 1,308-page document containing the edited transcripts.

St. Clair said the President would refuse to yield tapes and documents sought by Jaworski.

May 1. The Judiciary Committee voted 20-18 to send a letter to the President formally notifying him that he had failed to comply with the committee's subpoena.

St. Clair said that Nixon would resist the Judiciary Committee's requst for additional materials.

May 2. The Judiciary Committee voted to allow St. Clair to participate in certain phases of the impeachment inquiry.

May 9. The House Judiciary Committee formally opened its impeachment hearings.

May 13. In an April 30th letter from Nixon to U.S. District Judge Gerhard A. Gesell, Nixon declared that the White House "plumbers" unit was operating under a general delegation of his presidential authority when its members broke into the office of Ellsberg's former psychiatrist, according to The New York Times.

May 15. The House Judiciary Committee voted 37-1 to issue a subpoena demanding that Nixon turn over tapes of 11 Watergate-related conversations by May 22.

Judge Gesell sentenced Chapin, Nixon's former appointments secretary, to a prison term of from 10 to 30 months. Chapin was convicted April 5 on two counts of perjury for lying to a federal grand jury that was investigating the activities of political saboteur Segretti.

May 20. Judge Sirica rejected a White House request that he quash the special Watergate prosecutor's April 18 subpoena of 64 Watergate-related tapes.

May 21. Judge Sirica sentenced Magruder to a four-month to ten-year prison term for his involvement in the Watergate conspiracies. Magruder had pleaded guilty Aug. 16, 1973, to one count of conspiracy to obstruct justice, to unlawfully intercept wire and oral communications and to defraud the United States.

May 22. President Nixon wrote House Judiciary Committee Chairman Peter W. Rodino Jr. (D N.J.) saying that he would not comply with the two pending committee subpoenas for White House tapes and mate-

rials nor with any future subpoenas for Watergate-related materials.

May 23. Responding to a defense motion to dismiss the charges resulting from the "plumbers" burglary of Fielding's office, Judge Gesell ruled that the President had no constitutional authority to authorize break-ins and searches without warrants—even when matters of national security and foreign intelligence were concerned.

May 24. Watergate Special Prosecutor Jaworski asked the Supreme Court to rule on the President's privilege to withhold subpoenaed White House tapes.

May 30. The House Judiciary Committee voted 28-10 to inform Nixon, by letter, that his refusal to surrender evidence to the committee could be construed as impeachable conduct. The committee issued a third subpoena for White House tapes, 37-1.

The White House told the Supreme Court that it should not review the question of the President's right to refuse to comply with the special prosecutor's subpoena.

May 31. The Supreme Court agreed to hear arguments on the question of the President's privilege to refuse to comply with the subpoena.

June 3. Former White House Counsel Colson, a defendant in the coverup and the Ellsberg break-in cases, in a surprise appearance in federal district court, pleaded guilty to charges that he had worked to defame and degrade the credibility and public image of Daniel Ellsberg in the press and with the public after the Pentagon Papers publication.

June 5. The Los Angeles Times reported that the Watergate grand jury had voted unanimously in February to name Nixon an unindicted co-conspirator in the coverup case.

June 7. Former Attorney General Kleindienst received a one-month suspended sentence and a suspended $100 fine for refusing to testify accurately to a Senate committee in 1972 concerning White House pressure on him to drop an appeal of a ruling in the antitrust case against International Telephone & Telegraph Corp. (ITT). Kleindienst had pleaded guilty to the charge May 16.

June 10. Nixon refused to comply with the House Judiciary Committee's May 31 subpoena, saying that he would do nothing which "would render the executive branch forevermore subservient to the legislative branch."

Nixon's lawyers asked the Supreme Court to rule that the grand jury had exceeded its authority in voting to name Nixon, a sitting President, an unindicted co-conspirator.

June 17. Kalmbach, Nixon's former personal attorney, was sentenced to a minimum of six months in prison and was fined $10,000 for illegal fund-raising activities. Kalmbach had pleaded guilty Feb. 25 to a charge that he had promised a campaign donor an ambassadorship in exchange for a $100,000 campaign contribution to the 1972 Nixon reelection campaign.

June 21. Former Nixon aide Colson was sentenced to one to three years in prison and fined $5,000.

June 24. The House Judiciary Committee issued four more subpoenas to the White House.

June 26. Ehrlichman, Liddy, Barker and Martinez went on trial for the Fielding break-in.

July 1. In a brief filed with the Supreme Court, Jaworski said that the grand jury had substantial evidence of Nixon's involvement in the Watergate coverup.

July 2. The House Judiciary Committee began hearing testimony from witnesses in closed sessions.

July 8. Jaworski and St. Clair argued before the Supreme Court on the question of the President's privilege to withhold subpoenaed evidence.

July 9. The House Judiciary Committee published its own transcripts of eight tapes of Nixon's Watergate conversations which differed from the edited transcripts made public by the White House in May.

July 12. Ehrlichman, Barker, Liddy and Martinez were found guilty of conspiring to violate the civil rights of Ellsberg's former psychiatrist by breaking into his office.

July 16. Nixon refused to comply with the House Judiciary Committee's last four subpoenas.

July 18. St. Clair presented to the committee his final argument on the President's innocence of involvement in the Watergate coverup.

July 19. John M. Doar and Albert E. Jenner Jr., counsel to the House impeachment inquiry, urged the House Judiciary Committee to recommend impeachment of Nixon.

July 23. Rep. Lawrence J. Hogan (R Md.) became the first Republican member of the Judiciary Committee to announce he would vote to recommend impeachment.

July 24. The Supreme Court ruled 8-0 that Nixon did not have the absolute authority to withhold subpoenaed tapes, but must in this case turn them over to the special prosecutor. Late in the day St. Clair announced that Nixon would comply with the decision.

In a televised evening session, the House Judiciary Committee began the final phase of its impeachment inquiry, debating articles of impeachment.

July 25-26. The committee continued its debate.

July 27. By a vote of 27-11, the House Judiciary Committee approved an article of impeachment charging Nixon with obstructing justice in the Watergate coverup.

July 29. By a vote of 28-10, the committee approved a second article of impeachment charging Nixon with misuse of his presidential powers in violation of his oath of office.

Former Treasury Secretary John B. Connally was indicted on charges that he accepted a pay-off for recommending an increase in milk price supports and that he thwarted an investigation into the pay-off.

July 30. By a vote of 21-17, the committee approved a third article of impeachment charging Nixon with defying committee subpoenas. The committee rejected two other articles of impeachment concerning the bombing of Cambodia and Nixon's personal finances.

Nixon surrendered some of subpoenaed Watergate tapes to Judge Sirica, in compliance with the Supreme Court decision.

July 31. Ehrlichman was sentenced to 20 months to five years in prison for his role in the Ellsberg break-in.

Harold S. Nelson, former official of the Associated Milk Producers Inc., pleaded guilty to authorizing $10,000 to Connally for Connally's help in obtaining high milk price supports.

Aug. 2. Dean was sentenced to one to four years in prison for his role in the Watergate coverup; he had pleaded guilty Oct. 19, 1973, to one count of conspiracy to obstruct justice.

Aug. 3. A GAO report said that President Nixon would lose his $60,000 annual pension if he were impeached and convicted, but not if he resigned from office.

Aug. 5. Releasing the transcripts of three June 23, 1972, conversations with Haldeman, President Nixon admitted that he then attempted to halt the investigation of the Watergate break-in for political as well as national security reasons—and that he had withheld evidence of his role in this coverup from his lawyers and supporters on the House Judiciary Committee.

Calling his impeachment by the House "virtually a foregone conclusion," Nixon said he hoped that the Senate would see the evidence in perspective and vote to acquit him.

Aug. 6. Support for the President almost totally collapsed in the House. Minority Leader John J. Rhodes (R Ariz.) announced he would vote for the first article of impeachment (obstruction of justice). All 10 members of the House Judiciary Committee who had voted against the articles of impeachment reversed themselves and supported the President's impeachment on the obstruction of justice charge.

Aug. 8. Nixon announced in an evening television speech that he would resign, effective at noon Aug. 9.

Special Prosecutor Jaworski said after Nixon's resignation speech that no deals had been either made or offered that would have given Nixon immunity from prosecution.

Aug. 9. Vice President Ford was sworn in at 12:03 p.m. as the 38th President of the United States.

Former Treasury Secretary Connally pleaded not guilty to charges of accepting a bribe, committing perjury and conspiring to obstruct justice.

Aug. 20. Nelson A. Rockefeller, former Republican governor of New York, was nominated by President Ford as the 41st Vice President, filling the vacancy created when Ford became President Aug. 9.

The House, by a 412-3 vote, accepted the final report of the House Judiciary Committee on its impeachment inquiry, concluding the inquiry into the conduct of Richard Nixon as President. The report, published Aug. 22, provided for history the official record upon which Nixon would have been accused in the House, had he not resigned.

Sept. 8. President Ford unconditionally pardoned former President Nixon for all federal crimes that he "committed or may have committed or taken part in" during his time in office. The White House disclosed a Sept. 7 agreement between Nixon and the government giving Nixon control over access to and the eventual destruction of White House tapes and documents of his administration.

From San Clemente, Calif., Nixon accepted the pardon saying that he could see he was "wrong in not acting more decisively and more forthrightly in dealing with Watergate."

Sept. 23. Nixon entered Long Beach (Calif.) Memorial Hospital for treatment of phlebitis.

Oct. 1. The trial of Watergate coverup defendants Mitchell, Haldeman, Ehrlichman, Mardian and Parkinson began in Washington, D.C. Former Haldeman aide Gordon C. Strachan was granted a separate trial Sept. 30.

Oct. 2. Former California Lieutenant Governor Ed Reinecke (R) was given a suspended 18-month sentence only minutes after resigning his state post. Reinecke was convicted July 27 of lying to the Senate Judiciary Committee during its inquiry into the settlement of the ITT case.

Oct. 4. Nixon was discharged from the hospital.

Oct. 11. After the jury was sequestered for the coverup trial, Special Prosecutor Jaworski announced that he was resigning as special prosecutor Oct. 25.

Oct. 17. President Ford went to Capitol Hill to testify before a House Judiciary subcommittee investigating questions surrounding his decision to pardon Nixon. Ford told the subcommittee members that there was "no deal" involved in his decision, that he had done it because he felt it was best for the nation.

Oct. 18. A tape of a March 17, 1973, meeting between Nixon and Dean was played as evidence at the coverup trial. In the meeting Dean gave Nixon a detailed report on the criminal "vulnerabilities" of his top White House aides, four days before Nixon had said he was first told about the coverup.

Oct. 23. Attorney General Saxbe named Henry S. Ruth, deputy special Watergate prosecutor, to succeed Jaworski. Ruth was sworn in Oct. 26.

Oct. 29. Nixon was operated on at Long Beach Memorial Hospital in an effort to remove an obstruction in his left leg; he was listed in critical condition after going into post-operative shock.

Nov. 1. Nelson, former Associated Milk Producers Inc. (AMPI) general manager, and David L. Parr, former AMPI special counsel, were sentenced to four months in jail and a $10,000 fine for conspiring to make illegal campaign contributions.

Nov. 8. Edward L. Morgan, former White House aide, pleaded guilty to participating in a criminal conspiracy to create a fraudulent $576,000 tax deduction for Nixon in return for Nixon's donating his pre-presidential papers to the National Archives.

Nov. 14. Nixon was released from the hospital.

Nov. 25. The prosecution completed its case at the coverup trial.

Three court-appointed doctors chosen by Judge Sirica examined Nixon in San Clemente to determine Nixon's fitness to testify at the coverup trial where he was sought as a defense witness.

Nov. 29. The doctors told Sirica they felt Nixon would not be physically able to testify at the trial until February 1975—and that he would not be able to give a deposition in San Clemente until early January.

Dec. 4. The Watergate grand jury, impaneled June 5, 1972, was dismissed. Its 30-month life—almost twice the normal grand jury lifespan—had been authorized by Congress during the long Watergate inquiry.

Dec. 5. Judge Sirica ruled that it was not necessary for Nixon to testify at the coverup trial.

Judge Gesell ruled that the White House tapes played at the trial could be publicly broadcast after the trial was completed.

Dec. 9. Congress sent to President Ford for his signature a bill giving the federal government custody of Nixon's White House tapes, nullifying the Sept. 7 agreement giving Nixon control of them. Ford signed the bill Dec. 19.

Dec. 15. President Nixon's attorney, Herbert J. Miller Jr., said that Nixon intended to challenge the constutionality of the bill taking from him control of his presidential records without due process.

Dec. 26. The coverup case went to the jury.

1975

Jan. 1. Mitchell, Haldeman, Ehrlichman and Mardian were convicted of the charges against them in connection with the Watergate coverup. Parkinson was acquitted.

PROGRAM

Mr. BYRD. Mr. President, on Thursday, February 19, the Senate will convene at 2 p.m.

After the prayer, and the recognition of the two leaders under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, HEINZ, and MCCONNELL.

At the conclusion of these orders, there will be a period for the transaction of routine morning business for not to exceed 2 minutes, at the expiration of which the Senate will proceed to the consideration of Calendar No. 17, Senate Resolution 103, a resolution expressing United States support for the Government of the Philippines.

A rollcall vote has been ordered on the adoption of the resolution. No amendments are in order. There is a brief time limitation amounting to about 50 minutes on the resolution. Consequently, at some time circa 3:30—give a little or take a little—there will be a rollcall vote on the adoption of the resolution.

Mr. President, I hope the committees will take the opportunity tomorrow, when the Senate will not be in session, to conduct hearings and make as much progress as possible. There will be no Senate quorum calls or rollcalls to interupt the activities of committees.

It is important that committees work diligently to meet the budget deadlines and the appropriations deadlines in the coming months; also to report measures to the calendar, nominations to the calendar, and treaties to the calendar.

ADJOURNMENT UNTIL 2 P.M. ON THURSDAY, FEBRUARY 19, 1987

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 2 p.m. on Thursday, February 19, 1987.

Thereupon, at 5:36 p.m., the Senate adjourned until Thursday, February 19, 1987, at 2 p.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate February 9, 1987, under authority of the order of the Senate of February 3, 1987:

NATIONAL ADVISORY COUNCIL ON EDUCATIONAL RESEARCH AND IMPROVEMENT

Van B. Poole, of Florida, to be a member of the National Advisory Council on Educational Research and Improvement for a term expiring September 30, 1989, vice Carl W. Salser, term expired.

IN THE COAST GUARD

The following officer of the U.S. Coast Guard Reserve for promotion to the grade of captain:

Thomas R. Pike

The following officers of the U.S. Coast Guard Reserve for promotion to the grade of commander:

Stephen J. Corcoran
Margaret E. Cicirelli
Kenneth D. Appleton
Thomas M. Kulick
Douglas E. Clapp

The following Regular officers of the U.S. Coast Guard for promotion to the grade of lieutenant (junior grade):

Arthur J. Dininno
Guy A. McArdle
Timothy D. Dioquino
John A. Meehan
William J. Ziegler
Tom J. Blinkinsop
Joseph B. Favero
Michael R. Stalker
Roger V. Bohnert
George J. Bowen II
Clifton D. Marsh, Jr.
Carolyn M. Deleo
Brian L. Dunn
Kenneth J. Reynolds

IN THE ARMY

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Brig. Gen. Martin E. Lind, Jr., xxx-xx-xxxx xxx...

Col. Gregory P. Barlow, xxx-xx-xxxx
Col. James A. Barney, Jr., xxx-xx-xxxx
Col. John W. Cudmore, xxx-xx-xxxx
Col. Stephen M. Wyman, xxx-xx-xxxx
Col. Roger D. Delgehausen, xxx-xx-xxxx
Col. Jerry M. Keeton, xxx-xx-xxxx
Col. Charles R. Lindsay, xxx-xx-xxxx
Col. John R. Paulk, xxx-xx-xxxx
Col. William F. Sherman, xxx-xx-xxxx
Col. Lomer R. Chambers, xxx-xx-xxxx
Col. Philip A. Floyd, xxx-xx-xxxx
Col. Larry E. Lee, xxx-xx-xxxx
Col. Donald H. Marden, xxx-xx-xxxx
Col. Robert C. Watling, xxx-xx-xxxx
Col. Julius L Berthold, xxx-xx-xxxx
Col. Joseph C. Boyersmith, xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3366:

ARMY PROMOTION LIST

To be lieutenant colonel

Acevedo, Felipe, xxx-xx-xxxx
Acker, Harry L., xxx-xx-xxxx
Acherman, James R., xxx-xx-xxxx
Adams, David H., xxx-xx-xxxx
Adams, Lewis D., Jr., xxx-xx-xxxx
Adamson, Orville B., xxx-xx-xxxx
Adamson, Robert S., xxx-xx-xxxx
Adkins, Charles P., xxx-xx-xxxx
Adkins, Henry G., xxx-xx-xxxx
Agosti, William B., xxx-xx-xxxx
Aitken, David P., xxx-xx-xxxx
Akins, James L, xxx-xx-xxxx
Alaman, Louis G., xxx-xx-xxxx
Alanis, John L., xxx-xx-xxxx
Albanese, Vincent J., xxx-xx-xxxx
Allessandro, Peter P., xxx-xx-xxxx
Alexander, Henry C., xxx-xx-xxxx
Alexander, James B., xxx-xx-xxxx
Alexander, Joe R., xxx-xx-xxxx
Alexander, John D., xxx-xx-xxxx
Alfano, John J., xxx-xx-xxxx
Alix, James J., xxx-xx-xxxx
Allardyce, Burnis G., xxx-xx-xxxx
Allen, Danny, xxx-xx-xxxx

Allen, Ervin, Jr., xxx-xx-xxxx
Allen, William L., xxx-xx-xxxx
Allison, Forrest H., xxx-xx-xxxx
Allison, Sidney L., xxx-xx-xxxx
Amendola, Richard A., xxx-xx-xxxx
Anderson, Everett P., xxx-xx-xxxx
Anderson, Phillip D., xxx-xx-xxxx
Anderson, Robert E., xxx-xx-xxxx
Anding, Maurice W., xxx-xx-xxxx
Angeli, Michael J., xxx-xx-xxxx
Ansell, Barry R., xxx-xx-xxxx
Anthony, Paul A., xxx-xx-xxxx
Antoniuc, Robert P., xxx-xx-xxxx
Anzalone, Gerald J., xxx-xx-xxxx
Apgar, William I., xxx-xx-xxxx
Arce, Charles M., xxx-xx-xxxx
Arch, Roy C., xxx-xx-xxxx
Archer, William E., xxx-xx-xxxx
Archibald, Walter D., xxx-xx-xxxx
Armand, Dennis L., xxx-xx-xxxx
Arthur, Jervis J., xxx-xx-xxxx
Ash, James R., xxx-xx-xxxx
Ashbeck, William H., xxx-xx-xxxx
Atcher, Randall F., xxx-xx-xxxx
August, Robert L., xxx-xx-xxxx
Ault, Samuel W., xxx-xx-xxxx
Ausdemore, James L., xxx-xx-xxxx
Austin, Brian S., xxx-xx-xxxx
Averill, George E., xxx-xx-xxxx
Avitabile, Peter V., xxx-xx-xxxx
Awtrey, John F., xxx-xx-xxxx
Ayala, Edward F., xxx-xx-xxxx
Ayers, Anthony, xxx-xx-xxxx
Aylward, William G., xxx-xx-xxxx
Bachrach, Franklin, xxx-xx-xxxx
Backus, James, xxx-xx-xxxx
Baggett, Jimmy D., xxx-xx-xxxx
Bailey, Thomas C., xxx-xx-xxxx
Bair, Larry F., xxx-xx-xxxx
Bakmaz, Milm, xxx-xx-xxxx
Balentine, Joanne F., xxx-xx-xxxx
Ball, George W., xxx-xx-xxxx
Balogh, Julius W., xxx-xx-xxxx
Balon, Robert J., xxx-xx-xxxx
Banker, David K., xxx-xx-xxxx
Banner, David A., xxx-xx-xxxx
Bannister, Jimmy R., xxx-xx-xxxx
Barbary, Miriam B., xxx-xx-xxxx
Barbee, Elmer R., xxx-xx-xxxx
Barloco, Gerard H., xxx-xx-xxxx
Barnard, Robert L., xxx-xx-xxxx
Barnett, Phillip G., xxx-xx-xxxx
Barnett, Robert C., xxx-xx-xxxx
Barr, James R., xxx-xx-xxxx
Barr, Robert W., xxx-xx-xxxx
Barry, William F., xxx-xx-xxxx
Barta, John, Jr., xxx-xx-xxxx
Bartel, William C., xxx-xx-xxxx
Bartelt, Charles E., xxx-xx-xxxx
Bartlett, Don D., xxx-xx-xxxx
Barton, Bruce R., xxx-xx-xxxx
Barton, George T., xxx-xx-xxxx
Barton, John W., xxx-xx-xxxx
Basara, Ronald F., xxx-xx-xxxx
Bassler, Timothy B., xxx-xx-xxxx
Bassman, Theodore J., xxx-xx-xxxx
Bates, Dale I., xxx-xx-xxxx
Bauer, Wolfgang, xxx-xx-xxxx
Baugh, Jerry C., xxx-xx-xxxx
Baxter, George D., xxx-xx-xxxx
Bayer, William C., xxx-xx-xxxx
Beauregard, Gary C., xxx-xx-xxxx
Beck, Laurance A., xxx-xx-xxxx
Beck, Myles K., xxx-xx-xxxx
Becker, Wayne J., xxx-xx-xxxx
Behel, Reeder D., xxx-xx-xxxx
Belanger, Fred M., xxx-xx-xxxx
Belton, Brenda H., xxx-xx-xxxx
Bender, Ralph J., xxx-xx-xxxx
Benkosky, David, xxx-xx-xxxx
Bennett, Robert C., xxx-xx-xxxx
Bennett, Samuel E., xxx-xx-xxxx
Benoit, William L., xxx-xx-xxxx
Benton, Kenneth L., xxx-xx-xxxx
Bares, Charles E., xxx-xx-xxxx
Bergagna, Richard P., xxx-xx-xxxx
Bernath, Michael E., xxx-xx-xxxx
Bernhardt, Joe S., xxx-xx-xxxx
Bernstein, Larry R., xxx-xx-xxxx
Bernstein, Philip R., xxx-xx-xxxx
Berry, Dane E., xxx-xx-xxxx
Berry, James H., xxx-xx-xxxx
Berry, Robert M., xxx-xx-xxxx
Betters, David R., xxx-xx-xxxx
Bierstedt, Lynn R., xxx-xx-xxxx
Binek, Thomas F., xxx-xx-xxxx
Birk, Carl C. Jr., xxx-xx-xxxx
Black, Clifford H., xxx-xx-xxxx
Black, Sherman P., xxx-xx-xxxx
Blackman, Philip S., xxx-xx-xxxx
Blagmon, Lowell E., xxx-xx-xxxx
Blair, George R., xxx-xx-xxxx
Blair, Richard W., xxx-xx-xxxx
Blakely, Jimmie L., xxx-xx-xxxx
Blakeney, Jay G., xxx-xx-xxxx
Blaker, Royce D., xxx-xx-xxxx
Blewitt, Harold F. J., xxx-xx-xxxx
Blistein, Leonard J., xxx-xx-xxxx
Blocker, Kent R., xxx-xx-xxxx
Bobicl:, George A., xxx-xx-xxxx
Boehmer, Eymard J., xxx-xx-xxxx
Boles, Harry A., xxx-xx-xxxx
Bone, George F., xxx-xx-xxxx
Bongiovanni, Joseph, xxx-xx-xxxx
Bond, Edward R., xxx-xx-xxxx
Boone, Stephen W., xxx-xx-xxxx
Boone, William E., xxx-xx-xxxx
Borum, Joseph A., xxx-xx-xxxx
Borysko, Robert A., xxx-xx-xxxx
Boschulte, Randolph, xxx-xx-xxxx
Bottoms, Glen D., xxx-xx-xxxx
Boudreaux, Freddie, xxx-xx-xxxx
Bourgeouis, James E., xxx-xx-xxxx
Bowen, Alfred T., xxx-xx-xxxx
Bowen, John W., xxx-xx-xxxx
Bowers, Stephen R., xxx-xx-xxxx
Boyd, Doyle A., xxx-xx-xxxx
Boyd, Joseph W., xxx-xx-xxxx
Boykin, Robert L., xxx-xx-xxxx
Boyle, Raymond A., xxx-xx-xxxx
Braam, Robertus W., xxx-xx-xxxx
Bradenham, Robert E., xxx-xx-xxxx
Bradley, Bruce S., xxx-xx-xxxx
Bradley, Norman M., xxx-xx-xxxx
Bradshaw, John K., xxx-xx-xxxx
Bramsman, John H., xxx-xx-xxxx
Brand, John K., xxx-xx-xxxx
Brant, Merrill D., xxx-xx-xxxx
Brantley, Billy R., xxx-xx-xxxx
Brasor, John D., xxx-xx-xxxx
Bratten, John L., xxx-xx-xxxx
Braun, Manfred, xxx-xx-xxxx
Brazzel, Roger K., xxx-xx-xxxx
Breen, Maurice C., xxx-xx-xxxx
Brenchly, Ralph R., xxx-xx-xxxx
Brennan, Patrick J., xxx-xx-xxxx
Brent, Frederick F., xxx-xx-xxxx
Brenteson, Michael, xxx-xx-xxxx
Bresett, Harold P., xxx-xx-xxxx
Brethold, Ronald C., xxx-xx-xxxx
Breun, James G., xxx-xx-xxxx
Bridges, Charles, xxx-xx-xxxx
Bridges, Frank R., xxx-xx-xxxx
Brigden, John R., xxx-xx-xxxx
Briggs, Robert B., xxx-xx-xxxx
Bright, Boyce D., xxx-xx-xxxx
Bright, Jerry C., xxx-xx-xxxx
Bristol, Philip W., xxx-xx-xxxx
Brittigan, Robert L., xxx-xx-xxxx
Britton, James C., xxx-xx-xxxx
Brixey, Ronald L., xxx-xx-xxxx
Brock, James E., xxx-xx-xxxx
Brooks, Arthur C., xxx-xx-xxxx
Brooks, Michael J., xxx-xx-xxxx
Brove, Gerald J., xxx-xx-xxxx
Brown, Byron C., xxx-xx-xxxx
Brown, Danny L., xxx-xx-xxxx
Brown, David F., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brown, Joe E., xxx-xx-xxxx
Brown, John M., xxx-xx-xxxx
Brown, John R., xxx-xx-xxxx
Brown, Joseph E., xxx-xx-xxxx
Brown, Larry A., xxx-xx-xxxx
Brown, Larry G., xxx-xx-xxxx
Brown, Phillip L., xxx-xx-xxxx
Brown, Raymond E., xxx-xx-xxxx
Brown, Robert A., xxx-xx-xxxx
Browning, Richard B., xxx-xx-xxxx
Brownrigg, John C., xxx-xx-xxxx
Bruder, Barry R., xxx-xx-xxxx
Brunken, Joan M., xxx-xx-xxxx
Bruton, James K., xxx-xx-xxxx
Bryan, Hayden G., xxx-xx-xxxx
Bryan, William H., xxx-xx-xxxx
Bryant, Dennis W., xxx-xx-xxxx
Bryant, Scott A., xxx-xx-xxxx
Bubnick, John A., xxx-xx-xxxx
Buchanan, Donald E., xxx-xx-xxxx
Buchanan, Thomas M., xxx-xx-xxxx
Buck, Charles W., xxx-xx-xxxx
Buck, James J. Jr., xxx-xx-xxxx
Buckles, James D., xxx-xx-xxxx
Buckley, Adrian C., xxx-xx-xxxx
Bugg, Jimmie C., xxx-xx-xxxx
Bugge, Robert R., xxx-xx-xxxx
Bullock, Daniel J., xxx-xx-xxxx
Bullock, Gary B., xxx-xx-xxxx
Bunn, Richard D., xxx-xx-xxxx
Buntyn, Samuel L., xxx-xx-xxxx
Burdick, Lorn J., xxx-xx-xxxx
Burger, Richard R., xxx-xx-xxxx
Burgess, David J., xxx-xx-xxxx
Burgraff, Bradley B., xxx-xx-xxxx
Burke, Patrick W., xxx-xx-xxxx
Burkey, Robert P., xxx-xx-xxxx
Burnley, John W., xxx-xx-xxxx
Burnor, Henry A., xxx-xx-xxxx
Burns, Charles R., xxx-xx-xxxx
Burns, Daniel P., xxx-xx-xxxx
Burns, Norman F., xxx-xx-xxxx
Burton, Hugh A.C., xxx-xx-xxxx
Burttram, Bruce A., xxx-xx-xxxx
Busacca, Charles C., xxx-xx-xxxx
Bush, David M., xxx-xx-xxxx
Bush, John J., xxx-xx-xxxx
Bushaw, John W., xxx-xx-xxxx
Butel, Joseph, xxx-xx-xxxx
Butler, John K., xxx-xx-xxxx
Butler, Joseph N., xxx-xx-xxxx
Butowski, Mitchell, xxx-xx-xxxx
Butts, William G., xxx-xx-xxxx
Byard, Robert W., xxx-xx-xxxx
Cabral, Joseph T., xxx-xx-xxxx
Cady, Robert H., xxx-xx-xxxx
Cagno, Joseph M., xxx-xx-xxxx
Caldwell, Daniel L., xxx-xx-xxxx
Caldwell, Harold M., xxx-xx-xxxx
Callaghan, Brian P., xxx-xx-xxxx
Calsam, Stephen R., xxx-xx-xxxx
Camachordsas, Luis, xxx-xx-xxxx
Cameron, James D., xxx-xx-xxxx
Campbell, William H., xxx-xx-xxxx
Campos, Roberto V., xxx-xx-xxxx
Capron, Charles F., xxx-xx-xxxx
Carmichael, Charles, xxx-xx-xxxx
Carney, John P., xxx-xx-xxxx
Carr, Ben W.J., xxx-xx-xxxx
Carr, Frank, xxx-xx-xxxx
Carr, James R., xxx-xx-xxxx
Carr, Robert S., xxx-xx-xxxx
Carre, Stephen J., xxx-xx-xxxx
Carrion, Jose L., xxx-xx-xxxx
Carroll, William J., xxx-xx-xxxx
Carroll, William P., xxx-xx-xxxx
Carson, Edward G., xxx-xx-xxxx
Carter, Charles M., xxx-xx-xxxx
Casale, Roger F., xxx-xx-xxxx
Casebier, Byron L., xxx-xx-xxxx
Casey, Kevin W., xxx-xx-xxxx
Casey, Peter J., xxx-xx-xxxx
Casey, Richard A., xxx-xx-xxxx

Casey, William H., xxx-xx-xxxx
Casillas, Leonard, xxx-xx-xxxx
Caskie, James D., xxx-xx-xxxx
Cason, Michael R., xxx-xx-xxxx
Cassady, Michael T., xxx-xx-xxxx
Cassidy, Glenn O., xxx-xx-xxxx
Cavallero, Joseph J., xxx-xx-xxxx
Cavallo, Brian A., xxx-xx-xxxx
Cavanaugh, Richard, xxx-xx-xxxx
Cavanaugh, William, xxx-xx-xxxx
Cazee, Lester D., xxx-xx-xxxx
Center, Lawrence, xxx-xx-xxxx
Ceprano, Robert P., xxx-xx-xxxx
Chadwick, Harold A., xxx-xx-xxxx
Chagnon, Wilfred R., xxx-xx-xxxx
Chambers, Dominick, xxx-xx-xxxx
Champlin, John R., xxx-xx-xxxx
Chapdelaine, David, xxx-xx-xxxx
Chapdelaine, Edmond, xxx-xx-xxxx
Chartier, Robert L., xxx-xx-xxxx
Chasarik, John P., xxx-xx-xxxx
Chendweth, Michael, xxx-xx-xxxx
Chernesky, George M., xxx-xx-xxxx
Cherry, Roy W., xxx-xx-xxxx
Chestnut, Barry B., xxx-xx-xxxx
Childers, William W., xxx-xx-xxxx
Childrey, Robert D., xxx-xx-xxxx
Childs, Jack G., xxx-xx-xxxx
Chinn, Michael J., xxx-xx-xxxx
Chirumbold, Edward, xxx-xx-xxxx
Chiste, Ronald L., xxx-xx-xxxx
Church, Rollin S., xxx-xx-xxxx
Clary, Donald L., xxx-xx-xxxx
Cleaveland, Malcolm, xxx-xx-xxxx
Clemens, Robert B., xxx-xx-xxxx
Clevenger, Gary L., xxx-xx-xxxx
Clevinger, Gary L., xxx-xx-xxxx
Clifton, Ivery D., xxx-xx-xxxx
Cluth, Jack R., xxx-xx-xxxx
Coakley, Dennis E., xxx-xx-xxxx
Coar, James A., xxx-xx-xxxx
Cobb, Bernard A., xxx-xx-xxxx
Cocroft, Robert A., xxx-xx-xxxx
Coffey, Alan E., xxx-xx-xxxx
Coffey, Vincent J., xxx-xx-xxxx
Coffland, Alvin B., xxx-xx-xxxx
Colado, Guy D., xxx-xx-xxxx
Cole, Carey E., xxx-xx-xxxx
Colligan, Alexander, xxx-xx-xxxx
Collins, Charles W., xxx-xx-xxxx
Collins, James P., xxx-xx-xxxx
Collins, Timothy F., xxx-xx-xxxx
Collis, Alexander P., xxx-xx-xxxx
Colvin, Alan L., xxx-xx-xxxx
Compton, William G., xxx-xx-xxxx
Comstock, Richard H., xxx-xx-xxxx
Connell, Thomas B., xxx-xx-xxxx
Cook, Arthur B., xxx-xx-xxxx
Cook, John L., xxx-xx-xxxx
Cook, Michael xxx-xx-xxxx
Cook, Thomas E., xxx-xx-xxxx
Cooke, James L., xxx-xx-xxxx
Cooley, Keith T., xxx-xx-xxxx
Cooper, Michael C., xxx-xx-xxxx
Corbitt, Tommy R., xxx-xx-xxxx
Cordani, John R., xxx-xx-xxxx
Cordon, Steven C., xxx-xx-xxxx
Corkill, James M., xxx-xx-xxxx
Corrigan, Brian T., xxx-xx-xxxx
Corwin, Phillip H., xxx-xx-xxxx
Cossarina, Richard, xxx-xx-xxxx
Cotten, Van Robert, xxx-xx-xxxx
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Taylor, James L., xxx-xx-xxxx
Taylor, Michael W., xxx-xx-xxxx
Tedder, Ronald M., xxx-xx-xxxx
Tewalt, William J., xxx-xx-xxxx
Theis, Joseph C., xxx-xx-xxxx
Theiss, Richard R., xxx-xx-xxxx
Thiel, Christopher, xxx-xx-xxxx
Thiesing, Robert A., xxx-xx-xxxx
Thole, Alexander A., xxx-xx-xxxx
Thomas, David E., xxx-xx-xxxx
Thompson, Roger D., xxx-xx-xxxx
Thompson, William J., xxx-xx-xxxx
Thornburg, Bobby J., xxx-xx-xxxx
Thorne, Dennis W., xxx-xx-xxxx
Thorne, William H., xxx-xx-xxxx
Thornhill, Wade E., xxx-xx-xxxx
Thorp, Ronald D., xxx-xx-xxxx
Thurston, James R., xxx-xx-xxxx
Tice, Gary L., xxx-xx-xxxx
Tildon, Ralph B., xxx-xx-xxxx
Timm, Timothy G., xxx-xx-xxxx
Tingle, Richard W., xxx-xx-xxxx
Tiritilli, Phillip, xxx-xx-xxxx
Tissler, John G., xxx-xx-xxxx
Todd, John C.I., xxx-xx-xxxx
Todd, William G., xxx-xx-xxxx
Toensmeier, David L., xxx-xx-xxxx
Tomchek, Dennis R., xxx-xx-xxxx
Tomczak, Gerard S., xxx-xx-xxxx
Tonegato, Ronald J., xxx-xx-xxxx
Toll, David N., xxx-xx-xxxx
Topor, Richard S., xxx-xx-xxxx
Tordillos, Francis, xxx-xx-xxxx
Torgerson, Alton D., xxx-xx-xxxx
Totten, James P., xxx-xx-xxxx
Trask, Milton R., xxx-xx-xxxx
Tuck, John W., xxx-xx-xxxx
Tucker, Fred C., xxx-xx-xxxx
Tucker, Ralph G., xxx-xx-xxxx
Tugwell, Robert C., xxx-xx-xxxx
Tunks, Michael D., xxx-xx-xxxx
Turnbull, John R., xxx-xx-xxxx
Tuyn, Robert C., xxx-xx-xxxx
Underwood, Gene K., xxx-xx-xxxx
Unwin, Jerry L., xxx-xx-xxxx
Urban, Frank, xxx-xx-xxxx
Urlocker, Arnold L., xxx-xx-xxxx
Vanderburg, Anthony, xxx-xx-xxxx
Vandyke, Sherwood A., xxx-xx-xxxx
Vankuiken, Phillip, xxx-xx-xxxx
Vann, Thad I., xxx-xx-xxxx
Vannett, Lilia M., xxx-xx-xxxx
Vaughan, Thomas A., xxx-xx-xxxx
Velasquez, Albert, xxx-xx-xxxx
Villarreal, Victor, xxx-xx-xxxx
Viola, Paul D., xxx-xx-xxxx
Virag, Wayne F., xxx-xx-xxxx
Von Haden, Robert L., xxx-xx-xxxx
Vukusic, Steve, xxx-xx-xxxx
Wade, Earl T., xxx-xx-xxxx
Waggoner, Chester M., xxx-xx-xxxx
Wainio, David E., xxx-xx-xxxx
Wajszczuk, Robert K., xxx-xx-xxxx
Walker, Ernest J., xxx-xx-xxxx
Walker, Michael W., xxx-xx-xxxx
Walker, Richard M., xxx-xx-xxxx
Wallace, Keith W., xxx-xx-xxxx
Wallace, Paul L., xxx-xx-xxxx
Wallace, Richard H., xxx-xx-xxxx
Walser, Jack A., xxx-xx-xxxx
Walsh, James D., xxx-xx-xxxx
Walter, Alfred K., xxx-xx-xxxx
Walters, Charles E., xxx-xx-xxxx
Waltner, John C., xxx-xx-xxxx
Walton, Keith V., xxx-xx-xxxx
Ward, Frederic L., xxx-xx-xxxx
Ward, James R., xxx-xx-xxxx
Warren, John W., xxx-xx-xxxx
Washispack, Calvin, xxx-xx-xxxx
Waters, Thomas F., xxx-xx-xxxx
Watkins, Richard D., xxx-xx-xxxx
Watson, Thomas D., xxx-xx-xxxx
Watters, George W., xxx-xx-xxxx
Wayne, Larry, xxx-xx-xxxx
Weatherly, Don E., xxx-xx-xxxx
Weatherly, Merle A., xxx-xx-xxxx
Weaver, Russell G., xxx-xx-xxxx
Weaver, William H., xxx-xx-xxxx
Webb. John D., xxx-xx-xxxx
Weber, David L., xxx-xx-xxxx
Weisenberger, Paul, xxx-xx-xxxx
Weisenbloom, Mark V., xxx-xx-xxxx
Welch, Charles W., xxx-xx-xxxx
Welch, Stephen H., xxx-xx-xxxx
Wells, Gary E., xxx-xx-xxxx
Wessels, Thomas A., xxx-xx-xxxx
West, James M., xxx-xx-xxxx
West, Lowell D., xxx-xx-xxxx
Westbrook, Thomas H., xxx-xx-xxxx
Wester, Dexter L., xxx-xx-xxxx
Wetmore, John F., xxx-xx-xxxx
Whalen, Francis D., xxx-xx-xxxx
Whaley, David L., xxx-xx-xxxx
Wheeler, Louis L., xxx-xx-xxxx
Wheelock, William I., xxx-xx-xxxx
Wheelwright, Roger, xxx-xx-xxxx
White, Donald, xxx-xx-xxxx
White, Edward F., xxx-xx-xxxx
White, Edward T., Jr., xxx-xx-xxxx
White, Marshall E., xxx-xx-xxxx
Whitehouse, William, xxx-xx-xxxx
Whitlow, Thomas C., xxx-xx-xxxx
Whitten, Elmer C., xxx-xx-xxxx
Whitworth, Jeffrey, xxx-xx-xxxx
Wicker, Andrew W., xxx-xx-xxxx
Wiemer, Douglas L., xxx-xx-xxxx
Wilcok, Reginald B., xxx-xx-xxxx
Wilder, James C., xxx-xx-xxxx
Wildman, Robert W., xxx-xx-xxxx
Willard, Thomas G., xxx-xx-xxxx
Willey, Lloyd J., xxx-xx-xxxx
Williams, Arthur L., xxx-xx-xxxx
Williams, David N., xxx-xx-xxxx
Williams, Gary L., xxx-xx-xxxx
Williams, Harold W., xxx-xx-xxxx
Williams, James N., xxx-xx-xxxx
Williams, Joseph D., xxx-xx-xxxx
Williams, Mahlon P., xxx-xx-xxxx
Williams, Mikel H., xxx-xx-xxxx
Williams, Richard W., xxx-xx-xxxx
Williams, Thomas R., xxx-xx-xxxx
Wilmes, Stephen J., xxx-xx-xxxx
Wilson, Albertis C., xxx-xx-xxxx
Wilson, David T., xxx-xx-xxxx
Wilson, James A., xxx-xx-xxxx
Wilson, James M., xxx-xx-xxxx
Wilson, Roy R., xxx-xx-xxxx
Wilsted, Harold G., xxx-xx-xxxx
Windberg, Thomas W., xxx-xx-xxxx
Winefordner, Cliff, xxx-xx-xxxx
Wingate, Vincent E., xxx-xx-xxxx
Winkley, Douglas C., xxx-xx-xxxx
Winstead, Edward D., xxx-xx-xxxx
Winstead, James R., xxx-xx-xxxx
Winter, Brian D., xxx-xx-xxxx
Winter, William E., xxx-xx-xxxx
Wirtz, Richard R., xxx-xx-xxxx
Witmer, Lesley A., xxx-xx-xxxx
Wolfe, James B., xxx-xx-xxxx
Wolfe, John M., xxx-xx-xxxx
Wolfe, Joseph R., xxx-xx-xxxx
Wood, James H., xxx-xx-xxxx
Woodard, Ronald D., xxx-xx-xxxx
Woodbury, Charles E., xxx-xx-xxxx
Woodring, William B., xxx-xx-xxxx
Woods, Michael L., xxx-xx-xxxx
Woodwroth, Stephen, xxx-xx-xxxx
Woodridge, Robert, xxx-xx-xxxx
Woolsey, Samuel A., xxx-xx-xxxx
Woolston, Grant E., xxx-xx-xxxx
Wormhoudt, John N., xxx-xx-xxxx
Wynne, William L., xxx-xx-xxxx
Yamasaki, Dennis T., xxx-xx-xxxx
Yarbrough, Cecil M., xxx-xx-xxxx
Yarbrough, William, xxx-xx-xxxx
York, Banta M., xxx-xx-xxxx
Young, Christian E., xxx-xx-xxxx
Young, James A., xxx-xx-xxxx
Youngclaus, Ronald, xxx-xx-xxxx
Zak, Leo P., xxx-xx-xxxx
Zawacki, David A., xxx-xx-xxxx
Zendt, Harold L., xxx-xx-xxxx
Zimmerman, Donald B., xxx-xx-xxxx
Zleit, William E., xxx-xx-xxxx
Zophy, F. Gordon, II, xxx-xx-xxxx
Zornig, John G., xxx-xx-xxxx

Executive nominations received by the Secretary of the Senate February 11, 1987, under authority of the order of the Senate of February 3, 1987:

THE JUDICIARY

Morton I. Greenberg, of New Jersey, to be U.S. circuit judge for the third circuit vice Leonard I. Garth, retired.

Executive nominations received by the Secretary of the Senate February 13, 1987, under authority of the order of the Senate of February 3, 1987:

CENTRAL INTELLIGENCE

Robert M. Gates, of Virginia, to be Director of Central Intelligence, vice William J. Casey, resigned.

FEDERAL HOME LOAN BANK BOARD

Lee H. Henkel, Jr., of Georgia, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1989, vice Donald I. Hovde, resigned, to which position he was appointed during the recess of the Senate from October 18, 1986, until January 6, 1987.

Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1990, vice Mary A. Grigsby, resigned, to which position he was appointed during the recess of the Senate from October 18, 1986, until January 6, 1987.

IN THE COAST GUARD

Pursuant to the provisions of 14 U.S.C. 729, the following-named lieutenant commanders of the Coast Guard Reserve to be permanent commissioned officers in the Coast Guard Reserve in the grade of commander.

Peter M. Tennis
Richard R. Davis
Jaak E. Rannik
Hugh D. Wear II
John E. Sineath
James E. White
James B. Clarke
Arland B. Wasell
Edwin M. Quinn, Jr.

Howard Silverman
Ronald T. White
Paul W. Ljunggren
Richard A. Burgdorf, Jr.
Rand D. Lymangrover
Lewis W. Combs, Jr.
Daniel J. Goggins
Conrad J. Dewitte
Duncan C. Smith III
Evans W. Vanburen, Jr.
John W. Bohler
Robert E. Thibodeau
John A. Mahoney
Thomas A. Dunwoody
Ernest H. Vanhooser
Thomas H. Martin
William C. Griswold
Darrel W. Floyd
Michael J. Ferriola
Ignacio Rivera-Cordero
Thomas E. Polakiewicz
Thomas L. Herbert
Anthony K. Kranitz
Jan T. Riker
Richard J. Barrett
Roger K. Wiebusch
Scott W. McCone
Kenneth T. White
Allen R. Thuring
Charles H. Maguire, Jr.
Joseph R. Cherry
Robert A. Case
Gordon N. Hanson
Robert J. Callies
David B. Predmore
Walter J. Pracejus, Jr.
Raymond A. Little
Allan D. Haas
Gerald A. Walters
William D. Herster
Benjamin A. Governale
George L. Mehaffy
Henry D. Legere
John M. Stott
Gregory G. Evans
Robert S. Babcock
George E. Kane
John E. Kircher, Jr.
William F. Albanese
Angelo A. Haddad

IN THE MARINE CORPS

The following-named colonel of the Marine Corps Reserve for promotion to the permanent grade of brigadier general, under title 10, United States Code, section 5912:
John F. Cronin

Executive nominations received by the Senate February 17, 1987:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Sally Brayley Bliss, of New York, to be a member of the National Council on the Arts for a term expiring September 3, 1992, vice Martha Graham, term expired.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Robert D. Beland, [redacted]
Como Bartholomew, [redacted]
James V. Cross, [redacted]
Gene C. Detwiler, [redacted]
Ronald M. Hamrah, [redacted]
Ernest F. Hasselbrink, [redacted]

To the major

Robert Breland, [redacted]
Jerry E. Bjornstad, [redacted]
Robert W. Burnett, [redacted]
Roger P. Houck, [redacted]
Donald A. Loucks, [redacted]
Dennis R. Sears, [redacted]
John R. Tapp, [redacted]
Johnston H. Wickham, [redacted]

The following-named officers for permanent promotion in the U.S. Air Force, under the provisions of section 628, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

JUDGE ADVOCATE

To be lieutenant colonel

Gerald J. Brentnall, Jr., [redacted]
Robert M. Brown, II, [redacted]

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force, under the provisions of sections 593 and 8379, title 10, of the United States Code. Promotions made under section 8379 and confirmed by the Senate under section 593 shall bear an effective date established in accordance with section 8374, title 10 of the United States Code (effective dates in parentheses).

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Robert A. Balslev, [redacted] (10/19/86).
Maj. Jeffrey D. Bubar, [redacted] (10/30/86).
Maj. Donald G. Buttron, [redacted] (9/21/86).
Maj. Richard F. Cora, [redacted] (10/27/86).
Maj. Alan L. Cowles, [redacted] (11/1/86).
Maj. Curtis C. Lindholm, [redacted] (10/31/86).
Maj. Herman G. Macormic, [redacted] (10/18/86).
Maj. Jay W. Middagh, [redacted] (11/1/86).
Maj. Matthew J. Musial, [redacted] (11/1/86).
Maj. Victor S. Natiello, [redacted] (8/28/86).
Maj. Leonard Olson, Jr., [redacted] (10/10/86).
Maj. John L. Potts, [redacted] (11/24/86).
Maj. Dean D. Rienstra, [redacted] (11/16/86).
Maj. Jeffrey D. Stuard, [redacted] (11/10/86).
Maj. Robert W. Sullivan, [redacted] (11/21/86).
Maj. Walter D. Wilmarth, [redacted] (11/7/86).
Maj. Wayne R. Woodruff, [redacted] (11/14/86).

CHAPLAIN

To be lieutenant colonel

Maj. Franklin M. Biles, [redacted] (10/22/86).
Maj. Louis A. Manzo, [redacted] (11/2/86).

MEDICAL SERVICE CORP.

To be lieutenant colonel

Maj. Fred T. Brown, Jr., [redacted] (10/19/86).

MEDICAL CORP

To be lieutenant colonel

Maj. Stanley W. Chapman, [redacted] (11/1/86).

NURSE CORP

To be lieutenant colonel

Maj. Benita L. Lynch, [redacted] (11/1/86).

The following persons for Reserve of the Air Force appointment, in grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated.

DENTAL CORPS

To be lieutenant colonel

Wyeth H. Worley, [redacted]

MEDICAL CORPS

To be lieutenant colonel

James C. Dinneen, [redacted]
William E. Frank, [redacted]
Bertram Grapin, [redacted]
Theodore E. Lefton, [redacted]
John W. Patton III, [redacted]

The following officer for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Codes, with grade and date of rank to be determined by the Secretary of the Air Force provided that in no case shall the officer be appointed in a grade higher than that indicated.

LINE OF THE AIR FORCE

To be captain

Paula J. Loomis, [redacted]

IN THE NAVY

The following-named Navy Enlisted Commissioning Program candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

John S. Norton
David M. Wegman

The following-named Naval Reserve officers to be appointed permanent ensign in the line or staff corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Matthew P. Ahern
David W. Bentley
Phillip M. Burrow
Michael J. Cerneck
Kevin L. Duggan
John G. Eden
Timothy X. Glaser
Thomas H. Hardin
Jeff S. Haupt
Richard H. Howarth
Joseph G. Jerauld
Charles E. Kessler
Gilbert E. Knotts
Paul S. Mackley
Scott F. McCollum
Franklin D. Mellott
James D. Panigall
Stuart D. Paselk
Timothy F. Rozan
Timothy P. Sheridan
Grant J. Silvernale
John W. Willoughby
Barry E. Wilmore

The following-named U.S. Navy officers to be appointed permanent commander in the Medical Corps of the U.S. Naval Reserve, pursuant to title 10, United States Code, section 593:

Neil T. Choplin
Julia T. Donovan
Leonard W. Hess
Norbert D. Scharff
Robert W. Smith
Marina N. Vernalis