

in fact, to be instruments of the Chinese Government—such as Ta Kung Pao. It was further reported in the colony's more mainstream papers, including a series of reports in the Eastern Express. Clearly, the initial discovery of this information was not the result of investigative reporting on the part of these papers. Rather, it shows all the signs of having been an organized leak on the part of the Beijing Government. The same information has been relayed to us through high-level channels in the People's Republic of China Government and military.

The purpose of the leak appears to me to be three-fold. First, it must be viewed in light of the present political situation in the People's Republic of China. As my colleagues know, while President Jiang Zemin is substantially in control of the Government as the successor to Deng Xiaoping, the succession is far from being settled with absolute finality. As a result, the leadership has been careful to court the conservative elements of the power structure: the People's Liberation Army [PLA]. The PLA, like armies everywhere, tends to be very nationalistic, and the reacquisition of Taiwan is at the top of its wish-list. Consequently, the People's Republic of China leadership has taken a more hardline approach to the Taiwan question than might usually be expected.

Second, many observers—and the Taiwanese officials with whom I have spoken—believe that the leaked information is designed to intimidate the Taiwanese people and their elected officials. The People's Republic of China believes that over the last year the Government of Taiwan, led by President Lee Teng-hui, has been increasing its attempts to raise Taiwan's status in the international arena. They cite increased diplomatic initiatives in Central America and Africa, the visits of President Lee and other high-level officials to countries such as the United States, Canada, and the Czech Republic last summer, and moves to join the U.N. and other international organizations.

The People's Republic of China apparently regards these efforts as an affront to their one-China policy, and a move by Taipei to create two Chinas or one China, one Taiwan. In an effort to stem this rising tide, Beijing has resorted to a number of reactions. The People's Republic of China conducted a series of provocative air-to-air missile tests from July 21 to 26 in an area only 60 kilometers north of Taiwan's Pengchiayu Island. The missiles fired consisted mainly of Dongfeng-31 ICBM's and M-class short-range tactical missiles. At the same time, the PLA mobilized forces in coastal Fujian Province and moved a number of Jian-8 aircraft to the coast. Following those tests, the PLA conducted a second round of similar maneuvers between August 15 and 25. In conjunction with these tests, Taiwan intelligence reported the movement of a number of F-

7 and F-8 long-range bombers and aircraft to bases within 250 nautical miles of Taiwan. There have also been reports that the People's Liberation Army-Air Force has stepped up practicing precision bombing and missile targeting.

It was no accident that the tests were so close to Taiwanese territory, or that they coincided with Taiwan's regional elections. The message to Taiwan was clear: "continue down this road, continue to move forward toward a complete democracy, and we are more than capable of reacquiring you forcibly." This message is similarly timed; it comes very close to Taiwan's first fully democratic elections, scheduled to be held in March.

Third, it appears that the information was intended to send a signal to us in Congress, as well as the administration, that we should rein in our support for Taiwan and its elected leaders, and reconsider any thought of supplying Taiwan with defensive weapons or similar support. It will not surprise anyone here that Congress has been supportive of Taiwan and its people. Since 1949, the citizens of Taiwan have made amazing strides in developing their country both economically and politically. Taiwan has become the world's ninth largest economy; moreover, it has moved from a military authoritarian government to oligarchy to full participatory democracy. That move will be capped in March by the first democratic election of the country's President. Given this progress, I know that many Members of Congress, and the American people, cannot help but feel a bond with the people of that island. It is that bond that worries the People's Republic of China, and which it seeks to stem.

The Chinese Foreign Ministry, through two of its spokesmen, Shen Guofang and Chen Jian, issued a somewhat vague denial of the reports. I would like to take that denial at face value, and indeed the reaction in the military and intelligence circles here has been that the entire issue may be somewhat overblown. I would stress that there is no concrete proof of the allegations but for the news reports. However, as we have seen in the past, sometimes the denials of the Ministry do not match the Government's actions. Just in the unlikely event that this is the case, I'd like to make my position as the chairman of the subcommittee of jurisdiction clear.

I will agree, to a point, with Beijing's assertions that any eventual reunification of the People's Republic of China and Taiwan is an internal affair for the Chinese people in which other countries should not interfere. But I cannot stress strongly enough my feeling that it is not the People's Republic of China's internal affair alone; it is one for Chinese on both sides of the Taiwan Straits to decide. There are 27 million people in Taiwan who have made clear their desire to live in a free and democratic society. It is consequently not

for the People's Republic of China, under the guise of reuniting the motherland to unilaterally dictate the terms, timing, or conditions of that reunification.

The People's Republic of China should make no mistake; I strongly believe that any attempt to establish a military or economic blockade of Taiwan, or other such military threat, will be met with by the most resolute condemnation and reaction on the part of the United States, and indeed the rest of the community of nations. It is my view that actions such as the missile tests and threat of military force will have the exact opposite of their desired outcome. As we have seen, the people of Taiwan did not let themselves be intimidated at the polls by the launching of Dongfeng missiles. I believe that such threats can only serve to make them more resolute in their goals.

Similarly, it is my opinion that such actions can only backfire in regards to their intended effect on the United States. The People's Republic of China would do well to remember the provisions of the joint United States-People's Republic of China communiques, and more importantly of the Taiwan Relations Act. We have stated repeatedly that we expect the future of Taiwan to be settled by peaceful means, and that we consider any move to settle it by other than peaceful means to "be a threat to the peace and security of the Western Pacific area and of grave concern to the United States." The Taiwan Relations Act, and the communiques, safeguard our right to sell Taiwan weapons to enable it to protect itself from aggression. If the People's Republic of China continues to threaten Taiwan and its security, then it is not out of the realm of possibility that in reaction the amount and frequency of those arms sales might increase.

In closing Mr. President, while I believe that the reports—especially that in the New York Times—have tended toward the alarmist, I feel it is very important that the People's Republic of China know exactly where I stand on this issue. That is why I have come to the floor today. And similarly, toward that end I call upon the administration to relay our position to Beijing in the clearest and most unequivocal terms.

#### THE FARM BILL

Mr. BUMPERS. Mr. President, for the first time in nearly half a century, we are rapidly approaching the end of the first month of the first year in which American farmers are without a farm bill. To those not directly engaged in agriculture, this fact may be little more than a slightly interesting footnote to a much larger story of deadlock in Washington. Actually, the only people not involved in agriculture are those who don't eat. But to men, women, and families across this Nation whose livelihood comes from the production of food and fiber, this simple fact is keeping them awake at night.

What is most striking and most disquieting about the failure to enact a farm bill on time is the apparent disregard by some Members of Congress to the plight of family farmers who are desperately calling me and other Senators for some signal of what to expect for the 1996 crop year. You can't blame them. If you look at the calendar you will see it is 1996 and farmers in my State, especially rice farmers, need to be in the fields in the next few weeks. Unfortunately, before they go into the fields, most farmers need to go into their banks. But bankers are unable to complete loans due to the uncertainty in farm policy that has resulted from just 1 year of Republican majorities in Congress.

I have heard several Senators try to lay the blame for the expiration of farm legislation on President Clinton for vetoing the budget reconciliation bill which contained a version of the so-called Freedom to Farm Act. This, they say, was the 1995 farm bill which was voted, passed, and sent to the President. What they fail to mention is that everyone knew for months that the reconciliation bill, with or without freedom to farm, was going to be vetoed. The Republican majority in Congress knew, far in advance, that if they insisted on freedom to farm being part of the budget reconciliation bill, there would be no farm bill unless they took other action to secure passage of farm legislation outside the budget reconciliation process. The Republicans are in charge of the House and Republicans are in charge of the Senate. They clearly had the opportunity and the power to take other action and they not only failed, they failed to try.

Not only has the Republican majority failed to achieve any positive result, they have even refused the assistance of their Democratic colleagues. Next to the harm being thrust on the American farmer, the most troubling aspect to the farm bill failure of 1995 is the untimely demise of traditional farm-State coalitions. In every farm bill debate I can remember, farm-State Senators, regardless of party affiliation, were able to come together in a common purpose. To us, that purpose had been to pass a farm bill that is in the best interest of the American farmer and the American consumer while all the time recognizing the unique nature of the farm sectors of our respective States. But, for some inexplicable reason, the Republican majority made the decision to disregard this practice which has given rural America successfully enacted farm bills for nearly five decades. The result of that decision should have been obvious, but now even the Republican majority has to admit that they couldn't do it alone.

In fact, when you look at how we got in this mess, it becomes clear that there was no real agreement within the Republican majority about farm policy. The so-called Freedom to Farm Act was introduced by the chairman of the House Agriculture Committee, but

he could not even secure passage of his bill in his own committee—even the ranking Republican member voted against it. The Senate Agriculture Committee never gave it any serious consideration because they saw the flaws it contained. The fact that it was wedged into a reconciliation bill completely outside the purview of any agriculture committee—House or Senate—begs the question whether agriculture committees are relevant any longer. Even the House Speaker's task force on committee review has suggested terminating the House Agriculture Committee and merging its responsibilities with other committees. The inability of the House Agriculture Committee to report a 1995 farm bill will probably do little to dissuade the speaker from the recommendations of his own task force.

The Republican majority may have failed to include Democratic participation in writing a farm bill because they thought we didn't want farm program reform. If that was their reason, they were badly mistaken. Senate Democrats, myself included, want serious farm bill reform and we know the only way to achieve it is through serious farm bill debate. If we had been allowed to participate in the debate—if there had been a debate—I do not believe we and, more importantly, America's farmers would be in the desperate situation we now find ourselves. There are lots of good ideas out there. There are some I would like to offer, there are others I would like to learn more about, but ideas do not grow well in a vacuum outside the light of public debate. We deserve better and, without question, rural America deserves better.

We can do a lot of finger pointing, but that really accomplishes little, and nothing positive. Farmers in my State and farmers in every State can not be told to wait another day for farm policy guidance. I wish we had time to have the farm bill debate we have requested for more than a year. I wish we had time to enact a new 5 or 7-year farm bill to completely replace expiring farm and nutrition programs. However, the calendar tells us the time necessary to do all those things has been lost. All that we have time to do, and what we must do, is to enact an extension of expired programs for another year in which farmers can do what they do best and we can do what hasn't been done at all: debate and pass a farm bill.

What happens if Congress does nothing? What happens if Congress defaults on its responsibility to rural America? As unlikely as that seemed 1 year ago, we now have to seriously examine the consequences of procedure in 1996 with no congressional action on farm policy. Should that occur, and I truly hope it does not, farmers would then turn to the programs available under the CCC Charter Act and the agricultural acts of 1938 and 1949, the so-called permanent law.

It is fortunate for America's farmers that these laws exist, not because they are good policy for the 1990's, but because they serve as a hammer that should persuade Congress to reauthorize the 1990 farm bill. If we revert to permanent law a couple of things will occur: First, there is no specific rice program and the Secretary will have to rely on very broad authorities to provide some sort of price support mechanism; second, wheat and feed grain prices would go through the roof. In addition to these features, there are a host of other arcane provisions that would further complicate the lives of farmers and those responsible for administering farm policy.

Some farmers might fare well under permanent law. For those farmers lucky enough to still have acreage allotments that were established decades ago, they will receive prices tied to parity which means the price they receive will give them the same buying power the price for their crop held between 1910 and 1914. In some ways it's like playing the lottery. If you are one of the lucky ones, you will receive more in payments than you ever expected. If your luck has run out, you may receive nothing. With feed grain prices doubling or tripling, if you are a producer of beef, pork, poultry, catfish, bread, cookies, pasta, et cetera, or if you are a consumer of any of the above, you are going to see your costs skyrocket. Farmers have long had to deal with the weather, markets, and other unknowns. They should not now have to be asked to bear the additional uncertainty of playing the lottery as well.

Farmers need certainty. Earlier this week, it was mentioned that an extension of current law provides no "certainty" and only passage of freedom to farm would give farmers "certainty" for the future. In fact, it was suggested that if we extended current law, the only certain thing to happen immediately is the repayment of the 1995 advance deficiency payments which would further cripple farmers trying to advance a 1996 crop. I will ask to have printed in the RECORD an announcement by Secretary Glickman on December 22 that advance deficiency repayments are deferred for 3 years, which was the extent of action he was authorized to take. This clearly will give Congress time to deal more thoroughly with this important matter. Secretary Glickman has already offered American farmers the certainty of knowing there will be no near-term demand for repayment. He should be commended for taking this action and I fully expect that we will be able to more fully resolve this problem before the end of the 3-year period.

It was further suggested, earlier this week, that if we passed the Freedom to Farm Act, farmers would have the certainty of knowing they will receive \$43.5 billion in payments over the next 7 years. I do not question the intent of my Republican colleagues in the Senate that they hope these payments

would, in fact, be made over the 7 years—although knowing the history of the House majority leader's attempts to kill farm programs, I am not so sure about the underlining intent of that body. But I must question any use of the term "certainty" that has been attached to these payments.

Perhaps the most egregious feature of the freedom to farm scheme is the payment of large sums of money to farmers in years when crop prices are bringing record profits and even to farmers who have no requirement to farm anything at all except the Federal Treasury. Since their inception, farm programs have been designed to allow payments to farmers only when crop prices have fallen below set levels. This provided a form of safety net that has helped stabilize the farm economy and avoid the tremendous social disruptions that we witnessed during the Great Depression. But I must warn my Republican friends who think they are protecting rural America, that providing large payments to farmers during periods of high prices or to farmers who no longer farm is an invitation to disaster, the biggest farm disaster we have ever seen.

I realize that the Freedom to Farm Act makes reference to the term "contracts" which suggests a guarantee of payments over the 7-year period. I also realize that many Members of Congress have been trained in the legal profession and have had more than a cursory review of the elements of a contract. But the requirements of protecting against the abrogation by a future Congress of "contracts" described in legislation go far beyond simple contract law. American farmers know what a contract is, or should be, and I am afraid they are being led to believe that the Freedom to Farm Act is talking about contracts in the normal sense of that term.

The abrogation of contracts executed through the authority of congressional legislation is nothing new to the Federal courts. The contracts discussed in the Freedom to Farm Act are not protected by the contracts clause of the U.S. Constitution. The contracts clause is found in section 10 of article I which states: "No State shall \* \* \* pass any \* \* \* law impairing the obligation of contracts \* \* \*" (emphasis added). In fact, case law concludes that the sovereign power of Congress to subsequently amend legislation—and contracts authorized by such legislation—is implied in the absence of "unmistakable terms" or other strong indications that Congress clearly intended to bind the actions of a future Congress.

It has been my opinion that nothing in the freedom to farm provisions that were appropriately vetoed by President Clinton approaches the threshold of "unmistakable terms" necessary to limit the actions of a future Congress. My opinion is also shared by many legal experts from around the country. Because of my concerns that the American farmer was being misled by the al-

leged promises of 7 years of payments, I had asked for an opinion by the National Center for Agricultural Law Research and Information as well as leading law schools with strong agricultural law programs around the country and they all concur that there is nothing in the freedom to farm provisions that guarantees payments over 7 years.

Why is this fact so important? Why should farmers be concerned if Congress can change its mind in a year or two? What does all this have to do with "Certainty"? With all due respect to farm programs enacted by Congress and administered by USDA, there are many critics of these programs who would be eager to point out the outrageous use of tax dollars to pay huge sums to farmers when market prices are high or who have opted to spend the growing seasons in the Bahamas. It would only take a few headlines and a few news magazine television programs to draw the wrath of the nonfarm public to force Congress to end, once and for all, farm programs.

It takes little imagination to conclude that media scrutiny of freedom to farm, once put into practice, would likely result in not only a loss of the remaining freedom to farm payments, but of the possibility of any Federal support for farmers in the future. If anything is certain, it is that farmers would be without farm programs a lot sooner than they expected. As I suggested earlier, such a result would not be far removed from the stated objectives we have heard expressed for years by the current House majority leadership. Earlier this week, there was an attempt on this floor to repeal by unanimous consent the underlying agricultural acts which we refer to as permanent law. Farmers may have more to worry about than they realize. Yes, farmers are asking for certainty, but I don't believe they are asking for the certainty of bankruptcy.

Mr. President, it would be truly tragic if the tactics that shut down the Federal Government for an unprecedented 27 days are now used to shut down the farm sector, possibly for all time. Clearly, the freedom-to-farm provisions are not acceptable to me, they are not acceptable to my Democratic colleagues. If passed they will once again be rejected by President Clinton, and they will be rejected by every member of the farming community once farmers are given the opportunity to see through the candy store glitter of allegedly promised payments. The task before us now is to move the process forward to give farmers some immediate guidance for the crops they need now to put in the ground and for all of us in Congress to finally work together to craft a reasonable farm bill to take American agriculture into the next century.

I know there are some reforms that we should all agree on that we can include in a farm bill extension. Farmers need flexibility to better adjust to changing markets and to give them the

ability to rotate crops in a manner that best serves their conservation needs. We can do that, and we must. Republicans and Democrats have proven in farm bills past that we can work together. We ask now for a 1-year extension of current law with certain modifications. All it takes is 1 year to write, debate, and pass a farm bill. Although 1995 was not such a year, there is not reason why 1996 can't be.

I ask unanimous consent that the announcement by Secretary Glickman, to which I earlier referred, be printed in the RECORD.

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

GLICKMAN IMPROVES REPAYMENT OPTIONS FOR PRODUCERS FOR ADVANCE DEFICIENCY PAYMENTS

WASHINGTON, Dec. 22, 1995—Agriculture Secretary Dan Glickman today announced that wheat, feed grains, and upland cotton producers who must repay their 1995-crop advance deficiency payments will be able to repay under more equitable terms than in the past. Those producers will likely owe about \$1.7 billion in the latter part of 1996.

Glickman said USDA's Commodity Credit Corporation will propose changes in current regulations to give producers expanded repayment options, including the option to repay in installments over a three-year period, with all of the interest waived, depending on a producer's circumstances. USDA has no legal authority to waive repayment of advance deficiency payment.

"I'm especially concerned about producers who did not have a 1995 crop and are still required by law to repay their advance deficiency payments," Glickman said. "To ease their financial burden, my proposed action will allow them to repay over 3 years with no interest."

"These actions will affect about 90 percent of the producers of these crops," Glickman said. "To ask for a repayment of this magnitude without better terms and conditions would put severe financial pressure on many producers who are trying to recover from a series of bad weather disasters."

"We're nearing the end of the year and we still have no Farm Bill," Glickman said. "At a time of uncertainty—the Clinton Administration is taking this action to give producers clear direction, so they can start planning for the coming year."

Details of the proposal are outlined in FSA Background #0864.95.

NEIGHBOR DAY IN WESTERLY

Mr. PELL. Mr. President, I rise today to recognize the efforts of citizens of the town of Westerly, RI, and the members of its town council in promoting Neighbor Day.

In 1993, a feud between teenagers took a tragic turn at a local arcade, leaving one youth dead and another charged with murder. Since then, this community has come together to ensure that such senseless violence is not repeated there or anywhere else.

For the past 4 years, Westerly has honored the spirit of neighborliness, tolerance, and civility by designating the Sunday before Memorial Day as Neighbor Day.

Now, the Neighbor Day tradition is spreading. The Rhode Island General