The Senate met at 9 a.m. and was called to order by the Honorable Bob Graham, a Senator from the State of Florida.

PRAYER

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

Let us pray.

_Blessed are the peacemakers_—Matthew 5:9

God of peace, thank You that we live in a land where we are free to disagree. There are countries where disagreement is not allowed under penalty of imprisonment. Thank You for a political system which assumes disagreement, discussion, and debate to the end of justice—whether it is a neighborhood dispute about zoning, a local club, or a church board.

But grant, gracious Father, that in disagreement spirits may be restrained from being hostile, unkind, or judgmental. You know our hearts, sovereign Lord, infinitely better than we. Guard our motives, our attitudes, our lips, against that which demeans or wounds another. However great the pressure, grant cool heads and warm hearts. Infuse us with Your love. Manifest Your presence—Your wisdom in this place—and guide the Senate to an equitable resolution of their differences. In the name of a God of love and justice and peace. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. Stennis].

The legislative clerk read the following letter:

_U.S. Senate, President pro tempore, Washington, DC, June 19, 1987._

_To the Senate:_

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Bob Graham, a Senator from the State of Florida, to perform the duties of the Chair.

_John C. Stennis,_

_President pro tempore._

Mr. GRAHAM thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

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

THE JOURNAL

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

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

RESERVATION OF REPUBLICAN LEADER TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

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

SCHEDULE

Mr. BYRD. Mr. President, there will be a cloture vote today. I do not anticipate that cloture will be invoked, but on this side of the aisle Senator Boxer and others are preparing an offer which we do not think our Republican friends can refuse. If they do, it will certainly be at the risk and with certainty that they will be revealed as being opposed to a genuine campaign financing reform bill because of its inclusion of campaign spending limitations.

Now, we are working and reaching across the aisle, and there are Senators on the other side of the aisle who are interested in trying to work out a compromise. I hope that we will be able to do that.

Next week, we will be, in all likelihood, operating on at least a two-track system. We will be continuing with campaign finance reform and with verisimilitude working on trade legislation as well. There will be late sessions. Both of these measures are very important.

The trade bill itself appeared on the calendar on last Friday. So we are prepared, and the Republican leader has given me consent, to go to this measure or to go to an omnibus measure, which I have talked about on several occasions and which needs no further elaboration here. So we will go to the trade bill at some point next week.

We have a Fourth of July break coming up, and we have a lot of business on our plate to be done before then.

We have not only the budget conference report, the trade bill, and the campaign finance reform bill, but there is still also the defense authorization bill which our Republican friends filibustered and which they were successful in blocking against three cloture efforts to get the bill up. That is still awaiting action.

There are going to be other extremely important measures coming along. They are not here yet. I refer to the reconciliation bill, the extension of the debt limit, and appropriations bills. We have an August recess, and I have already indicated that that August recess may suffer some erosion—may suffer some erosion.

*This “bullet” symbol identifies statements or insertions which are not spoken by the Member on the floor.*
I hesitate to use the word warn, but I am warning Senators to read this Record of what I am saying so that everyone will be forewarned. That is all I can do. I have carried out my responsibility. I hate to ask for drastic action but that is what we are going to have to take if we cannot settle these matters reasonably. If we cannot get legislation up here, we cannot break these filibusters. Then we have to respond accordingly. I urge Senators not to schedule trips out of town in the evenings, not to schedule trips out of town on Fridays, and to be very, very prepared to stay in town on Saturday.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

HOW TO BUILD PEACE IN THE PERSIAN GULF

Mr. PROXMIRE. Mr. President, what should be the objective of the United States in the Middle East generally and specifically as to the Persian Gulf?

Is our overriding objective peace in the Middle East? Is it the free flow of oil from this site of 60 percent of the world's oil reserves? Is it to prevent the dominance of this critical strategic section of the world with its vital oil supplies by our great superpower adversary, the Soviet Union? Or is it all of these things? Of course, each of these objectives is related. Peace in the Iran-Iraq war would restore the freedom of oil transit in the Persian Gulf. The Soviet Union by virtue of its location, its size, and its military power has exerted considerable influence in the Middle East. It will continue to exert that influence. The Soviet Union is itself the biggest oil producer in the world. It is a major exporter. Obviously, it does not need the Persian Gulf oil. But the Soviet Union shares a very long common border with both Iraq and Iran—much like our border with Mexico. Do the Soviets want to dominate the Persian Gulf? Would the Russians want to control the vital oil shipments out of the gulf? Do bees like honey? Of course they do. And yes the Soviets would like very much to dominate the Persian Gulf and make it a Soviet lake. If the Soviet Union achieved that control, what would be the consequences for the United States and its European allies? The immediate economic consequence to the United States itself would be de minimus. Our oil import from the gulf is less than 6 percent of our oil consumption. We can easily compensate for such a loss by stepping up our own oil production and by effective oil conservation measures. But for France, for Germany, and especially for Japan, any action to cut off the flow of Persian Gulf oil would have very serious economic consequences, indeed.

Great Britain imports 11 percent of its oil from oil-dwelling countries from 20 percent in 1986. Germany has cut its dependence from 20 to 9 percent in 1986. But Japan with 59 percent, France with 32 percent, and Italy with 49 percent have significant dependence on that region.

Could this provoke an actual armed conflict involving the United States and its allies versus the Soviet Union in the Persian Gulf? Almost certainly not. The Soviets are very unlikely to engage in any effort to impede the transportation of oil in the gulf. They must know that in view of the decisive naval advantage, NATO would have a big head start at sea and in the air. They also know that any armed conflict between the United States and the Soviet Union could swiftly escalate into a grim choice for both sides. The choice: First, ignominiously stepping back or, second to avoid the ignominy foolishly moving ahead into a superpower war. Such a war would be fought at first with missiles such as the missile that struck the U.S.S. Stark. It could quickly move to an attack on air bases and ports.

Both sides would be extremely reluctant to use nuclear weapons. On the other hand, both sides might be strongly tempted to provide the surest expression of the deep seriousness with which it regarded its cause by firing one or two nuclear weapons. The other side would be very reluctant to "wimp out" by withdrawing at that point. It would be hard to resist a corresponding nuclear response. Now, of course, all of this is unlikely—very unlikely but it is possible.

Suppose, instead of pursuing a hostile response of any kind, the President welcomed the Soviet Union's announced willingness to provide cover for ships transporting oil in the Persian Gulf as part of a multinational force. Would the Soviet Union or the world view such a response as a sign of weakness? Would it appear that the Soviets with a greatly inferior naval force compared to NATO had cleverly moved in as a prime guardian of freedom of the seas in this trade that is absolutely critical for the economies of Japan, Germany, France, Italy, and other countries of the free world? What should it appear that way? Soviet and American combined protection for oil transport in the gulf would not change the actual fact of naval or air power one bit. It would not give the Soviets one more aircraft carrier or submarine or frigate. It would not add to the Soviets' military technology or significantly to the combat experience or skill of Soviet military personnel. The Soviet Union would be just one participant out of many.

But it would do two other things: It would end any prospect of a superpower war beginning in the gulf. Second, it would commence a joint multinational peacekeeping effort in a very dangerous section of the world. It could act as a useful precedent of United States-Soviet cooperation at the very point where fundamental interests clashed and, however remotely, war threatened. Both superpowers would gain respect. The world could breathe more easily as the nuclear giants showed that they could and would solve even militarily economically critical problems cooperatively.

A multinational force could have one other significant consequence. It just might cause the two belligerents to think twice about attacking ships in the gulf—because they might think that an attack could cause all the nations of the multinational force—France, Italy, the United States, Japan, Germany, the Soviet Union, and its Warsaw Pact allies—to retaliate. World opinion could change against the attacking nation. That is how all peacekeeping operations work, through the process of deterrence by virtue of having a common consensus to keep a geographic area open to commerce.

Refflagging 11 Kuwaiti tankers will not solve the problem of access to the Persian Gulf. Kuwait produces 12 percent of the gulf's oil and 70 percent of that is shipped on foreign flag ships. Therefore, we will be protecting only 4 percent of all gulf shipments. Economically, the proposed U.S. refflagging plan makes no sense and protects little at great cost.

But a multinational force could protect shipping from a broad range of nations and collaborate to demonstrate that East and West can cooperate in a peacekeeping operation.

It is worth looking at.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the time equally divided between the two leaders?

The ACTING PRESIDENT pro tempore. Once the unfinished business is laid down, that will be the order.

Mr. BYRD. I thank the Chair.

SENATORIAL ELECTION CAMPAIGN ACT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the unfinished business, S. 2, which the clerk will report.

The legislative clerk read as follows: A bill (S. 2) 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
Mr. BYRD. Mr. President, I ask unanimous consent that there be a recess for 15 minutes, with the time to be equally charged.

There being no objection, the Senate, at 9:16 a.m., recessed until 9:31 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 9:50 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Mr. BYRD. Mr. President, I ask unanimous consent that the order for recess be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

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

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

Mr. BYRD. Mr. President, Senator Boren is in the Intelligence Committee at this moment. Other Senators are working in committees. I have discussed with the distinguished Senator from Kentucky [Mr. McConnell] the necessity of either staying in a quorum for the moment or recessing, and so he and I have agreed that we will recess until 10 minutes to 10 o'clock. So I ask unanimous consent that the Senate stand in recess until 9:50 a.m. today, with the time to be equally charged against both sides.

There being no objection, the Senate, at 9:35 a.m., recessed until 9:50 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. CONNELL. Mr. President, we have on S. 2 for 2 weeks and 2 days.

Clearly, it is possible for the Senate to pass a meaningful campaign finance reform bill. The distinguished majority leader has indicated that his side is willing to talk, and I reiterate the observations of the Republican leader yesterday, that the leadership group on this side consisting of Senator Stevens, Senator Borscht, Senator Packwood, and myself, has been saying for some 2 weeks and 2 days that we would like to sit down with those on the other side of the aisle and have a discussion on formulating a truly meaningful campaign finance reform bill.

There are a number of areas upon which we can agree. The Senator from Oklahoma, Mr. Boren, has already indicated that he wants a "soft money". We discussed independent expenditures. We discussed the need for effective controls on PAC's. We have discussed over the weeks the problem of the millionaires' loophole. These are the real problems that our constituents have spoken against, in letters, in calls, and even in editorials supplied by Common Cause. As I mentioned yesterday, only a very small percentage of these editorials that pile up on our desks advocate public financing and spending limits to bring down overall spending. Most just want to control the PAC's.

But today, I'm going to talk about the millionaires' loophole and independent expenditures, under current law, under S. 2, and under McConnell-Packwood. I am proposing today a constitutional amendment that would also grant to the author of these campaign finance abuses, and I might add that we usually think that constitutional amendments take a long time to pass.

The constitutional amendment that I will be introducing is simple, direct, and strongly supported in this body. It would grant to this body and to the various State legislatures the authority to regulate what an individual could put into his own campaign from personal funds, just as we have the constitutional authority to regulate what any of us can put into somebody else's campaign from personal funds. It would also grant to the Congress and to the various State legislatures the authority to regulate the independent expenditures.

In the course of the debate on campaign finance reform, Members on both sides of the aisle have decried the ease with which wealthy candidates can virtually purchase congressional seats, and the surge of independent expenditures in campaigns.

Both of these campaign abuses are the result of loopholes in the Federal election law, carved out by the Supreme Court decision in Buckley v. Valeo, 424 U.S. 1 (1976). In that decision, the Supreme Court held that restrictions on campaign expenditures from personal funds and on independent political expenditures are violations of the First Amendment guarantee of freedom of speech. Thus, the "millionaires' loophole" and the independent expenditure loophole are constitutional problems, and will not be corrected by any clever statutory incentives or spending of public moneys.

That is why I introduce today a joint resolution to amend the Constitution, to allow Federal, State, and local governments to restrict the spending of personal funds in campaigns, and the amount of independent expenditures in election cycles. Unlike a broad amendment to limit all campaign spending, this amendment would quickly pass through the Senate and be ratified by the State legislatures. It means, for example, that wealthy candidates could spend up to $250,000 in personal funds before S. 1308 would provide relief to opponents. And although my earlier bill incorporates the same restrictions and reporting requirements that S. 2 applies to independent expenditures, it is unlikely that any of these administrative constraints will curb the negative practices of independent expenditures.

S. 2, the taxpayer campaign finance bill now before the Senate, tries to address these two problems by spending the taxpayers' money. Candidates facing wealthy opponents or negative ads financed by independent expenditures, would be added to the public funds—funds that would be diverted from farm programs, Social Security, education, and our antiterror warfare. Yet, S. 2 would probably not discourage wealthy candidates from sinking their personal fortunes into campaigns, particularly since S. 2 doesn't give the opponent much to compete with. Under S. 2, a candidate from the State of Arkansas would get a maximum of $1,727,200 and $1,727,200, plus another $5 million onto the millionaires' loophole and independent expenditures. We discussed the Oklahoma and I yesterday discussed the millionaire. An Oklahoma would get $1,988,500, and a Coloradan would get $1,998,000. This is a lot of money to our taxpayers, but not much at all to a millionaire, unless he's a rather poor politician.

Further S. 2 hopes to limit independent expenditures by compensating each attacked candidate for the full amount spent against him or her. This candidate compensation fund again comes from the American taxpayer. Last year, independent expenditures totaled nearly $5 million in Senate races; thus, we can safely tack another $5 million onto S. 2's $100 million price tag, and another $5 million onto the overall amount of campaign spending allowed under S. 2.

Will those who now spend hundreds of thousands of dollars to express their political views independently be deterred simply by the spending of the taxpayers' money against them? Mr. President, I hope not. It is apparent that S. 2's independent expenditure provision is just another loophole to funnel more of the taxpayers' money into our reelection campaigns.
Another $5 million every election year is obviously not very much to those who still dominate the political debate with independent expenditures—but it is a lot of money to the American taxpayer, and we shouldn't be throwing it away on a proposal that won't benefit anyone except broadcasters.

Neither administrative constraints nor government entitlements will prevent well-heeled individuals and groups from independently trying to influence elections. Nor will wealthy candidates be deterred from trying to purchase congressional seats merely by S. 2's costly but ineffective millionaires' loophole provision.

These are constitutional problems, demanding constitutional answers. This Congress should not hesitate, nor do I believe that it would hesitate, to directly address these imbalances in our campaign finance laws. I offer this constitutional amendment in the sincere hope that the Senate will begin to turn its attention to the real abuses in campaign finance—the millionaires' loophole, independent expenditures, political action committee contributions, and "soft money"—and develop simple, straightforward solutions, rather than strangle the election process with overall spending limits and a larger political bureaucracy.

Mr. President, I ask unanimous consent that this constitutional amendment be printed in the Record.

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

S.J. Res. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

"ARTICLE

Section 1. The Congress may enact laws regulating the amounts of expenditures a candidate may make from his personal funds or the personal funds of his immediate family or may incur with personal loans, and Congress may enact laws regulating the amounts of independent expenditures by any person, other than by a political committee of a political party, which can be made to expressly advocate the election or defeat of a clearly identified candidate for State or local offices.

Mr. McCONNELL. Mr. President, these two areas have repeatedly been the focus of reform. It was the crisis of both areas that the Buckley versus Valeo Supreme Court decision in Buckley versus Valeo.

This constitutional amendment that I propose would grant to the Congress and to the various State legislatures the right to deal with that problem.

Mr. President, if we dealt with three areas of great concern: The closing of the millionaires' loophole, the ability to regulate independent expenditures, and the cost of broadcast time, which we can address simply by statute, we would have passed in this body the most meaningful campaign finance reform since Watergate.

The third area I just referred to, Mr. President, is the cost of television.

What has driven up the cost of campaigns in the last several years has been the cost of television advertising. Candidates have to use television because it is the most effective way to reach our people and communicate ideas. That is particularly true in the large States. My colleagues from New York, California, Texas, and Florida could shake hands all day, every day, for the rest of their lives, and never make a dent in the huge populations in their States. Let alone discuss the issues that concern the citizens of those States. Incumbents and challengers should be able to use television to reach our people.

What has happened, Mr. President, is that the broadcast stations in America have raised their rates the highest during key times in political campaigns, and have made handsome profits on the candidates, in terms of the cost of advertising.

We could in this body pass legislation that would, for example, require television stations to grant to candidates television time at the lowest unit rate of the previous year, for the class of time purchased. This would dramatically lower the cost of campaigns, and give us all an ability to afford the broadcast time which is absolutely essential to modern political communication.

What happened in Kentucky last May, just last month, is typical of what goes on all over America. The lowest unit rate skyrocketed just prior to the election, such that the "discount" given to candidates amounted to nothing—it was like offering a 25-percent-off sale after a 100-percent price increase. That problem, Mr. President, could be solved by legislation.

These are the kinds of agreements that we can reach together. I hope we can work together on direct, simple solutions to the real problems that plague our campaign finance system.

The ACTING PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. McCONNELL. Mr. President, I ask unanimous consent for 1 more minute.

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished majority leader.

The Senate could solve these key problems by the passage of the kind of constitutional amendment I outlined earlier. I believe that this resolution, unlike most constitutional amendments, would zip through this body and zip through the State legislatures; I believe that, by passing a statute that did something meaningful about the cost of television, we would bring down the cost of campaigns without deterring public participation through contributions.

Those accomplishments would be real reform, Mr. President, and we stand ready on this side to sit down with the leaders on the other side at any time, to work out the kind of bipartisan reform package that we all know will have to be reached, in order to pass any meaningful campaign finance legislation.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia has yielded 1 minute to the Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished Senator from Kentucky.

Mr. ByRD. Mr. President, I yield to the distinguished Senator from Kentucky.

Mr. McCONNELL. I thank the distinguished Senator from Kentucky.

Mr. President, the discount, of course, I have listened with great interest and riveted attention to the urging that we need to meet and discuss compromise. But the problem is that the distinguished Senator from Kentucky (Mr. McCONNELL) and I say this with all due respect, insists that we can com-
promised if the compromise is on his terms, namely, that there be no limitation on campaign spending.

Of course, that is not compromised. We are just wasting our time if we think that is ever going to happen.

Perhaps we will never get to a vote on it, but there has to be a limitation on campaign spending or else we are not passing genuine, meaningful, effective campaign financing reform.

As to a constitutional amendment, from three to four times in the Senate, one has to be passed by two-thirds of the Members of both Houses and ratified by three-fourths of the States through their legislatures or through conventions and that takes time. In the meantime, the money chase is continuing, becoming more intensified, and the people’s mistrust in this institution is growing. The opportunities for scandal are ever present, omnipresent, and very likely to happen.

In the meantime, we need to get on with campaign spending reform now, and let a constitutional amendment work its way down the road. It takes time, but it is the only way it can be passed by two-thirds of the States through their legislatures or conventions and that takes time.

The ACTING PRESIDENT pro tempore, the undersigned Senators in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute for S. 2, a bill to amend the Federal Election Campaign Act of 1971, to be brought to a close? The yeas and nays are automatic under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Washington [Mr. LEAHY], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. CHILES], the Senator from Connecticut [Mr. DODD], the Senator from Georgia [Mr. Fowler], the Senator from Nevada [Mr. REIN], and the Senator from Illinois [Mr. SIMON] are necessarily absent.

I further announce that the Senator from Vermont [Mr. LEAHY] is present on official business.

I further announce that, if present and voting, the Senator from Vermont [Mr. LEAHY] and the Senator from Nevada [Mr. REIN] would each vote "yea.

Mr. DOLE. I announce that the Senator from Idaho [Mr. McCLURE], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Wyoming [Mr. SMITH], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

The PRESIDING OFFICER. [Mr. T4CONRAD TD]. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 45, nays 43, as follows:

[Rollcall Vote No. 153 Leg.]
day. The Speaker has informed me that the House will take up the conference report on Tuesday. Of course, that has a green light over everything—campaign financing reform, trade, immigration. We will have that conference report up, and that comes under an ironclad time agreement.

Other than that, we probably will have a Panama resolution which has been discussed with the Republican leader. We will probably have something on that early next week.

There may be votes on at least two of the nominations on the calendar. One is the Wells nomination. The problem may go away, because there are some indications that some progress is being made on that nomination, and I hope that continues to be the case.

There is also a nomination to the judiciary that has been on the calendar since May 1. The nomination of Melissa Wells has been on the calendar since March 31. There is no reason for continuing to delay these nominations much longer. I hope we do not run into a filibuster on either of these, but we will deal with that, also, if that occurs.

I am not going to see the nomination of David Sentelle for a judgeship stay on this calendar. I do not know the man. Nobody is going to put a hold on that and keep the Senate from working its will on it, unless I learn more about the nomination than I know now. The reasons I have heard for its being held up are not good enough.

I have to say, however, that there are those on this side who feel that the Wells nomination should go first because it has been on the calendar more than a month longer than the Sentelle nomination.

Mr. President, there will be rollover votes next week every day. I believe there should be some quality of life, even for Senators, and certainly for their constituents. I will be candid and deal with the people’s business in a way that preserves some quality of life. But there is not going to be more than a modicum of quality of life around here beginning next week if we do not get this campaign financing reform off the docket.

I hope Senators will not take that as mere bluff. All majority leaders have to do a little bluffing. The distinguished Republican leader has been a majority leader, and I have listened to him at times and have felt that he had to bluff a little bit. But there comes a time when the boy who is out there minding the flock yells “Wolf!” and it is real. We try not to do that too often, but it is becoming real.

I warn Senators—and I use that word with trepidation, because when one starts warning Senators, especially when he is in my position, he may put out his fist and draw back a stub. I use the word “warning” advisedly. They should be very careful about how they schedule their days and nights in the last five or six days of the week, and the weekend for the two nominations.

I urge Senators not to be out of town in the evenings. I urge them not to plan on leaving town on Fridays by 10 o’clock, 11 o’clock, 1 o’clock, 5 o’clock, 7 o’clock, or 9 o’clock. I also urge them that if they accept engagements for next Saturday, they do it on a conditional basis.

So I have tried to be as plainspoken and as realistic as I know how. But we do have some important legislation now, and coming down the pike behind it will be reconciliation, debt limit and, hopefully, the defense authorization bill. I would hope we could take that up without a filibuster. We have tried three times and have been unable to do it. I have been assessing that with the distinguished Republican leader, and I believe that, based on what he has said, that there will be some hope for granting the majority leader consent to take it up, after consultation with the minority leader, at some point. I know that he is working diligently, and a lot of bases have to be covered.

I am just saying all these things, Mr. President, to let Senators know. I hope they will read the Recess—I am trying to say what I say very carefully—I hope they will read the Recess and understand that this is no bluff.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I thank the majority leader for outlining the program.

So far as campaign financing reform is concerned, the two big problems will be public financing, or something in lieu thereof, and limiting expenditures, which we believe would be the most successful. I think many Republicans have in some of the one-party States of ever creating a two-party system. Those are the fundamental differences.

We are willing to reduce the amount political action committees can contribute. A lot of soft money ought to be limited. There are a lot of ways to limit campaign expenditures by an indirect approach, but the direct approach is going to be difficult because, in effect, we would be giving up any opportunity—or at least what the experts tell us is a good opportunity—of making any headway in the one-party States in this country; and we believe that the two-party system is not only good for our party but also good for the country.

So we are going to be reluctant, and I do not see any slippage on this side. We are willing to negotiate but not negotiate away an opportunity we have to strengthen this party.

Whether it is Common Cause or organized labor or whatever, we have some rights, too, as a party. We intend to defend those rights and to make certain that by limiting money in campaigns we are not, in effect, sealing our fate in many States where we believe we can win if we work it out in the forthcoming election.

We are willing to look at the matter and are willing to meet with the Democrats and Republicans. We have four or five principal players on this side who are happy to meet at any time.

CENTRAL AMERICA COMMISSION

COMMISSION ESTABLISHED

Mr. DOLE. Mr. President, the Senate will recall that last year, as part of the legislative package providing aid to the Nicaraguan freedom fighters, the so-called Contras—Congress established a Central America Commission. The Commission was charged with monitoring any Central American negotiations which ensued. It was to be made up of five members—one appointed by each of the two parties. The four members of the congressional leadership; and the fifth—the Chairman—to be elected by majority vote of the other four. And therein lies the problem. There were two Democrats appointed and two Republicans and nobody ever got together on any one, so the Commission reporting date has expired and they never had a Commission.

Maybe they are right, maybe they are wrong. But I—then as majority leader of the Senate—appointed former U.N. Ambassador Jeane Kirkpatrick as a member. House Republican leader Bob Michel appointed a distinguished clergyman, Contras—Reverend Ira Gallaway from Illinois, as his designee. And both Senator Byrns and then Speaker O’Neill, appointed members.

MONTHS OF DEADLOCK

Regrettably, the five members were not able to agree on a Chairman, despite considering many candidates. Ambassador Kirkpatrick and Reverend Gallaway, for example, nominated three distinguished Democrats—former Senator Dick Stone; Boston University president John Silber; and Bricklayers Union president John Joyce—each of them, candidates of unquestioned integrity; and with a great deal of knowledge of Central American affairs. But the other two members of the Commission voted against all three, even though all three, as I have indicated, were members of their party.

Finally, on April 21, after many months of deadlock, Ambassador Kirkpatrick nominated former Secretary of State Henry Kissinger. Reverend Gallaway heartily endorsed his candi-
dacy. However, for more than 6 weeks, the other two Commission members were unwilling to vote on Dr. Kissinger's nomination. Finally, a bit over 2 weeks ago, one of the other members did notify the committee of his decision to decline the offer, but I must decline the letter with an expression of deep regret for their offer, but I must decline the nomination. He has formally notified the committee members of that decision in a letter—a copy of which I ask unanimous consent be printed in the Record at this point.

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

Dr. IRA GALLAWAY,
First United Methodist Church,
Peoria, IL.
Hon. JEANE KIRKPATRICK,
American Enterprise Institute,
Washington, DC.
Mr. EDWARD L. KING,
Chevy Chase, MD.
Mr. L. KIRK O'DONNELL,
Center for National Policy,
Washington, DC.


DEAR MEMBERS OF THE COMMISSION: I regret to inform the members of the Central American Negotiations Commission that I am unable to accept their offer to serve as Chair of the Commission. It has been more than seven weeks since I first indicated to Ambassador Kirkpatrick my willingness to accept the Chairmanship, if offered. She placed my name in nomination at that time. Now that there is no longer sufficient time remaining to organize a staff and conduct a meaningful monitoring of Central American peace negotiations, especially of those proposals for regional peace and security put forward by the President of Costa Rica, Oscar Arias Sanchez, I am, of course, grateful for the Committee for their offer, but I must decline the privilege of serving as Chair.

Sincerely,
HENRY A. KISSINGER.

UTILITY OF PURSUING ISSUE HAS DISAPPEARED
Mr. DOLE. Mr. President, after all these months, the utility of pursuing the Commission has disappeared. The legislation setting up the Commission concerned money available for the Contras in fiscal year 1987—that fiscal year is coming to a close. All the Contra aid money for fiscal year 1987 has been dispersed. Under the terms of this legislation, the Commission itself will cease to exist within days—having taken no action, and issued no reports.

Because of that, Ambassador Kirkpatrick and Reverend Gallaway have written to me, expressing their view that the Commission should discontinue its operations. They close their letter with an expression of deep regret that the Commission was "unable to serve the purposes which the legislation had envisaged for it." I ask unanimous consent that the text of their letter be printed in the RECORD.

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

AMERICAN ENTERPRISE INSTITUTE
FOR PUBLIC POLICY RESEARCH.

Hon. ROBERT J. DOLE,
Minority Leader, Senate, Washington, DC.

Dear Senator Dole:
The Republican appointees to the Central American Negotiations Commission believe that the Commission, having failed since November to elect a chairperson to fulfill its responsibilities as mandated by existing legislation for monitoring progress toward a diplomatic settlement of the conflicts in Central America.

We made repeated, serious efforts over the last six months to comply with the intent and requirements of the authorizing legislation. Under the legislation, the Commission could not function until a chairman had been chosen. In a bipartisan spirit, we nominated three Democrats with broad knowledge of Central America: former Senator Richard Stone (nominated on November 21); President John Silber of Boston University (nominated on January 5); Mr. John T. Joyce, President of the Bricklayers and Allied Craftsmen Union (nominated in March) by the Democratic representatives. Finally, on April 21, we nominated former Secretary of State Henry Kissinger who had agreed to serve if selected. Unfortunately, six weeks elapsed before the Democratic appointees acted on the nomination. By then Secretary Kissinger believed that there was not sufficient time remaining for the Commission to discharge its responsibilities.

Now, the time allotted for the Commission's operations under the authorizing legislation has passed. The President issued his determination for further assistance to the Nicaraguan democratic resistance. The $100 million was dispersed. Having taken no official action and having issued no report, the Commission should discontinue its operations. We regret that the bipartisan spirit, which we nominated, was unable to serve the purposes which the Congress had envisaged for it.

Sincerely yours,
HENRY A. KISSINGER.
IRA GALLAWAY.

Mr. DOLE. Mr. President, I share the regret they have expressed. But I believe they have made the right—the only practical—decision.

SERVICE OF MEMBERS
In conclusion, Mr. President, let me take this opportunity to thank Reverend Gallaway for his willingness to serve on the Commission. He was the only member who did not reside in Washington, so his efforts to make the Commission work placed a special burden on him. I know the Senate would join me in thanking him for those efforts.

I would also express appreciation to the members appointed by Senator Byrd and Speaker O'Neill for their willingness to serve and efforts through the months.

Finally, I would say a special word of appreciation to Ambassador Kirkpatrick. When I appointed her, I noted that she would bring to the Commission a unique combination of extraordinary talent and unmatched experience. I should add, now, that she also brought great energy and determination to her efforts to make the Commission work. I'm proud to have nominated her, and deeply appreciate that she agreed to serve, and did so with such distinction.

BICENTENNIAL MINUTE
JUNE 20, 1929: MAJORITY AND MINORITY PARTY SECRETARIES ESTABLISHED
Mr. DOLE. Mr. President, 58 years ago tomorrow, on June 20, 1929, the Senate offices of secretary for the majority and secretary for the minority were established into law. Carl A. Loeffler became the first Republican Secretary and Edwin A. Halsey the first Democratic Secretary. They filled the posts that are currently held by Howard O. Greene and Abby Saffold.

The two party secretaries aid the majority and minority leaders, and all other Senators, in a profusion of activities on the Senate floor and in the cloakrooms. They serve as the principal staff members of the party conferences, and attend party steering committees and policy committee meetings. The party secretaries spend much of their time in the Senate Chamber, where they assist the leadership in counting heads before a vote; and they advise party committees on the future of bills under consideration. They keep the leadership informed of any Members of their party who will be absent from town, to help in scheduling votes, and arrange “pairs” for Members who will miss votes. In short, they are expected to know all that there is to know about what is happening on their side of the aisle—and a good deal about the other side as well—and to assist their party in whatever ways may be required.

Considering this wide range of responsibilities, it is surprising that the positions were established so recently in the Senate's history. But in fact, even before there were officially designated party secretaries, there were staff members performing the roles. Between the 1890's and 1929, the Senate provided for two assistant secretaries at arms to be appointed by each party, and to serve the parties directly. The last two men to hold these posts were Carl Loeffler and Edwin Halsey. By 1929, their positions had grown so essential that the formal titles of “majority” and “minority” secretaries were adopted.

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

ORDER OF PROCEDURE
Mr. BYRD. Mr. President, I ask unanimous consent that the time during the afternoon up until no later than 4 o'clock be equally divided and controlled by the distinguished minor-
BUDGET POKER

Mr. BYRD. Mr. President, today's Washington Post carries an excellent editorial entitled "Now for the Republicans."

The President sent up a budget which was soundly defeated by both Houses of Congress. It got 16 votes here in the Senate out of 46 Republicans, a pretty sad commentary on the President's budget. It was a budget which did not meet the Nation's needs. Republican Members in both Houses obviously did not agree with the President's priorities or with the garage sale way of raising revenues he offered.

Democrats have crafted a sensible budget. Conference reports have not been adopted, but the conferees, the chairman of the committees, the leadership on both sides of the Hill, have agreed on this budget.

I regret that we had to do it on our own without Republican input or assistance. The best thing for the country is a bipartisan meeting of the minds over how to address our needs and begin to get our runaway deficit under control.

We now have a budget proposal. Democrats have shown our hand. The President has folded his cards; he walked away from the table. I hope he will come back. Instead of telling the American people the truth, he is perpetuating the old fiction that there is such a thing as a free lunch.

I do not believe that the President can bluff his way through this game. The stakes are too high and the American people know it. I think that the people know that all the balanced budget amendments which can be thought of will not help us with the deficit problem we have right now.

And it happened—I am talking about triple digit deficits—it happened on this President's watch.

I think that the American people want their elected leaders to get a handle on our budgetary problems and make the tough decisions that will get us back on the road to fiscal sanity and economic security. The problem is not process. The problem is a President who is leading a party that will not participate.

Leadership is about tough choices. Leadership is about taking responsibility. Those who sit on the sidelines have no right to complain about the way the game is going. Leadership is often difficult and thankless, but sometimes you get it right and should be willing to try to meet the challenges head on.

Real leaders do just that. Real leaders think about the legacy they are leaving for the country and the problems they are leaving for future leaders.

Mr. President, I ask unanimous consent that the Post editorial be printed in the Record at this point with the fervent hope that all of us who have asked for leadership will read it.

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

NOW FOR THE REPUBLICANS

The Democratic leadership did a little screeching—that's what leaders are for—and the factions of the party now seem to have broken their deadlock on the budget. The moderate document to which House and Senate conferees have agreed is a sensible plan on the merits, provides shelter for the party against both the charge of tax-and-spending madness and the charge of being soft on defense, and is a solid starting point from which to bargain with the president if he can be brought into the game at all. Both houses should gratefully adopt the resolution and get on with the business of carrying it out.

The sticking point during the month the Democrats spent in conference was defense. They more or less split the difference, but the Senate, and the House that passed the bill, did defense, and is a solid starting point from which to bargain with the president if he can be brought into the game at all. Both houses should gratefully adopt the resolution and get on with the business of carrying it out.

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One by one—the Brookings Register, the Mitchell Republic, the Sioux Falls Argus Leader, the Watertown Public Opinion—by one by one editorial writers in South Dakota were seeing what was happening in their state and advocate change, tell us now is the time, tell their Senators to support S. 2. I ask unanimous consent that those editorial writers be printed in the Record, as follows:

(From the Brookings (SD) Register, June 5, 1987)

A DUBIOUS DISTINCTION

This past fall, South Dakota finished first in something, but it was a rather dubious distinction.

To get your vote in the race for the Senate, Tom Daschle and Jim Abdnor combined to spend more than $25 per vote, more than double the previous per-vote spending record set in 1984 in the race between Sen. Jesse Helms and Gov. Jim Hunt in North Carolina.

More than $7,000,000 was spent electing a senator from South Dakota!

The Daschle-Abdnor Coronation was only one example of how public trust in our election system is being undermined by big money interests who invest huge sums of money in campaigns with candidates.

It's understandable that voters are starting to wonder if their candidates are being bought and paid for by the special interests.

The bill provides a system of public financing for Senate elections.

In a statement made in April, Daschle said, “More than any other single factor it is this almost unlimited funding that is a prob­lem. If we are ever to get a handle on the multiple maladies that affright our cam­paign finance system, our very first step must be to limit spending.”

That is what Senate Bill 2 is designed to do.

S-2 is the Senatorial Election Campaign Act which was introduced by Sen. David Pryor, D-Ark., and Senate Majority Leader Robert Byrd, D-W.Va. It’s the first compre­hensive campaign finance reform bill sent to the full Senate since 1977.

The bill provides a system of public finan­cing for Senate elections. It would re­quire candidates to limit their total spend­ing in both the primary and general elec­tion campaigns and especially vocal in railing for passage of limiting legislation now before Congress called “the Senatoral Election Campaign Act.”

South Dakotans have been equally dramatic at the spending level as a political reality. Excess is, of course, much less noticeable when we reach it by degrees, rather than all at once but it is still excess.

And so what do we do? Well, we offer change. That is what they are doing with the Hollings amendment. That is what they are doing with the Stevens amend­ment. That is what they are trying to do with S-2.

Another clarification that somehow there is not any ground­swell of support, that somehow this really is not an issue that has caught on with the American people. Well, I can only speak for my State, but I must say that the majority leader very appro­priately indicated some show of sup­port a couple of weeks ago by putting into the Record some 200 editorials from around the country from those people who have watched the political process, those people who are most sensitive to what is happening in the country, those people who understand that something has to change, the editor­ial writers in this country. They un­derstand the need for change. They understand the need not only for change but for S. 2.

And so it is in South Dakota. Con­servative and moderate editorial writers alike are saying enough is enough.

The presence of big money throughout the campaign created another problem for the candidates. The candidates had to spend an inordinate amount of time trying to get those big bucks into their coffers.

The Senate’s role in helping candidates raise campaign funds is inextricably linked to the fact that the Senate is a very small chamber. The Senate is not a place to hold telephone town meetings, not a place for fundraising mailings, not a place for holding fund-raising dinners.

One thing they are doing is raising and spending such huge amounts of money is what was in ques­tion this week as the Senate began debate on a bill to limit campaign spending.

That meant hours and hours on the phone and in meetings courting the big money people. Now even the most naive must wonder what promises had to be made to get that money.

The second important part of S-2 is a limit on how much money a candidate can spend without the consent of political action committees.

The limit in South Dakota would be $190,950.

For example, if S-2 had been in effect during the last election, Sen. Abdnor and former Sen. Tom Daschle would have been cut a whopping $971,000; for Abdnor, the cut would have been equally dramatic at $892,000.

We don’t need to spend $7 million to get the message of candidates to the people of South Dakota.

If we don’t limit campaign spending soon, what the voters of our state think won’t much matter anymore.

Doug Arnsaett, Editor and Publisher.

(From the Mitchell (SD) Republic, June 11, 1987)

STATE HAS SHOWN NEED FOR CAMPAIGN LIMITS

South Dakotans, it seems to us, have ceased marveling over the fact that the 1986 Senate race between Sen. Tom Daschle and former Sen. Jim Abdnor cost the candidates $25 per vote.

If that means that voters are prepared to accept spending at the rate of $30 or $35 a vote next time around, then we may be looking at a new and dubious meaning for the expression “silence is golden.”

Under this new meaning, candidates later in the 1980s and in the 1990s may have to wheel carts full of gold bricks to their creditors.

As you have probably already been able to tell, we are far from ready to accept spend­ing at this level as a political reality. Excess is, of course, much less noticeable when we reach it by degrees, rather than all at once but it is still excess.

So far as we’re concerned South Dakotans should be especially concerned about the eff­ects of virtually unlimited spending on election campaigns and especially vocal in railing for passage of limiting legislation now before Congress called “the Senatoral Election Campaign Act.”

South Dakota’s sparse population and rel­atively cheap rates for political advertising make us that much more vulnerable to poli­ticians with a lot of money to throw around.

In South Dakota, the people doing the spending tend to get a “lot of bang for their buck.”

Considering that South Dakota has the same right to two Senate seats that much bigger states have, we are a tempting target for national party organizations fighting for majority control in the Senate.

Without some clear and well-enforced limits, it seems safe to assume that we have nothing to look forward to in the years ahead but more and more raising and spending, longer and longer campaign seasons, and votes that will command a higher and higher price per head.

Now that we’re aware of this, we’re sure, is enough to make mouths water in East Coast public re­lations firms and in the ranks of those whose life’s work seems to involve drifting with national staff of one candidate to the staff of another.

Those of us in South Dakota who have yet to manage to put the 1986 Senate campaign
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out of our minds respond differently. It is about enough to make us lose our lunch.

A.H.

[From the Sioux Falls (SD) Argus Leader, May 30, 1987]

CAMPAIGN FUNDING RULES IN NEED OF AN OVERHAUL

The word "scandal" is tossed around loosely in political campaigns.

Common Cause, that high-road, public interest lobbying group, sees one in the way the nation finances congressional campaigns.

We won't go quite that far. We see the financing system as a national disgrace badly in need of reform.

Common Cause is on target, however, in calling for support for a bill pending in Congress to overhaul the campaign financing system.

The proposal, Senate Bill 2, would put overdues limits on how much money candidates for the Senate could spend in election campaigns.

Sen. Tom Daschle, D-SD., is among the bill's co-sponsors. The position of Sen. Larry Pressler, R-SD., is not as clear. In mailings to his constituents, Pressler's support is couched in qualifying language.

With no limits, officeholders are too dependent on the checking accounts of political action committees, commonly called PACs. PACs are committees formed by trade organizations, businesses, labor groups and other organizations to make contributions to candidates.

The problem is more pronounced in Senate races than House races because Senate campaigns usually cost more.

Senate races than House races because Senate candidates, in our estimation even S. 2, will be watered down to such a degree that once again the U.S. Senate will be as impotent as the American people will allow it to be.

The amendment by Stevens would eliminate two provisions that are essential for comprehensive campaign finance reform—overall spending limits and limits on the total amount of PAC contributions a candidate can accept. According to Common Cause, President Fred Wertheimer, the Stevens amendment is "a disavowal tactic aimed at providing political cover for senators who want to be able to claim they're for campaign finance reform but behave as if they're against it." We believe the amendment, a Daschle spokesman said.

Now, whether or not S. 2 is the proper proposed legislation for comprehensive campaign finance reform, we would think it would behoove our senators to introduce, with the appropriate legislation that would do the trick. To strengthen this argument, the Gallup Poll (Public Opinion April 23, page 16) found that a majority of the American people think federal funding of congressional campaigns is a good idea. The estimated cost of this would be paid for from voluntary checkoffs of our income tax statements just as we do now for the presidential elections.

Campaign financing reform just has to be to campaign finance reform and should be rejected out of hand. After all, for this, if Senator Pressler is really for reform, we hope he will support the Senate Finance Committee.

If he doesn't, then the opposite is obvious.

[From the Watertown (SD) Public Opinion, May 30, 1987]

IT'S TIME HAS COME

The Rules Committee of the U.S. Senate favorably reported out Senate Bill 2 on April 29 and we have now learned that it will be up for consideration sometime in June by the full Senate. Why is it so important? Because it is the first time that this committee has sent a comprehensive campaign finance reform bill to the full Senate since 1977. In talking to us this week, South Dakota's Senator Larry Pressler argued bitterly, but not convincingly, against our stand on this issue. He said that S. 2, but has not yet decided on the Stevens amendment because it is not yet in its final form, a Daschle spokesman said.

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[From the Watertown (SD) Public Opinion, May 30, 1987]
more than $22 for every vote they received, the explicit election per voting capita in our nation's history.

To those opposed to public financing this measure, hand-off to an all-inclusive campaign financing reform. There are currently some 65 national PAC organizations supporting this reform measure. Mr. HARKIN, the leader of the McConnell-Packwood Women's Political Committee, a PAC that has raised more than $3 million for candidates in the last three years, said it best when she testified in April at the Senate hearings:

"We can't help but worry about the overwhelming amount of time spent raising money—yours and ours," she told the senators. "It appears that when you're not traveling seeking money, you're on the phone seeking money. When you're not on the phone seeking money, you're worrying about where else you're going to find money. It is clear to us all that for too much of your time, energy and intellect is spent in undermining pursuit of the almighty campaign buck."

If this bill becomes law, it will let members of Congress spend their time resolving the nation's problems instead of spending so much time raising campaign funds. It's about time... .

(Mr. HARKIN assumed the chair.)

Mr. DASCHLE. There needs to be another clarification, I suppose, and that is the difference between S. 2 and the McConnell-Packwood bill. Advocates of the McConnell-Packwood bill say that now is the time to eliminate the influence of political action committees. Well, for the life of me, I cannot understand how advocates can make that argument. And I only wish the press could ask, "How? Tell us how?"

The second issue: soft money. Soft money is another one of those methods by which parties and candidates can benefit from contributions provided in indirect ways. I would like to use the word "laundered." That is laundered money we are talking about. It is money that goes to a committee, a State committee or a national committee, and, through a third source, directs assistance in very fundamental ways, financially, to candidates who need help beyond the PAC limits that are now allowed.

McConnell-Packwood virtually takes the lid off of laundered money, laundered money as I define it, the so-called soft money today.

There is no limit on what they can give State parties. There is no limit to what corporations and other organizations can give State parties. Laundered money, as I define it, this so-called soft money, is one of the greatest threats to campaign reform we see as we look to the next couple of elections. More and more we are going to see soft money utilized. More and more we are going to see the potential for abuse. More and more it threatens any kind of limit that we can put on campaign finance.

I do not care whether you are talking about soft or laundered money, if you are talking reform you have to confront it. McConnell-Packwood does not touch it. It does not say there are any limits. In fact, it encourages additional soft money to be used in the future.

So where is the reform? Where is the limit that we are talking about? Where is the possibility that in some way we can constrain the amount of money being spent on campaigns in the future?

I know what I would have done. I know I would have gone to every corporation, every union and every source of money I have saying, "Give as much as you can to the party because the party can give it to me."

That is not the electoral process I want to be involved in. That is not the kind of election reform we ought to be talking about.

There is another notion that comes up again and again, and was again presented by the able minority leader just a moment ago. That is somehow S. 2 is incumbent protection.

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June 19, 1987

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public office? This could be a madhouse.

Frankly, someone must have a different perception of the democratic process than I have.

It seems to me that in this democracy nothing could be better than to give each and every one of the pages sitting on the steps right now at some point in the future a chance to run for public office. Nothing would please me more than if in every race we had in South Dakota we had five or six candidates for his or her own constituency. Each candidate brings some new people into the political process and they stay there for awhile.

What would be more helpful to us in bringing people back to vote, bringing people in once again, than to personify politics like it has not been before, by the proliferation of more candidates, by the opportunity for more people to be involved? That is what we are talking about here.

So the proliferation of candidates? I hope that argument keeps coming up again and again because I will talk to the American people, to our constituents. I will talk about candidates' involvement. I will talk about the perception that we are closing out the American people. I will talk to anyone, Republican or Democrat, with the sense of encouragement that if you want to change it, if you really want to get involved, then let us give you an opportunity to be involved.

There was another comment made, which I have not heard in the last few days but which sadly comes to mind, which is one of the reasons why some of us want S. 2 is that we are afraid to work.

Well, I have to tell you, I think I can speak for every single Member of this body. I know that I speak with some confidence in saying this. There is no one here afraid of work or they would not be here. There is no one here who is going to take a backseat to initiative. There is no one here who could possibly have gotten here if they were not willing to work for it.

The problem is, as we look to the future, that it is work on what? There are only 24 hours a day and I dare say most people here spend 14 hours a day in the work they are on. But if you have to take those 14 hours, or in a campaign 16 or 18 hours, and spend half of it raising money, what that simply means is that out of those 14 or 16 or 18 hours a bigger and bigger percentage of your work is going to tell people you want their dollars—not going into a discussion of how you respond once you got here, not about the issue that confronts this country, not about arms control and human rights and the broad range of agricultural issues and economic issues, not in setting about being a better Senator but in asking people for money. That is the kind of work we are involved in now. I do not mind it, I will continue to do it, and there will always be that part. In fact, in S. 2 you could argue as a result of the way it is formulated we have to work harder for more dollars because it puts limits on the amount of dollars you can actually ask for, in smaller amounts.

If you want to work, go after $250 contributions. If you want to work, go one on one to these people and say you would like their help. But then, for heaven's sake, let us put some limit on the amount of time you spend working on that vis-a-vis working on what you were sent to do here.

That is what we are talking about. It is how you divide up your work. It is not whether somebody wants to work or not. Heavens, there are more people that work harder here than any place else I have seen.

We talk a lot about public finance, and you hear a lot of pros and cons about whether there ought to be in the public debate a fundamental notion that I have about finance in the first place, maybe this becomes just a little clearer; and I would like to clarify public finance for a moment.

My view is that tax expenditures are public finance. I cannot understand why we do not budget it. I cannot understand why we do not put some controls on it. But tax expenditures, that is tax deductions of kinds, tax credits, is a form of public finance. In business, in agriculture, in education, we expenditures today, through the Federal Government, that we use in the form of deductions and credits. We have had, from that perspective, a public finance system in our public campaign policy for a long, long time, and no one has argued against that.

No one has said: "Let's take away the tax credits or tax deductions because that's a form of public finance." The point here, it apparently seems to be unanimous support for. But you turn it around and say, "Let's not make it a credit, let's make it direct contribution," and for some reason people then have problems. But to my knowledge, I have not heard one candidate, one Senator come on this floor and ask us to repeal the Presidential system of public finance.

Where is the minority leader? Where are those who argue today that perhaps the public finance system as we have known it in the Presidential politics needs to be obliterated and apply McConnell-Packwood to that as well? No one has ever argued that. Apparently that is what we want.

If that is the case, if it has worked there, then why does it not work as well for Senators? Why does it not work as well in setting some limits, some appreciation that we have got to control spending when it comes to Senate candidates as well?

In fact, the only thing I have heard is that what we ought to do is extend the whole concept of campaign reform to Presidential primaries as well. That is what I have heard. That is the way the reform is being suggested for Presidential politics.

The one thing I can say, and I think it is safe to say, is that, sooner or later, there will be a campaign reform bill; unfortunately, it may be later. But there will be one.

One of the frustrations I have as a Senator, as a person in public life, is that in this body as well as in the House we are so retrospective. It takes a crisis for us to address the problem.

Once the crisis is more real, then we are more than happy to address it in some constructive fashion.

I would hope, just once, on something as fundamental as the way we elect our political officials, that we could show some prospective foresight that would help us demonstrate that unless something changes, we will have a crisis, and that there will be clamoring across this country for some form of campaign reform. I hope we can demonstrate that ability to be prospective that we need in this body.

There is a lot riding on whether or not, ultimately, we can resolve our differences. As one who stands, again, in frustration; who stands with a faded hope that yet this session we can address this issue successfully, I hope that we can resolve those differences.

I hope that if we do withdraw this bill, at some point—or if we fail to come up with a compromise—we hold it firm that we are going to resolve this problem of campaign reform at some point in my term in office. Let us hope that we can find the combined leadership, the willingness on both sides of the aisle to put aside our differences; to clarify these misunderstandings; to come to the conclusion that it is better now than at some point in the future to resolve the problem of campaign reform before it is too late.

I said the first time I spoke that at the rate of 400-percent increase in costs we have experienced in South Dakota and across the country, we will see a $12 million race for the U.S. Senate in South Dakota in 10 years; a $48 million race for the U.S. Senate in South Dakota in 20 years.

Is that what we want? Is that what we want to tell the young people sitting on the steps today: "We want you to get involved in the political process but I only have to come up with $48 million to do so"? That is not what we want.

Our foresight, our judgment, and our commitment to good government is better than that.

I yield the floor.
MORNING BUSINESS

Mr. BYRD. Mr. President, there has been no period provided for morning business, am I correct?

The PRESIDING OFFICER. The majority leader is correct.

Mr. BYRD. I ask unanimous consent that there be a period for morning business so that Senators may introduce resolutions and bills.

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

AIDS

Mr. DANFORTH. Mr. President, yesterday, I spent 2 hours visiting NIH, talking to key personnel and to an AIDS patient, trying to understand this terrible disease. It was in many ways the culmination of the first stage of my effort to learn about AIDS; its effects on people; its means of transmission and the efforts needed to prevent its further spread. Today I would like to take a few moments of my colleagues' time to share some of the conclusions I have arrived at during the last month.

Two points should determine Government's response to AIDS. First, this is a rapidly spreading, dreadful, contagious disease that warrants the urgent attention of our country. Second, we know how AIDS is spread and what we can do to avoid it.

The first diagnosed case of AIDS in America was reported in 1981. Six years later, on June 19, 1987, 36,158 cases had been reported. The Government's Centers for Disease Control estimate that unreported cases could push the actual figure 20-percent higher. By 1991, it is expected that 270,000 people will have been diagnosed with the disease.

In addition to these people who show the symptoms of AIDS, at least 1.5 million Americans have been infected with the virus and would test positive in blood tests. Today, it is estimated that 20 to 40 percent of these people will go on to develop AIDS within the next 5 years. I have heard within the next 5 years. I have heard estimates that anywhere from 30 to 100 percent of those who have the virus will eventually develop the symptoms of the disease. All of these infected individuals, whether or not they are ill, are capable of spreading the AIDS infection to others.

AIDS kills. To date, 20,849 of its victims have died. Most of them were between the ages of 20 to 40. By the end of 1991, it is believed that the number of deaths will increase to 179,000. For most, if not all of them, the end will be a blessing. Dying of AIDS is frightening and often painful. Many people with AIDS develop complex medical problems, including bacterial infections, rare cancers that cause horrible disfigurement, and loss of mental faculties. For those with the cancer common to AIDS patients, skin lesions eventually spread throughout the body; in the gut and the lungs. These patients usually die as a result of an uncontrollable vomiting and discharging of blood.

For those who have contracted the pneumonia that is common to AIDS patients, death means suffocation. One patient I met with yesterday spoke of an overwhelming feeling of dread. He was unable to breathe. Most of these people, once they have experienced these severe respiratory problems, ask not to be put in intensive care in the future. They would prefer to die than to endure a prolonged period of agony and fear.

Patients can also be infected by a number of different viruses and bacteria. They circulate throughout the body, often infecting the brain and the liver. It is very common for these patients to have uncontrollable diarrhea, often resulting in the loss of 30 to 50 percent of their body weight.

Finally, severe neurological problems are common. One can develop Alzheimer-like symptoms, lose control of themselves to such an extent that they need to be strapped down, or experience constant seizures and massive strokes. These symptoms are young people who just months before may have been in the prime of their lives. These patients need our compassion and understanding. Yet, like the media, many are abandoned by family and friends.

I believe that such general information through such means as mailings, the mass media, and the schools. I believe that such general information can be both accurate and tasteful, explaining both the cause and the consequences of the disease. More explicit information, relating, for example, to condoms and clean drug needles can be targeted to individuals engaging in high risk activities rather than to the general public. The Government should fund such an educational campaign and should enlist the support of the mass media in conducting it.

Because some have suggested that mandatory testing for AIDS should be used on a widespread basis, I have put that question to the various medical and public health experts I have visited with in the past month. So far, I have failed to find any expert who thinks that widespread mandatory testing is a good idea. In fact, the Surgeon General, who is the most senior health officer in the United States, and the Institute of Medicine, which is one of the most prestigious scientific bodies in the world both have recommended strongly against mandatory

guardless of how close the family. In one study of 100 people who lived with AIDS sufferers, sharing the same bathrooms, drinking glasses, kitchenware, etcetera, not one became infected with the virus.

This knowledge tells us both what we should do and what we need to do to avoid infection. Some of my constituents have suggested that Government should identify and then isolate the healthy AIDS carriers. Even if this were practical, it would not be necessary. We don't have to avoid all contact with infected people. All we have to avoid is having sex with them or sharing drug needles with them.

In assessing the possibility of contracting AIDS, consider the following: 91 percent of the reported cases in the United States are occurring among homosexuals, intravenous drug users or both. Three percent of the reported cases have resulted from transfusions of contaminated blood or blood products. Four percent of the cases have occurred among heterosexuals. It is believed that intravenous drug users and prostitutes are responsible for much of the spread to heterosexuals.

With extraordinarily rare exceptions, there is no chance that persons who are not sexually promiscuous and who don't use IV drugs will contract AIDS. For this reason, there is no need to isolate infected people or deprive them of their livelihoods. All we have to do is control our own behavior, or, if we can't control ourselves, use condoms and clean needles.

Since knowledge is the best defense against AIDS, it is essential that we develop the best ways to disseminate that knowledge. This means that the general public should be given information through such means as mailings, the mass media, and the schools. I believe that such general information can be both accurate and tasteful, explaining both the cause and the consequences of the disease. More explicit information, relating, for example, to condoms and clean drug needles can be targeted to individuals engaging in high risk activities rather than to the general public. The Government should fund such an educational campaign and should enlist the support of the mass media in conducting it.

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testing. In addition, in February, 700 experts in the field of medicine, research, social science, and public health all met to discuss the value of testing. Almost unanimously, they agreed that mandatory testing was inadvisable and would probably be counterproductive.

Before I point out some of the reasons why mandatory testing would be inadvisable, let me say that it is a very natural first reaction to advocate widespread, mandatory testing. When I first started looking at the whole issue of prevention, I thought that everyone should be tested and given a card to identify his antibody status. It soon became clear to me, however, that the issues surrounding testing are enormously complicated and that my first response was quite naive.

What the experts led me to understand was that mandatory testing is a trap that will do more damage than good. Antibodies leading to a positive test mean the victim is a carrier of the virus until sometimes 2 or 3 months after he or she is infected. Therefore, a person could be carrying the disease and still test negative. Similarly, a person could contaminate the infection hours after taking the test. Therefore, it is likely that AIDS carriers could naively proclaim themselves disease free, thereby relieving potential partners of their own sense of personal responsibility, and then transmit the virus. Implementing widespread, mandatory testing would provide a false sense of security to the public that would only exacerbate the problem of infection.

Even if this problem of a false sense of security did not exist, there would be enormous problems with the testing. In thinking through what could be done with the results after the tests are run, it quickly becomes clear that the testing is impractical or counterproductive. If we are planning to encourage people to change their behavior, mandating them to find out whether or not they are positive when we have nothing to offer them except possible discrimination, can only make them defensive and afraid, thereby driving them underground.

Finally, AIDS is a problem serious enough to warrant the united attention of all people in our country. Mandatory testing is the most divisive idea that has been considered on the subject of AIDS. There are special cases such as prisoners and applicants for immigration where mandatory testing may be advisable, but as a general rule, it should be avoided.

Many people will want to be tested on a voluntary basis, if for no other reason than to set their minds at ease, and such testing should be readily available. However, it should only be administered with adequate counseling which points out both the limitations of the test and ways to avoid either spreading or contracting the disease.

Because some would not seek testing, counseling, or any kind of help without the knowledge that their test results will never be disclosed, we should discontinue our propaganda sites. For those who get tested in places such as family physicians’ offices where anonymity is impossible, we should ensure confidentiality of those results to the extent that is possible.

As a part of our education campaign, we must lead people to understand that there is no reason for discrimination. People who are infected with AIDS should be allowed to continue working and to keep their homes. In this case, AIDS should be treated the same as other handicapped people as indicated by the Supreme Court in School Board of Nassau County versus Aline. There it was held that having a contagious disease does not disqualify someone from being considered a handicapped person as long as he or she has a physical or mental impairment. The significance of this decision is that anyone who is not AIDS positive will be protected from discrimination in any program or activity that receives Federal financial assistance unless he or she proves to be unable to perform the job or medically, would be a threat to fellow workers. I do not believe that AIDS victims should be treated either better or worse than sufferers of, say, cancer, and I certainly do not believe that a special civil right should be created for one illness.

I do believe that an anomaly pointed out by footnote number seven of the Aline case that specifically states that the decision does not address people who are asymptomatic carriers of a contagious disease should be corrected. Clearly, if discrimination is not permitted against full-fledged AIDS patients, it should not be permitted against those who only carry the virus but have not yet developed the symptoms of the disease.

Finally, in our prevention efforts, we should reexamine the drug problem in the United States. Clearly, the greatest risk to people in the heterosexual population, is the sexual transmission of the virus to partners of IV drug abusers. We must learn how to educate your young people so that drug habits never begin. In addition, as long as there are drug addicts who want to end their habit, we must ensure that there are resources available to treat them.

In conclusion, let me emphasize that the responsibility of Government is to make decisions based on the best available scientific knowledge. We must legislate based on facts and must use our visibility in our own States to disseminate accurate information. It is only with knowledge that people can protect themselves and our country can avoid unnecessary panic. It is only with knowledge that we will conquer this horrible disease.

Mr. President, I yield the floor.

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

TOSHIBA—A PATTERN OF BETRAYAL

Mr. HELMS. Mr. President, I have just been handed very disturbing news by the U.S. Embassy in Tokyo. The Metropolitan police have just learned that in fact, the Toshiba-Kongsberg sale of giant computer controlled milling machines was not a one time aberration but rather part of a larger pattern of betrayal.

Just before Prime Minister Nakasone visited Washington in late April we learned that Toshiba and Kongsberg, a Norwegian Government-owned defense contractor, had exported four giant milling machines to Russia.

I recall discussing this matter with Mr. Nakasone. At the time we believed their highly sophisticated computer driven machines were to be used to make Soviet submarines quiet and hard to detect. The export of these machines took place in 1982 and 1983.

We now know, thanks to the Tokyo police, that these machines are to be used to make Soviet aircraft carriers faster and more maneuverable. The Soviets now have under construction their first large aircraft carrier, the "Leontid Brezhnev." The incredible, we now know that Toshiba followed its first betrayal with at least one more. In 1984 the firm exported five axis milling machines to the Soviet Union. These machines are also to be used for finishing submarine propellers.

Mr. President, what we have here is a pattern of betrayal of the free world. This is a very serious matter affecting the strategic balance between the United States and the Soviet Union.
Toshiba and Kongsberg have put every Japanese citizen, every American citizen and every other free world citizen at peril.

Unfortunately, we cannot reach officials of Toshiba and Kongsberg with our criminal laws. However, we do have one asset, the largest open market in the free world. In my view, neither Toshiba nor Kongsberg are welcome here anymore.

The Senate Banking Committee has a provision in its portion on the trade bill barring Cocom violators from contracting with the U.S. Government. Senators GARN, HEINZ, and SHELBY have announced they will have a floor amendment limiting imports from Cocom violators.

When the bill reaches the floor I intend to address the question of compensation with more direct action. We have sustained a loss to Western defenses in the billions of dollars. Someone will have to pay and it should not be the American taxpayers. I will be discussing this further on the floor in the coming days.

Secretary Weinberger left for Japan yesterday for talks on this vital issue. Before he left a number of Senators and Congressmen joined me in a letter urging the Japanese Government to pursue this case vigorously. So far the Japanese Government is showing great determination. I congratulate the Tokyo police for pursuing this investigation with great thoroughness and tenacity. Without their strong sense of duty and integrity these revelations would never have come to light.

Mr. President, I ask unanimous consent that the following materials be printed in the Record at the conclusion of my remarks: A front-page news story published June 19, today, by Mainichi Daily News, Tokyo; a June 18 article by the same newspaper; and a June 16 article published by Yomiuri, also a leading newspaper in Tokyo; and, finally, my letter to Secretary Weinberger, dated June 16, and signed also by 10 of our colleagues and 22 Members of the House of Representatives.

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

TOYO SHIOKAKE AT TOSHIKA MACHINE CARRIED OUT ILLEGAL EXPORTS IN 1984, TOO: FOUR "FIVE-AXIS" MACHINE TOOLS TO SOVIET UNION; MITI CHECKING INTO ADDITIONAL EXPORTS

In the case of Toshiba Machine's violation of COCOM regulations, a new fact to the effect that, besides the "nine-axis" machine tools, which have already been disclosed, Toshiba Machine had also illegally exported a total of four large-size machine tools equipped with "five-axis" NC's, which are also a violation of COCOM, to the Soviet Union, in 1984, came to light on the 17th.

This was discovered through the depositions of Toshiba Machine Materials Department Foundry Section Chief Ryuzo HAYASHI (52 years old) and other persons concerned, who were given by Toshiba Machine officials involved in the illegal exports, including Ryuzo Hayashi, 52, already arrested on charges of violating the Foreign Exchange Law, that Toshiba Machine had also illegally exported four "five-axis"-attached machine tools to the Soviet Union. These were "nine-axis" propeller-processing machines, called "MF-4522," and the maximum diameter of the propellers which these machines can cut and process is 4.5 meters. As a machine tool manufactured by Toshiba Machine, it is the second biggest after the nine-axis NC machine tools, capable of processing a maximum diameter of 11 meters, which were brought to light this time.

In the course of the investigations, the Soviet side placed an order with Toshiba Machine for four "five-axis NC" machine tools, in the course of the business negotiations for the "nine-axis" machine tools, which were held in Moscow in around April of 1981. With Ito-Chu Shoji acting as the export agent, in the same way, a formal contract was concluded with Toshiba Machine on April 1983, just two months before the completion of the illegal exports of the "nine-axis NC" machine tools. A total of four machine tools, which were shipped from Yokohama Port, two in April, 1984, and two in May of the same year.

In the case of the "nine-axis" machine tools, the NC equipment for them was imported from Norway's state-run machine manufacturer "Kongsberg," and installed in the machine tools to evade the COCOM restrictions. However, in the case of the "five-axis" machine tools, NC equipment, manufactured by Toshiba Machine itself, was used.

In the exporting of these machine tools, Toshiba Machine submitted false documents in the same way as in the case of the "nine-axis" machines, saying that they were "CFC-2022" 's, which are equipped with a "two-axis" NC, and obtained the MITI Minister's export permission.

The Metropolitan Police Board attached importance to the fact that Toshiba Machine had illegally exported four "five-axis" machine tools, after it illegally exported four "nine-axis" machine tools from 1982 to 1983, and as a result of its questioning the persons concerned about the circumstances, it unearthed the fact that, as it succeeded in the exporting of the "nine-axis" machine tools, it also exported the "five-axis" machine tools at one stroke, right after the first exports.

It is said that the "five-axis" machine tools were also delivered to the Baltic shipyard in Leningrad, in the same way as the "nine-axis" machine tools.

The COCOM violation case this time is especially serious because the trading partners are Japan and the US, and the ground on which it led to the raising of the performance of the screws of Soviet submarines, and that it has dealt a blow to the US Navy's ability to detect Soviet submarines. With the discovery of the fact that "five-axis" machine tools had also been exported to the Soviet Union, the Metropolitan Police Board has strengthened its view that these "five-axis" machine tools, which are just the right size for the processing of screws for submarine periscopes, are needed.

This is because a "nine-axis" machine tool is too big for the processing of screws for sub-
such approval was required. However, the statute of limitations expired the following year. However, the statute of limitations did not apply to illegal exports. Toshiba Machine had illegally exported, in the same way, that company as a whole was involved in the violation of COCOM terms.

It is clear that this is one of the most serious losses to the defense posture of the Free World in this decade.

In our view there are three issues to this case. First, those who are culpable must be punished severely. The Japanese Government has made an excellent start on this with the arrest of two Toshiba Machine officials, and is pursuing severe administrative sanctions. Nevertheless, the Japanese Government should be encouraged to press the case to the fullest extent of Japanese law.

Second, the issue of compensation is still outstanding. It will be very expensive to raise the technological level of our anti-submarine warfare capability back to where it was before the diversion to the Soviets. Some one will eventually have to pay for this, and our more recent decisions are made to allow new U.S. Government contracts to either Toshiba or Kongsberg the entire question of compensation will be resolved.

Finally, we hope in your talks with the Japanese Government that you will receive satisfactory assurances that such cases will never happen again. The Japanese Government appears to be heading in the right direction. They should be encouraged to establish new procedures and add additional personnel if needed.

Sincerely,

Mr. HELMS. Mr. President, I thank the Chair and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order 172.
In these times of economic crisis for the agricultural industry, fish is the only agricultural product in America where demand is greater than supply. The per capita consumption of fish is estimated at 14 pounds. More people are eating fish for health reasons. It is one of the highest quality animal protein available, and freshwater fish is especially low in saturated fat. Approximately 90 percent of the world’s fish is caught in the ocean, but the ocean producers have not been able to substantially increase their yield to meet the increased demand for fish. As America demands fresh, quality fish, the catfish will rise even more in popularity. It is certainly easy to see that this is a bright area of agricultural expansion. With this expansion the potential of catfish production in the South is unlimited.

Catfish farming has allowed much-needed diversification in the agricultural sector. With such an impressive economic resume and a taste that is second to none, catfish is well on the way to becoming a national favorite.

The joint resolution (H.J. Res. 178) was ordered to a third reading, read the third time, and passed. The preamble was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. HECHT. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

NATIONAL LABOR RELATIONS ACT AMENDMENTS

Mr. BYRD. Mr. President, is there a House message at the desk on H.R. 281?

Mr. BYRD. Mr. President, I have been asked to initiate rule XIV as a mechanism for getting H.R. 281 on the calendar. On behalf of Mr. KENNEDY, I ask unanimous consent that the House message be read the first time.

The PRESIDING OFFICER. The clerk will read the bill for first time.

The assistant legislative clerk read as follows:

A bill (H.R. 281) to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

Mr. BYRD. Mr. President, I ask unanimous consent for second reading of the bill, H.R. 281.

Mr. HECHT. Mr. President, I object. The PRESIDING OFFICER. Objection is heard.

The bill will be held over until the next legislative day for its second reading.

ORDER FOR RECORD TO REMAIN OPEN

Mr. BYRD. Mr. President, I ask unanimous consent that the Record remain open today until 5 o’clock for statements and the introduction of bills and resolutions.

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

AUTHORITY FOR COMMITTEES TO FILE REPORTS

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have until 5 o’clock today to submit reports, and I also ask unanimous consent that the committees may have between the hours of 10 a.m. and 3 p.m. on Monday to submit reports on legislative or executive business.

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

THE 1988 WHEAT PROGRAM

Mr. BYRD. Mr. President, I understand that the distinguished acting Republican leader wishes to proceed with a resolution on behalf of the Republican leader. I yield the floor for that purpose.

Mr. HECHT. I thank the distinguished majority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 237, a resolution Senator DOLE submitted this morning on wheat. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, there is no objection. This resolution has been cleared on this side of the aisle and we are ready to proceed.

Mr. HECHT. Mr. President, I ask unanimous consent that a list of resolution cosponsors be printed in the Record.

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

Senators DOLE, Lugar, Melcher, Boschwitz, Boren, Pressler, Symms, Baucus, Burdick, Gore, Kassebaum, Karmel, Daschle, Evans, Cochran, Durenberger, Pryor, Nickles, Conrad, Bentsen, and Bond.

The PRESIDING OFFICER. The clerk will state the resolution by title. The assistant legislative clerk read as follows:

A resolution (S. Res. 237) to express the sense of the Senate that it is in the best interests of United States wheat producers to immediately receive the details of the 1988 wheat program and that the program should include no more than a 27.5 percent acreage limitation level.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOLE. Mr. President, it seems an annual problem faced by our Nation’s wheat producers is not knowing the details of the program in time to make necessary planting decisions.

Wheat producers were expecting a program announcement, but as of today, still have not received word of what the program provisions will be. This makes it very difficult to make sound management decisions.

I understand the problem is an internal matter within the administration regarding the level of the Acreage Reduction Program [ARP]. Some within the administration would prefer a 30 percent ARP, since it would save a little money.

However, I believe there are many of us in this body who would side with a smaller ARP level of not more than 27.5 percent. Exports are up this marketing year and for the first time in several years, demand will exceed domestic production.

It is simply not good policy to keep raising ARP’s with such trends. Not only do high ARP levels reduce producer income, they also send the wrong signal to our competitors who increase their production to take advantage of the higher set-aside requirements U.S. producers face.

We should also keep in mind that the Conservation Reserve Program will take additional wheat acreage out of production this year.

RESOLUTION

Several of my colleagues and I are offering a sense-of-the-Senate resolution encouraging the administration to announce the details of the 1988 wheat program and to include not more than a 27.5-percent ARP level as part of the announcement.

I urge adoption of the resolution by my colleagues.

The resolution (S. Res. 237) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 237

Whereas United States wheat producers are still awaiting the details of the program for the 1988 crop of wheat established under section 107D of the Agricultural Act of 1949 (7 U.S.C. 1445b-3);

Whereas demand for United States wheat, for the first time in several years, will exceed domestic production;

Whereas United States wheat exports will be up more than 10 percent during the current marketing year;

Whereas high acreage limitation (ARP) levels under the acreage limitation program established under section 107D of such Act cause the per acre cost of producers and reduce farm income;

Whereas high ARP levels send the wrong signal to foreign competitors by encouraging them to increase agricultural production;

Whereas the Secretary of Agriculture has discretion to set the ARP level at 27 1/2 percent for the 1988 crop of wheat; and

Whereas the National Association of Wheat Growers (NAWG) has recommended a program that includes no more than a
Resolved. That is the sense of the Senate that--

(1) it is in the best interests of United States wheat producers to immediately receive the details of the program for the 1968 crop of wheat established under section 107D of the Agricultural Act of 1949 (7 U.S.C. 1445b-3); and

(2) such program should provide for an acreage limitation program (as described in section 107D(f)(2) of such Act) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm reduced by no more than 27½ percent.

Mr. HECHT. I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting Republican leader whether the following nominations have been cleared on the other side of the aisle: The nominations beginning on page 2, under Equal Employment Opportunity Commission, and numbered as follows: Calendar Order Nos. 213, 214, and 215.

Mr. HECHT. They have been cleared, Mr. President.

Mr. BYRD. I thank the acting leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider Calendar Order Nos. 213, 214, and 215, that they be considered en bloc, agreed to en bloc, that the President be immediately notified of the confirmation of the nominees, and that the motion to reconsider be laid on the table.

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

The nominations considered and confirmed en bloc are as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION


DEPARTMENT OF LABOR

Fred William Alvarez, of New Mexico, to be an Assistant Secretary of Labor.

NOMINATION OF FRED W. ALVAREZ TO BE ASSISTANT SECRETARY OF LABOR

Mr. BINGAMAN. Mr. President, I am pleased to support the nomination of Fred W. Alvarez to be Assistant Secretary of Labor.

Mr. Alvarez is currently serving as a Commissioner of the Equal Employment Opportunity Commission where he has compiled an outstanding record of accomplishment. He has been a member of the EEOC since his nomination in 1984.

Mr. Alvarez is an imminently qualified attorney. After receiving his juris doctor degree from Stanford University in 1975, Mr. Alvarez served as law clerk for the chief justice of the New Mexico Supreme Court. He then held a position with the National Labor Relations Board regional offices in Oakland and San Francisco, CA, for 4 years as a trial attorney responsible for investigations and enforcement of the National Labor Relations Act. His rapid ascension earned him the trust and respect of his fellow professionals, both within the National Labor Relations Board and those in private practice.

In 1980, Mr. Alvarez returned to New Mexico and entered private practice with a law firm in Albuquerque. In 1983, he became a director of the firm. Mr. Alvarez has concentrated in the area of employment and labor relations law. He has counseled private and public sector employers and trade associations on a full range of employment relations law and has engaged in administrative law practice before Federal and State government agencies and departments.

Mr. Alvarez is a member of the New Mexico and California Bar Associations, as well as the American Bar Association. He has also been a member of the American Bar Association and the New Mexico Bar Association. He was admitted to practice before the United States Supreme Court.

While with the National Labor Relations Board, Mr. Alvarez was a faculty member for the Council on Legal Educational Opportunity at the University of Santa Clara University Law School during the summer of 1979.

Mr. Alvarez is an extremely competent and dedicated individual who has distinguished himself, displaying the rare talent in this city of being able to get things done. His entire career is marked with success and accomplishment. His record at the EEOC, in particular, is truly remarkable. Mr. Alvarez has been responsible for increased litigation efforts, streamlined enforcement, the adoption of new policies for enhanced remedies, and more. His experience makes him extremely well qualified for the position of Assistant Secretary for Employment Standards where he will be responsible for overseeing programs that touch the lives of millions of American workers.

I urge my colleagues to support this nomination.

NOMINATION OF FRED W. ALVAREZ TO BE ASSISTANT SECRETARY OF LABOR FOR EMPLOYMENT STANDARDS

Mr. DOMENICI. Mr. President, it is very much an honor for me to support the nomination of Fred W. Alvarez to be Assistant Secretary of Labor for Employment Standards. Over the last 2½ years Fred has distinguished himself as a committed, able, and productive member of the Equal Employment Opportunity Commission.

During Fred’s tenure on the Commission, equal employment opportunity enforcement efforts were significantly improved. Litigation and investigation activities were increased such that unprecedented number of cases were brought before the Commission for litigation consideration. Fred played a very important part in making these valuable improvements. His impressive record of accomplishment at EEOC gives me great confidence in saying that he will make many fine contributions to employment conditions in this country at the Department of Labor.

Fred is a native of Las Cruces, NM, and he showed his great promise at a young age when he graduated from the New Mexico Military Institute with distinction. Fred went on to graduate from Stanford University with honors in economics and later earned his law degree from Stanford in 1975.

As a law student, and later as law clerk to the distinguished New Mexico Supreme Court Justice LaFe E. Oman, Fred began pursuing his interests in equal employment policy. There he gained valuable experience in employment and equal opportunity law, and achieved considerable respect for his work.

Before being appointed to the EEOC, Fred was a member of the prestigious law firm of Sutin, Thayer & Brown, where he continued his work in employment law. As an attorney in Albuquerque, Fred developed an excellent reputation within the New Mexico legal community.

I believe that Fred is an excellent choice as Assistant Secretary for Employment Standards. As Assistant Secretary, Fred will be responsible for affirmative action, wage and hour, and workers’ compensation programs. His experience and proven dedication make him particularly qualified to assume this new post.

When Fred was nominated to become a member of the EEOC, I was pleased to be able to recommend him to the Congress, and it is very much a pleasure for me to again come before my colleagues in the Senate to recommend Fred to another important position in the administration. I have full faith in Fred and believe he will make an even greater contribution to our Nation as Assistant Secretary of Labor for Employment Standards.
LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

Mr. President, I thank the distinguished acting Republican leader for his cooperation in expediting the business of the Senate.

CENTRAL AMERICAN COMMISSION

Mr. BYRD. Mr. President, this was the able minority leader indicated that the Congressional Commission on Central American Negotiations which was mandated by last year's legislation on Contra aid, had not fulfilled its responsibility and should discontinue operation.

Mr. President, I must disagree with the distinguished minority leader on this view. The authorization for the Commission has not been expended and at least $200,000 is still available for conduct of Commission business. The Commission was authorized for fiscal year 1987 and its time of operation remains open ended.

Mr. President, the Congress continues to need the independent input which the Commission was created to provide. The issues of negotiations and Contra activity in Central America are not going to go away. Just yesterday the New York Times reported that the President told President Aílas that he had serious reservations about Costa Rica's peace plan and that he remains fully committed to obtaining renewed funding for the Contras from Congress.

In his remarks this morning, the distinguished minority leader appeared to indicate that the Commission had failed to select a chairman because the two Democratic appointees had opposed three Democrats nominated by the Republican appointees. The minority leader also indicated that on the nomination of Secretary Kissinger, the Democratic appointees delayed their vote.

Mr. President, I think we need to set the record straight on this matter. The Democratic appointees nominated three distinguished Americans—former Secretary of Defense James Schlesinger, former Secretary of the NSC Robert Hunter, and former Senator Paul Tsongas. All of these nominations were opposed by the Republican appointees. And in the case of Secretary Schlesinger it took 9 weeks to get the Republican appointees to vote up or down on the nomination.

A unanimous consent request was nominated and offered the chair, nearly 2 weeks passed before he declined.

Mr. President, the Congress urgently needs the Commission to begin to function in its mandated role. Its time of operation is open ended and I propose that the congressional leadership appoint a chair for this important Commission so that it can get on with the work it was created for.

EXTRADITION OF MOHAMMED HAMADEI FROM WEST GERMANY

Mr. SPECTER addressed the Chair. The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have just come from the Dirksen Building, room 124, and a news conference on the issue of extradition of Mohammed Hamadei from the United States.

This news conference was also attended by Mr. and Mrs. Stethem, whose son Robert, was the victim of the brutal murder committed by Hamadei as disclosed by evidence, probable cause and a warrant of arrest issued by the District of Columbia.

Mr. President, I believe that it is important to call this issue to the attention of our colleagues on the floor of the U.S. Senate today, and I was attended by the distinguished Republican leader, Mr. DOLE, Senators D'AMATO, DIXON, DECONCINI, and myself. It concerned a joint resolution which has been cosponsored by some members of the Senate, the leadership of Senator D'AMATO calling for the executive branch—the President and the Department of State—to act with immediate attention to bring Hamadei back to the U.S. for trial.

This news conference also was attended by Mr. and Mrs. Stethem, whose son Robert, was the victim of the brutal murder committed by Hamadei as disclosed by evidence, probable cause and a warrant of arrest issued by the U.S. District Court for the District of Columbia.

Mr. President, I, believe that it is important to call this issue to the attention of our colleagues on the floor of the U.S. Senate today, and I was attended by my colleague, Senator D'AMATO, as I left the news conference a few moments ago, that I would do so.

I believe it is important to do this because there are very important considerations involved in the leadership of the extradition of Hamadei. The fact that 65 U.S. Senators have cosponsored this resolution is an emphatic statement to the West German Government about the seriousness with which we view this issue.

The United States and West Germany have been partners on many important ventures and we share many of the same values. I believe that it is important to underscore for the West Germans how vital we consider the extradition of Hamadei to the United States. The case involves the hijacking of a TWA airliner, a U.S. plane and it involves the murder of a U.S. Navy man, Robert Stethem. Under international extradition laws, this case ought to be sent to the United States for trial. The jurisdictional authority of the United States to try terrorists like Hamadei and other terrorists who hijack U.S. planes, take U.S. citizens hostage is a very important issue. It needs the independent input that the Commission can provide.

Just yesterday another U.S. citizen, a former reporter for ABC Television, was taken hostage in Beirut. We have a confrontation developing between the United States and Iran; Iran may respond to the United States action in the Persian Gulf by increasing acts of terrorism. We do not know who are the abductors of this officer or was not conspired by Iran, but there is cause to be concerned about what part Iran may play in the murder of the 240 U.S. marines in Lebanon in October 1983. There is cause to be concerned about the part Iran is playing in the international conspiracy on terrorism that may touch the Hamadei case. If the West Germans are to be weakened in the international resolve to move against terrorism to honor their extradition obligations to extradite Hamadei to the United States for trial, it is a very, very serious issue, especially with the kidnapping of another U.S. citizen yesterday and the kinds of demands which we face in the Persian Gulf.

I made the point in the news conference, Mr. President, that the U.S. Senate and the House will be watching very closely what happens in the Hamadei case. The West German Gov-
The completion of a decade of Senatoration of the trans-Alaska pipeline. I now wish to express these concerns in the strongest language to the West German Government in view of the recent trip to Bonn. I had occasion to discuss these matters with West Germans at their request in pursuit of our shared objectives and ideals. I believe that West Germany can yet rectify this recency by extraditing Hamadei to the United States where he ought to be tried. The matter has been investigated by a grand jury in Washington, DC. They have returned an indictment based on probable cause. There has been a warrant of arrest issued and based on that warrant of arrest we have sought extradition. If Hamadei can avoid the process of international law because West Germans are taken hostage in Lebanon, then it is an open invitation to terrorists around the world to take more hostages if they are going to be successful in thwarting justice and thwarting the extradition of Hamadei. The West Germans ought not to do that, nor should any of the Western democracies nor any nation in the world encourage terrorism by rewarding the terrorists who take others hostage.

Mr. President, these matters are of utmost concern. I have discussed my concerns with Ambassador Burt on a recent trip to Bonn. I had occasion to discuss these matters with West German officials there, with Secretary of State Hans Neuse!. I have discussed these matters in the last few days with representatives of the State Department. I now wish to express these concerns in the strongest language to the West German Government in conjunction with the joint resolution signed by 65 United States Senators. We have great concern on this issue and we regard it most seriously.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

TRANS-ALASKA PIPELINE SYSTEM

Mr. STEVENS. Mr. President, my State of Alaska is celebrating an important anniversary. Today marks the completion of a decade of Senatoration of the trans-Alaska pipeline system which we call TAPS. It was on June 20, 1977, that the first barrel of oil from the Prudhoe Bay oil field arrived at pump station 1 to begin its journey south.

Extending 800 miles from Alaska's North Slope, the trans-Alaska pipeline terminates at Valdez, where Alaskan oil is loaded on tankers for a trip to what we call the lower 48.

This is the largest private construction venture ever completed. When the 5 millionth barrel of oil flowed through the pipeline last month, Prudhoe Bay became the most productive oil field in the U.S. history, surpassing even the great east Texas field.

Oil is now flowing through our pipeline at a rate of 1.9 million barrels a day, more than the 1.8 million it was designed to carry. Actually, at times our Alaska pipeline has carried 2.8 million barrels of oil a day to the American economy.

We believe that Prudhoe Bay and TAPS have made an important contribution to Alaska and to our Nation during the last 10 years. In 1978, when the Iranian revolution brought a cut in oil production and threatened a new shortage, because TAPS was in place and oil was flowing, there was no threat to the United States oil supply.

That is to be contrasted with what happened before TAPS was in place and we had the oil embargo.

Now one-fifth of the total United States domestic oil production comes from Alaska's North Slope. With our domestic production now only 8.5 million barrels a day and constantly falling, Alaska will be a major contributor to America's energy supply for many years to come.

However, Mr. President, to Alaskans, this is a bittersweet anniversary. While Prudhoe Bay has proven to be as prolific as the most optimistic commentator predicted, it is an oil field that we now should call middle aged. By the end of next year production will begin to decline at an annual rate of 10 to 12 percent. By the year 2000—just 13 years from now—North Slope production will be less than 600,000 barrels a day.

As production from Prudhoe Bay falls off, along with that from other domestic fields, our dependence on foreign sources of oil will increase. The most basic implication of increasing reliance on oil imports is instability and insecurity. Incremental increases in our level of imports mean increasing leverage for those who supply them.

We know what is in store for us if we fail to respond to this increasing threat. We know there is no single answer to America's energy needs. However, there are some basic steps we can take to improve the picture by increasing our domestic reserves.

The coastal plain of the Arctic National Wildlife Refuge is recognized as the best onshore prospect for new oil reserves in North America. By removing the barrier to exploration and production in this area which has existed for the last 7 years, we can take a positive step toward securing America's energy future.

The history of the trans-Alaska pipeline is well worth recalling on its 10th anniversary.

First, I am sure most people would recall this pipeline was almost not built. As a matter of fact, here in the Senate there was a tie vote which was broken by the then Vice President, Spiro Agnew, the only vote he ever cast as Vice President.

The Department of the Interior prepared a massive environmental impact statement on the proposed pipeline. My good friend the late Roger S. Morton, then Secretary of the Interior, for many years a Member of Congress, made a decision in mid-1972 to go forward with the necessary permit necessary to build this pipeline based upon that environmental impact statement. But extreme environmentalists filed suit in an attempt to block that construction, and they actually won the first case, based on a ruling that the Secretary did not have authority to grant a right-of-way wider than 50 feet, under the Mineral Leasing Act of 1920. But the environmental impact statement set forth that in order to protect the environment, it was necessary to have a right-of-way that was wider than 50 feet. This meant congressional action was necessary in the form of a grant of a right-of-way to build our pipeline.

During congressional consideration, again extreme environmentalists consistently attacked the Interior Department's decision making process. They wanted to force the oil companies to abandon the pipeline by convincing Congress to order additional studies of their alternatives, particularly the trans-Canadian pipeline route. These groups made dire predictions about our pipeline and its impact on wildlife, particularly the caribou.

It is good for all of us to remember that these are the same groups arguing before us now, and they said that if we built the pipeline and started development process at Prudhoe Bay, it would destroy the caribou. Today, there are three times as many caribou in the Prudhoe Bay herd as when the pipeline was built. It is one of the largest caribou herds in the world.

Indefinite delay of North Slope energy development was the ultimate goal of the extreme environmental groups in responding to the TAPS proposal.

Unfortunately for them, the first signs of an energy crisis had already appeared by 1973. Many Congressmen and Members of the
I suggest to the Members of the Senate and others who may hear or read what I have said that we are hearing the same arguments, and in the days to come I am going to document those arguments. They are using the same tactics and the same arguments now to say do not explore the national wildlife refuge as when they said do not build the trans-Alaska pipeline.

Fortunately, in that day, since it was exploration for State land, the extreme groups which opposed development could not block the exploration and actual discovery of the oil. Now, because the Federal Government owns the land and has received that land for a special purpose, these groups feel that they can actually block the exploration and development of probably the last great area for new discovery of oil on the North American continent.

Mr. President, finally, let me once again invite every Member of the Senate to come to Alaska this summer. I see my good friend the majority leader in the Chamber. I would be particularly pleased if he and his lovely wife would join Catherine and me and come to Alaska and see.

The trans-Alaska pipeline has the best environmental record in the history of this country. It was attacked now, as we try, once again, to utilize our land to produce the energy that is necessary to keep the United States free of the pressures that will come from increased reliance on foreign oil.

Mr. President, these 10 years have escaped awfully fast, because I remember those debates on the floor of the Senate, and I remember who helped us get this pipeline started. I think it will be the tragedy of the 1980's if the Arctic National Wildlife Refuge is not explored. I intend to speak on that again and again on the floor of the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The assistant legislative clerk presented the roll, and unanimous consent to proceed with the roll was granted.

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

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

ORDER OF BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that during the afternoon I may from time to time speak on the subject of the U.S. Senate and that the RECORD show no interruptions of my speech.

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

Mr. BYRD. Mr. President, I will yield the floor at any time any other Senator wishes to have the floor and during the afternoon I shall probably have to from time to time leave the floor, but I will try not to impose on the Senate, the officers of the Senate, the pages, and the other employees of the Senate any more than I have to.

THE UNITED STATES SENATE

IMPEACHMENT

Mr. BYRD. Mr. President, the subject of my speech today is impeachment.

Mr. President, those of us who were Members of the Senate during the 99th Congress, and those new Senators who were Members of the House at the time, participated in a rare and historical event in the history of the Congress. That event was the impeachment and trial of Judge Harry E. Clifton. I say it was rare because prior to 1888, the last time the Senate sat as a court of impeachment was in 1936, a half century earlier.

Impeachment is a very serious matter. It is perhaps the most awesome power of Congress, the ultimate weapon it wields against officials of the Federal Government. The House of Representatives is the prosecutor. The Senate is the judge and jury. In the case of a Presidential impeachment trial, the Chief Justice presides. The final penalty is removal from office, and there is no appeal.

Impeachment was, for the English, the chief institution for the preservation of the government. By means of impeachment Parliament, after a long and bitter struggle, made ministers chosen by the King accountable to it rather than to the Crown—thus replacing absolutist pretensions by parliamentary supremacy. An instance of impeachment occurred in 1376, when the House of Commons registered its opposition to the policies of Edward III by undertaking to prosecute before the Lords the most powerful offenders and the highest officials of the Crown. The crowning achievement of the 14th century, it has been said, was to devise impeachment as a procedure for trial of the King's ministers, who were otherwise not reachable. The impeachment of the Earl of Strafford in 1642 constitutes a great watershed in the English constitutional history, of which the Founding Fathers were very much aware. Strafford's downfall was rooted in a conflict between the view of Charles I that "the will of the prince was the source of law," and that of Coke and his followers that law had an independent existence of its own, "set above the king as well as above his subjects." Strafford's impeachment may be regarded as the opening
gun in the struggle whereby the Long Parliament prevented the English monarchy from hardening into an absolutism of the type that was then becoming common.

Stratford was charged by the Commons with subverting the fundamental law and introducing an arbitrary and tyrannical government, whereby, the Commons intended to pass judgment and sentence of government as well as the man, because to them, Stratford personified, more than any other, the injustice and mischief that they meant to end. Menacing as the acts of Stratford were, they did not amount to treason within the common understanding because they were not, in the strict sense, acts committed against the authority of the King: they had his tacit consent, if not encourage. The offense, rather, was that Stratford had undermined the immemorial constitution of the kingdom by attacking its free institutions. A year or two before the Lords and Stratford had been heard in his own defense, what did Commons do? The Commons abanoned the impeachment and turned to a bill of attainder. The attainder continued in force to be proceeded on, and for con siderable time the King's prerogative to pardon an impeached officer. The Commons held that they were: "high crimes and misdemeanors" against the state, whereas "misdemeanors" described criminal sanctions of private wrongs. Nor did either "high crimes" or "misdemeanors" find their way into the general criminal law of England. As late as 1757 Blackstone could say that "the first and principal (high misdemeanors) is the mal-administration of such high officers, as are in the public trust and employment. This is usually punished by the method of parliamentary impeachment." Other high misdemeanors, he stated, are contempts against the King's prerogative, against his person and government, against his title, "not amounting to treason," in a word, "political crimes." Treason is plainly a "political" crime, an offense against the State; too bribery of an officer attempts to corrupt administration of the State. Indeed, early in the common law bribery was sometimes viewed as high treason. In addition to this identification of bribery, first with "high treason" and then with "misdemeanors, the association, as a category of criminal offenses, was so firmly set that the distinction between "high crimes and misdemeanors" with "treason, bribery," which are unmistakably political crimes, tends them a similar connotation under the maxim noscitur a sociis. (It is known from its association, as a category of criminal offenses, was so firmly set that the distinction between "high crimes and misdemeanors" with "treason, bribery," which are unmistakably political crimes, tends them a similar connotation under the maxim noscitur a sociis.) In sum, "high crimes and misdemeanors" appear to be words of art confined to impeachments, without roots in the ordinary criminal law and which had no relation to whether an indictment would lie in the particular circumstances. Impeachments are framed to execute the law where it is not easily discovered in the ordinary course of jurisdiction by reason of the peculiar quality of the alleged crimes. What lends a "peculiar" quality to these crimes is the fact that they are not encompassed by criminal statutes or, for that matter, by the common law crimes.

One may fairly conclude that indicability was not the test of impeachment of a Minister. Nor was it the test of impeachment of a Justice. The Jus
tices were a very small "elite group." Originally a part of the King's entourage, who accompanied him on his travels; only later did they come to rest at Westminster Hall and, like the ministers of the King, they were deemed triable only by the Lords.

Although English impeachments did not require an indictable crime they were not purely criminal proceedings that because conviction was punishable by death, imprisonment, or heavy fine. The impeachable offense, however, was not a statutory or ordinary common law crime but a crime by the "course of Parliament," the lex Parliamenta, The following charges drawn from impeachment cases disclose that impeachable misconduct was patently not "criminal" in the ordinary sense; they furnish a guide to the "course of Parliament;" and they give content to the phrase "high crimes and misdemeanors."

Duke of Suffolk (1450), treason and high crimes and misdemeanors: procured offices for persons who were unfit and unworthy of them.

Lord Treasurer Middlesex (1624), high crimes and misdemeanors: allowed the Office of Ordnance to go unrepaired though money was appropriated for that purpose; allowed contracts for greatly needed powder to lapse without payment.

Peter Pett, Commissioner of the Navy (1668). High crimes and misdemeanors: negligent preparation for the Dutch invasion; loss of a ship through neglect to bring it to mooring.

Then there are a group of charges which can be gathered under the rubric "corruption," as when Lord Treasurer Middlesex was charged with "corruption, shadowed under pretext of a New Year's Gift," and with "using the power of his place, and countenance of the king's service, to wrest (from certain persons) a lease and estate of great value." So too, Middlesex, and much earlier the Earl of Suffolk, were charged with obtaining property from the King for less than its value. Lord Halifax was accused of "opening a way to all manner of corrupt practices in the future management of the revenues" by appointing his brother to an office which had been designated as a check on his own, the profits to be held in trust for his brother to an office which had its value. Lord Halifax was accused of rupturing practices in the future management of the revenues.

Then too, the successful struggle for ministerial accountability to Parliament, as has been noted, was not really relevant to a system which set up three separate, independent departments and made Cabinet members responsible to the President, not to Congress.

The American Founders thought of the King as the "elite group," and replaced him by the President. You cannot get rid of a King by a hostile vote in the legislature, and perhaps their minds stopped there. Thus they made sure to reach the topmost executive by impeachment. In setting up an independent President who was to serve for a term, and in making cabinet officers a part of the executive branch, the Framers surely were aware that a mere vote of no confidence could not, as in England, topple a Secretary. It was because the separation of powers left no room for removal by a vote of no confidence that impeachment was adopted as a safety valve, a security against an oppressive or corrupt President and his sheltered ministers.

In truth, the gaze of the Framers was concentrated on the struggle with royal oppression during the seventeenth century rather than on the system of parliamentary government fully achieved in the eighteenth. Like the Colonists, the Founders were haunted by the threat to liberty of limitless greed for power. Before them marched a procession of ghostly despots, they were familiar with absolutist Stuart claims; many dreaded that a single Executive might tend to monarchical. Benjamin Franklin asked, "What was the practice before this in cases
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where the chief Magistrate rendered himself obnoxious? Why recourse was had to assassination.” Impeachment was preferable. Fear of presidential abuses prevailed over frequent objections that impeachment threatened a President’s independence. The framers, said George Mason, “is of more importance than that the right of impeachment should be continued.”

It is true that the Framers had come to fear legislative excesses as a result of the “sensible” post-1776 experience: and they fenced the Congress about with a number of restraints, for example, a presidential veto and judicial review. But the Colonial Assemblies elected by themselves, not thrust upon them by a distant King, as were judges and Governors, had been the darling of the Colonists. At the end of the Colonial period the prevalent belief, said Corwin, was that “the executive magistracy was the natural enemy, the legislative assembly the natural friend of liberty.” To the radical Whig mind, a potent influence on Colonial thinking was the “sensible” and “indigenous” weapon of eighteenth century despotism was the “power of appointment to offices.” The Executive, it was feared, could fasten his grip on the community by placemakers scattered strategically over the nation. Such suspicions died hard; and when a choice had to be made the Framers preferred the Congress to the President, for as Madison explained in the Federalist, “in republican government, the legislative authority necessarily predominates.”

One thing is clear; in the impeachment debate the convention was almost exclusively concerned with the President. The extent to which the President occupied center stage can be gathered from the fact that the addition to the impeachment clause of the Vice President and all civil officers of the United States was changed to a motion by September 27, 1787, when the convention adjourned.

So grave is this power of impeachment, and so conscious is the Congress of this solemn power, that impeachment proceedings have been initiated in the House only sixty-one times since 1789. Only fourteen federal officers have been impeached: one president, one cabinet officer, one senator, and eleven federal judges. Thirteen cases have been adjudicated. Of these, two were dismissed before trial because the individuals had left office, six ended in acquittal, and five in conviction. Each of the five Senate convictions has involved a federal judge.

In Federalist 65, Alexander Hamilton called impeachment a process designed “as a method of national inquest into the conduct of public men.” Hamilton and his colleagues at the Constitutional Convention, who figured prominently in the debates over impeachment, knew that the history of impeachment as a constitutional process dated from fourteenth century England, when the fledgling Parliament sought to make the King’s advisers accountable. By the mid-fifteenth century, impeachment had fallen into disuse in England, but, in the early seventeenth century, the impeachment of the Stuart kings prompted Parliament to revive its impeachment power. Even as the Constitution’s framers toiled in Philadelphia, the impeachment trial of William Hastings was in progress in London and avidly followed in America. Hastings, who was eventually acquitted, was charged with oppression, bribery and fraud as colonial administrator and first governor general in India.

The American colonial governments and early state constitutions followed the British pattern of trial before the upper legislative body on charges brought by the lower house. Despite these precedents, a major controversy arose at the Constitutional Convention as to whether the Senate should act as the court of impeachment. Opponents, led by Madison and Charles Cotesworth Pinckney, argued that it would make the President too dependent on the legislative branch. They suggested, as an alternative, that the Supreme Court or the chief justices of the state supreme courts. Hamilton and others argued, however, that such bodies would be too small and susceptible to corruption. In the end, after much wrangling, the Framers selected the Senate as the trial forum. To Hamilton fell the task of explaining the Convention’s decision. In Federalist 65, Hamilton argued: “The Convention . . . thought the Senate the most fit depository of this important trust. Where else than in the Senate could have been found a tribunal sufficiently dignified? What other body would be likely to feel confidence enough in its own situation, to preserve unawed and uninfluenced the necessary impartiality between an individual accused, and the representatives of the people, his accusers?”

There was also considerable debate at the convention in Philadelphia over the definition of impeachable crimes. In the original proposals, the president was to be removed on impeachment and conviction “for mal or corrupt conduct,” or for “malpractice or neglect of duty.” Later, the wording was changed to “treason, bribery, or corruption,” then to “treason or bribery” alone. Contending that “treason or bribery” were too narrow, George Mason proposed adding “mal-administration,” but switched to “other high crimes and misdemeanors against the state” when Madison said that “mal-administration” was too broad. A final revision defined impeachable crimes as those of “treason, bribery, and other high crimes and misdemeanors.”

The Constitution’s provisions on impeachment are found in Article I, Sections 3 and 4; Article II, Sections 2 and 4; and Article III, Section 2. To the House is given the “sole power of impeachment.” To the Senate is given “the sole power to try all impeachments.” Impeachments may be brought against the President, Vice President, and all civil officers of the United States. Conviction is automatically followed by “removal from office.”

While the framers very clearly envisioned a constitutional necessity of initiating impeachment proceedings, they put in place only a very general framework, leaving many questions open to differences of opinion and many details to be filled in. Despite the openness, endedness, as Peter Charles Hoffer and N.E.H. Hull note in their recent book Impeachment in America 1635-1805, thanks to the framers: A tool used in Parliament to curb kings and other placemen, an efficient legislative check upon executive and judicial wrongdoing. The power of the English House of Commons to impeach anyone, no matter how high, was restrained; the threat of death and forfeiture upon conviction was lifted; and the interference of the Commons and the House of Lords with the regular courts of justice was limited. American impeachment law shifted, at first inadvertently and then deliberately, from the orbit of English precedent to a native republican course. Federal constitutional provisions for impeachment reflected indigenous experience and revolutionary tenets instead of English tradition. Throughout the Congress’ two hundred years, several major questions have dogged impeachment proceedings. One concerns resignations. In general, the resignation of an official puts an end to impeachment proceedings because the primary objective, removal from office, has been accomplished. This was the case in the impeachment proceedings begun against President Nixon. However, resignation does not always preclude impeachment, as Secretary of War William Belknap found out in 1876. Belknap, tipped off in advance that a House committee had unearthed information implicating him in the acceptance of bribes in return for lucrative Indian trading posts, rushed to the White House and tearfully begged President Grant to accept his resignation at ten o’clock on the morning of March 2, 1876. Around three o’clock that afternoon, representatives, furious at both the president and Belknap for thwarting them, impeached Belknap by voice vote in the House. The House asked the question of its jurisdiction, in light of Belknap’s resignation, and decided by a vote of 37 to 29 that he could be impeached. But at the end of Belknap’s sensational trial in the summer of 1876, he was found guilty of none of the charges, not because the senators believed him innocent—most did not—but because most had decided they in
fact had no jurisdiction over Belknap, then a private citizen.  

Another question, the one that is debated most hotly by members of Congress, defense attorneys, and legal scholars from the first impeachment trial to the most recent, concerns the issue of exactly what is an impeachable offense. The task of definition left to future legislators by the Framers has proved perplexing. Treason and bribery, two commonly designated impeachable crimes, were clear cut. But what were "high crimes and misdemeanors?" Were misdemeanors lesser crimes, or merely misconduct? Did a high crime or misdemeanor have to be a violation of written law? Over the years, "high crimes and misdemeanors" have been about anything the prosecutors have wanted them to be. In an unsuccessful attempt to impeach Justice William O. Douglas in 1960, then-Representative Gerald Ford declared: "An impeachable offense is whatever a majority of the House of Representatives considers the House is bound to consider, otherwise the Constitution would be a nullity." That phrase is the subject of continuing debate, pitting broad constructionists, who view impeachment as a political weapon, against narrow constructionists, who regard impeachment as being limited to offenses indictable at common law.  

Narrow constructionists won a major victory when Justice Samuel Chase was acquitted in 1805, using as his defense the argument that the charges against him were not based on any indictable offense. President Andrew Johnson won acquittal with a similar defense in 1868. But the first two convictions in this century, those of Judge Robert Archbald in 1913 and Judge Halsted Ritter in 1936, neither of whom had committed indictable offenses, made it clear that the board constructionists, who maintain that impeachment is a matter of political discretion, have been outvoted.  

In the debate continued in 1974 with the investigation into the conduct of President Nixon, with the staff of the House Judiciary Committee arguing for a broad view of "high crimes and misdemeanors," the Nixon defense attorneys understandably argued for a narrow view.  

I shall now turn to an examination of the specific impeachment cases that have come to the Senate for trial and the arguments the precedents so recently exercised. I shall discuss the first three of these cases in some detail because they touch on several of the themes I have just mentioned, and because I think we tend to forget just what hurly-burly, partisan times those first years of the Republic were. The factiousness of these first cases is, I think, most instructive.  

The first impeachment case reached the Senate in 1799. It concerned one of the Senate's own members, William Blount, the only senator ever to be impeached. On July 3, 1797, President John Adams, a staunch Federalist, sent to the Congress a letter from Senator Blount to James Carey, an interpreter to Cherokee Nation. In the letter, Blount imprudently spelled out plans to launch an attack by Indians against the United States, continent, controlling the British fleet, against Louisians and Spanish Florida to achieve their transfer to British control. The letter was referred to a select Senate committee, which authorized the prosecution for "a high misdemeanor, entirely inconsistent with his public trust and duty as a senator." Blount's grandiose plotting was so distasteful to his fellow senators that they expelled him on July 8, 1797, by a 25 to 1 vote.  

Federalist leaders in the House, however, were not content with Blount's expulsion and, in January 1798, initiated impeachment proceedings against him, eventually adopting five articles. On the surface, this impeachment of Blount, a former North Carolina Federalist turned Tennessee Republican, by Federalists at the height of their powers, turned out to be the fallout of a shut case of a partisan vendetta. There were certainly this element in it, but the significance of the case runs deeper. If removal of Blount was all the Federalists could expect after an impeachment trial and Blount was already out of office, what could be the point of impeachment? Embedded in the passion of the Federalist managers of Blount's impeachment lay a broader, more covert political motive. If Blount, an elective office holder, could be impeached and disqualified for misconduct, not for any actual crimes, all Republicans in Congress could be threatened as long as Federalists controlled both houses. Blount's case was an opening gambit in this Federalist strategy, which, had it been successful, would have politicized the impeachment process to its core. What had at first seemed an open and shut case of one man's reckless cupidity now grew into a highly technical case with broad repercussions.  

At first, Blount seemed a perfect target for this large objective. He was an unscrupulous, chronically overextended landjobber, and he had undeniably plotted turmoil among the United States, Britain and Spain. But did private plotting amount to an impeachable offense? Blount had acted in no official capacity. And neither his mania for land nor his meddling in foreign affairs was uncommon or indictable in regular court. Nevertheless, by great leaps of imagination, the House Federalists managed to stretch Blount's harebrained scheme into a genuine peril: treason, a clearly designated impeachable crime, was committed in no official capacity. And neither his mania for land nor his meddling in foreign affairs was uncommon or indictable in regular court. Nevertheless, by great leaps of imagination, the House Federalists managed to stretch Blount's harebrained scheme into a genuine peril: treason, a clearly impeachable offense spelled out in the Constitution.  

Conanter with the language of the Constitution. In the end, Blount, the vehicle for a larger partisan campaign, caused its abrupt demise. Within a few years, however, Republicans would try their own hand at the game of political impeachments.  

By 1803, the Republicans were riding the high tide of popular support. Now it was time for the Federalists to tremble, as Republicans looked to impeachment as a way to root out entrenched opponents. Their targets were Federalist judges, for the Federalists' greatest remaining strength lay in the judiciary. The Republicans were merely waiting for the right case to which to apply the doctrine of political impeachment themselves.  

The first case to present itself concerned an inebriated, half-mad federal judge, John Pickering of New Hampshire. Though elected to the Continental Congress, Pickering had refused to go, as he suffered from a phobia of crossing water on a boat. When Pickering became chief justice of New Hampshire in 1790, his general mental imbalance became evident. Pickering's erratic behavior led the state legislature to vote to remove him from office in 1794, but the governor, a political friend of Pickering's, allowed the bill to languish. Meanwhile, for loyal service to the Federalist party, Pickering was elevated to the federal bench, put-
John Quincy Adams concluded that vote was to be taken and were some­
drew the wrong conclusion from the Federalists' fears is that they was lost. The entire House demanded
sel, an unlikely prospect. The senators
sel to defend him. The debate over
ended by the Pickering votes.
ning himself or of appointing coun­
ing Federalist judge. This time the Repub­
quiry to prevent the

The Federalists knew that their case

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"popular will," a doctrine that declared that impeachable of­
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opinions, Pickering's was not an entirely partisan case. It was actually the Federal­

The Federalists and Republicans in the Senate followed the Pickering im­
ch of the impeachers, while a group of Repub­

Pickering's bizarre behavior brought him to the attention of the House. Republicans. He was impeached that fall by a vote of 45 to 8—

Pickering's bizarre behavior brought him to the attention of the House. Republicans. He was impeached that fall by a vote of 45 to 8—

After bitter floor fights, Chase was impeached and his case sent to the Senate, in December, 1804. On January

On February 4, 1805, defendant, counsel, and House managers trooped into the Senate chamber. The small public galleries overflowed. In his opening remarks, Chase did not dispute the essential facts in the charges but claimed that the concept of impeach­ment itself was at issue. He made it clear that his removal would be for strictly political reasons since, he said, the law of the land clearly established that his acts did not show criminality neces­

Chase's career on the Federal bench had been marked not only by political controversy, but by a series of tumult­uous circuit sessions. Even the Federal­

Chase’s victory was resounding. Un­

Other

im­
After the flurry of partisan impeachments, almost thirty years passed before the House, in 1830, brought a single article of impeachment against federal District Judge of the District of Tennessee, William Belknap. Belknap was impeached for accepting a bribe of $50,000 from a British subject. The Senate convicted Belknap on May 26, 1876, in a one-day trial, the shortest ever, after 35 votes to 19, with 7 Republicans joining the Democrats in support of Belknap.

The Tenure of Office Act, the violation of which was to be the legal basis for impeachment, was passed over President Andrew Johnson's veto on March 2, 1867. It forbade President to remove civil officers appointed with the consent of the Senate without the approval of the Senate. Despite the certain consequences, Johnson decided to rid himself of his Secretary of War, the Radicals, an ally of the Radicals. On December 12, 1867, Johnson suspended Stanton, an act that enraged the Radicals and set in motion events that led the House to vote eleven articles of impeachment against the president. 16

Johnson's Senate trial began on March 5, 1868, with the defense immediately claiming the necessity of an indictable offense for impeachment. On May 16, after weeks of venomous argument, the Senate took a test vote on Article XI, a catch-all charge thought by the House managers most likely to produce a vote for conviction. The drama of the vote has become legendary. With 36 "guilty" needed for conviction, the final count was guilty, 35, not guilty, 19. Seven Republicans joined the 12 Democrats in supporting Johnson. Stunned by the setback, the Radicals postponed voting until May 26, when votes on Articles II and III produced identical 35-19 votes. To head off further defeats, the Radicals moved to adjourn sine die, and the motion was adopted 34-16, abruptly ending the impeachment trial of President Andrew Johnson. 17

The next Senate impeachment trial was that of former Secretary of War, William Belknap in 1876. As I noted earlier, Belknap had hastily resigned one morning and was impeached by the House that afternoon for selling appointments. Even though he was no longer in office, Belknap's case was brought to trial in the Senate. Despite much damning evidence, Belknap was acquitted on every count because enough senators believed that the Senate lacked jurisdiction due to Belknap's prior resignation. 18

Florida District Judge Charles Swayne was impeached in 1905. He was accused of filing false travel vouchers, improper use of private railroad cars, unlawfully imprisoning two attorneys for contempt, and living outside his district. Swayne's trial consumed two and a half months before it ended on February 27, 1906, when the Senate voted acquittal on each of the twelve articles. There was little doubt that Swayne was guilty of some of the offenses charged against him. Indeed, his counsel admitted as much, though calling the lapses " inadvertent. The Senate, however, refused to convict Swayne because its members did not believe his pecadilloes amounted to high crimes and misdemeanors. 19

It was during the long Swayne trial that the Senate decided that a Senate committee, rather than the Senate as a whole, receive impeachment evidence was made. Senator George F. Hoar of Massachusetts proposed that the presiding officer should appoint such a committee. Senator Hoar's proposal would eventually be embodied in Rule XI of the Senate's impeachment rules, in 1905 the resolution was referred to the Rules Committee, which took no action. The next impeachment trial was that of Judge Robert W. Archbald of the Commerce Court in 1913. Archbald was charged with numerous and serious acts of misconduct stretching over several years, including using his office to obtain advantageous business deals and free trips to Europe. As in the Swayne case, not one of the thirteen articles charged an indictable offense. Yet, apparently because of the seriousness and extent of his offenses, many of which he acknowledged, Archbald was convicted on five of thirteen articles. Archbald's counsel noted that the decision "determined that a judge ought not only to be impartial, but ought so to govern himself, both in and out of the court, that litigants will have no reason to suspect his impartiality; and that repeatedly failing in that respect constituted a high misdemeanor." 20

The trial of Judge Louderback again brought to the fore the problem of attendance at impeachment trials. After the trial, Representative Hatton Sum-
We worked feverishly through the solemn duty we believed we might be called upon to perform. In July 1974, published under ordinary rules of impeachment trial, that of Judge Claiborne. The key words of Rule XI, promulgated in 1934, found in the summer of 1974 it looked very much as though there might soon be an impeachment trial for a President of the United States. Richard Nixon. It was also the first time only three senators were present, and for ten days we presented evidence to what was practically an empty chamber. In 1934, Senator Henry Ashurst of Arizona, chairman of the Rules Committee, read aloud his amendment, which became the resolution that became Rule XI after its adoption the following year. The key words of Rule XI, so prominent in the most recent impeachment trials, were for primarily technical changes in the rules that had been adopted in 1956 for another Presidential impeachment, that of Andrew Johnson, as I have already indicated. With the resigation of Nixon, no further action was taken. The recommendations, however, were resurrected in the summer of 1974, and they helped inform the debates on how to conduct the trial of Judge Claiborne. 22

Mr. President, I will not go into the Claiborne case at length. It is too recent. Federal Judge Harry E. Claiborne of Nevada became the only official to be unimpeachably impeached by the House, by a vote of 406 to 0, on July 22, 1986. The only sitting federal judge ever to be imprisoned, Claiborne was then serving a two-year prison sentence for tax evasion. During September 1986, a twelve-man committee took testimony and gathered evidence and presented their findings to the Senate. On October 9, after trial before the full Senate, Judge Claiborne was convicted on three of the four articles by votes of 97 to 10, 90 to 7, and 99 to 8. Judge Claiborne thus became the fifth person convicted by this body.

Mr. President, it is always a sad day for this nation when a Federal official is disgraced and impeached. But, as I hope this examination of the history of this procedure makes clear, each impeachment trial demonstrates once again the genius of the checks and balances system crafted two hundred years ago, which protects the independence of each branch of government but affords a mechanism for dealing with the rare rogue official. I, for one, feel that the past could have spared himself the humiliation and the disgrace of impeachment and conviction had he but read the Constitution and believed in this great system that provides for checks and balances.

Mr. President, I ask unanimous consent that Notes to "Senate and the Power of Impeachment" be included in the Record at this point. There being no objection, the notes were ordered to be printed in the Record, as follows:

NOTES TO "SENATE AND THE POWER OF IMPEACHMENT"

1. Hoffer and Hull, 96-106.

The UNITED STATES HAS BOTH INTERESTS AND OBLIGATIONS IN THE PERSIAN GULF

Mr. LEVIN. Mr. President, the United States has both interests and obligations in the Persian Gulf region. It is essential that we avoid confusing the two. I believe that precisely what the administration's proposal to refuel and escort Kuwaiti tankers would do, confuse our obligations with our interests, to the detriment of the latter.

First, let's look at our obligations in the gulf region.

The clearest obligation of our Government in the Persian Gulf is to take reasonable measures to protect American lives and United States-owned property in the region. We have been doing that by escorting truly American-owned vessels in the gulf since the so-called "Tanker war" began, and not a single truly American-owned vessel has been attacked by Iran.

Nothing obligates us to protect Ku­waiti shipping. In the absence of such an obligation, the decision to protect Kuwaiti shipping should be made solely on the basis of our interests in the gulf.

But what are our interests in the Persian Gulf?

Our primary national security interests in the Persian Gulf region are to ensure that the friendly Gulf States
remain secure, and that Western access to the oil resources of the Persian Gulf States be maintained.

What threatens those primary interests?

Two potential threats exist: Iranian hegemony in the region and a significant increase in the Soviet military presence in the Persian Gulf.

I know of nobody in this body who wants to see either of these two threats realized.

What is not clear, at least to this Senator, is how either of those two threats is addressed by the administration's plan to reflag 11 Kuwaiti oil tankers, and escort them with United States naval vessels past Iranian missile sites and speed boats manned by fanatical revolutionary guardsmen.

For this Senator the fictional nature of this reflagging exercise sums up just how confused and ill-advised the administration's plans are.

I believe administration spokesmen Ambassador Richard and State Secretary Shultz did not accurately represent the very important ownership issue to the Senate Armed Services Committee last week. He created the clear impression will be seen as riding shotgun on the stagecoach itself will have the emblem of the Chesapeake Shipping Co. painted on the side and the American flag flying overhead. But I believe Chesapeake will be owned by Kuwaitis—no matter how American its name sounds.

We are engaging in what most of the world will perceive as a fiction—and a fiction engaged in to tilt toward Iraq. And that bothers me Mr. President. It bothers me that we believe we are tilting toward Iraq in this way is in our interest.

It could well widen both the war and the Soviet military presence in the region to the detriment of our security interests. The administration's plan may well lead to an Iranian attack on United States persons and property. Such an attack would surely lead to an American retaliation against Iran.

Radical Shites in the other friendly Gulf States will rejoice at the political windfall of such an American retaliation. The Soviets could profit greatly from an Iranian attack on us, our retaliation against Iran, and from political unrest in the GCC States.

If Kuwait were leasing United States tankers—that would be one thing. That would be significantly different from our Government pushing through a reflagging fiction. The former could result in our proper protection of American citizens and property. The latter is a fig leaf that merely creates the fiction of U.S. ownership, when the reality is vastly different.

Mr. President, I yield the floor.

Mr. SANFORD addressed the Chair.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from North Carolina.

EXPLORE PEACE IN NICARAGUA

Mr. SANFORD. Mr. President, the President of Costa Rica, Mr. Arias, was here yesterday talking to a great many Members in both Houses. I think an editorial was ordered to be printed in the Record.

I ask unanimous consent that this editorial be printed in the Record, as follows:

EXPLORE PEACE IN NICARAGUA

If President Reagan wanted an honorable and sensible resolution of conflicts in Central America, he would grab for the peace plan put forward by Costa Rica's President, Oscar Arias. Mr. Reagan's own policy of backing the Nicaraguan rebels and driving the Sandinistas out of Nicaragua is at a dead end. The Arias plan, whatever its flaws, has promise and wide support.

Mr. Reagan even felt compelled to issue a statement after his speech with President Arias yesterday stressing their agreement on "objectives." But that's not enough. If the Arias plan is to get off the ground, the Central American nations need to be brought together to discuss it must be restated. That means Washington must put its full weight behind the initiative. Otherwise, after Mr.
Reagan's years of lip service to negotiations, suspicions will rightly linger about his sincerity. Mr. Arias proposes cease-fires and regional reduction of military presence and the beginning of talks between governments and their “unarmed internal opposition.” Nicaragua would “democratize” and the United States would stop aid to the contras. Outwardly, the differences boil down to timing. Mr. Reagan wants Washington to stop aid to the contras at the same time the Sandinistas commit themselves to democratization. President Reagan insists on continuing to arm the rebels until Nicaraguan freedoms have been established. To Mr. Reagan, helping the contras is the best way to insure democratization. To Mr. Arias, the rebels are no solution; they are the problem, giving the Sandinistas cause for foreign sympathy and a pretext for repression.

Behind the jockeying lies Mr. Reagan's deeper reluctance for any kind of compromise that leaves the Sandinistas in power. That reluctance has doomed past peace initiatives from even being explored. There is no evidence even now that he has changed his mind.

Yet there are stirrings that encourage the plan’s supporters. The Administration has been rocked by the Iran/contra affair; future aid for the contras is chancy. But they adamantly rule out the only plausible peace plan around. The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING A MOCKERY OF U.S. TRADE LAWS

Mr. HOLLINGS. Mr. President, next week the Senate will turn its attention to major trade legislation. It is high time. The fact is, our Nation is in the fourth quarter of a game for all the marbles. And we're not touching football here. We're talking about a bare-knuckles international competition for jobs, for standard of living, and for national security.

Looking ahead to that crucial trade debate, Mr. President, I ask unanimous consent that an article titled "Shell Game at the Docks," from the whoop $85.5 billion in unreported imports slip across our borders each year. The total injury from all illegal imports is even more shocking: $3 billion in lost customs duties, $19 billion in lost sales by U.S. firms, $8 billion to $12 billion in lost national output, and nearly a half million lost jobs.

Many times I have taken the floor, Mr. President, to speak out about the acceleration of the assault on our textile industry, about how it is being eroded and indeed, destroyed by the predator trading practices of our competitors. The most recent trade figures, for the month of April, show an acceleration of the assault on U.S. textiles. The textile trade deficit for April was $1.83 billion—a disastrous 34-percent increase over the same period last year. For the first 4 months of 1987, the textile trade deficit stood at $7.6 billion—a 21-percent increase over the first 4 months of last year.

Mr. President, we are not talking here about an industry of antiquated factories and overpaid workers. On the contrary, the Office of Technology Assessment has estimated that the U.S. textile industry, measured in terms of output per person-hour, is among the most productive in the world. It has remained in the forefront of technology and innovation.

Mr. President, we have numerous bilateral trading agreements with our trading partners, agreements designed to create an orderly market for textile and apparel products. These arrangements were entered into, but they have been neither respected by our competitors nor enforced by our own Government. This situation has outraged and bewildered the hard-working men and women of the American textile industry. With good reason, they wonder whose side our Government is on. How many more factories, how many more jobs is the administration willing to sacrifice on its altar of goodwill?
It's the same story in other markets, as well. After new trade restrictions on copper alloy sheet went into effect last December, imports immediately went down from countries covered by the new rules, including France, Italy, and Brazil. But imports from Switzerland, among other non-European countries which do not happen to be covered by the trade restrictions—went up dramatically.

Normal market reaction? Not according to Joseph Mayer, president of the Copper & Brass Fabricators Council. Says he: "That is totally inconsistent with what we know of their capacity and their commercial dealings. That kind of switch doesn't happen in that amount of time.

An alternative to the transshipment play involves getting an exemption from an antidumping order. If a company covered by such a rule sells at fair market value for two years, it can then often get an exemption from the Commerce Department by pledging not to go back to dumping in the future. The convenience of that about an exemption is that the Commerce Department doesn't normally review exempted companies to see if they are honoring their word.

"They call it the game plan," says James Conner, executive vice president of American Yarn Spinners Association, a Grass-roots organization that lobbies against everything but groups. "You get the exemption and then start dumping all over again—and no one checks up on you." All this is happening for a simple reason: The U.S. Customs Service, which is charged with enforcing more than 1,000 trade laws, duties and quotas at the nation's ports and gateways, doesn't have enough people or money to do the job. Between 1980 and 1986 the staff at Customs, including inspectors and import specialists, dipped slightly, from 13,820 to 13,552, while total U.S. merchandise imports rose 50%, from $250 billion to $388 billion.

"We don't pretend to investigate every shipment—but it's a fair market value for two years," says John O'Loughlin, director of trade operations for U.S. Customs. In fact, Customs focuses most of its attention on shipments of goods covered by some form of import restriction, with textiles and steel at the top of the list.

That kind of hit-or-miss approach hardly instills confidence in industries seeking protection from foreign dumpers. "You can win an antidumping case in court, then lose everything if you don't have protection from dumping by government," says David Hartquist, partner at Collier Shannon Rill & Scott, a Washington law firm with a large international trade practice. "The first thing we do after we win a case is go to Customs and tell them they can expect efforts to circumvent duties."

To get action, more companies are thus hiring private investigators to dig up evidence of dumping, then handing over the research to the government for prosecution. But even when fraud is uncovered, there is no assurance that the Justice Department, which is also overworked and understaffed, will act decisively on the information.

Explains trade law attorney John Greenwald, partner at Wilmer, Cutler & Pickering in Washington, D.C.: "Customs fraud is not high on most U.S. attorneys' priorities. They have other criminal activities that attract much more attention."

Let's face it: But U.S. trade barriers just don't rank with drug running, money laundering or even insider trading as a crime against humanity. So don't look for anything like fanatical enforcement. One more argument against reliance on trade barriers to keep the U.S. competitive.

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 Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 9:56 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 86. Joint resolution to designate October 28, 1987, as "National Immigrants Day."

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 281. An act to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; and


MEASURES REFERRED

The following joint resolution was introduced, read the first and second time by unanimous consent, and referred as indicated:


MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 281. An act to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of June 16, 1987, the following reports of committees were submitted on June 18, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. 1394. An original bill to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and other purposes (with additional views) (Rept. No. 100-75). By Mr. CHILES, from the committee of conference:


REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD (for Mr. LEAVY), from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 512, to promote the export of United States agricultural commodities and the products thereof, and for other purposes (with additional views). (Rept. No. 100-77) By Mr. GLENN, from the Committee on Governmental Affairs:

Report to accompany S. 328, to amend chapter 39 of title 31, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes (with additional views). (Rept. No. 100-78.

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. HECHT (for himself, Mr. PROXMIKE, Mr. BAUCKS, Mr. COHEN, Mr. HEINZ, Mr. HUMPHREY, Mr. MCCORMICK, Mr. REID, and Mr. WIRTH):


By Mr. SPECTER:

S. 1396. A bill to amend the Unfair Competition Act of 1916 and Clayton Act to provide for private enforcement of the Unfair Competition statute in the event of unfair foreign competition, and to amend title 26 of the United States Code to provide for private enforcement of the Customs fraud statute; to the Committee on the Judiciary.

By Mr. CRANSTON (for himself, Mr. MURKOWSKI, Mr. THURMOND, Mr. NUNN, Mr. DOLE, Mr. EKON, Mr. COHEN, Mr. MCGA1N, Mr. ADAMS, Mr. ARMSTRONG, Mr. WARNER, and Mr. STEVENS):

S. 1397. A bill to recognize the organization known as the Specialized Officers Association of the United States of America; to the Committee on the Judiciary.

By Mr. DECONCINI:

S. 1398. A bill to amend title 10, United States Code, to clarify the authority of the Secretary of the Air Force to permit female members of the Air Force to receive fighter
Mr. KYRillos: The time has clearly come for our country to seriously debate how we want nuclear waste transported. We cannot sit back and wait until a monitored retrievable storage facility is built or a repository has been chosen. The Department of Energy is already exploring designs for waste containers.

If we, the representatives of the American people, want to be able to influence the transportation of nuclear waste, we should take action during this Congress. I therefore encourage my colleagues to support the bill I introduced today, so we can start moving on this important issue.

I would like to offer my special appreciation to Senator Proxmire and Ruth Fleischer of his staff for their able assistance in drafting and promoting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record immediately following my statement.

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

S. 1395

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 known as the “Nuclear Waste Transportation Act of 1987.”

SEC. 2. AMENDMENT TO THE HAZARDOUS MATERIALS TRANSPORTATION ACT.

The Hazardous Materials Transportation Act (49 U.S.C. 1801) is amended by inserting the words “subtitle A—Hazardous Materials” after section 105, and by inserting the following new subtitle after section 115:

“SUBTITLE B—TRANSPORTATION OF HIGH LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.”

SEC. 116. SHORT TITLE.

This Act may be known as the “Nuclear Waste Transportation Act of 1987.”

SEC. 120. DEFINITIONS.

For purposes of this Act—

(1) The terms ‘high level radioactive waste’, ‘Indian tribe’, ‘State’, ‘repository’, ‘spent nuclear fuel’, and ‘test and evaluation facility’, have the same meaning given such terms in section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101); and

(2) the term ‘corridor’ means the area or route traversed by a particular mode of transportation and...
TRANSPORTATION PACKAGES

SEC. 121. ACTUAL TESTS REQUIRED.

A package design shall be certified by the Nuclear Regulatory Commission and adopted by the Secretary of Energy and the Secretary of Defense only if it has been proven in actual tests on full-scale packages, not simulated tests, tests on scale models, or engineered analyses.

SEC. 122. REPORT TO CONGRESS.

The Secretary of Energy shall review the packages used by other nations, and report to the Nuclear Regulatory Commission and the Congress within one year of the date of enactment of this Act as to any case where the design standards directed under this Act, or additional standards recommended by the Secretary, are less safe than those imposed by other nations. The Secretary's report shall explain how the foreign standard is safer, and recommend whether that standard should be adopted for packages to be used in the United States. If the Secretary concludes that safer foreign standards need not be adopted in the United States, the report shall explain his reasoning in this regard.

SEC. 123. PACKAGE LICENSING.

As of 180 days of the date of enactment of this Act, no high level radioactive waste or spent nuclear fuel may be transported by or for the Secretaries of Energy, Defense, or Transportation, unless those packages that have not been certified for such purposes by the Nuclear Regulatory Commission.

SEC. 124. DESIGN STANDARDS.

As of the date of enactment of this Act the Nuclear Regulatory Commission shall conduct public hearings on the adequacy of the design standards and tests for packages used in the transportation of high level radioactive waste and spent nuclear fuel.

TRANSPORTATION PROCEDURES

SEC. 126. MODES OF TRANSPORTATION

In selecting routes for the shipment of high level radioactive waste and spent nuclear fuel the Secretary of Transportation is encouraged to give preference to rail transportation, unless another mode is determined by the Secretary to be safer.

SEC. 127. TRANSPORTATION LICENSING.

(a) The Secretary of Transportation, after giving the States an opportunity to provide comments on the proposed routes, shall either (1) an emergency response and mitigation plan as provided in subsection c; (2) a hazard risk assessment of the corridor assessing the physical impacts that affect the risk of transportation in that corridor; (3) an environmental analysis, if required by the Secretary; (4) an analysis of alternate corridors including a comparison of risks and hazards; and (5) evidence that a notice of application has been sent to corridor States and affected tribes, and that such States and tribes have been consulted on corridor selection;

SEC. 128. ACTUAL TESTS REQUIRED.

A package design shall be certified by the Nuclear Regulatory Commission and adopted by the Secretary of Energy and the Secretary of Defense only if it has been proven in actual tests on full-scale packages, not simulated tests, tests on scale models, or engineered analyses.

SEC. 129. ROUTING THROUGH URBAN AREAS.

(a) The Secretary of Transportation shall not approve a route for the transportation of high level radioactive waste or spent nuclear fuel through an area designated by the Secretary of Defense as a nuclear safety transportation corridor, unless the Secretary of Defense determines that the route is significantly safer.

SEC. 130. MODES

SEC. 131. ROUTING THROUGH URBAN AREAS.

(a) The Secretary of Transportation shall not approve a route for the transportation of high level radioactive waste or spent nuclear fuel through an area designated by the Secretary of Defense as a nuclear safety transportation corridor, unless the Secretary of Defense determines that the route is significantly safer.

(b) Emergency medical and hospital procedures;

(c) decontamination procedures for public and emergency response personnel;

(d) coordinated response procedures with affected States, tribal, and local entities; and

(e) resource identification and accessibility.

SEC. 132. LICENSE APPLICATION.

(b) A license may be granted by the Secretary of Transportation, after giving the States an opportunity to provide comments on the proposed routes, if (1) the Secretary determines that the route is significantly safer;

(c) the Secretary of Transportation shall notify the Secretary of Energy and the Secretary of Defense that a license is to be granted and provide no less than 7 days prior to the date of transportation through the States and States governments, the affected States, and affected local communities and affected States, and affected local communities.

(d) Upon receipt of a license application, an environmental analysis which shall include, at a minimum-

(1) prior to issuing the license to transport high level radioactive waste or spent nuclear fuel, the Secretary shall present an environmental analysis which shall include a detailed analysis of the risks for the alternative and the Secretary's decision and the probable impacts. Such an environmental analysis shall include, at a minimum-

(a) a comparison of the relative hazards and risks of alternative routes, modes, and timing of transportation;

(b) an analysis of the emergency preparedness of States, local communities, and affected Indian tribes along the selected corridor;

(c) a description of the physical characteristics along the selected corridor, especially those which might hinder recovery, containment, and cleanup of an accident involving the transportation of waste; and

(d) an evaluation of the environmental and human health effects of a release of high level radioactive waste during transportation.

(b) To the extent necessary to protect public health and safety and the environment, the Secretary shall impose reasonable and prudent restrictions on the shipper to enhance the containment and cleanup of an accident, or both.

(c) The Secretary of Energy and the Secretary of Transportation shall establish a licensing program to be administered by the Nuclear Regulatory Commission to implement this Act.

(d) The Secretary of Transportation shall, in cooperation with the appropriate State agencies, provide the Federal government with guidance and advice in the development and implementation of a demonstration project for the operation of a demonstration project, including the establishment of procedures, standards, and training necessary to ensure the safe and efficient operation of the project.

(e) Funds for the work performed by federal agencies under this Act shall be derived from available appropriations from the Nuclear Waste Fund.
Mr. PROXMIRE. Mr. President, I am pleased to join with Senator HECHT in introducing new legislation regulating nuclear waste transportation. This bill is a modification of HR 1086 which was first introduced in 1985. In addition, our new bill adds sections on transportation package safety, preference for rail transport over other modes and preferences for nonurban routes as long as such routes are significantly safer.

Our bill amends the Hazardous Materials Transportation Act (HMTA) and Atomic Energy Act to preempt States from acting themselves. As a result, there is often no regulation at all.

Why am I concerned with this subject? Wisconsin has had unique exposure to nuclear waste transportation. Fully 45 percent of all the nuclear waste transported by truck in the United States moved through Wisconsin. The State also hosted the largest rail shipments by volume yet sent, the 30 shipments of spent fuel which traveled from Northern States Power in Monticello, MN to interim storage in Morris, IL. These recently completed shipments point out the need for new legislation on both the State and Federal level.

Although Wisconsin wanted to impose a limited list of health, safety, and environmental protection measures on the utility and its carrier, a Federal court ruled that the Hazardous Materials Transportation Act and the Atomic Energy Act effectively eliminated a role for the State.

The legislation makes sense. State, not Federal agencies, bear the emergency response burden should accidents occur. And States traditionally are responsible for local transportation. Wisconsin police powers under their police powers. In contrast, the Federal Rail Administration has only a few dozen inspectors for all hazardous cargo nationwide and almost no special nuclear safety regulations. Even worse, because the Interstate Commerce Commission denied the rail industry request for a special nuclear waste tariff, railroads seldom use dedicated trains, the simplest safety measure.

While the United States has not yet suffered any major accidents from highly radioactive cargo, this may be more a result of luck and the relatively small volume of shipments than of an inherently safe transportation system. Within the last year a truck with a nuclear cargo fell into the Snake River in Idaho and a train car carrying nuclear waste was briefly lost in Ohio. Even worse, last October there was an apparent attempt to sabotage one of the trains involved in the Wisconsin shipments.

This bill beefs up Federal regulation of highly radioactive nuclear cargoes while providing a greater role for the States. It places primary responsibility for regulation of nuclear waste transportation in the Department of Transportation as part of the Hazardous Materials Transportation Act while giving significant new powers to the Nuclear Regulatory Commission.

The bill has several parts. First, the Federal agency licenses shipments of high-level nuclear materials or spent fuel after analysis of: Relative hazards and risks of alternative routes and transportation modes; evaluation of emergency preparedness; environmental features of the route; factors affecting site cleanup; potential health and safety affects; and need for the shipments.

Second, the bill sets out the rights of States to regulate nuclear shipments. Under its terms, States and Indian tribes can implement requirements for: accident reporting; inspection; fees; advance notice of shipments; cleanup procedures; and other requirements which insure local health, safety, and environmental protection. Narrow interpretations of existing Department of Transportation requirements, made under the HMTA severely limit States from imposing these kinds of regulations.

Third, the bill requires actual testing of shipping packages and a report to Congress on package standards.

Finally, the bill makes significant changes regarding mode of transportation and routing through urban areas.

Shipments will increase as utilities move to retrieve ••• materials that are being transported across our country to safe disposal sites. The transportation of high-level radioactive waste and spent nuclear fuel could potentially affect most States. This legislation provides for more attention to be paid to the transportation of this waste prior to the increase in the number and size of shipments that will occur in the foreseeable future. Aspects of this legislation may serve well as a model in addressing the transportation of other hazardous materials across our States.

This legislation, the Nuclear Waste Transportation Act of 1987, recognizes the potential threat to public health and the environment from the transportation of nuclear waste from its point of origin to either a monitored retrieval storage facility or to a permanent repository. While this activity is inescapable, it can be managed to better safeguard our metropolitan areas.

Current law permits the Federal Government to compel local governments to allow transportation through urban areas unless the local governments can demonstrate that unique physical conditions or exceptional circumstances exist. This is a heavy burden to impose on our cities and towns. This legislation simply requires local government to identify a safer route than the one selected by the Federal Government. Federal agencies are called upon to cooperate with local governments in planning alternative routes around metropolitan areas.

Local governments will be provided with notice prior to the shipment of high level radioactive waste or spent nuclear fuel unless the Governor certifies that he does not want prenotification. The legislation also calls for the transportation of this waste by rail instead of by truck when possible. Training will be provided to local governments through whose jurisdiction the Federal Government plans to transport these wastes. This training would cover procedures for safe, routine transportation and procedures for dealing with emergency response situations.

Finally this legislation provides States, local governments and Indian tribes with the right to implement permits for inspection and enforcement and the right to pay the cost of nuclear safety transportation programs.

Within the next several months, more waste material will be transported as the Department of Energy ships material from Washington and Idaho to the waste isolation pilot project in New Mexico. This is an important time for the Federal Government to be sensitive to State and local governments in planning alternative routes around high population centers.

Nuclear and other radioactive wastes travel through Montana. Interstates 90 and 94 are the routes most commonly used in transporting these materials. Billings, Butte, and Missoula are therefore the metropolitan areas where this legislation would have the greatest impact. This legislation gives States the opportunity to work with the Federal agencies to select alternative routes for transporting these hazardous materials. This is an important step in allowing States to play a vital role in protecting public health and environment.

Montanans, as well as all Americans, have a right to know about the hazardous materials that are being transported through their States. States also have a right to a vote in selecting the preferable transportation route in their own metropolitan areas.
The current regulatory scheme rarely imposes retroactive duties; it merely restricts future dumping. This bill would allow domestic companies to recover damages for injuries sustained which cannot be timely provided or is otherwise inadequate.

We desperately need the vigorous private enforcement this bill would spur if we are to successfully chart a course between the grave dangers of increased protectionism and the certain peril which would result from unabated illegal foreign imports. Accordingly, I urge my colleagues to join me in supporting this bill.

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. 1396

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

SECTION 1. PRIVATE ACTIONS FOR RELIEF FROM UNFAIR FOREIGN COMPETITION.

(a) CLAYTON ACT.—Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting 'section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 721)' after 'nineteen hundred and thirteen'.

(b) ACTION FOR DUMPING VIOLATIONS.—Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 721) is amended to read as follows:

'Sec. 801. (a) No person shall import or sell within the United States any article manufactured or produced in a foreign country—

'(1) such article is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article, and

'(2) such importation or sale—

'(A) causes or threatens material injury to industry or labor in the United States, or

'(B) prevents, in whole or in part, the establishment or modernization of any industry in the United States,

'(b) Any interested party whose business or property is injured by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against—

'(1) any manufacturer or exporter of such article, or

'(2) any importer of such article into the United States who is related to the manufacturer or exporter of such article.

'(c) In any action brought under subsection (b), or upon a finding of liability on the part of the defendant, the plaintiff shall—

'(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question, or

'(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and

'(3) recover the costs of the action, including reasonable attorney's fees.

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'(B) prevents, in whole or in part, the establishment or modernization of any industry in the United States,

'(b) Any interested party whose business or property is injured by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against—

'(1) any manufacturer or exporter of such article, or

'(2) any importer of such article into the United States who is related to the manufacturer or exporter of such article.

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'(b) Any interested party whose business or property is injured by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade against—

'(1) any manufacturer or exporter of such article, or

'(2) any importer of such article into the United States who is related to the manufacturer or exporter of such article.

'(c) In any action brought under subsection (b), or upon a finding of liability on the part of the defendant, the plaintiff shall—

'(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question, or

'(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and

'(3) recover the costs of the action, including reasonable attorney's fees.
(1) Any action brought under subsection (b) shall be advanced on the docket and expedited in every way possible.

(2) For purposes of this section—

(A) a prima facie showing of the elements set forth in subsection (a) in an action brought under subsection (b), or

(B) affirmative final determinations adverse to the defendant by the administering authority and the United States International Trade Commission under section 705 of the Tariff Act of 1930 (19 U.S.C. 1677d) relating to imports of the article in question for the country in which the manufacturer of the article is located, the burden of proof in such action shall be upon the defendant.

(c)(1) Whenever, in any action brought under subsection (b), it shall appear to the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoenas of a final determination in such proceeding, is pending and for one year thereafter.

(g) Any order by a court under this section is subject to nullification by the President pursuant to his authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

(d) ACTION FOR CUSTOMS FRAUD—

(1) Chapter 95 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1586. Private enforcement action for customs fraud.

(a) Any interested party whose business or property is injured by fraud, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592) may bring a civil action in the district court of the District of Columbia or in the Court of International Trade, without respect to the amount in controversy.

(b) Any action brought under this section is subject to nullification by the President pursuant to his authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702)."

SEC. 2. ACCOMPLISHMENT OF OBJECT.

It is the sense of the Congress that the provisions of this section are consistent with the purpose and objective of subsection (a).

"June 19, 1987"
with, and in accord with, the General Agreement on Tariffs and Trade (GATT).

By Mr. CRANSTON (for himself, Mr. MUKROWSKI, Mr. THURMOND, Mr. NUNN, Mr. DOLE, Mr. EKON, Mr. COHEN, Mr. ADAMS, Mr. ARMSTRONG, Mr. WARNER, and Mr. STEVENS):  

S. 1397. A bill to recognize the organization known as the Non Commissioned Officers Association of the United States of America (NCOA), to grant a Federal charter to the Non Commissioned Officers Association of the United States of America (NCOA). I am delighted to be joined on the bill by the ranking minority member of the Veterans’ Affairs Committee, Senator MUKROWSKI, two of our committee members, Senators DECONCINI and THURMOND, who also serve on the Judiciary Committee to which the bill will be referred, and our other colleagues, Senators NUNN, DOLE, EKON, COHEN, ADAMS, McCaIN, and ARMSTRONG.

Since its inception in 1960, NCOA has grown to become one of the largest organizations in the United States representing current and former enlisted personnel. Included in its more than 170,000 members are active, retired, reserve, and veteran noncommissioned and petty officers of the Army, Navy, Marine Corps, Air Force, Coast Guard, and National Guard.

NCOA is a patriotic, fraternal, and benevolent association, organized into nearly 300 chapters in all 50 States as well as 6 other Nations around the world. These chapters are involved in a wide range of activities, including scholarship and national defense foundations, medical trust funds, and veterans employment assistance programs. In my home State of California, the NCOA chapters are deeply involved in a wide range of activities, including civic activities such as working with the Special Olympics.

The NCOA veterans’ service program—which includes accredited national service officers—is one of the largest in the Nation. This program assists thousands of veterans each year as well as many thousands of dependents and survivors in applying for benefits and services from the Veterans’ Administration and other Federal and State agencies.

The NCOA has an active scholarship program under which nearly $50,000 in scholarships will be awarded this year to the children of noncommissioned and petty officers.

NCOA is also active in employment matters. For example, the association will host 20 job fairs in the United States and Europe during this year to assist veterans and in-service military personnel in obtaining postservice employment. Last year NCOA held a special job fair for veterans at the U.S. Department of Labor.

Mr. President, NCOA is a most worthy organization which serves not only its members but also the general public. I urge my colleagues to join me in cosponsoring this legislation, and I look forward to working with my colleagues on the Judiciary Committee as that committee considers this measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record at this point.

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

S. 1397

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

CHARTER

Section 1. The Non Commissioned Officers Association of the United States of America, Incorporated, a nonprofit corporation organized under the laws of the State of Texas, is recognized as such and is granted a Federal charter.

POWERS

Section 2. The Non Commissioned Officers Association of the United States of America, Incorporated (hereinafter in this Act referred to as the ‘corporation’), shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

OBJECTS AND PURPOSES OF CORPORATION

Section 3. The objects and purposes of the corporation are those provided in its bylaws and articles of incorporation and shall include—

(1) upholding and defending the Constitution of the United States;

(2) promoting health, prosperity, and scholarship among its members and their dependents and survivors through benevolent programs;

(3) assisting veterans and their dependents and survivors through service programs established for that purpose;

(4) improving conditions for service members, veterans, and their dependents and survivors; and

(5) fostering fraternal and social activities among its members in recognition that cooperative action is required for the furtherance of their common interests.

SERVICE OF PROCESS

Section 4. With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

Section 5. Except as provided in section 8, eligibility for membership in the corporation and the rights and privileges of members of the corporation shall be as provided in the constitution and bylaws of the corporation.

ANNUAL REPORT
Sect. 12. The Corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as the report of the audit required by section 2 of the Act referred to in section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL
Sect. 14. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"
Sect. 15. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

TAX-EXEMPT STATUS
Sect. 16. The Corporation shall maintain its status as an organization exempt from taxation under the Internal Revenue Code of 1986. If the Corporation ceases to maintain such status, the charter granted by this Act shall expire.

EXCLUSIVE RIGHT TO NAMES
Sect. 17. The Corporation shall have the sole and exclusive right to use the names "The Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association of the United States of America", "Non Commissioned Officers Association", and "NCOA", and such seals, emblems, and badges as the Corporation may lawfully adopt. Nothing in this section shall be construed to conflict or interfere with established or vested rights.

TERMINATION
Sect. 18. If the Corporation shall fail to comply with any of the restrictions or provisions of this Act, the charter granted by this Act shall expire.

By Mr. DeCONCINI
S. 1398. A bill to amend title 10, United States Code, to clarify the authority of the Secretary of the Air Force to permit female members of the Air Force to receive fighter pilot training; to the Committee on Armed Services.

FIGHTER PILOT TRAINING FOR FEMALE MEMBERS OF THE AIR FORCE

Mr. DeCONCINI. Mr. President, it has come to my attention that there exists within this Nation's Armed Forces a situation of unfair and unequal treatment of the sexes. This is a situation which needs to be addressed and rectified at the earliest possible opportunity.

At Shepherd Air Force Base in Wichita Falls, TX, the United States is involved in training NATO Air Force personnel as fighter pilots. The purpose of the Euro-NATO Joint Jet Pilot Training Program is to train the best pilots in the tactics and skills necessary to be effective fighter pilots. These pilots are from every member nation in the NATO alliance and supposedly represent the best that each country has to offer.

In December of last year, the program graduated a very special student pilot from the Netherlands. Her name is Nelly Speerstra and she is a student lieutenant in the Dutch Air Force. According to the December 18, 1986 issue of the Los Angeles Times and two letters from the congressman, she completed the yearlong program with over 300 hours of flying time in T-37 and T-38 trainers. She became NATO's first woman combat fighter pilot and a shining example to young women around the world.

Unfortunately, Mr. President, while Lieutenant Speerstra has become an example for young women in Europe, her dream cannot be followed here in the United States. Because Federal law prohibits women from entering fighter pilot training programs, she is barred from entering the program. With the great advances which women have made in the Armed Forces, and especially in this Nation's space program in the past decade, it is unfortunate that we still inhibit women's growth in certain areas which remain under the rubric of "males-only territory.

Sally Ride, Judith Resnick, and Christa MacAuliffe became synonymous with the Space Shuttle program and were intimately involved in all of the rigorous aspects of the space shuttle program. Similarly, recently retired Rear Admiral Grace Hopper, of the U.S. Navy, proved her skills and dedication to the Navy and the growth of nuclear naval forces at a time when the role of women was limited to the home and certain clerical positions in the office.

In Arizona today, there exists a graduate of Arizona State University—a cadet in the Air Force ROTC Program at that institution—who is attempting to enter the Euro-NATO Joint Jet Training Program. She writes to me from Holland, and non-NATO, allow women to answer the call to serve. Why should this nation limit the opportunities available to all citizens to serve their country? I ask unanimous consent that the bill be printed following the completion of the Committee. I wish to clarify certain issues at this point. Before I ask unanimous consent that the bill and certain other items be put to use training other qualified pilots—both men and women. I am certain there are other creative and practical uses for skilled fighter pilots of both sexes.

Mr. President, let us remove yet another barrier impeding the advancement of women who wish to serve their Nation. Other nations, both NATO and non-NATO, allow women to answer the call to serve. Why? This Nation's role in the Air Force is to train the best pilots possible. That means that they should not be denied the chance to test herself and prove herself.

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serve or Air Guard to save money. Although I take very seriously. To serve means AFROTC would give up an active duty assignment States in a military capacity is one I do not States.

I would seriously consider taking this option if I could be assigned ENJJPT and becoming fighter pilots. The sixth is ENJJPT. I would like the opportunity to be assigned to this base if I am qualified.

I am too late for myself, please pave the opportunity to attend ENJJPT, become lieutenant in the United States Air Force, I

The United States Government has abided by the principles of Cocom, the Coordinating Committee of Export Control, made up of NATO and Japan. Under Cocom's charter, sales of high technology equipment to Communist nations are restricted. Further sales of restricted technology will increase the challenge to U.S. security, and Cocom seems helpless to prevent them.

Mr. President, I am outraged if they knew of the unfair roadblock against Lt. Sheila O'Grady. Other nations, such as the Soviet Union, Israel, and now Holland have proven that womanshow is equal to manpower in many ways. Please use all of your influence in Congress to end this injustice to American women who aspire to serve their country as combat fighter pilot status.

Most sincerely yours,

DON JORDAN

By Mr. SHELBY:

S. 1399. A bill to prohibit the importation of products of the Toshiba Corp., and for other purposes; to the Committee on Commerce.

Mr. President, over the past several days, we have learned of a serious threat to our national security.

Since 1976, a Japanese company, the Toshiba Machine Co., and a Norwegian Company, Kongsberg, have engaged in the diversion of submarine propeller quieting technology to the Soviets. This technology, has enabled the Soviet Union to equip their submarines with propellers allowing them to operate virtually undetected.

Mr. President, this illegal sale has caused irreparable harm to our national security.

Our submarine superiority, to date, has been the cornerstone of our Navy's maritime strategy of forward deployment. Mr. President, this illegal sale undermines this strategy immeasurably. As a member of the Armed Services Committee, I have received testimony this year regarding Soviet submarine forces. The Soviets have made a top military priority, improvement of their submarine fleet. The Soviets have produced 7 new attack submarine classes and 3 new strategic submarine classes in the last 10 years. This signifies remarkable advances for the Soviets.

And now, with these quieter propellers, Soviet submarines will be able to patrol within the United States 12-mile territorial limit undetected. This places Soviet missiles within 10 minutes flying time to United States targets.

Mr. President, to counter the Soviet advances made possible by these sales, the United States would be obliged to spend millions of dollars—money we have used up already.

The United States Government has abided by the principles of Cocom, the Coordinating Committee of Export Control, made up of NATO and Japan. Under Cocom's charter, sales of high technology equipment to Communist nations are restricted. Further sales of restricted technology will increase the challenge to U.S. security, and Cocom seems helpless to prevent them.

Mr. President, I am outraged if they knew of the unfair roadblock against Lt. Sheila O'Grady. Other nations, such as the Soviet Union, Israel, and now Holland have proven that woman power is equal to manpower in many ways. Please use all of your influence in Congress to end this injustice to American women who aspire to serve their country as combat fighter pilot status.

Most sincerely yours,

DON JORDAN

By Mr. SHELBY:

S. 1399. A bill to prohibit the importation of products of the Toshiba Corp., and for other purposes; to the Committee on Commerce.

Mr. President, over the past several days, we have learned of a serious threat to our national security.

Since 1976, a Japanese company, the Toshiba Machine Co., and a Norwegian company, Kongsberg, have engaged in the diversion of submarine propeller quieting technology to the Soviets. This technology, has enabled the Soviet Union to equip their submarines with propellers allowing them to operate virtually undetected.

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By Mr. SHELBY:

S. 1399. A bill to prohibit the importation of products of the Toshiba Corp., and for other purposes; to the Committee on Commerce.
Pearls. Cultured pearls are not produced in the United States, and thus this industry is predominantly a domestic industry. Indeed, continuation of the duty is causing additional expenses for domestic industries, specifically the jewelry manufacturers, which use cultured pearls. The jewelry manufacturing industry accounts for over 75 percent of the imports of cultured pearls.

As we are well aware, although the downward trend in the value of the dollar has generally been good for our balance of trade, domestic industries which depend on imports have been hurt by the devaluation of the dollar. While suspending the duty on cultured pearls will not totally compensate for the drop in the value of the dollar, suspension would be an ameliorating factor and not exacerbate the problem for the domestic jewelry industry which is using these imported cultured pearls.

In 1986, the value of imported cultured pearls was $191 million. The four major supplying countries were Japan, $160.9 million; Hong Kong, $11.1 million; China, $4.2 million; and Australia, $3.3 million. Japan’s share of the total has declined from a high of 91.5 percent in 1983 to 84.5 percent in 1986. Imports from Japan have been declining in recent years primarily in response to the changes in the exchange rate between the dollar and the yen.

Cultured pearls are formed by a physiological reaction occurring when an irritating foreign substance becomes imbedded in the tissues of an oyster or other mollusk. This foreign body is coated with many layers of nacreous material emitted by the oyster and in time becomes a pearl. The only difference between natural and cultured pearls is that the nucleus of a cultured pearl is the result of artificial “seeding” by the mollusk.

Although there is no commercial production of cultured pearls in the United States, the irritant used to form cultured pearls is found in the United States. Bits or pieces of the pig-toe mussel shell, found mainly in the waters of the Mississippi and Wabash Rivers are used as the nucleus for pearls by the Japanese cultivators. These shells are desirable because they are a pure form of calcium carbonate which is white in color. In 1986, these shells valued at $14 million were exported by US firms. Of this total, 83 percent went to Japan. However, exports of these marine shells declined for the first time in 1986, largely as a result of a 17 percent drop in sales to Japan. An increase in the export of pig-toe mussel shell may also be a welcome by-product of this legislation.

In summary, the duty suspension I am proposing today is warranted because there are no U.S. firms producing cultured pearls, and there are domestic industries which face increased costs as a result of the duty. Industries which are dependent upon imports are already facing higher costs as a result of the devaluation of the dollar. We do not need to continue unnecessary duties which add to their expenses.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD immediately following these remarks.

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

SEC. 1. CULTURED PEARLS.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

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

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply to articles entered, or withdrawn from warehouse, for consumption on or after the date that is 15 days after the date of enactment of this Act.

By Mr. DeCONCINI (for himself, Mr. PRYOR, Mr. ADAMS, Mr. BUMPERS, and Mr. SIMON):

S. 1400. A bill to restore, on an inter­im basis, the duty of 25 percent on all of the imported cultured pearls.

Mr. President, prior to the March 31 policy memorandum, there was no guideline as to how much could be charged per hour. If the attorneys’ services were concluded at the ALJ level, the fee petition was submitted to the ALJ. The ALJ had no restriction on the amount of attorneys’ fees to be awarded to successful appellants by the administrative law judges (ALJ’s). Specifically, an internal memorandum of March 31, 1987, from Associate Commissioner Eileen Bradley to all regional and hearing ALJ’s, reduces the authority hearing level ALJ’s have to award from $3,000 to $1,500. Under the new policy, fees in excess of $1,500 must be sent to the regional ALJ. Also, a $75 per hour guideline has been established as a reasonable fee.

I am deeply concerned that this new policy violates the general intent of Congress when it amended the attorneys’ fee regulations of the Social Security Act in 1968 to encourage competent counsel to represent disability claimants. Further, this new restrictive policy violates the specific intent of more recent amendments in 1984 which prohibited the Social Security Administration from the continued application of unconscionable policies with respect to these claims of individuals who are not in a position to bargain for legal representation.

The ultimate question we are faced with is whether this attempt to curb potential abuse of the current attorneys’ fee process is needed. Either the Office of Hearings Appeals is seeking to deny elderly and disabled individuals a fair hearing of their claims for benefits by reducing their ability to retain adequate legal representation in an attempt to reduce the number of successful claimants. I regret to report that the evidence presented to date shows, as many courts have found, that the Social Security Administration has apparently determined to effect economies by systematically denying disability benefits to those that are entitled to them. Therefore, I must conclude, unless otherwise shown, that this new policy with respect to the review or requests for attorneys’ fees is tainted by the continued indifference to these disadvantaged individuals.

Mr. President, prior to the March 31 policy memorandum, there was no guideline as to how much could be charged per hour. If the attorneys’ services were concluded at the ALJ level, the fee petition was submitted to the ALJ. The ALJ had no restriction on the amount of attorneys’ fees that could be authorized per hour, but the maximum attorney’s fee that the ALJ could authorize was $3,000. If the attorney requested a fee in excess of $3,000, the ALJ would forward the request to the regional administrative law judge for review.

Virtually all attorneys’ fee petitions requested fees of $3,000 or less because either, first, 25 percent of the past-due benefits were less than $3,000; or second, even though 25 percent of the past-due benefits exceeded $3,000, the
attorney would petition $3,000 which represented the maximum of the ALJ's authority in these types of cases. Most, if not all, fee petitions not exceeding $3,000 were summarily granted, including a few that may have been abusive, but were approved by an overworked ALJ that did not have the time to fully review the fee request. Yes, the possibility for abuse existed, but the current policy change is an unsubstantiated overreaction to that threat. The system wasn't perfect and could be improved upon, but it wasn't broke.

Mr. President, immediate action is required to prevent the virtual elimination of the few attorneys that continue to represent elderly, physically disabled and mentally impaired claimants. There is evidence that these new guidelines have already begun to have an effect on the willingness of attorneys around the country to represent SSDI and other Social Security beneficiaries. My office has been contacted by numerous lawyers, Social Security advocates, administrative law judges, all of whom indicate that the new fee guidelines threaten to drive attorneys specializing in Social Security claims into other areas of legal work.

Furthermore, the arguments in support of these changes in policy contradict the very rationale for their implementation. The proposed changes will likely cost more than the imagined savings to claimants. First, there can hardly be any savings to an unsuccessful claimant that couldn't afford or find a competent legal representative to represent them, even though the claim could have been easily and successfully handled by an experienced attorney. Second, the changes necessitate duplication of review for all fee requests exceeding $1,500, and remove the authority to approve the request from the ALJ, most likely to handle the best and most complete information as to the quality of representation and reasonableness of the fee requested, the ALJ which favorably ruled on the appeal of the claimant. Hence, the financial base upon which to pay all benefits is reduced due to redundancy and unwise delegation of authority to a level too far detached from the basic service level.

Last, I am aware of more than one constitutional challenge which is currently being prepared by various opponents of the policy change. Ironically, the Social Security Administration will very likely be required to reinstate the former policy, and pay thousands of dollars in attorneys' fees to defend itself and pay to the prevailing parties as well as the damages sustained as a result of its' delayed payment of attorneys' fees.

Mr. President, given the apparent satisfaction with the prior guidelines, it defies logic to make such a drastic change in the current system without the benefit of a thorough examination of whether or what kind of changes are actually needed.

The bill my colleagues and I are introducing today would prohibit the implementation of the March 31 policy order. Further, the bill would impose a moratorium on the issuance of new regulations in this area for 1 year, and mandate a study by the Secretary of Health and Human Services of the issues relating to compensation for claimants' representatives, and last, require a report of the findings of that report to the Senate Finance and House Ways and Means Committees. I believe these modest steps will ensure that, pending further investigation, claimants will retain their present rights to secure competent representation over a three-year period. The testimony hearing on their appeals for Social Security benefits.

This bill is virtually identical to a recent measure introduced by Congressman BARNEY FRANK in the House of Representatives, H.R. 2512. I commend him for his leadership in the area. The Senate version expands the scope of the study to be conducted to assure consideration of other alternative methods of payment, such as direct payment of the full retroactive benefits to the attorney and client, and the qualifications and methods of payment for nonattorney legal representatives of Social Security claimants.

Mr. President, I also applaud the leadership of Representative ANDY Jacobs who had the foresight to hold an oversight hearing on this very issue over a three-year period. The testimony given before his Ways and Means Subcommittee on Social Security was unanimously in opposition to the March 31 policy memorandum guidelines. This hearing served to educate and mobilize a vast array of senior citizen advocates and greatly facilitated the development of this most important piece of legislation.

I urge my distinguished colleagues to cosponsor this bill, and the Finance Committee leadership to expedite consideration to prevent further erosion of the rights of Social Security applicants to a full and fair hearing on their claims.

Mr. President, I ask unanimous consent that the full text of the bill be placed in the Record.

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

S. 1401

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

SECTION 1. INTERIM RESTORATION OF PROCEDURES FOR ESTABLISHING MAXIMUM FEES FOR SERVICES RENDERED BY REPRESENTATIVES OF CLAIMANTS BEFORE THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(3) REPEAL OF NEW RULES.—

(1) IN GENERAL.—The provisions of the memorandum of the Associate Commissioner of Social Security, dated March 31, 1987 (relating to revised delegations of authority for administrative law judges to determine fees of representatives) which amend sections 1-219 through 1-220 of the Office of Hearings and Appeals Staff Guides and Programs Digest (commonly referred to, and hereinafter in this Act referred to, as the OHA Handbook) and Interim Circular No. 122 (relating to the determination authority regarding fees for representation of claimants) are hereby repealed as of March 31, 1987.

(2) EFFECTIVE DATE.—Paragraph (1) shall apply with respect to determinations of fees made on or after March 31, 1987.

(4) INTERIM RESTORATION OF OLD RULES.—

(1) IN GENERAL.—Determinations of fees for representatives of claimants made pursuant to section 206(a) of the Social Security Act on or after March 31, 1987, and before 90 days after the date of the submission of the report required under section 2 shall be made in accordance with the provisions of:

(A) sections 1-220 through 1-226 of the OHA Handbook,

(B) Interim Circular No. 122 (referred to in subsection (a)(1)), and

(C) all other sections of the OHA Handbook to the extent they relate to fees for representation of claimants determined pursuant to such section 206(a), as such provisions were in effect on March 30, 1987.

(2) RECONSIDERATION.—Any determination made by or under the Secretary of Health and Human Services on or after March 31, 1987, and before the date of the enactment of this Act which was made contrary to the requirements of paragraph (1) shall be immediately reconsidered in accordance with such requirements.

SEC. 2. STUDY RELATING TO POSSIBLE IMPROVEMENTS IN PROCEDURES FOR ESTABLISHING MAXIMUM FEES FOR SERVICES RENDERED BY REPRESENTATIVES OF CLAIMANTS BEFORE THE SECRETARY OF HEALTH AND HUMAN SERVICES.

(3) STUDY BY THE SECRETARY OF HEALTH AND HUMAN SERVICES.—As soon as possible after the enactment of this Act, the Secretary of Health and Human Services shall undertake a thorough study with respect to the procedures for establishing maximum fees for services rendered by representatives of claimants before the Secretary pursuant to section 206(a) of the Social Security Act. In conducting the study, the Secretary shall solicit comments from attorneys who have served as such representatives.

(a) MATTERS TO BE STUDIED.—(1) In carrying out the study provided for in this section, the Secretary of Health and Human Services shall address, analyze, and report specifically on—

(A) possible changes in the fee authorization and payment processes under section 206(a) of the Social Security Act which—

(1) would produce fees which are more fair, equitable, and consistent and which both protect the economic security interests of claimants and fairly compensate attorneys and nonattorney representatives for their services, and
(ii) would simplify such processes to ensure more timely reimbursement for quality services provided by representatives, and (B) which the Secretary considers would be relevant and useful to the Congress in considering legislation relating to such processes.

(2) The possible changes to be addressed by the Secretary under paragraph (1)(A) include (but are not limited to)-

(A) withholding the fees of nonattorney representatives from past-due benefits in the same manner in which the fees of attorneys are withheld from such benefits (as described in the fourth sentence of section 206(a) of the Social Security Act), and

(B) issuing reimbursement checks that require the endorsement of the claimant and the representative (and other alternative reimbursement mechanisms).

(c) Report.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report of the findings of the study provided for in this section, together with any recommendations the Secretary considers appropriate.

Mr. PRYOR. Mr. President, I am proud to join the distinguished Senator from Arizona [Mr. DeConcini] and others in our concern designed to maintain access to legal representation for Social Security disability claimants. This is an issue of great concern to me, and I urge my colleagues to join in our efforts.

Since the early 1980's I have been concerned about the manner in which the reviews of Social Security disability cases have been conducted. In 1984 the Congress took steps to reform the continuing disability review process, and that legislation is beginning to be implemented by the Social Security Administration (SSA). Reviews are beginning to come through the pipeline, and in the coming months we will begin to deal with the fee petition process. The effectiveness of the changes we legislated.

...
Mr. KENNEDY. Mr. President, today I am introducing legislation to address the national nursing shortage, which has reached crisis proportions. This shortage is threatening the quality of care in our Nation. New initiatives are necessary to improve working conditions for nurses in acute and long-term care settings. Moreover, without intensive recruitment efforts, the problem will only increase.

The legislative demonstration projects to improve the working conditions in hospitals, enhance the links between academic nursing programs and long-term care settings, and develop mechanisms to increase enrollment in our nation's nursing programs. BACKGROUND

Recent reports from health care facilities and organizations have indicated that our Nation is currently experiencing a nurse shortage more severe and widespread than any previously reported. A recent study from the American Organization of Nurse Executives reports that our Nation's hospitals, in recruiting both new and experienced nurses to fill vacant positions. The vacancy rate for RN's more than doubled between 1985 and 1986, from 6.3 percent to 13.6 percent. In some regions, particularly the New England and Middle Atlantic regions, hospitals are reporting recruitment periods in excess of 90 days. Almost one-quarter of our Nation's hospitals reported extreme difficulty with the recruitment of nurses to work in intensive care units or coronary care units. These figures, although startling, do not tell the entire story. In the past, policymakers attempting to deal with nursing shortages have considered attempts to entice nonpracticing nurses who have left nursing to return to the health care system as health care providers. However, today, our Nation's nurses are more likely to be employed than ever. The employment rate of nurses stays high at all ages, with significant decline only occurring at the age when most working individuals seek retirement. Therefore, any legislative initiatives aimed at reentry into practice will likely not address the problem at hand. Of the 1.8 million nurses in this scenario, 91 percent are currently employed in nursing.

Of even greater concern for the future of health care are the current projections related to nursing school enrollments. The American Association of Colleges of Nursing reports that in the last year, enrollments in baccalaureate nursing programs decreased by 12.6 percent. Moreover, from 1984 to 1986, nursing school enrollments decreased by 17.6 percent.

A recent study completed at the University of California, Los Angeles, projects even greater drops in the next few years. The study has identified career choice trends of entering college freshmen. In the last 2 years, the number of first-year women desiring to be nurses has decreased by 33 percent. This figure projects even greater declines in actual nursing school enrollments in the next few years.

The solutions are complex because the issues causing the problems are complex. Nurses work in settings that require round the clock coverage. Financial rewards are not commensurate with the responsibilities required of nurses; opportunities for upward mobility are lacking; nurses have insufficient authority and autonomy in the work setting; work demands are increasing because of rising severity of illness; and nurses do not participate in management decisions regarding the practice standards or support services necessary for high quality care.

The result has been declining interest in nursing as a career choice. To entice more individuals to choose nursing as a career, the problems identified above must be addressed.

LEGISLATIVE PROPOSAL

I am proposing matching demonstration projects to support creative hospital nursing practice models designed to reduce nurse vacancies and make the hospital nursing role more attractive as a career option. Demonstrations would include ways to restructure the clinical nurse role, and test innovative wage structures and benefits for nurses. Two million dollars would be spent to conduct these demonstrations.

There is a clearly projected need for more nurses to care for the elderly, so I am also proposing long-term care practice demonstrations to demonstrate liaisons between practice and education to increase quality of care and recruitment of nurses in home health care and nursing home care.
Two million dollars would be authorized for this purpose next year.

The final initiative in this legislation would establish five to nine hospital nursing practice models designed to reduce vacancies in hospital nursing positions and to make the hospital nursing position a more attractive career choice. Models demonstrated and evaluated under a grant under this section shall include initiatives:

1. to restructure the role of the hospital nurse, through changes in the composition of hospital work shifts, in order to ensure that the particular expertise of nurses is efficiently utilized and that nurses are engaged in direct patient care during a larger proportion of their work time;

2. to test innovative wage structures for nurses in order to:
   a. reduce vacancies in work shifts during unpopular work hours; and
   b. provide financial recognition based on experience and education; and
3. to develop and disseminate materials concerning professional opportunities in nursing, and disseminate such materials to professional nurses and potential applicants for nursing education programs and provide financial recognition based on experience and education; and
4. to establish high school and college nurse recruitment centers to recruit individuals into professional nursing education programs and provide financial recognition based on experience and education; and
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49. to establish nursing education programs and provide financial recognition based on experience and education; and
50. to establish nursing education programs and provide financial recognition based on experience and education; and

SEC. 865. No grant may be made and no contract may be entered into under this part unless an application therefor is submitted to the Secretary at such time, in such form, and containing such information as the Secretary may prescribe.

Mr. HARKIN. Mr. President, I rise today to join my distinguished colleagues from Massachusetts, Mr. Kennedy, in the introduction of the Nursing Shortage Reduction Act of 1987, a bill to address the critical problem of the shortage and recruitment of nurses.

We face a grave problem in our health care system due to the nursing shortage. Today patients in our hospitals are sicker than ever before, requiring more nursing care. This problem is compounded by a lack of nurses to care for these patients.

Nationally, the vacancy rates for registered nurses in hospitals more than doubled between 1983 and 1986, up from 6.3 percent to 13.6 percent. A recent findings by the American Hospital Association found that 83 percent of hospital reported registered nurse vacancies in 1986, compared with 65 percent in 1985.

In my own home State of Iowa, the Iowa Association of Colleges of Nursing estimates there are to three times as many hospital nursing positions open nationally as there were a year ago. This shortage is not contained to a specific region either, it is a national problem.

The nursing shortage is not expected to improve either in the next few years, due to declining enrollment in nursing school's nationally. In Iowa, schools of nursing reported a 24- to 50-percent decrease in admissions in the past year.

This dilemma poses a serious threat to the quality of health care services. The ratio of patients to nurses is much too high to care for patients safety and adequately. Nurses also face serious problems in their work environment. The pressure on nurses in hospitals today is tremendous. They are caring for critically ill patients in technologically complex environments, facing earlier discharge problems and coping with chronic staffing problems. They have been underpaid, and have historically not been recognized for...
the knowledge they contribute to the health care process. If measures are not taken now to correct the shortage and recruitment problem, it will only exacerbate the problem; discouraging nurses from remaining in nursing and others from entering the profession.

This legislation is a significant step toward addressing these problems. It would authorize the Secretary of Health and Human Services to develop a long-term comprehensive plan to deal with these problems, and demonstration grant money to develop innovative nursing practice models designed to make nursing an attractive career choice. It also addresses the needs of long-term care facilities in relation to the nursing shortage.

I commend this legislative initiative and hope my fellow colleagues will join me in supporting this legislation.

Mr. SIMON, Mr. President, I am proud to joint my distinguished colleagues and chairman of the Labor and Human Committee as a cosponsor of this legislation. The Nursing Shortage Reduction Act of 1987. I thank Senator KENNEDY and his staff for their fine efforts.

Recent surveys by both the American Nurses Association and the Institute of Medicine confirm the concern that many nurses are experiencing a nursing shortage that is likely to become increasingly serious. The vacancy rate for registered nurses (RNs) in U.S. hospitals has gone from 6.3 percent in 1985 to 13.6 percent in 1986. Enrollment in nursing schools is down, resulting in an estimated 15 percent decline in graduation from 1986 to 1990. Particularly as a result of the changing nature of health care, the demand for nurses with bachelors, masters, and doctoral degrees is predicted to exceed the supply in the 1990's. We must be doing all that we can to encourage nursing as a profession.

As we seek ways to reduce the cost of health care while improving the quality of care, we simply cannot overlook the role of nurses as primary care providers. The December 1986 OTA report on quality and cost-effectiveness of nurse practitioners (NP's), certified nurse midwives (CNM's) and physician assistants (PA's) noted that in addition to providing care of equivalent quality, the NP's and CNM's are more adept than other health-care workers at providing services that depend on communication with patients and preventive actions.

I am supportive of cost containment. I am concerned, however, that as we continue to send this message of "cut at all costs" that we are sacrificing both quality and access. My reading of the OTA report is that by better utilizing nurses, we can contain costs and improve care quality.

Professional nursing care must be seen as a economical approach to servicing the health of the population at large. With primary prevention, health promotion can become the norm, ultimately saving health-care dollars. This legislation is a step in the right direction and I am pleased to support it.

NURSING SHORTAGE REDUCTION

Mr. BURDICK, Mr. President, I am pleased to join my colleagues in offering the Nursing Shortage Reduction Act of 1987. There is a developing shortage of nurses in various locations throughout the country. The problem will only worsen as States such as North Dakota continue to see enrollments in their schools of nursing decline. Many nurses who graduate from nursing schools in North Dakota tend to leave the State and practice elsewhere across the country making North Dakota a provider State of nurses for other States. However, as schools in North Dakota and those across the country experience declining numbers in admissions and subsequent enrollments, the quality of health care in North Dakota and other States will be adversely affected.

Initially, some health care facilities may be able to absorb a small number of vacant positions. However, if a hospital in a rural town such as Northwood, Desconess Hospital in Northwood, ND, a 25 bed hospital, loses two or three nurses, a nursing shortage exists. The decline in enrollments compounded by problems with retention of nurses in health care facilities have far-reaching implications for both rural and urban settings.

Moreover, we are losing adequate numbers of professional nurses at the very time when health care delivery is exhibiting increasing complexity. This increasing complexity requires very knowledgeable and highly skilled nurses in the provision of patient care.

The increase in health care sophistication makes nursing practice more demanding than ever before. Yet it has been noted that college educated nurses often earn less than the average hospital maintenance worker. The tremendous responsibility dealing with minute-by-minute needs of very sick patients coupled with expectations to work overtime in the absence of adequate numbers of nurses and salaries that frequently are uncompetitive with other disciplines lead to talented men and women opting for other career paths. That is a loss that the health care community cannot afford.

The Nursing Shortage Reduction Act of 1987 is a comprehensive initiative that will address problems related to both nursing school enrollments and retention of nurses in health care settings. The bill targets the special needs for nurses exhibited in long term and home health care settings. Important to rural areas, the bill will establish an advisory committee which will include rural health care experts.

The committee will be responsible for determining greatly needed long term solutions to the nursing shortage crisis unique to rural and urban settings. With these extremely important components in place, I firmly believe this legislation can help the health-care system maintain its supply of one of the most important health professionals in our country—nurses.

I would urge my Senate colleagues to join me in supporting this effort to minimize the increasingly adverse effects of the nursing shortage on the recipients of health care.

ADDITIONAL COSPONSORS

S. 104

At the request of Mr. INOUYE, the names of the Senators from New Mexico [Mr. DOMENICI], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academy of Practice.

S. 328

At the request of Mr. BYRD, his name was added as a cosponsor of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 533

At the request of Mr. THURMOND, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 533, a bill to establish the Veterans' Administration as an executive department.

S. 567

At the request of Mr. DeCONCINI, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Louisiana [Mr. BREAU] were added as cosponsors of S. 567, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 604

At the request of Mr. PYRO, the name of the Senator from Connecticut [Mr. WEICKER] was added as a cosponsor of S. 604, a bill to promote and protect taxpayer rights, and for other purposes.

S. 979

At the request of Mr. EVANS, the name of the Senator from South Dakota [Mr. DASCHL] was added as a cosponsor of S. 979, a bill to provide that political candidates meet certain requirements in advertising.

S. 997

At the request of Mr. PELL, the name of the Senator from Missouri [Mr. BORN] was added as a cosponsor of S. 997, a bill to require the Director of the National Institute on Aging to pro-
provide for the conduct of clinical trials on the efficacy of the use of tetrahydroaminoacridine in the treatment of Alzheimer's disease.

S. 1199

At the request of Mr. Lautenberg, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Alaska [Mr. Stevens], and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of S. 1199, a bill to prevent suicide by youth.

S. 1207

At the request of Mr. Grassley, the name of the Senator from South Carolina [Mr. Hollings] was added as a cosponsor of S. 1207, a bill to amend title XVIII of the Social Security Act to establish a program of grants, funded from the Federal hospital insurance trust fund, to assist small rural hospitals in modifying their service mixes to meet new community needs and in providing more appropriate and cost-effective health care services to Medicare beneficiaries.

S. 1220

At the request of Mr. Kennedy, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Hawaii [Mr. Mashburn], the Senator from North Dakota [Mr. Burdick], the Senator from Utah [Mr. Hatch], the Senator from South Carolina [Mr. Thurmond], the Senator from Vermont [Mr. Stafford], the Senator from California [Mr. Harkin], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1220, a bill to amend the Public Health Service Act to provide for a comprehensive program of education, information, risk reduction, training, prevention, treatment, care, and research concerning acquired immunodeficiency syndrome.

S. 1234

At the request of Mr. Chafee, the name of the Senator from Pennsylvania [Mr. Heinz] was added as a cosponsor of S. 1234, a bill to amend title 38, United States Code, to ensure eligibility of certain individuals for beneficiary travel benefits when traveling to Veterans' Administration medical facilities.

S. 1242

At the request of Mr. Humphrey, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 1242, a bill to prohibit the use of Federal funds for abortions except where the life of the mother would be endangered, and to prohibit the provision under title X of the Public Health Service Act of Federal family planning funds to organizations that perform or refer for abortions, except where the life of the mother would be endangered, and for other purposes.

S. 1247

At the request of Mr. McCain, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 1247, a bill to designate the area of Arlington National Cemetery where the remains of four unknown service members are interred as the "Tomb of the Unknowns."

S. 1250

At the request of Mr. Quayle, the names of the Senator from New York [Mr. Moynihan], the Senator from Pennsylvania [Mr. Heinz], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 1250, a bill to amend title XVIII of the Social Security Act to expand the Medicare program to include payment for the use of Federal funds for abortions except where the life of the mother would be endangered, and for other purposes.

S. 1260

At the request of Mr. Quayle, the names of the Senator from New York [Mr. Moynihan], the Senator from Pennsylvania [Mr. Heinz], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 1260, a bill to amend title XVIII of the Social Security Act to increase the sale of United States-made auto parts and accessories to Japanese markets for original and after-market equipment in Japan, in the United States and in third markets, and for other purposes.

S. 1283

At the request of Mr. McConnell, the names of the Senator from Texas [Mr. Gramm], the Senator from South Dakota [Mr. Pressler], the Senator from Nevada [Mr. Hacht], the Senator from California [Mr. Wilson], and the Senator from Alaska [Mr. Murkowski] were added as cosponsors of S. 1283, a bill to allow the 65 miles per hour speed limit on highways that meet interstate standards and are not currently on the National System of Interstate and Defense Highways.

S. 1333

At the request of Mr. Nickles, the names of the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 1333, supra.

S. 1351

At the request of Mr. Lautenberg, his name was added as a cosponsor of S. 1351, a bill to amend the Clean Air Act to establish new requirements for areas that have not yet attained the health-protective ambient air quality standards, to provide new deadlines for such attainment, to delay the imposition of sanctions, and for other purposes.

S. 1365

At the request of Mr. Graham, the name of the Senator from North Carolina [Mr. Sanborn] was added as a cosponsor of S. 1365, a bill to amend title 38, United States Code, to establish presumptions of service connection for certain diseases of former prisoners of war.

S. 1371

At the request of Mr. Moynihan, the names of the Senator from Illinois [Mr. Dixon], the Senator from Michigan [Mr. Levin], and the Senator from Arkansas [Mr. Bumpers] were added as cosponsors of S. 1371, a bill to designate the Federal building located at 330 Independence Avenue SW, Washington, District of Columbia, as the "Wilbur J. Cohen Federal Building."

SENATE JOINT RESOLUTION 26

At the request of Mr. Pell, the names of the Senator from Maine [Mr. Mitchell], the Senator from Missouri [Mr. Bond], the Senator from Indiana [Mr. Quayle], the Senator from Mississippi [Mr. Danforth], and the Senator from Kansas [Mrs. Kassebaum] 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 106

At the request of Mr. Binger, the names of the Senator from Alaska [Mr. Murkowski], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of Senate Joint Resolution 106, a joint resolution to authorize and request the President to designate the Disabled American Veterans Vietnam National Memorial as a memorial of national significance.

SENATE JOINT RESOLUTION 109

At the request of Mr. Durenberger, the names of the Senator from Utah [Mr. Garn], and the Senator from Kentucky [Mr. Ford] were added as cosponsors of Senate Joint Resolution 109, a joint resolution to designate the week beginning October 4, 1987, as "National School Yearbook Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. Bingle, the names of the Senator from Indiana [Mr. Quayle], the Senator from Oregon [Mr. Packwood], the Senator from New Jersey [Mr. Lautenberg], the Senator from California [Mr. Hatch], the Senator from Minnesota [Mr. Levin], the Senator from Minnesota [Mr. Dukakis], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 121, a joint resolution designating August 11, 1987, as "National Neighborhood Crime Watch Day."

SENATE JOINT RESOLUTION 122

At the request of Mr. Metzenbaum, the names of the Senator from Rhode Island [Mr. Pell], the Senator from Rhode Island [Mr. Chafee], the Senator from Mississippi [Mr. Cochran], the Senator from Mississippi [Mr. Stennis], the Senator from New Mexico [Mr. Dominguez], the Senator from Washington [Mr. Adams], the Senator from Georgia [Mr. Fowler], the Senator from Minnesota [Mr. Bentson], the Senator from Oklahoma [Mr. Boren], the Senator from California [Mr. Wilson], the Senator from Kansas [Mr. Dole], and the Sen-
SENATE JOINT RESOLUTION 139
At the request of Mr. MOCAIN, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Rhode Island [Mr. CHAFFEE], the Senator from Kansas [Mr. DOLE], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. INOUYE], the Senator from Michigan [Mr. RIEGLE], the Senator from Vermont [Mr. STAFFORD], the Senator from California [Mr. WILSON], the Senator from Wisconsin [Mr. HEINZ], the Senator from Utah [Mr. HATCH], the Senator from New York [Mr. D'AMATO], the Senator from Wyoming [Mr. WALPOLE], the Senator ending on September 26, 1987, the Senator from Washington [Mr. EVANS], the Senator from California [Mr. CRANSTON], the Senator from Maryland [Ms. MIKULSKI], the Senator from Connecticut [Mr. DOZI], the Senator from Mississippi [Mr. DANFORTH], the Senator from Alaska [Mr. MUKURKOS], the Senator from Indiana [Mr. QUAYLE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Oklahoma [Mr. Boren], the Senator from Massachusetts [Mr. KERRY], the Senator from Florida [Mr. GRAHAM], the Senator from Arizona [Mr. DECONCINI], the Senator from Colorado [Mr. WIRTH], the Senator from Kansas [Ms. KASSEbaum], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Joint Resolution 155, a joint resolution to designate the period commencing on October 18, 1987, and ending on September 19, 1987, as "National Reye's Syndrome Week."
CONGRESSIONAL RECORD—SENATE

Mr. DOMENICI. Mr. Quayle, Mr. Weicker, Mr. Bumpers, Mr. Bingaman, Mr. Dodd, Mr. Simpson, Mr. Cochran, Mr. Warner, Mr. Breaux, Mr. Rudman, Mr. Humphrey, Mr. Dukakis, Mr. Proxmire, Mr. Harkin, Mr. Lee, Mr. Wallop, Mr. Johnston, Mr. Inouye, Mr. Stafford, Mr. Rockefeller, Mr. Cranston, Mr. Heftlin, Mr. Conrad, Mr. Danforth, Mr. Kerry, Mr. Bentsen, Mr. Masso, Mr. C. L.enger, Mr. Shelby, Mr. Gramm, Mr. Garn, Mr. Chiles, and Mr. Launtenberg) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 62

Whereas on June 14, 1985, Trans World Airlines Flight 847 departed Athens International Airport enroute to Rome, Italy, with 153 predominantly American passengers and crew on board;

Whereas two hijackers, identified by the Department of Justice as Mohammed Hamadei and Hasan "Izz-al-din," commandeered the aircraft, and pistol whipped the flight crew;

Whereas the aircraft flew between Beirut and Algiers several times over the next two days while the hijackers retained control of the plane;

Whereas the hijackers bound Navy diver Robert Stethem with an electric cord, beat him until he was unconscious, and after the aircraft's second landing in Beirut, shot him in the head in cold blood, and dumped his body onto the tarmac in Beirut;

Whereas Mohammed Hamadei has been charged by the United States with murder, hijacking, hostage-taking, and other crimes, and was indicted on these charges in the United States District Court for the District of Columbia in November, 1985;

Whereas the United States has requested the Federal Republic of Germany to extradite Mohammed Hamadei under the extradition treaty between the United States and the Federal Republic of Germany;

Whereas the Federal Republic of Germany is bound under this extradition treaty to extradite to the United States persons charged with offenses under United States law if it is not going to prosecute such persons for the same offenses for which extradition is sought;

Whereas it takes approximately two to four months for the German Government to extradite under its treaty with the United States;

Whereas it has been almost five months since the United States requested the extradition of Mohammed Hamadei;

Whereas there have been recent reports in the German press that the Federal Republic of Germany is considering not extraditing Mohammed Hamadei to the United States; therefore be it

Resolved by the Senate (the House of Representatives concurring); That it is the sense of the Congress—

(1) That the President should express to the Government of the Federal Republic of Germany in the strongest possible terms that the United States expects it to comply with both the letter and the spirit of its treaty obligations by extraditing Mohammed Hamadei to the United States as quickly as possible; and

(2) Any action by the Government of the Federal Republic of Germany that directly or indirectly involves the exchange of Mohammed Hamadei for German nationals being held hostage by terrorists will have extremely serious consequences for the relationship between our two countries.

Mr. D'AMATO. Mr. President, I submit a concurrent resolution on behalf of myself, Senator Dole, and 63 original cosponsors. All together, a total of 65 Senators support this resolution.

Mr. President, yesterday we learned that an American journalist, Charles Glass, was kidnapped in Moslem West Beirut. The abduction of Mr. Glass raises the number of Americans held hostage in Lebanon to nine.

At the same time, we have been receiving rather discouraging information from the West German Government, information that would lead us to believe that the West Germans are not going to extradite Mohammed Hamadei, the alleged killer of Navy Diver Robert Stethem, to the United States for trial and prosecution.

Such a decision would be a capitulation to those on the other side of the fence who stand for. What a sad decision.

Joining me today are Senators Dixon, DeConcini, and Dole along with 61 other original cosponsors, to introduce a resolution urging our President to express to the Government of West Germany in the strongest possible terms that Hamadei be extradited immediately to the United States.

This resolution also expresses the sense of Congress that any effort by the West German Government to allow Hamadei to escape justice through a trade for West German nationals being held in Lebanon will have very serious consequences upon the relationship between our two countries.

Senator Dole and I sent a telegram today to Attorney General Meese, urging him to reaffirm American insistence that Hamadei be extradited.

Attorney General Meese will soon be meeting with West German officials on this matter.

Mr. President, I am going to read the telegram we sent today to Attorney General Meese:

DEAR MR. ATTORNEY GENERAL:

We understand that you will be meeting shortly with West German officials to discuss our pending request for extradition of accused terrorist and murderer Mohammed Hamadei.

As you enter those talks, we wanted to reaffirm for you the deep concern in the Congress about this issue. We can see no reason why the West German Government would not honor this extradition request. It is entirely in conformity with our bilateral extradition treaty with Bonn. It is critically important to establish our bilateral cooperation as we address the urgent and tragic issue of international terrorism. If this issue is not handled properly, it is not only unilaterally affect broader United States-West German relations.

Today we have had the opportunity to meet with the family of Robert Stethem—Indeed, Mr. President, the family is here and is looking on.

To conclude the telegram: the American citizen of whose murder Hamadei is accused. You can imagine their jangled feelings of deep frustration when they hear that there has been such delay in attempting to bring Hamadei to justice—American justice.

We promised the Stethem family we would not rest until Hamadei is brought to this country, in accord with legal procedures, to stand trial. We will keep that promise.

We know we can count on you to make the strongest and most determined representations to the West German authorities.

Sincerely yours,

ALFONSE D'AMATO
U.S. Senate.

Bob Dole
U.S. Senate.

Mr. President, as indicated in our telegram, we hope we can count on the Attorney General to make the strongest case possible. I hope that is the case.

As I told you, Mr. President, in the spirit of that extradition treaty the decision should be that Hamadei be charged and tried here, where he can best be prosecuted and brought to justice, not out of reaction to the fear of what terrorists will or will not do in the future. If Hamadei is not extradited, it will mean that the Germans have decided to bow to terrorist pressure rather than promote the most effective and possible prosecution available under the treaty.

What can the Germans hope to gain by trying Hamadei? The answer is obvious—an eventual trade of Hamadei for the two German hostages. The West German Government should take careful note of the fact that to date, all of its negotiations, discussions et cetera, have not changed the status of the German nationals held hostage. What the Germans are being told is that they will be leaving themselves open to more demands from the terrorists.

Germany certainly is not the best place to try Hamadei. Most of the witnesses and victims are from the United States, not Germany.

The United States is prepared to prosecute Hamadei now, while witnesses' memories are still fresh. If the Germans prosecute Hamadei, it will take them at least 1 year full year to develop their case, a year that they will spend negotiating with terrorists. It took our own FBI almost 2 years to assemble all the evidence against Hamadei. Mr. President, even if the Germans convict Hamadei, he may well be freed in 15 years or less. I would suggest that only our system can assure, if convicted, the imposition of a life sentence. I hope the German Government can be persuaded to extradite Hamadei. But it is up to us to make those arguments. It is up to the Attorney General and the President to press on.
It seems to me that, with all the speeches made in terms of our anger and outrage over the brutality of the killing of that Navy diver, we now have an opportunity to put those words into some action not only by raising our voice but also by urging the administration in the strongest way to move forward and to do the business of the people and to pursue justice, justice that we know is correct, justice provided for under the extradition treaty we have with Bonn.

**COSPONSORSHIP OF RESOLUTION**

Mr. DOLE. Mr. President, I am pleased to join with Senator D'AMATO and more than 60 other Senators in sponsoring this important resolution. I would again express by admiration for the effective leadership that Senator D'AMATO has provided on this issue—and indeed on the broader question of forging an effective strategy to combat terrorism.

I really think that little more talk about the Hamadei extradition is necessary. I have spoken about it twice before here on the floor, most recently on June 3—when Senator D'AMATO and I wrote the President, asking him to raise the extradition question with West German Chancellor Kohl.

**THE FACTS ARE CLEAR**

The facts are clear.

The sentiments of the Senate are clear.

What the West German Government ought to do is clear. Mohammed Hamadei ought to be extradited. He ought to be extradited now.

Today, Senator D'AMATO and I had the opportunity to meet with the family of Robert Stethem—who was a passenger on TWA 847; the young American that Hamadei has accused of murdering.

They are a brave family; a grieving family. They do not want revenge. They do want justice. And they will just not accept anyone saying: Well, in this case, geopolitical requirements weigh more heavily than justice.

Senator D'AMATO and I promised the Stethem family that we would not rest until Hamadei is brought before the bar of justice. We intend to keep that promise.

**MEESE TO MEET WITH WEST GERMANS**

We understand that Attorney General Meese will be meeting with West German authorities on the Hamadei case next week. For that reason, we have sent the Attorney General a telegram, expressing the strength and depth of congressional feelings on this issue. It is important that Ed Meese carry that message loud and clear to Bonn.

And we can send the same message—even more strongly—by all joining in cosponsoring this resolution. And by passing it quickly and unanimously.

**TIME TO ACT**

Mr. President, we should act on this matter decisively.

It is important—as part of our effort to forge a united stand, internationally, against terrorism.

It is significant—as it will bear on United States-West German relations.

It is necessary—as a matter of simple justice.

And it is right—the least we can do for the family of Robert Stethem.

**SENATE RESOLUTION 237—RELATING TO THE 1988 WHEAT PROGRAM**

Mr. DOLE (for himself, Mr. LUGAR, Mr. MELCHER, Mr. BOSCHWITZ, Mr. BOREN, Mr. PRESSLER, Mr. SYMMS, Mr. BAUCUS, Mr. BURDICK, Mr. GORE, Mrs. KASSEBAUM, Mr. KARNS, Mr. DASCHLE, Mr. EVANS, Mr. COCHRAN, Mr. DURENBERGER, Mr. PAYNE, Mr. NICKLES, Mr. CONRAD and Mr. THURMOND) submitted the following resolution; which was considered and agreed to:

**S. RES. 237**

Whereas United States wheat producers are still awaiting the details of the program for the 1988 crop of wheat established under section 107D of the Agricultural Act of 1949 (7 U.S.C. 1445b-3);

Whereas demand for United States wheat, for the first time in several years, will exceed domestic production;

Whereas United States wheat exports will be up more than 10 percent during the current marketing year;

Whereas high acreage limitation (ARP) levels under the acreage limitation program established under section 107D(f) of such Act increase the per unit cost of producers and reduce farm income;

Whereas high ARP levels send the wrong signal to foreign competitors by encouraging them to increase agricultural production;

Whereas the Secretary of Agriculture has discretion to set the ARP level at 27½ percent for the 1988 crop of wheat; and

Whereas the National Association of Wheat Growers (NAWG) has recommended a program that includes no more than a 27½ percent ARP level: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is in the best interests of United States wheat producers to immediately receive the details of the program for the 1988 crop of wheat established under section 107D of the Agricultural Act of 1949 (7 U.S.C. 1445b-3); and

(2) such program should provide for an acreage limitation program (as described in section 107D(x)(2) of such Act) under which the acreage planted to wheat for harvest on a farm would be limited to the wheat crop acreage base for the farm reduced by no more than 27½ percent.

**AMENDMENTS SUBMITTED**

**OMNIBUS TRADE ACT OF 1988**

SPECTER AMENDMENT NO. 315

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill (S. 404), and offered in lieu of or in addition to certain amendments relating to reciprocal trade agreements, to strengthen United States trade laws, and for other purposes; as follows:

At the end of sub-title A of title III of the bill, add the following:

SEC. —PRIVATE ACTIONS FOR RELIEF FROM UNFAIR FOREIGN COMPETITION.

(a) CLAYTON ACT.—Section 1 of the Clayton Act (15 U.S.C. 12) is amended by inserting "section 801 of the Act of September 8, 1916, entitled 'An Act to raise revenue, and for other purposes' (39 Stat. 798; 15 U.S.C. 72)", after "nineteen hundred and thirteen":".

(b) ACTION FOR DUMPING VIOLATIONS.—Section 801 of the Act of September 8, 1916 (39 Stat. 798; 15 U.S.C. 72) is amended to read as follows:

"Sec. 801. (a) No person shall import or sell within the United States any article manufactured or produced in a foreign country if such article is imported or sold within the United States at a United States price which is less than the foreign market value or constructed value of such article, and "(b) such importation or sale—

"(A) causes or threatens material injury to industry or labor in the United States, or "(B) prevents, in whole or in part, the establishment or modernization of any industry in the United States."

"(D) Any interested party whose business or property is injured by reason of an importation or sale in violation of this section, may bring a civil action in the district court of the District of Columbia or in the Court of International Trade for—

"(1) any manufacturer or exporter of such article, or "(2) any importer of such article into the United States who is related to the manufacturer or exporter of such article, or "(c) in any action brought under subsection (b), upon a findings of liability on the part of the defendant, the plaintiff shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question, or "(2) if such injunctive relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and "(3) recover the costs of the action, including reasonable attorney's fees.

"(d)(1) The standard of proof in any action filed under this section is a preponderance of the evidence.

"(2) Upon—

"(A) a prima facie showing of the elements set forth in subsection (a) in an action brought under subsection (b), or "(B) affirmative final determinations adverse to the defendant that are made by the administering authority and the United States International Trade Commission..."
under section 735 of the Tariff Act of 1930 (19 U.S.C. 1675), to impose a duty on the article in question for the country in which the manufacturer of the article is located, the burden of proof in such action shall be upon the defendant.

(c) Whenever, in any action brought under subsection (b), the court that justice requires that other parties be brought before the court, the court may cause them to be summoned, without regard to where they reside, and the subpoena shall be served upon the defendant in accordance with subsection (b), as a matter of right. The United States shall have all the rights of a party to such action.

(1) Any action brought under this section is subject tonullification by the President pursuant to his authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

For purposes of this section—

(a) Each of the terms 'subsidy', 'foreign market value', 'constructed value', 'material injury', 'foreign market value', 'constructed value', and 'material injury', have the respective meanings given such terms by title VII of the Tariff Act of 1930.

(b) If—

(1) a subsidy is provided to the manufacturer, producer, or exporter of any article, and

(2) such subsidy is not included in the foreign market value or the constructed value of such article (but for this paragraph), the foreign market value of such article or the constructed value of such article shall be increased by the amount of such subsidy.

(c) The court shall permit the United States to introduce, in any action brought under subsection (b), as a matter of right. The United States shall have all the rights of a party to such action.

(1) Any action may be brought under subsection (b) only if such action is commenced within 4 years after the date on which the cause of action accrued.

(2) The running of the 4-year period provided in paragraph (1) shall be suspended while any administrative proceedings under subsection (a) are pending. The period shall be extended by 1 year for each appeal of a final determination in such proceedings, and by 1 year for any appeal of a final determination in such proceedings, and by 1 year for one year thereafter.

(g) If a defendant in any action brought under subsection (b) fails to comply with any discovery order or other order or decree of the court, the court may

(1) enjoin the further importation into, or sale or distribution within, the United States by such defendant of articles which are the same as, or similar to, those articles which are alleged in such action to have been sold or imported under the conditions described in subsection (a) until such time as the defendant complies with such order or decree, or

(2) take any other action authorized by law.

(h) Except as provided in paragraph (2), any confidential or privileged material, including entering judgment for the plaintiff.

(i) Except as provided in paragraph (2), any confidential or privileged material, including entering judgment for the plaintiff.

(j) If such injudicious relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and

(3) recover the costs of the action, including reasonable attorney's fees.

(k) Upon a prima facie showing of the elements set forth in subsection (a) in an action brought under subsection (b), or

(l) The court in any action brought under subsection (b) may—

(1) grant such equitable relief as may be appropriate, including an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question.

(2) if such injudicious relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and

(3) recover the costs of the action, including reasonable attorney's fees.

(2) Upon a prima facie showing of the elements set forth in subsection (a) in an action brought under subsection (b), or

(3) The court in any action brought under subsection (b) may—

(1) grant such equitable relief as may be appropriate, including an injunction against further importation into, or sale or distribution within, the United States by such defendant of the articles in question.

(2) if such injudicious relief cannot be timely provided or is otherwise inadequate, recover damages for the injuries sustained, and

(3) recover the costs of the action, including reasonable attorney's fees.

(j) For purposes of this section, the terms 'subsidy' and 'material injury' have the respective meanings given such terms by title VII of the Tariff Act of 1930.

(k) The court shall permit the United States to intervene in any action brought under subsection (b), as a matter of right. The United States shall have all the rights of a party to such action.

(2) Any action brought under this section is subject tonullification by the President pursuant to his authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).
(d) ACTION FOR CUSTOMS FRAUD.—
(1) Chapter 95 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1586. Private enforcement action for customs fraud

"(a) Any interested party whose business or property is injured by a fraudulently, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930 (19 U.S.C. 1592) may bring a civil action in the district court of the District of Columbia or in the Court of International Trade, without respect to the amount in controversy.

"(b) Upon proof by an interested party that the business or property of such interested party has been injured by a fraudulently, grossly negligent, or negligent violation of section 592(a) of the Tariff Act of 1930, such interested party shall—

"(1) be granted such equitable relief as may be appropriate, which may include an injunction against further importation into the United States of the articles or products in question, or

"(2) if such injunctive relief cannot be timely obtained, be awarded such other adequate and appropriate relief as will adequately recover damages for the injuries sustained, and

"(3) recover the costs of suit, including reasonable attorney's fees.

"(c) For purposes of this section—

"(1) The term ‘interested party’ means—

"(A) a manufacturer, producer, or wholesaler in the United States of a like or competing product, or

"(B) a trade or business association a majority of whose members manufacture, produce, or wholesale a like product or a competing product in the United States.

"(2) The term ‘like product’ means a product which is like, or in the absence of like, products which is like, products, and which is sufficiently similar in characteristics and uses with products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930.

"(3) The term ‘competing product’ means a product which competes with or is a substitute for products being imported into the United States in violation of section 592(a) of the Tariff Act of 1930.

"(4) The court shall permit the United States to intervene in any action brought under this section, as a matter of right. The United States shall have all the rights of a party.

"(e) Any order by a court under this section is subject to nullification by the President pursuant to his authority under section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702).

(2) The table of contents for chapter 95 of title 28, United States Code, is amended by adding at the end thereof the following:

"1586. Private enforcement action for customs fraud.

"(e) ACCORDANCE WITH GATT.—It is the sense of the Congress that the provisions of this section are consistent with, and in accordance with, the General Agreement on Tariffs and Trade (GATT).

CLEAN AIR ACT AMENDMENTS

DURENBERGER AMENDMENT NO. 316

(Ordered referred to the Committee on Environment and Public Works.)

Mr. DURENBERGER submitted an amendment intended to be proposed by him to the bill (S. 1384) to amend the Clean Air Act, and for other purposes; as follows:

At the end thereof add the following new section:

"§ 85. (a) Section 202(b)(1) is amended by adding the following new paragraph:

"(D) The Administrator shall promulgate regulations under subsection (a) applicable to emissions of formaldehyde from light-duty vehicles and engines manufactured during the calendar year 1990 which may be fueled, in whole or in part, by fuels other than gasoline. Such regulations shall contain standards which reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines may reasonably be expected to be available. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.

"(b) Section 202(a)(3) is amended by inserting the following new subparagraph after (E) and redesignating succeeding subparagraphs accordingly:

"(F) The Administrator shall promulgate regulations under paragraph (1) applicable to emissions of formaldehyde (i) from heavy-duty trucks and engines and (ii) from light-duty trucks and engines manufactured during and after model year 1991 which may be fueled, in whole or in part, by fuels other than gasoline. Such regulations shall contain standards which reflect the greatest degree of emission reduction achievable through the application of technology which the Administrator determines may reasonably be expected to be available. In no event may such regulations permit emissions of formaldehyde at a higher rate than from comparable gasoline-fueled vehicles.

"(c) Section 211 of the Clean Air Act is amended by adding the following provisions:

"(h) TESTING AND REVIEW OF FUEL ADDITIVES AND LUBRICANTS.—Notwithstanding other requirements of this section, effective three years after the date of enactment it shall be unlawful to sell, offer for sale, or introduce into commerce any fuel additive or lubricant which may reasonably be anticipated to cause any adverse effect on the health of persons or the environment.

"(i) RESTRICTION IN BENZENE, TOLUENE, AND XYLENES.—Not later than one year after the date of enactment, the Administrator shall issue regulations, after notice and opportunity to comment, which limit the permissible concentration of benzene, toluene, and xylene in gasoline sold, offered for sale, or introduced into commerce more than five years after the date of enactment to the lowest concentration of such substances that the Administrator determines was contained in any of the ten years preceding the date of enactment. Such regulations shall also provide for phased reductions in the permissible concentration of such substances. In no event may such regulations take effect in any of the five years following the date of enactment. It shall be unlawful to sell, offer for sale, or introduce into commerce gasoline containing such substances in concentrations in excess of those permitted by such regulations.

SENATORIAL ELECTION CAMPAIGN ACT

FORD AMENDMENT NOS. 317 AND 318

(Ordained to lie on the table.)

Mr. FORD submitted two amendments intended to be proposed by him to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing. We have heard a lot of talk, to limit contributions by multi-candidate political committees, and for other purposes; as follows:

AMENDMENT NO. 317

At the appropriate place add the following:

POLITICAL COMMITTEE BENEFITS

Sec. 15. Section 3210(a)(3)(G) of title 39, United States Code, is hereby repealed.

AMENDMENT NO. 318

On page 88, after line 10, add the following new section:

NEWSLETTERS

Sec. 15. Section 3210(a)(3)(G) of title 39, United States Code, is hereby repealed.

Mr. FORD. Mr. President, this afternoon I am submitting two amendments which I consider one of the most eloquent speeches as regards the difference between the McNickle-Packwood and S. 2 bills that I have heard so far. I was impressed by how he was interested in the young people who were sitting here in the Chamber, and what their costs would be to them and what their bill would be in order to run for public office, particularly a seat in this distinguished body.

We have heard those who oppose S. 2 say that they do not want to use any public funding; that they do not want it to cost any money. I have also heard the distinguished Senators that propose the Gramm-Rudman-Hollings proposal particularly the distinguished Senator from Texas [Mr. Gramm].

This afternoon, Mr. President, I hope that my two amendments will draw some attention, because both of these amendments will have offsetting funding, as it relates to the cost of campaign reform, which I consider one of the major pieces of legislation that
has been put forward since I have been in the Senate.

I compliment the distinguished majority leader [Mr. BYRD], Senator Byrd of West Virginia, for being so hard to try to put together this piece of legislation today.

So, Mr. President, my first amendment would be to repeal section 3210(h) of title 39 of the United States Code, which extends to political party committees the third-class mailing rate.

The intent of Congress in adopting this section was to extend the non-profit third-class mail rates to the two national party committees, the State committees of those two parties, the Senate and House party committee. But, through poor drafting, administrative regulations, and court decisions, we now have 708 political parties that are taking advantage of that one piece of legislation and they are taking advantage of the third-class mail rate which reduces their costs somewhere between 5 and 6 cents per piece of mail.

Mr. President, the interesting part is some of these parties that are taking advantage of this particular piece of legislation, or the amendment to the statute: The Free Libertarian Party is one, the Conservative Party of the State of New York, the Socialist Labor Party, the Peace and Freedom Party, American Independent Party—and now, Mr. President, listen to this—the Communist Party of Ohio, the Communist Party of Maine, the Communist Party of Massachusetts, and the Communist Party of the United States of America are the ones who are taking advantage of this one particular statute that gives the third-class mailing permit that we passed with one intent.

So, Mr. President, the annual savings by eliminating this one small section of our Federal statutes would be between $11 million, which is the estimate of the Postal Service Department, and $13 million, which is the Congressional Budget Office's estimate. That means somewhere between $11 million and $13 million annually would be saved. That means we could reduce the budget to the Postal Service, and that would offset, then, any costs that might be derived as they relate to the public funding of campaigns for the U.S. Senate. That would make us between $24 million and $26 million every 2 years.

Now, the annualized estimate of S. 2 for the year 1990, the high is only $20.3 million and the low is $16.25 million. So this one item, then, would eliminate the cost, would be the offset, as it relates to public funding of the campaign reform bill, as it relates to S. 2.

Now, Mr. President, if that is not enough money—some will have questions about the cost—I have a second amendment which is a very simple amendment. It just eliminates the franking privilege as it relates to newsletters for all U.S. Senators, those who are taking advantage of it; a great many are not. But it would modify section 3210(h)(6) of title 29 of the United States Code to prohibit the use of franks, franking for mailing congressional newsletters.

Mr. President, that has an annual saving of $13 million and a 2-year saving of $26 million. So when you begin to put all these together, you have more than enough to offset the cost of public financing of senatorial campaigns.

If the argument is going to be we do not want to use public funding, that means it is direct. What I am saying to my colleagues is: Here is an offset. We are going to take away the mailing privileges, the cut rate to the Communist Party of Ohio, the Communist Party of Maine, the Communist Party of Massachusetts, and the Communist Party of the United States, and say we are going to use that to elect our U.S. Senators. I think it is a good way to offset any cost to the general fund.

So, Mr. President, I hope my colleagues hear about this over the weekend; that when they come back in here on Tuesday they say that the Senator from Kentucky [Mr. FORD] might have a good idea. That good idea is to offset any cost to the public general fund as it relates to the reform of our political process in this country.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on postemployment lobbying restrictions on Thursday, June 25, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place July 14, 1987, 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony on a measure currently pending before the subcommittee—S. 735, a bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes.

Those wishing information about testifying at the hearings or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests.

The hearings will take place July 21 and July 23, 1987, 2 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of these hearings is to receive testimony on a measure currently pending before the subcommittee—S. 7, a bill to provide for the protection of the public lands in the California desert.

Those wishing information about testifying at the hearings or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests, U.S. Senate, room SD-364, Dirksen Senate Office Building, Washington, DC 20510. For further information, please contact Tom Williams at 224-7145.

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Those wishing information about testifying at the hearings or submitting written statements should write to the Subcommittee on Public Lands, National Parks and Forests.
of the Senate on Friday, June 19, 1987, to conduct a hearing on polygraphs. The PRESIDING OFFICER, Without objection, it is so ordered.

SUBCOMMITTEE ON EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, June 19, 1987, at 2 p.m. to hold a hearing on ambassadorial nominations.

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

ADDITIONAL STATEMENTS

SAVING WHALES

Mr. CRANSTON. Mr. President, this coming Monday, June 22, is the start of the International Whaling Commission meeting in Bournemouth, England. It may be the finish for whales—unless the IWC plugs a regulation loophole that is allowing the continued slaughter of whales.

The International Whaling Commission is the international forum of whaling and nonwhaling nations. A long-term moratorium on commercial whaling was approved by the IWC, effective January 1, 1986. But some countries ignored the moratorium: Japan, Norway, and the Soviet Union continued whaling last year, despite worldwide public outcry.

Some countries—such as the Philippines—have already ended commercial whaling. The Soviet Union has announced its intention to do so. But while major whaling nations say they will discontinue commercial whaling, several are Indians who are interested in killing whales in the name of science—for study. Iceland has been the initial leader in this new-found interest in whale research. Last year, 117 sei and fin whales were killed by Iceland—and the whale meat was intended for export to Japan. So far, the United States and Germany have successfully blocked this scheme.

Now Japan, South Korea, and Norway are proposing so-called scientific projects, and other countries are watching to see if these three countries are successful. According to the Whale Center—a conservation and education organization based in Oakland, CA—1,530 whales may be butchered next year in the name of science.

If whales are to be studied for science, there are all sorts of ways to do it without slaughter: Photo identification, radio telemetry, and noninvasive observations can provide data.

The salvation of whales is on the line in Bournemouth. The International Whaling Commission must meet its responsibility—and close the regulation loophole on alleged scientific takings.

FATHER’S DAY

Mr. DOMENICI. Mr. President, across the Nation families will join together this Sunday to celebrate Father’s Day. As a proud father of eight myself, I would like to say a few words about this special holiday.

Originating in 1909, Sonora Louise Dodd of Spokane, WA, is credited with the idea for Father’s Day observance. Her inspiration was her own father, William Smart, who was a Civil War veteran who raised Mrs. Dodd and her five brothers by himself. Realizing he might have to face, and in appreciation for his constant devotion to his family, she spoke to the minister of her church about her desire to observe a day in which fathers should receive words of appreciation and affection from their children.

Her minister warmly approved the idea and the first Father’s Day was celebrated on the third Sunday in June in 1910. President William Taft officially approved the idea in 1916.

A day to strengthen the relationships between fathers and their children, and also to impress upon fathers the full measure of their obligation.

I would ask that fathers everywhere join me this Sunday when I renew my commitment to love and protect my children. In our society today, it seems to me that it is easy to diminish the role of father. This is a mistake; there is no role more important to the well-being of the family and ultimately society than that of the father.

Douglas MacArthur, our great military hero, stressed the importance of fatherhood when he said:

”By profession I am a soldier and take pride in that fact. But I am prouder-infinitely prouder—to be a father. A soldier destroys in order to build; the father only destroys in order to encourage him to create. He may have acquired is now antiquated. And the potentiality of death, the other embodiments of life are mightier still. It is my hope that my son, when I am gone, will remember me not from the battle but in the home repeating with him our simple daily prayer.

I think the most valuable thing a father can do for his child is to inspire and encourage him. As with Mrs. Dodd, my own father was perhaps my greatest inspiration to work to my full potential and accept new challenges.

My father emigrated to the United States from Italy when he was 14 years old. He knew no English and had only 4 years of formal education. My father was a hard working man. He knew that in order to succeed, you must have a dream and then work to achieve it.

When I was growing up, my family owned a small store. Fortunately, my father was a very successful businessman and we did quite well. However, he was always very careful to make sure that his children were aware of how lucky they were, and saw to it that we didn’t take our good fortune for granted.

My father was a generous man and he wanted his children to have every advantage. But, he saw to it that we had to work for our own privileges. By constantly challenging me, my father taught me to make thoughtful decisions. Although I was the one with a degree from high school, college, and law school, my father had a wealth of knowledge. His encouragement helped me to move ahead with foresight. I hope I have passed this wisdom on to my own children.

For hundreds of years fathers have lifted, inspired and blessed the lives around them through acts of selflessness and courage. It is because of what fathers give to their children, and, in the process, for society, that I ask you to join me in honoring them on Father’s Day.

ALEXANDER IOFFE

Mr. DeCONCINI. Mr. President, I would like to bring to the attention of my colleagues the tragic fate of Alexander Smart, a Soviet Jew who is an internationally known mathematician who has been trying to emigrate from the Soviet Union for more than a decade. I first met Alexander during a visit to Moscow in 1978. Since that time, I have raised his case with Soviet officials at every appropriate opportunity. Unfortunately, all to no avail.

I spoke to Alexander on the phone this week and he informed me that he will begin another hunger strike on June 22 to protest his most recent visa refusal by the Soviet Government.

Furthermore, he was told he could not reapply until 1993. Alexander, who first applied to emigrate in 1976, has been continually denied an emigration visa on “state secrecy” grounds. This is an outrageous reason in light of the fact that Alexander voluntarily left the institute in question in 1972 and any information he may have acquired is now antiquated. Moreover, Alexander’s work had only dealt with mathematical problems and his papers were published in academic journals within the U.S.S.R. and abroad. Surely, Soviet technology cannot be that stagnant that people are refused visas on their exposure to “classified information” obtained 15 years ago. Surely, Alexander cannot be a threat to his Government’s security.

I am deeply concerned about the Soviet Government’s current policy of frequently using “state secrets” and “state security” as grounds for denying visas. This new decree, which went into effect in January of this year,
fail to provide guidelines as to the limitations period on access to state secrets and, therefore, continues to prevent Soviet officials from choosing their own arbitrary rules, based on nothing more than expediency. It is apparent that an applicant who is alleged to have knowledge of state secrets could be refused an exit visa.

What did Gorbachev mean when he stated at a Paris press conference on October 2, 1985, that the length of the declassification period lasts from 5 to 10 years. This is most certainly not the reality of the situation in Alexander Ioffe’s case, as well as many other Soviet emigration cases.

What does Gorbachev mean when he speaks of “glasion?” Do the new Soviet laws liberalize or prevent emigration?

This issue was recently addressed by Ambassador Zimmerman, the head of the U.S. delegation in Vienna which is reviewing implementation of all aspects of the final act of the Conference on Security and Cooperation in Europe. The cornerstone of this international agreement, commonly referred to as the Helsinki accords, its record of compliance over 30 years.

Mr. President, these trumped up excuses for denying individuals their right to live where they choose cannot be tolerated. I am particularly discouraged by what Ambassador Zimmerman described, because I personally know Lev Elbert, Aleksandr Lerner, Vladimir Slepak, and Naum Meiman. How much more suffering must they endure?

Although I am specifically addressing Alexander Ioffe’s situation today, he is not suffering alone. Thousands of Soviet citizens face similar predicaments. Since Anna Ioffe began her hunger strike on June 22. He is desperate. He is tired of being the victim of vague and arbitrary Soviet laws. If the Soviets are sincere about their commitment to the Helsinki accords, their emigration procedures must be changed. For example, when an individual is refused a visa on the grounds of “state security,” the refusal should be in written form. It should specifically state the grounds for refusal and the exact time duration of the restriction.

Mr. President, we must continue to monitor any apparent policy shifts by the Soviet Union which might affect the life of an Alexander Ioffe or any of the thousands of others who are struggling for basic freedoms. We must continue to hold the Soviets accountable for their flagrant human rights abuses. As a U.S. Senator and the recently appointed Cochairman of the Helsinki Commission, I will continue to speak out on this issue until the Soviets comply fully with what they have agreed to on paper. Words are meaningless without action. Actions must be the standard by which we determine the Soviet’s commitment to the Helsinki accords. To date, their actions fail to pass muster.

INGALLS SHIPBUILDING CITED FOR ECONOMY AND EFFICIENCY

Mr. COCHRAN. Mr. President, the largest single industrial employer in my home State of Mississippi, the Ingalls Shipbuilding Unit of Litton Industries, located at Pascagoula on the gulf coast, has recently received some very favorable publicity for its economy and efficiency.

With Congress and the administration annually debating the levels of defense spending, it is encouraging to note that one of the Nation’s foremost defense contractors and naval shipbuilders is saving the Navy, and the American taxpayers, tens of millions more dollars a year in shipyard efficiencies.

Mississippians are proud of the performance record of the men and women who work at the Ingalls Shipbuilding Unit. In Pascagoula, from the most senior official to the youngest apprentice. They have proven time and again that dedication and hard work, coupled with the engineering and technological necessity for such important construction projects, result in the first-class product for the lowest possible cost to the taxpayers.

Mr. President, I ask that an editorial that appeared in the Mississippi Press be printed in the RECORD.

The article follows:

SAVING THE NAVY TENS OF MILLIONS

When the respected Wall Street Journal says something good about you, that’s impressive.

In a report on Navy shipbuilding, The Wall Street Journal says Mississippian shipyards are showing some bright spots where it can look for help. For instance the Ingalls Shipbuilding unit of Litton Industries, Inc., has actually saved the Navy tens of millions of dollars in cruiser construction, mainly through shipyard efficiencies.

That’s a super reputation that means more to us than Ingalls Shipbuilding, but to this community.

When Ingalls won a major DDG-51 guided missile contract last week Ingalls President Jerry St. Pe’ summed up the team effort.

“Our success demonstrates two elements in our shipyard which I believe cannot be found together in any other shipyard in America: Understanding and dedication.”

The Wall Street Journal comments are simply a reflection of the Navy’s facts and figures about the job being done at Ingalls. When a shipyard builds quality ships on time and within or under budget, the reputation follows.

Unfortunately, many shipyards don’t have that record. As the Journal reported, “Of 22 shipbuilding studies by the General Accounting Office, a congressional watchdog agency, 17 have begun to swell beyond the target prices established in the contracts. Government estimates project $1.2 billion more may be needed to cover costs.”

The Congress, the Navy, and the taxpayers should appreciate it when the men and women of Ingalls Shipbuilding do a job right.

Considering the number of contracts that Ingalls keeps winning, they apparently do appreciate that reputation.

EXTENDED VOLUNTARY DEPARTURE STATUS FOR POLISH REFUGEES

Mr. DIXON. Mr. President, since the declaration of martial law in Poland in 1981, the United States has provided extended voluntary departure (EVD) status for Polish political refugees. Such status, renewed every 6 months, is necessary to prevent their deportation back to Poland.
These 7,000 to 10,000 people are mostly members of Solidarity, who had been in jail for years when martial law was imposed. Most of them have been living in this country for a period of time longer than that required to obtain U.S. citizenship. They have work permits and are legally employed. Many have had children here who are American citizens.

The current period of extended voluntary departure status expires at the end of this month. Recently, the State Department recommended the end of this special immigration status, which would allow Polish nationals without valid current visas to be expelled from the United States beginning July 1.

Mr. President, I believe that to put the present status of these people in jeopardy would be cruel and inhumane. If these Poles were forced to return to Poland, they would face retribution at the hands of the Jaruzelski regime, which would be responsible for the martial law which caused these people to leave their homeland. They would be subjected to discrimination, and denied jobs and housing. Further, removing EVD status would be tantamount to issuing an unqualified certificate of good conduct in the area of human rights to the Polish Communist authorities.

When A.D. Moyer, District Director of the Immigration and Naturalization Service in Chicago, heard about this grave unjust recommendation, he immediately sent a telegram to Immigration and Naturalization Service Commissioner, Alan Nelson, to express his alarm at this proposal. I commend him for his decisive action.

Yesterday, I phoned the White House to express my alarm over the State Department proposal. By the end of the day, the administration told me that EVD status would be extended to these Polish political refugees until the end of this year.

Mr. President, I am pleased by this decision, not only because the extended period will provide an opportunity to resolve this problem administratively. I plan to work hard with the White House to find a solution to this matter. In this year, as we celebrate the bicentennial of our Constitution, we must not forget our sacred tradition of offering protection to people persecuted in their own country.

CONGRATULATIONS TO THE OKLAHOMA STATE GOLF TEAM

Mr. NICKLES. Mr. President, I wish to take this opportunity to congratulate the Oklahoma State University golf team on its outstanding performance this year and its sixth NCAA golf championship. The Cowboys finished the tournament with a 16-stroke lead over the nearest contender. It is a well deserved title for the Cowboys who have finished first or second in the tournament 12 out of the last 13 seasons. I'd also like to extend special congratulations to the tournament medalist, and second year all-American, Brian Watts, who tied a course record of 66 to lead the Cowboys home in the final round. Also on the Cowboy team were Mike Bronson, Brad Phip­ster, Tim Fleming, and Brain Mont­gomery, of which Bradley and Fleming were also all-American selections. Fi­nally, I would like to commend Coach Mike Holder, for his persistent and foresight which has established Okla­homa State as the perennial powerhouse in college golf.

RELEASE OF ABE STOLAR

Mr. LEVIN. Mr. President, last month I received some wonderful news. After 13 years of waiting, Abe Stolar and his family were at last being given permission to leave the Soviet Union to emigrate to Israel. Many of my colleagues may recall that I have risen on numerous occasions to speak on this family's behalf. Some of my colleagues may even remember that there have been times when it seemed as if the Stolars had been given permission to leave the Soviet Union—only to have their hopes cruelly dashed at the last minute.

Abe Stolar is an American citizen who has been living in the Soviet Union since 1931. Abe, his wife, and his son applied to leave there in 1974. In 1975, the Stolars received exit visas to emigrate to Israel. After shipping all their belongings to Israel and selling their apartment, they went to the Moscow International Airport to catch their flight to freedom. But at the last minute, they were turned back on the pretext that Mrs. Stolar had had access to state secrets in her job as an analytical chemist.

In November 1985 the New York Times published the names of 10 families that had been granted permission to leave the Soviet Union. The Stolars' name was among them. Nine of these families have long since departed from Moscow International Airport. Only the Stolars remain.

On April 16, 1987, Soviet Foreign Minister Spokesman Gerasimov an­nounced the release of several refuse­niks. The only families listed by name were those of Leonid Feltzman and Abe Stolar. It was announced on Wednesday, but this week had the Feltzman family is leaving the Soviet Union. Again, Abe and Gitta Stolar, their son and daughter-in-law, Michale and Julia, and their granddaughter, Sarah, remain.

Perhaps I was too quick in rejoicing last month after I received the "wonderful news." But in the spirit of the Soviet-claimed glasnost, I thought that there was reason to take this news seriously. I had my office issue a press release and was delighted that his case was at last resolved—only to find out weeks later that Abe had in fact been given the cold slap of refus­al, once again. The Ovir Emigration Office informed him that the family now needs permission from Mrs. Stolar's mother.

Mr. President, where is the trust that the Russians claim they are trying to build in the relationship between our two nations? Where is the honesty and openness that we have been hearing about since Mr. Gorba­chev's ascension to power? Will there be a day when I receive news about Abe Stolar that I can take as the truth?

RESOLUTIONS OF OREGON LEGISLATIVE ASSEMBLY

Mr. HATFIELD. Mr. President, I re­quest that three legislative memorials be included in the Record, as recogni­tion of the keen leadership and valuable service of the 64th Oregon Legis­lative Assembly.

The memorials follow:

SENATE JOINT MEMORIAL 4

Whereas federal student financial aid pro­vides vital assistance to students attending Oregon's post-secondary institu­tions; and

Whereas federal student financial aid has been reduced by 10 percent over the past six years; and

Whereas the federal Department of Edu­cation budget for fiscal year 1988 proposes to reduce student financial aid by $3.7 billion by eliminating many aid programs and severely restricting eligibility for aid; and

Whereas these proposed reductions consti­tute a 45 percent reduction in federal student aid over fiscal year 1987 appropria­tions; and

Whereas virtually all of the more than 50,000 Oregon students receiving federal fi­nancial aid will be adversely affected by these budget proposals; and

Whereas the proposed reductions in federal student aid will severely limit access to higher education; and

Whereas many low and middle income students will be unable to afford higher education should these proposals be adopt­ed; and

Whereas the nation's security and eco­nomic growth depends on a well educated citizenry; now, therefore,

Be It Resolved by the Legislative Assem­bly of the State of Oregon:

(1) The Congress of the United States is memorialized to resist these drastic reduc­tions in federal student financial aid pro­grams and urged to maintain the current level of funding for student financial aid programs for fiscal year 1988.

(2) A copy of this memorial shall be sent to the Speaker of the House of Representa­tives, the President of the Senate and to each member of the Oregon Congressional Delegation.

SENATE JOINT MEMORIAL 11

Whereas for the past several decades there has existed in the United States a pluralistic electric industry that includes publicly owned, privately owned and cooperatively owned electric generation, transmission and distribution utilities; and
Whereas the Federal Government has developed a publicly owned electric power system which generates and transmits power on behalf of Americans to consumer-owned distribution utilities, the sales of which completely repays the federal investment in those facilities; and
Whereas the repayment of federal investment is shared in Oregon not only by the thousands of people, businesses and industries served directly by the Bonneville Power Administration and other federal power marketing administrations and which assume changes in the repayment of debt on power marketing administrations’ facilities; and
Whereas the Federal Government has been insuring competition and providing a yardstick of comparison between types of utility organizations, thus enabling citizens of this nation with the highest quality of service at lower cost and a choice of the utility providing that service; and
Whereas the federal government’s proposed budget for fiscal year 1988 contains calculations which assume the sale of the federal Department of Energy’s power marketing administrations and which assume changes in the repayment of debt on power marketing administrations’ facilities; and
Whereas there exists in this nation’s courts a challenge to the laws regulating the relationships between the federally owned dams and their consumer-owners’ customers as well as the relationships between the two types of utility organizations; and
Whereas these challenges are successful because of a lack of knowledge of the history of utility industry development or a lack of understanding of the rule community-controlled electric utilities play in that industry, such action would overturn more than 30 federal statutes spanning eight decades of good public policy, sell vital national resources to federal Government in trust for all people of the United States, to private interests be they domestic or foreign, stifle competition, permit monopoly control and raise electric costs to 11 million Americans including over one million of Oregon’s households; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

1. The Congress of the United States is memorialized to reject any budget proposal, bill, amendment or other legislative initiative that would study or authorize the sale of the Bonneville Power Administration and other federal power marketing administrations to private interests, to reject any change in the repayment schedules for debt owed on facilities owned by a federal power marketing administration, to reject any legislation which seeks to overturn the existing federal power program.

2. A copy of this memorial shall be sent to the President of the United States, to each member of the Oregon, Washington, Montana and Idaho Congressional Delegations; also to the Secretary of the Interior, the Secretary of Energy, the Speaker of the House of Representatives and President of the Senate, and to the Major Supporters and Members of the House of Representatives and Senate.

We, your memorialists, the Sixty-fourth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas Crater Lake Lodge, built in 1914, is of historic and architectural importance to the people of the State of Oregon and the people of the United States; and
Whereas Crater Lake Lodge has been listed in the National Register of Historic Places; and
Whereas Crater Lake Lodge adds much to the total experience and enjoyment of a visit to Crater Lake National Park; and
Whereas Crater Lake Lodge is one of the few examples in Oregon of the historic character which represents an early era in park development and is an historical attraction in itself that is a stately reminder of the relatively early date of Crater Lake’s designation and development as a national park; and
Whereas the removal of the overnight accommodations as currently and historically located inevitably would diminish the quality of experience sought by a significant number of park visitors; and
Whereas a far sighted nation preserves the quality of life it has a guide and standard for its future; and
Whereas the National Park Service is now considering options for the future of Crater Lake Lodge; now, therefore,

Be it resolved by the Legislative Assembly of the State of Oregon:

1. We urge the Department of the Interior and the National Park Service to preserve and restore historic Crater Lake Lodge as a national asset to provide lodging at Crater Lake National Park that can be enjoyed by future generations of Americans and increasing numbers of international visitors.

2. A copy of this memorial shall be transmitted to the Secretary of the Interior, the Director of the National Park Service, and each member of the Oregon Congressional Delegation.

CITIZENS COMMISSION ON INDOCHINESE REFUGEES CALLS FOR CONTINUATION OF FIRST ASYLUM, STRENGTHENED REFUGEE PROTECTION, AND UNITED STATES RESSETLEMENT PROGRAM

1. Mr. PELL. Mr. President, the Citizens Commission on Indochinese Refugees, formed under the auspices of the International Rescue Committee, has just completed a week-long study mission to Thailand for a firsthand look at the ongoing situation of Indochinese refugees. The commission is headed by longtime IRC Vice President Bayard Rustin, and included among its members the gifted and disenchanted film and television actress Liv Ullman, also a vice president of IRC, long known for her support of refugees throughout the world. The other members of the citizens commission are the chairman of the IRC’s executive committee, James T. Sherwin, the IRC’s capable executive director, Robert P. DeVecchi, and Betty Tripp DeVecchi, Hmong refugee Sherwin, and Donald Saunders.

I have served as a vice president of the International Rescue Committee, and I remain a member of its board of directors—its one of my proudest affiliations. For over a half a century the IRC has been in the lead of those calling attention to the needs of refugees and seeking practical, humane solutions to their plight. Its original chairman was the esteemed theologian Reinhold Niebuhr, and its chairman for most of its existence has been Mr. Chachne, whose leadership on behalf of refugees has been deservedly recognized and honored.

The citizens commission mission to Thailand took place in the period May 29—June 4, 1987. It was convened and carried out with urgency to deal with three major concerns:

First, the vital need to preserve first asylum, in Thailand and other countries; second, the need to ensure the continuation of reliable, consistent, fair and compassionate refugee resettlement policies by countries of final resettlement.

The commission focused its attention on the plight of the 290,000 Cambodians living in uncertain and hazardous conditions on the Thai-Cambodian border, as well as the 22,000 Khmer refugees in Kho’s Dang. It called for improved protection and care for refugees as well as the need to return refugees to the camps in Vietnam.

Third, the need to ensure the continuation of reliable, consistent, fair and compassionate refugee resettlement policies by countries of final resettlement.

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The commission counselors against schemes to try to return refugees to Vietnam, including those who survived the hazardous land passage across Cambodia as well as those who continue to arrive by sea. It also calls for the immediate resumption of the Orderly Departure Program (ODP) from Vietnam as a necessary step to give Vietnamese an alternative to escape by sea and face the terrible risk of pirate attacks.

The commission calls attention to the dangers of lowland Lao—the Hmong so long associated with United States efforts in the region. For all these groups the citizens commission counselors are the need for better protection, enhanced education, health, and mental
health programs, and a continuing commitment for resettlement by the United States and other countries.

The report is short and to the point. It is worth a careful reading as a basis for public discussion to be facilitated for Indochinese who continue to flee as refugees. I ask that the text of the report, along with a letter to me from Robert DeVecchi, be printed in the Record.

The material follows:

1. The vital need to preserve first asylum, in Thailand and other countries of Southeast Asia, for refugees who continue to flee Vietnam, Laos and Cambodia. In this connection, it is of critical importance to note the root causes which lead these refugees to risk their lives in the search for freedom: the suppression of basic human rights by the Vietnamese authorities within their own country, and by other people, their continued subjugation of Laos, and their continued occupation of Cambodia, and the continued special acts of the Khmer Rouge. So long as these regimes create conditions which compel their own people to flee, there will be a need for first asylum and the guarantee of a safe haven. We strongly urge the ASEAN nations, the United States, and other countries of the free world to press for an urgent resolution of these problems and the restoration of basic human rights to the long-suffering peoples of Indo-China.

2. The need to guarantee basic protection to refugees in countries of first asylum. Refugees are the most vulnerable of populations. Those who risk their lives fleeing oppression and persecution are entitled to basic protection by the countries to which they have fled.

3. The need for the continuation of reliable, consistent, fair and compassionate refugee resettlement policies by countries of final resettlement. We believe that the United States has a special responsibility and leadership role in this regard, that the American people continue to offer a generous welcome to refugees in need, and that the United States Government has the authority and Congressional support for a continued commitment to refugee resettlement.

The Commission recognizes that a major portion of the Indochinese refugee populations has fallen on Thailand and the Royal Thai Government. We acknowledge the efforts and contributions in this regard. We recognize at the same time the responsibilities of the free world, and especially of the United States, to responsibility to resettle of as much of this burden as possible.

The Commission makes the following specific recommendations:

1. Khmer

The safety and welfare of the 260,000 Khmer on the Thai-Cambodian border should be further safeguarded by bringing them within the protection of the UNHCR. In addition, continued presence of UNBRO and the ICRC.

The 150,000 Khmer at the present Site II are in a war zone where protection is impossible, and should be moved to a safe location. During the Commission’s visit, seven Khmer were killed by shelling of this camp and numerous others seriously wounded.

Since 1979, a generation of Khmer children have been born knowing no more of life than a refugee camp. It is indicative that the Cambodian conflict will not be resolved in the near future. It is therefore incumbent on the civilized world to ensure that this population has an opportunity for education, including primary and secondary schooling for all the children, as well as special programs for the handicapped.

The well-being and security of those at Site II would be enhanced by the establishment of a free market which would allow for a more varied diet and be conducive to freer interchange among the sections of the camp.

2. Vietnamese

The nearly 22,000 Khmer refugees in Khaol I Dang—a camp synonymous worldwide with refugee compassion—should be processed for resettlement as expeditiously as possible. The Commission takes special note of the rejected case load of over 12,000 refugees and concludes, consonant with the recommendations of the Ray Commission, that further review of these cases is imperative. We urge the Department of State to take this matter up with the U.S. Government immediately upon return. We also urge the Department of State to expedite the Ration Card Case and 1,500 remaining Family Cardholders.

In the meantime, we ask the Royal Thai Government to allow this additional processing to be completed before any relocation of this population.

3. Vietnamese

The Commission is concerned by the increase in the numbers of Vietnamese boat people over the past several years. These refugees are overcrowded and live in deplorable living conditions in Section C at Phanat Nikom camp. We are equally concerned with the plight of Vietnamese who have fled to Southeast Asia, especially those who have arrived through Cambodia. Based on the 1986 Department of State Country Reports on Human Rights Practices in Vietnam, and the fact that Vietnam refuses to accept the return of those who have fled, such Vietnamese should have presumptive eligibility for refugee status. We will urge this position on our Government upon return.

ORDERLY DEPARTURE PROGRAM (ODP)

The Commission regrets the suspension by the authorities in Hanoi of ODP interviewing, and calls for its immediate resumption. This program should be the alternative to clandestine escapes in often unsafe boats, many of which have fallen victim to pirate attacks.

LOWLAND LAO REFUGEES

The commission examined the screening of refugees by the Royal Thai Government authorities with UNHCR observers. We cannot help but conclude that the procedure would benefit from improvement. In particular, we urge the United States Embassy to take a more active role in reviewing all “screened out” cases in order to ensure that any refugees with valid claims for resettlement are identified.

The processing for resettlement of the 23,000 Lowland Lao refugees at Na Pho camp should be completed expeditiously. We conclude that there should be a complete and thorough review of all rejected cases to ensure consistency and fairness. This position, too, we will urge upon our return.

Durable solutions for lowland Lao refugees should not be foreclosed. In this connection, we will urge the U.S. Government to work with the government of Laos towards the establishment of normal immigration procedures and to explore the possibility of an orderly departure program from Laos.

HIGHLAND LAO

While the commission acknowledges the patience and assistance of the Royal Thai Government over the years in providing first asylum to highland Lao, we are deeply concerned by reports of push-backs and involuntary repatriation. We recommend that all Highland Lao seeking asylum and refuge in Thailand be permitted to enter the processing screening process, and, if determined to be eligible, be allowed to enter one of the UNHCR camps.

We call on the United States to make an ongoing commitment to accept Highland Lao refugees who seek resettlement.

VULNERABLE POPULATIONS

The commission notes the presence of a number of vulnerable refugee groups, many of whom have been in camps or detention for a period of years and for whom no relief is presently in sight. We call on the U.S. and other countries of resettlement to be particularly responsive to the needs of these populations, which include:

1. Khmer boat refugees.
2. Khmer refugees in camps other than Khaol I Dang.
4. Vietnamese unaccompanied minors in Phanat Nikom.
5. Defectors from the communist army of Vietnam presently at Phanat Nikom or at Site II.

One final word. The Commission is deeply aware that the Indochinese refugee crisis has lasted for over twelve years. It continues to put a severe strain on the people of Thailand and all those involved with refugees. The strains are most telling on the refugees themselves, especially those who have been victims of violence, who have been in camp the longest, and who have been passed over or rejected for resettlement.

We are concerned that severe mental health and emotional problems are on the increase and urge the Royal Thai Government, the international organizations concerned, and the private voluntary agencies
involved in refugee assistance, to be alert and responsive to these circumstances.

Barbara Rustin, Chairman; Liv Ullmann; James T. Sherwin; Robert P. DeVecchi; Donald Saunders; Betsy Trippe DeVecchi; Hiroko Sherwin.

INTERNATIONAL REFUGEE COMMITTEE, INC.
New York, June 8, 1987

HON CLAIBORNE PELL
U.S. Senate, Russell Senate Office Building
Washington, DC

Dear Senator Pell: I wanted to share with you the enclosed report issued by the Citizens Commission on Indochinese Refugees. It was issued in Bangkok on June 4, following a week long study mission.

The report contains specific policy recommendations which the Commission members unanimously endorsed. These were arrived at following extensive discussions with Thai, UN and U.S. officials concerned, and visits to all the major refugee camps.

We left Thailand with no doubts in our minds that the refugee situation there is at a critical juncture. The generous policy of first asylum which Thailand has granted for refugees is in jeopardy. Refuge protection is equally endangered. Vital to the maintenance of these is the need for an on-going U.S. resettlement commitment which is reliable, consistent, fair and compassionate.

The Commission intends to follow up on this report and looks forward to the opportunity of working with you to this end.

Sincerely,

ROBERT P. DEVECCHI
Executive Director.

COMMODITY MARKETING ORDERS

Mr. BOSCHWITZ. Mr. President, recently I offered an amendment to the Federal Trade Commission (FTC) reauthorization that would have lifted the congressional ban on investigation and study of Federal commodity marketing orders by the FTC.

At that time it was argued by most cooperatives, and Members of the Senate who agreed with them, that the U.S. Department of Agriculture Agricultural Marketing Service (USDA-AMS) has full and complete power to regulate the marketing orders so that no abuses of the anti-trust exemption provided for marketing orders could occur. Further, study by any agency except USDA-AMS was duplicative and unneeded because AMS is doing a great job.

Recently someone else did take a look at the California-Arizona navel orange marketing order. Victor Palmer, USDA Acting Chief Administrative Law Judge, found that the Agricultural Marketing Service has not handled this marketing order appropriately.

Four California navel orange handlers regulated under the California-Arizona navel orange marketing order instituted proceedings against USDA under section 10b of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 608c(15K)). The four California handlers charged that the Secretary of Agriculture's annual implementation and weekly allocation of prorated volume restrictions (the amount of navel oranges legally allowed to be shipped to market on a weekly basis) for the last 11 annual seasons:

First. Amended to an unlawful delegation of authority by the Secretary of Agriculture to the order's Navel Orange Administrative Committee that is dominated by Sunkist Growers, an organization that is in direct competition with the petitioning California growers.

Second. Constituted arbitrary and capricious exercises of regulatory power which were abuses of discretion by the Secretary of Agriculture;

Third. Were not in compliance with the recommendations sufficient for the exercise of allocations of the restrictions, as required by the Administrative Procedure Act; and

Fourth. Discriminated against petitioners by denying them the "equity of marketing opportunity" that the act and the order requires be given to all handlers.

Acting USDA Chief Administrative Law Judge Victor Palmer ruled on this matter on April 23, 1987. Agreeing with the petitioners and deciding against USDA, judge Palmer found:

The prorated flow-to-market restrictions imposed under Marketing Order 907 upon petitioners' handling of California-Arizona navel oranges from autumn of 1979 through January 31, 1985, were not in accordance with law due to the failure of the Department of Agriculture to:

First, perform the independent evaluation and analysis of NOAC's recommendations sufficient for the exercise of allocations of the restrictions, as required by the Administrative Procedure Act; and

Second, provide petitioners with adequate notice and comment upon the restrictions as required by the Administrative Procedure Act.

Today, in the Senate Agriculture Committee, we had testimony from Willie Nelson and others advising us that we should start an international grain cartel so that we could extract from customers the price that we want for our grain. Not only has this approach failed in the international arena, but it is failing here at home where we have such arrangements.

The first article I would like to enter into the record is authored by Marj Charlier of the Wall Street Journal. The article explains how independent procedures are fighting and winning a few battles to grow and sell their products without the interference of Federal marketing orders.

The second article, by Neil Behrman of the Wall Street Journal, examines the fate of world commodity cartels. The evidence is conclusive that they have not worked in the past which leads me to believe that they will not work in the future.

The articles follow:

(FROM THE WALL STREET JOURNAL, JUNE 17, 1987)

FIGHTING QUOTAS—INDEPENDENT FARMERS OPPOSE RULES LETTING CARTELS DECIDE OUTPUT

(By Marj Charlier)

SANGER, CA.—Inside a big metal building on the Riverbend International Corp. farm, shiny oranges bounce jauntily along conveyor belts and down chutes, automatically joining like-sized fruit in boxes bound for the state's largest navel orange packing plant.

But outside, in orchards that stretch across the San Joaquin Valley, oranges just as fine plop off trees and rot in the scorching heat. Perry Walker, Riverbend's vice president, says that the fruit wouldn't be going to waste if it weren't for restrictions imposed by a government-backed cartel.

Rotting fruit and lost profits have become a cause. Mr. Walker has joined a growing group of independent fruit and nut farmers and packers who are fighting what they see as an absurd socialized, sixty-year-old federal regulations that allow farmers to form cartels to control supplies, share marketing efforts and carve up production rights.

"Even the Communists don't go this far on food."

SMART AND TOUGH.

Using petitions, lawsuits and other legal maneuvers, the farmers and packers are winning some battles. In California, Florida and the Upper Midwest, they have gotten rid of some of the nation's 47 marketing orders and begun to weaken others. "The little guys are starting to get smart and tough," says John Ford, a former Agriculture Department official, who works as a consultant for farmers fighting marketing orders.

At stake is the enormous power of huge produce-marketing cooperatives. Because of their big market shares, co-ops like Sunkist, Sun-Diamond and the California Almond Growers Exchange control most of the votes on the committees that administer the marketing orders. Without the protection from competition that the production limits provide, the co-ops might lose farmer members and valuable markets to the independents.

Consumers and many farmers stand to gain if the independents' campaign succeeds. More fruit and nuts on the market would lower retail prices, the U.S. Small Business Administration advocacy office has concluded. And eliminating restrictions would increase farmers' profits 10% to 20% by reducing administrative costs and discouraging imports, among other things, according to a study published recently in the Journal of Law and Economics.

EVENING ODDS

Back in 1938 when the marketing orders were set up, the co-ops were seeking to even the odds between thousands of Depression-era small farmers—all trying to sell their produce at the same time—and powerful urban buyers. The law allowed farmers, co-ops and packers to form boards to write, administer and market orders controlling the movement of produce to market. The result was a "fake cartel" with the "equity of opportunity" in the marketplace for all farmers and packers by letting the
boards set weekly quotas for each farmer and packer.

No one is predicting that the marketing-order system will collapse overnight. Indeed, while fruit and nut growers are finding ways to supply consumers, Congress is considering mandatory controls for grain farmers. The Save the Family Farm Act, sponsored by Sen. Thomas Harkin, an Iowa Democrat, and Richard Gephardt, a Missouri Democrat, would have farmers vote to limit their production as a way to curtail grain surpluses and the nation's farm crisis.

And not all farmers and packers dislike marketing orders. The orders benefit small, part-time farmers who didn't have the resources to market their crops.

Today, they have become a formidable force. Many of them have invested in marketing programs and quality standards that are universally praised.

### A DETAILED CRUSADE

Only four years ago, the Agriculture Department itself wanted to overhaul the system, which it oversees. Under former Secretary John Block, the department pushed to reduce cooperative control and rein in anti-competitive behaviors. But pressure from California and Arizona growers who wanted to market Arizona and orange and lemon cooperative, derailed that crusade, says Mr. Ford, the deputy assistant secretary at the time. (Sunkist officials declined to be interviewed for this story.)

Now, the department has dropped the matter. Mr. Boyle says, who heads the department's Agriculture Marketing Service. "In previous years there was more discussion about that," he says. "But if you look to the department to take the lead, that's not going to happen."

Fine, say the independent farmers and packers; they will do it themselves. And they have become formidable force. "The system's a house of cards," says James Moody, a Washington, D.C., lawyer who has worked for the growers for the past eight years. "If you keep banging away at it, it will fall."

In the past decade, young, college-educated farmers with marketing expertise have quit the co-ops to pack and market their own produce, capturing profits that used to go to middlemen. Computers, larger farms, better transportation and advances in quality by supermarkets have all made that easier. Today, 100 packers process and market almonds alone, compared with only 15 did a decade ago.

The new independent farmers and packers, like this heated competition. Carl "Skip" Pescosolido, a petroleum marketer and orange grower from Irving, Texas, is one of them. He drove to the San Joaquin Valley for the first time in 1970, bought a farm and in 1978 began funneling his marketing skills into selling oranges. He quickly ran up against marketing-order restrictions—he could sell more oranges than the order would allow—and became an early opponent of the California citrus order.

"I was the only voice of reason in the industry," he says. "Today, it's fair to say 30% of my life is spent fighting the system."

What really irks these growers is that the quotas have routinely restricted the sale of oranges in only one of four districts regulated by the committee—the district where most of Sunkist's competitors, the independent, operate. These growers, including Messrs. Walker and Pescosolido, are regularly required to divert about 32% of their navel oranges to lower-profit channels like the export market, charities or juice plants. The growers blame the market restrictions for declining per-capita consumption of oranges and increasing imports. They also note that farm prices haven't improved despite the supply controls.

### "ORDERLY FLOW"

Billy J. Peighetl, the manager of the orange marketing committees, concedes that overall the system has been generally profitable but says that prices have been higher than they would have been without the order. The system, he says, "has an orderly free flow of oranges to the market," he says. "In the long run, everybody would suffer without this order."

But the only time the marketing order was lifted—five months in 1985 after a severe freeze in Florida and Texas—prices to farmers rose and consumer prices didn't. In study of that episode, the Agriculture Department's economic research service concluded that most times, growers would be greater without the restrictions.

Meanwhile, independent almond producers have their own complaints. A major one is that the almond marketing board, dominated by CAGE members, requires co-op and independent packers to spend 2.5 cents on brand advertising and many pounds of almonds they handle. If they don't spend it, they must forfeit the money to the almond board.

But independent handlers sell more than 90% of their almonds overseas and as ingredients for ice cream and other foods. Many don't have a brand, and brand advertising won't sell any more, says Robert Saulsbury of Saulsbury Orchards in Madera, Calif. His 2.5-cent levy over the past seven years has added up to more than $1.4 million.

CAGE, which holds most of the retail market with its Blue Diamond brand, does benefit from brand advertising. The co-op spends its advertising money and doesn't have to pay it to the board.

### GENERIC ABS

The almond board has consistently voted against using the forfeited funds on the generic advertising that many independents would like. "We question if 'go out and eat more almonds' helps sell almonds," says Mr. Steven Easter, a CAGE and almond board member.

Mr. Saulsbury and two other almond packers have also filed petitions protesting the board's requirement that producers sell a set percentage of their crop to someone who will make almond butter out of it. The butter makers pay less than market value for the almonds, and many of the independents don't believe that almond butter will sell anyway—especially when it is four times as expensive as peanut butter.

"Everybody hates the almond butter," says Cloyd Angle, who owns the independent packinghouse Cal-Almond Inc. (Mr. Easter says that the almond-butter program has had significant appeal in Europe.

Independent growers and packers are beginning to win some significant victories. In April an administrative law judge agreed with Messrs. Pescosolido and Walker and other orange producers who challenged the navel-orange marketing order. Six years' worth of the marketing order had expired after the orance were illegal, the judge said, because the Agriculture Department approved them without adequate review and because they were not negotiated among independent growers. The department has appealed the decision.

### CHERRIES AND HOPS

Meanwhile, cherry growers in the Upper Midwest gathered enough votes to get rid of the marketing order for cherries. And Florida grapefruit growers voted last month to kill their marketing order. And Florida grapefruit growers voted last month to kill their. "As growers realize the marketing orders hinder their ability to satisfy customers, they kill them," says Gregory Nelson, of grapefruit grower DNE Sales Inc. in Fort Pierce, Fla.

The fight against the orders has attracted some colorful warriors. One of them is pruner awake Neil Denny of Marysville, Calif., a veteran of battles with the county commission, the state environmental protection agency and the county sheriff. Recently, when the prune marketing board, dominated by the Sunsweet cooperative, proposed a reserve to limit sales and raise prices, Mr. Denny's hackles rose again.

"You don't hide anything from the market anymore," he says. The pools only "keep a small guy who's aggressive out."

While marketing board members flew to Washington at the board's expense to persuade Congress, Mr. Denny and fellow independent grower Neil Mitchell paid their own way and burst into department offices to protest. "We were just two little guys with a big story," say Mr. Denny. But he and Mr. Mitchell stopped the reserve, nonetheless.

(Prom the Wall Street Journal, June 1, 1987)

### MARKET ForCES AND DISCORD STYMIE CARTELS

(London—The price-bolstering clout of the world's commodity cartels is evaporating amid discord among producing nations and the dominance of market forces.

"Commodity agreements are an endangered species," says Charles Young, director of research at Landell Mills Commodities Studies Ltd. Such accords were fashionable in the 1970s, he says, but policy makers now believe in "free markets and privatization."

Nearly a decade ago, more than 150 nations, rich and poor, wanted to devise a grand strategy to shore up the world's commodity and bolster cash flows of the Third World nations that produce raw materials. United Nations planners envisioned a "fund" through which various crops covering coffee, tea, cocoa, sugar, cotton, rubber, jute, sisal, tin and copper.

Despite six years of effort, however, the fund never materialized. And just one new pact, covering rubber, was negotiated.

### INTERNAL BICKERING

Tin's international agreement dates from World War II, and sugar, coffee and cocoa pacts were formed before that. But these cartels negotiated several times since then. Only cocoa and rubber are fully active now, though.

Coffee's price-support mechanisms have been suspended more than a year while producing and consuming members argue about what to do with the 10 commodity pacts. The International Coffee Organization's executive board meets this week in Bali, the panel isn't expected to decide the quota question before its next meetings in September at its London headquarters.
June 19, 1987

CONGRESSIONAL RECORD—SENATE

16873

The International Sugar Agreement's price and quota functions lapsed in 1984 when members couldn't agree on export restrictions to support prices. And metal markets have roughly doubled since the October 1980 collapse of the International Tin Council, which ran out of money by supporting prices far above market levels. Malaysia and Indonesia, inhabitants of one of the tomato-sauce capitals of the world, do not belong to the world community of producers and consumers alike.

While a commodity's price falls below a specified level, the accord's representatives typically agree to prop up the market, to support price and production stabilization. Although the price of a commodity is elastic, says a delegate to several commodity pacts, Sugar, Latin American coffee, and rubber, the latter two are often the victims of their own overpricing, says. And rubber's sugar quota function lapsed in 1984

Since 1984, consuming nations have demanded for the sugar producers' price and production stabilization. Although they were receptive in the 1970s when they wanted to curb rapidly rising prices, analysts say, the subsequent commodities slump has helped curb runaway inflation in major consuming countries.

In recent years consuming nations have worked to promote excellence in education through the invention process, and global competitiveness. The Iowa Department of Education and several statewide associations will formally announce Invent Iowa!-a comprehensive statewide project to encourage the development of invention programs throughout the State of Iowa, for Iowa's youth.

Mr. HARKIN, Mr. President, I want to call the attention of my colleagues in the Senate and the entire Nation to the first annual Invent America! Week, June 21-26, here in Washington, DC, to honor and celebrate the inventive talents and ideas of this country's student inventors in four-grade level.

Invent America! is a program whose time has come for this Nation. The Invent America! program and its regional, state, and national competition to promote excellence in education through the invention process, recognizes that the greatest innovations for new jobs, technologies, and economic competitiveness in America, will come from the men and women-young and old-who dare to take great risks to invent our future.

At the very heart of America's greatness is its inventive and independent spirit. For well over a century, the American people have combined the efforts of industry, government, and education to promote creativity and productivity in a comprehensive program for invention and innovation.

The American people, since 1941, have combined the efforts of industry, government, and education to promote creativity and productivity in a comprehensive program for invention and innovation.
have reflected the results. In 1986 Japan alone took 18 percent of U.S. patents issued—15,887. Figures for 1986 also reveal that of the 76,862 patents issued in this country, a total of 34,859 went to foreign residents, and over the past 20 years, the percentage of U.S. patents obtained by foreigners has more than doubled.

The message is clear from both the public and private sector, that a dangerously high percentage of America's young job applicants and new hires lack the critical thinking skills necessary to handle today's rapidly changing technology and highly competitive corporate environment. All children, regardless of social or economic background and physical or academic ability can be winners with the Invent America program. Invent America will give students the tools they need to meet and surpass global competitiveness. In recognizing and rewarding creativity, through the Invent America program in schools, we can begin to once again create a culture which encourages and rewards inventions and innovation.

Fifteen States across America have already announced statewide support for Invent America! In its first year, and I am proud to list Iowa as one of them with the announcement of the Invent Iowa Program. These programs offer a unique opportunity to strengthen critical partnerships between government, education, and business sectors.

In this important national endeavor, the Invent America program has also recognized the significant contributions that our senior citizens with lifetimes of experience in the area of invention, education, and business can make to the effort. To this end, the foundation is developing a Senior Invent Outreach Program to use our Nation's senior citizens to expand Invent America! by their participation in on-site school visits, special workshops and similar programs.

Invent America! is truly a positive investment in America's most precious resource—our youth—and is the type of program that we, as elected leaders of our people, should support. With Invent America!, every young American can have the opportunity to reach his or her own personal creative and inventive potential.

I urge each of you to advocate the Invent America! program in the schools in your district and your State, and participate in the events of national Invent America! Week in June.

As Albert Einstein once said, "Imagination is more important than knowledge. Knowledge is limited, whereas imagination embraces the entire world."

I'm looking forward to working on these invention programs and I encourage you to support these efforts to help our Nation perform more effectively in an increasingly competitive world.

TRIBUTE TO LT. FRED D. CAROZZO, JR.

Mr. HEINZ. Mr. President, I rise today to recognize Lt. Fred D. Carozzo, Jr., of Clairton, Pa. who died in the service of his country on March 22, 1987, in a U.S. naval air accident in the East China Sea near Okinawa.

In honor of his exemplary service and patriotism, the mayor and members of the Clairton City Council proclaimed April 20, 1987, as Lt. Fred C. Carozzo, Jr., Day. I ask unanimous consent that the proclamation be printed in the Record at this point.

The proclamation follows:

PROCLAMATION

Whereas Lt. Fred D. Carozzo, Jr. was born and raised in Clairton and graduated from Clairton High School; and whereas he was a 1978 graduate of the University of Nebraska; and whereas on March 21, 1987 he died in a U.S. Naval air accident in the East China Sea near Okinawa; and whereas by his selfless act Lt. Fred D. Carozzo, Jr., was instrumental in saving his two crewmen; and whereas we acknowledge the fine character of Lt. Fred D. Carozzo, Jr., and all our young men serving our country, Whereby the Mayor and Members of the City Council of Clairton, Allegheny County, Pennsylvania proclaim April 20, 1987 as Lt. Fred C. Carozzo, Jr. Day in the City of Clairton; and whereas Lt. Fred D. Carozzo, Jr. was born and raised in Clairton and graduated from Clairton High School; and whereas he was a 1978 graduate of the University of Nebraska; and whereas on March 21, 1987 he died in a U.S. Naval air accident in the East China Sea near Okinawa; and whereas by his selfless act Lt. Fred D. Carozzo, Jr., was instrumental in saving his two crewmen; and whereas we acknowledge the fine character of Lt. Fred D. Carozzo, Jr., and all our young men serving our country, Whereby the Mayor and Members of the City Council of Clairton, Allegheny County, Pennsylvania proclaim April 20, 1987 as Lt. Fred C. Carozzo, Jr. Day in the City of Clairton; Whereas the Mayor and Members of the Council of Clairton, Allegheny County, Pennsylvania proclaim April 20, 1987 as Lt. Fred C. Carozzo, Jr. Day in the City of Clairton.

ESSAY ON POLITICS

Mr. DASCHLE. Mr. President, the following essay concerning politics and public service was written by Kris Jensen, a young man from Aberdeen, SD. Kris successfully completed a rehabilitation program this spring at the Youth Forestry Camp for youthful offenders in Custer, SD. I wanted to share Kris's thoughts today to help remind us all of the spirit of public service and the responsibility we have to foster this spirit among all young Americans.

The essay follows:

POLITICS

I would like to be a politician if I could be anything I wanted to be. I would preferably like to be a Democratic Senator. My new self wouldn't change anything from what my old self is like. I would like to further my education and enhance some of my abilities that I already possess. I would own the same car I have now to show people that I don't need to have anything different than most people have. I would also live in a small, but comfortable apartment instead of some huge house that I don't need. I would keep the same friends and try to make more along the way. I wouldn't let my success go to my head.

My new self would go to the Senate to work for the people. I would try to pass or bring up on the floor, new bills or amendments that would help the people and not prior to the beginning of our July 4th recess.

With the adoption of the conference report, the Appropriations Committee can at last be given an allocation pursuant to section 302(a) of the Budget Act, make an allocation to its subcommittees under section 302(b) of the Budget Act, appropriate amounts for each subcommittee and full committee markings of the fiscal year 1988 appropriations bills. I am confident the committee will proceed expeditiously and discharge those responsibilities as promptly as possible. Chairman Stokes has pledged to do that, and I will support him in every way I can.

But I'm afraid it's too late, Mr. President. By the time the Appropriations Committee receives its 302(a) allocation from the Budget Committee, it will be mid-July. We will have 6 weeks of session scheduled between that time and September 30, when we must conclude our business or resort to continuing resolutions. Budget Committees took 6 months to complete one resolution. Does anyone believe we can enact 13 appropriations bills in just 6 weeks? It can't be done, Mr. President, and it won't ever be done. If the budget process continues to fail us as it has again this year. If my colleagues want to avoid continuing resolutions, then let's do away with budget resolutions. Better no budget resolution at all than one that comes so late.

THE BUDGET: BETTER NEVER THAN LATE

Mr. HATFIELD. Mr. President, with much fanfare, the conference on the budget resolution have finally reached agreement, more than 2 months after they were obliged to complete their work under the schedule established by the Gramm-Rudman-Hollings amendments to the Budget Act. I understand that the conference report may be ready for consideration by the Senate next week, only a few days prior to the beginning of our July 4th recess.

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me or the rest of the government. I would try to help the needy and the lower and middle classes of people. I would try to help the senior citizens and the street people or the homeless to find ways they could earn a living or "make ends meet." I would try to fight for the United States, security, the amount of drugs in the U.S., the senseless killing, and drunken driving on our-interstates.

I would be a politician in order to help others because there are only a few people who care about the rising problems in our country and our state. I would like to help others because there is only a few the problem. I would try to be one of the best Senators there has ever been and to go down in history as a person who cared. I think we need to take a look at America's problems first before we put our noses in other countries problems. If there were more people who cared, this country would be a beautiful place to live. Our main problems we face nowadays are AIDS, Political corruption, Drugs, nuclear accidents, and corruption in our churches. Another major problem is the spying and the traitors in the Armed Services. If we take care of these problems, we'd be a better country. Most of all, I would like to work for the people and not myself.

Kris Jensek

WEST VIRGINIA DAY 1987

Mr. BYRD. Mr. President, this Saturday, June 20, West Virginia will be celebrating its 124th year as the 35th State in the Union.

Over nearly one-and-a-quarter centuries, most Americans have come to take West Virginia for granted, even if some others sometimes forget that western Virginians largely spoke a different dialect, were inclined more to commerce and industry than to agriculture, and were often less sympathetic to the "southerner cause than those in the trans-Allegheny part of Virginia.

Those differences had caused tensions in Virginia from the early decades of the 18th century onward. To head off Virginia's rupture, Brown dispatched the statehood Petition of 1788, with Virginia reeling in confusion and anxiety.

The Presidental election of 1860 revealed how ambiguous the political situation in Virginia was on the eve of the Civil War. Douglas, the northern Democrat, received barely 20,000 votes, mostly in the valley of Virginia and along the Ohio. Lincoln's vote of less than 2,000 came entirely from the northern panhandle squeezed between Pennsylvania and Ohio. John Bell of Tennessee, running on a platform of unity and compromise on the slavery question, polled the majority of Virginia's votes, east and west, and won Virginia's electoral votes. Buchanan's Vice President, John C. Breckenridge, however, was the candidate of Southern Democrats, advocating Federal protection of slavery along the lines of the Emancipation Proclamation did not remedy the problem, including as it did in its terms of Emancipation only those areas still in rebellion against the Federal Government in Washington, Staunch abolitionists, not yet certain that the war would end slavery, were reluctant to admit into the Union another slave State.

First, that part of Virginia that lay behind Union lines—much of which was petitioning for statehood—was still legally slave territory. Even the Emancipation Proclamation did not remedy the problem, including as it did in its terms of Emancipation only those areas still in rebellion against the Federal Government in Washington, Staunch abolitionists, not yet certain that the war would end slavery, were reluctant to admit into the Union another slave State.

Again, legalists and jurists in Washington were concerned about a particular point of constitutional law. If secession from the Union was wrong for the Confederacy, they asked, how could Washington sanction the counties of a State seceding from that State without legal permission? By "legal permission" in West Virginia's case they meant, not the permission of the official but weak and questionable government of the Unionist Governor of Virginia, Francis Pierpont in Alexandria, but a Richmond government duly chosen in an election held from Norfolk to the Ohio River.

Fortunately, President Abraham Lincoln admired both the loyalty and the bravery of the Unionists of West Virginia. His influence swung support to West Virginia statehood. After all, Lincoln said:

Opposed to the new statehood movement, however, a significant number of western Virginians desired just as sincerely to stay a part of Virginia, and join the Union. Some historians have projected that the majority of troops serving under Stonewall Jackson in defense of the Confederacy may have been, like Jackson himself, natives of western Virginia. The famous Hatfield-McCoy Feud had its origins in devil Anse Hatfield's reputation as a Confederate sharpshooter, as well as the allegiance of many Coys on both sides of the Big Sandy and Tug Fork Rivers to the Union.

Thus, in the divided families and communities of trans-Allegheny Virginia, was the ground laid for a bloody and often fratricidal struggle that tore West Virginia from 1861 until hostilities ended in 1865. During the years of the conflict between North and South, the state was divided with the States—West Virginia was the scene of the real Civil War, with brother killing brother, neighbor fighting neighbor, and former friends hating one another with jingoistic fervor.

At the same time that loyal, pro-Union Virginians were planning and creating a new political entity in the mountainous west of their State, powerful men in Washington were adamantly opposing statehood for West Virginia.
sever the bond to the Republic that 1863—West Virginia joined the Union 124 years ago tomorrow—June 20, estates. But West Virginians, known for the people of western Virginia to we afford to have her against us, in Con- dance, and strong family ties, could not as the 35th State. On behalf of the 2 ahead.

western Virginia to give her people the rights they loved in God. And in themselves. Yes, West—W-e-s-t—Virginia; two words, two States: Virginia and West Virginia.

After the war between the States, Union and Confederate West Virginians alike joined in developing their new State. In the State legislatures that met variously in Wheeling and Charleston, former Union Army offi- cers sat beside former Confederate Army officers. With the healing of the physical wounds of the Civil War in West Virginia, wounded relationships between loved ones and friends healed, as well. Drawing on their pioneering heritage, the men and women of the new State harnessed West Virginia's natural resources and made West Vir- ginia one of the world's industrial giants. In so doing, West Virginia's founding patriarchs and matriarchs also left a legacy of decency, democra- cy, hard work, courage, and patriotism for which our State is recognized even today.

West Virginia celebrates its 124th birthday, we are proud of our rich history, and we are working to West Virginia's natural resources and made West Vir- ginia one of the world's industrial giants. In so doing, West Virginia's founding patriarchs and matriarchs also left a legacy of decency, democracy, hard work, courage, and patriotism for which our State is recognized even today.

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Mr. ROCKEFELLER. Mr. President, 124 years ago tomorrow—June 20, 1863—West Virginia joined the Union as the 35th State. On behalf of the 2 million people who are proud to call themselves West Virginians, I would like to wish West Virginia a very happy birthday.

Our State was born in the midst of the Civil War. It surely was not easy for the people of western Virginia to break away from the distinguished history of one of America's original States. But West Virginians, known even then for their loyalty, perseverance, and strong family ties, could not sever the bond to the Republic that gave her people the rights they loved so dearly.

President Lincoln had these remarks to make upon West Virginia's admittance to the Union.

"Mr. President, throughout their history, West Virginians have continued to remain true under such trials. West Virginians are as tough and resilient as the mountains that surround them. Our proud history had shown them to be intensely loyal to their family, to their friends, and to their State. Witness the number of West Virginians who prefer to face the present hardships our State confronts rather than desert this home, or desert their parents and grandparents before them. Loyalty to country has always been a trademark of our people. Many have given the greatest sacrifice of all. In the Vietnam war, West Virginians suffered more than the citizens of any State. The freedom and opportunity that this country provides are whole- heartedly embraced and fiercely pro- tected by my fellow West Virginians.

For 23 years, I have been proud to call West Virginia my home. Settling there changed my life—all for the better. My four children were born there and love it as much as my wife and I do. Mr. President, I would like you to join me in a special tribute to my State and its wonderful people. Happy Birthday West Virginia!"

ORDERS FOR TUESDAY, JUNE 23, 1987

ADJOURNMENT UNTIL 2:00 P.M.

Mr. BYRD. Mr. President, in order that Senators may have time in the morning on Tuesday to work on the amendment that will be introduced by Senator Boren, Senator Reed, and others, in order that we might try to reach our hands across the aisle, I shall not have the Senate come in until the hour of 2 o'clock p.m.

So, Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in adjournment until the hour of 2 o'clock p.m. on Tuesday next.

Mr. President, I ask unanimous consent that on Tuesday next the call of the calendar be waived under rule VII.

Mr. President, I ask unanimous consent that on Tuesday next the call of the calendar be waived under rule VII.

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

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general
CONFIRMATIONS

Executive nominations confirmed by the Senate June 19, 1987:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION


DEPARTMENT OF LABOR

Fred William Alvarez, of New Mexico, to be an Assistant Secretary of Labor.

The above nominations were approved subject to the nominees’ commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.