EXTENSIONS OF REMARKS

INTERSTATE MINING COMPACT COMMISSION REPORT

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HANCE. Mr. Speaker, I wish to call to the attention of the Members the report of the Interstate Mining Compact issued during its annual meeting May 19-22, 1980, in Tulsa, Okla.

The report contains many very interesting points made by its member States. The following is a portion of that report featuring statements by some of the States represented.

The report follows:

INTERSTATE MINING COMPACT COMMISSION REPORT

PREAMBLE

Believing it has a responsibility to express its position on important energy matters affecting not only the member states but the nation as a whole, the Interstate Mining Compact Commission makes the following declaration:

Foreign dependence on crude oil supplies has reached dangerously high levels in the United States over the last few years.

If coal is to become one of this nation's primary keys that can be used to unlock the door to America's vast future energy supplies, then obstacles to all-out production must be removed at an accelerated rate.

The Interstate Mining Compact Commission views the bulk of existing national energy regulations as over-burdensome and counter-productive.

This Compact compares the nation's critical energy position to that of a sinking lifeboat, in which some are trying to "bail water and plug up the holes" while others are busily "polishing the deck and hanging up curtains."

Many states are experiencing a severely depressed coal market.

Some producing states must both import and export coal because of certain environmental restraints.

Some mining companies have waited as long as a year for approval to mine.

More than 20,000 coal miners are now out of work. The small independent operator is giving up and going into bankruptcy.

Climatic and geological conditions in our various states differ—this is a diverse nation. But inflexible federal regulations often do not permit nor attempt to recognize those differences.

States simply must be permitted to mine their coal and trade it in an open, free market—with an absolute minimum of interference from federal rulemakers.

Against this background, the individual compact members by state express the following concerns:

OHIO

Recognizing the gravity of the energy dependence, our nation faces as a result of federal laws, regulations and policies and the critical social, economic and national security problems which will put the future independence of the United States in jeopardy;

Recognizing the short term solution to the U.S. energy dilemma is doubling coal production forthwith;

Recognizing that Ohio is primarily dependent on our most abundant and cheapest energy form, coal, for our economic well-being;

The State of Ohio, through its membership in the IMCC respectfully requests the following energy policies be adopted by President Carter and the Congress:

1. Pass emergency legislation to prioritize and mandate conversion to coal with sufficient economic incentives to accomplish the goals;

2. Reassessment of Air Quality Laws and Regulations to enable Ohio to burn Ohio coal; and

3. Reduce federal control and interference with coal production by passing Senate Bill 1403, currently pending before Congress, and writing regulations as mandated by PL 95-87 to take into consideration local geologic-climatic and economic variables.

KENTUCKY

As one of the nation's leading coal producing states, we make the following statements as a result of our true concern over this nation's energy situation:

1. Due to this nation's dangerous dependence on foreign oil we must again stress the need for renewed commitments for increased use of coal.

2. In order to stimulate a sound coal industry and a willingness for private industry to utilize coal, our commitment must be backed at all levels of government. A thorough commitment must be demonstrated.

3. A reasonable approach to environmental concerns must be taken. It is our belief that mining coal and protecting the environment are not incompatible goals.

4. The Office of Surface Mining must seek, along with states, the most reasonable approach. Flexibility in regulations and recognition of states' individual problems must be accepted as "reasonable" by OSM.

Kentucky's economy is greatly dependent on coal. The health and welfare on Kentucky's citizens greatly depend on a sound environment. We must work with both the industry and with environmental concerns to meet a "reasonable approach."

TEXAS

Prior to the passage of the federal "Surface Mining Control and Reclamation Act of 1977," the surface mining regulatory program in Texas had been praised as being one of the most thorough in the country. In June of 1977 a report prepared for Senator Henry Jackson's Committee on Energy and Natural Resources stated: "In comparison to other state laws on surface mining and reclamation the law enacted in Texas would have to be considered to be one of the most comprehensive and most stringent."

Yet in spite of this finding the surface mining regulatory program in Texas had to be completely revamped in order to accommodate the national level program. Refusal to do so would have resulted in the creation of a second regulatory program with duplicate bureaucratic responsibilities in Texas.

A new law was passed by the Texas Legislature and new regulations were adopted. More than a year and hundreds of man-hours were spent in recreating a regulatory program. The cost to this country's taxpayers to disrupt an established program without the addition of significant environmental protection has been immeasurable. The recreation of a regulatory program in a state simply to comply with a national program (1) contributes to inflation, (2) adds to uncertainty, and (3) impedes the intelligent development of this country's energy resources.

Coal currently accounts for more than 30 percent of this country's fossil fuel reserves, but supplies only 18 percent of the country's energy needs. At a time when the President is calling for the reinstitution of draft registration in order to provide for this country's national security, and at a time when the President is calling for a national commitment to convert to coal in order to reduce our vulnerability to the whims of the oil exporting countries, the State of Texas has been forced to aesthetically remodel its regulatory program. Our efforts could have been better expended by developing the production of our coal reserves and encouraging conversion to coal.

Concurrently the State of Montana has chosen a myopic approach to its best interests and the nation by imposing an exorbitant severance tax on coal production within that state. The effect of the tax is to discourage its production within the state and to impede coal conversion in other states.

The leaders of this country must recognize that this country's national security can be protected by encouraging the development of the vast energy resource found here at home. They must also recognize that unnecessarily burdensome regulations and shortsighted policies that develop exorbitant severance taxes are counter-productive to this objective. The State of Texas strongly supports Senate Bill 1403 and House Resolutions 6625 and 6654. The House resolutions would place a 12.5 percent ceiling on state imposed severance taxes on coal.

PENNSYLVANIA

The coal industry in Pennsylvania is very depressed as it is in many coal-rich states. At a time when the nation is experiencing an energy crisis, coal production in Pennsylvania is at one of its lowest points. This situation can be attributed to a lack of markets because of high sulfur coal, inadequate transportation facilities, coke imports, and the overall effects of a spiraling inflation rate and a recession.

In order to reduce our national dependence on foreign oil and to increase the utilization of domestic energy resources, there must be affirmative and dramatic national energy policies. Oil-burning boilers must be converted to coal utilization and export markets must be developed. In the face of rising OPEC prices, the technology for utilizing coal and transporting coal to markets must be developed now. Pennsylvania and the other coal-rich states can make the U.S. the "Saudi" for the coal buyers of the world.

The Nation's commitment to coal must be made quickly and concentrated effort on a national level is needed to insure a plentiful supply of our domestic energy resources.

The federal government must increase its activities to enable an expansion of produc-

tion and use of coal reserves. The search for syn-fuels and other energy alternatives is commendable; however, some of the basic industry problems also must be solved. Instead of searching for alternatives alone, federal dollars must be provided to improve rail-haul facilities, to improve harbor facilities, and to develop other transportation modes. Low interest loans and tax incentives must be provided for the installation of air pollution control equipment on utility and industrial boilers. Federally funded research is needed and must be accelerated to develop sulfur-removing coal cleaning processes and to develop technology for the clean burning of coal.

There are not any overnight solutions to these problems, but coal can be king if the commitment is made for coal now.

OKLAHOMA

We in Oklahoma believe that this nation needs a comprehensive and cohesive energy policy utilizing all varied sources of energy to make us independent of foreign oil. The federal government has adopted a seemingly contradictory policy of increased coal production, but at the same time the regulatory constraints are becoming more and more stringent. At present, almost all of Oklahoma's coal is shipped out of state where it can be burned for power generation—and Oklahoma has to import coal from Western States. This situation has created a soft market which has resulted in excess supplies and high unemployment in our state. It is affecting the small operators, who comprise two-thirds of Oklahoma's operators. Unless federal help is provided, these small and marginally profitable operations will be wiped out.

We take a strong position that:

1. Sulfur dioxide emission standards should be relaxed, at least in Oklahoma, to permit the utilization of Oklahoma's coal in Oklahoma. We believe our air quality has enough absorbing capacity to allow burning of Oklahoma's coal for power generation and still maintain safe and hazard-free air quality within the state.

2. S.B. 1403 should be enacted, which will allow Oklahoma and other states to implement their own rules and regulations in compliance with PL 95-87.

3. In order to alleviate the current excess supplies of coal and strengthen the market in the future, we encourage the federal and state governments to actively promote coal as an export product.

4. There is a need to unhinge bureaucratic constraints from the utilization of the "Small Operator Assistance Program" in order to generate technical data and make it available to the small operator at no cost.

MARYLAND

A. Congress should expedite the initiative to (1) convert oil and gas burning utilities to coal and (2) accelerate the production of coal based synthetic oil and gas.

B. Congress should exercise its oversight powers to (1) examine and modify the policies, regulations, and programs related to the transportation of coal—such as Interstate Commerce Commission rate structures and port development facilities to insure that transportation facilities are not a constraint to the export of coal, (2) examine and modify the laws and regulations administered by the Office of Surface Mining and the Environmental Protection Agency which constitute an impediment to increased production and utilization of coal without resulting in social, economic or environmental benefits—including those procedural requirements which create barriers to entry/re-entry into the coal industry.

C. State public utility commissions should examine and modify policies—such as fuel adjustment clauses that represent economic deterrents to conversion from oil and gas to coal.

INDIANA

Consideration of the distinct differences between the coal producing states by the United States Congress is apparent by the prominent language in the preamble to the federal "Surface Mining Control and Reclamation Act of 1977." The Office of Surface Mining has relegated their charge to assist the states in incorporating these differences within a state's program to an obscure provision called the "state window."

The OSM mandates by regulations that differences be justified by inflexible conditions regardless of the prudence of such a change. With all of OSM's technical expertise, the states must bear the burden of proof, often when the variation rationally needs no justification.

TENNESSEE

The State of Tennessee is concerned that a balanced approach to mining and reclamation be pursued and maintained. Federal reclamation regulations should allow for some flexibility in development of state procedure and regulations. Federal reclamation personnel should promote and assist states in development of state programs designed to meet those individual state concerns as well as general uniformity to minimum national standards. Federal grants to the states are being issued or withheld to require total and complete conformity to federal positions and approaches. Issues under discussion become terms to be met or the federal grant monies are withheld.

ARKANSAS

Poor market conditions, stricter regulations, and imported coal and coke are some of the contributing factors to the depressed coal industry in Arkansas. It is incredible that this nation is facing the most serious energy shortage in its history and is not making use of an obvious immediately available, alternate source of energy—COAL.

Although Arkansas is not considered a large producer of coal, it can produce much more if some constraints are eased and the proper stimulus applied. One way to stimulate production in Arkansas and many other Central and Eastern States is to make our coal competitive with foreign coal in the domestic marketplace. With spiraling inflation and regulatory constraints adversely affecting domestic coal production, it is extremely unfair to allow foreign subsidized coal to undercut domestic coal producers.

It is highly contradictory for the federal government to tell the coal industry to increase coal production by 80 to 90 percent, and at the same time impose so many costly regulations on the coal industry that it becomes not only difficult to produce, but difficult to sell or compete with other energy sources.

VIRGINIA

Virginia's coal fields are unique in that 95 percent of the coal is situated on slopes greater than 20 degrees. The current inflexible federal laws and regulations do not recognize our different geologic and topographic conditions. The Commonwealth believes the passage of S.B. 1403 will correct many inefficiencies of the federal "Surface Mining Control and Reclamation Act of 1977" and the regulations promulgated thereunder.

Virginia must have the latitude to mine coal in such a manner to enhance production and protect the environment.

Virginia fully supports the National objective to be energy independent. For example, Governor John N. Dalton has directed that all new state facilities must burn coal. Virginia encourages its sister states and the federal government to follow its lead in the utilization of coal as the primary energy source.

SOUTH CAROLINA

South Carolina is concerned about the future of our nation. We seem to rock back and forth from prosperity to depression; from war to temporary peace without any plan and very little sign of stability. Now we are having extreme hardships partly because of the Governmental rules and regulations including unreasonable environmental protection requirements and no workable plan to solve our energy needs. We must take immediate steps to become independent from other nations for sources of energy.

The energy problem, including price is everybody's and one everyone should be involved in finding solutions.

WEST VIRGINIA

Coal is the most plentiful and available fossil fuel resource in America.

The domestic coal industry possesses the capability to immediately expand production capacity to meet any increased needs.

If the United States is to once again regain its status as an independent and secure world power, it is imperative that utilities and industries presently burning oil be immediately converted to use domestically produced coal.

With President Jimmy Carter emphasizing the need for America to replace imported oil with coal as a primary boiler fuel, the average American would think that steps would be underway to streamline the federal government bureaucracy to encourage this important conversion to coal.

To date, however, such steps have not been taken by an elected or appointed federal official. The conversion of utilities and industrial boilers to coal is more difficult and onerous today than ever before.

Therefore, to facilitate the increased use of coal, the harness of federal government regulation pertaining to the production, transportation, and use of coal in this country must be made more practical, reasonable and consistent. In order to accomplish this goal the State of West Virginia, being one of the leading coal producing, as well as consuming, states in the nation, feels the following actions must be immediately undertaken by Congress and the Administration and their accomplishment is critical to the well-being of America.

1. To bring reason and practicality to the implementation of PL 95-87 by the Department of Interior's Office of Surface Mining, the United States House of Representatives must immediately approve S.B. 1403, as it was passed by the United States Senate. West Virginia heartily endorses this bill as a vehicle to encourage the states to maintain their enforcement programs meeting the needs of PL 95-87 as well as the diverse and local needs of their particular jurisdictions.

2. The Congress and the Administration must immediately undertake action to consolidate federal governmental activities which are consistent and supportive of the important conversion from oil to coal. For instance, the U.S. Environmental Protection Agency's allegation that increased fossil fuel burning will accelerate the acid rain problem is totally without factual substantiation and data support. The State of West Virginia calls for the immediate investigation of the causes of acid rainfall by the Environmental Protection Agency. And further we call for the Environmental Protec-

tion Agency to take no new actions or implement additional requirements on fossil fuel users as a result of these unsupported allegations.

3. The United States Environmental Protection Agency be mandated to establish reasonable, practical, and definitive guidelines for the air quality control of utilities and industries desiring to convert to coal. The persuasive nature of their regulations and programs must be rectified so as to encourage investment and financial commitment toward the conversion to coal.

4. The entire federal government and Congress must consolidate efforts to insure consistency in providing meaningful incentives to encourage utilities and industries to convert to coal. This must include repeal and amendment of the numerous regulatory hurdles of the Environmental Protection Agency's existing programs.

5. The State of West Virginia calls for immediate efforts to expand this nation's ocean port facilities which are necessary for the exporting of American coal. Incentives must also be provided to the major transportation companies in this nation so that inland freight rates can be made more reasonable, inland freight efficiency be increased, and rail car availability be more dependable.

6. That Congress undertake immediate amendments to the Clean Water Act of 1977 so as to set specific time limitations on the United States Environmental Protection Agency which would mandate a decision regarding a coal mining operation's application for a New Source NPDES permit within sixty days.

That such amendments prohibit United States Environmental Protection Agency from exercising any punitive action against the coal mining operation which has satisfied all application requirements but which has not received a New Source NPDES permit because of the United States Environmental Protection Agency's inaction.

LOUISIANA

Louisiana, in addition to being a major energy producing state, is a leading consumer of energy. As the State looks toward meeting a growing portion of its future energy needs with alternative energy resources, including coal from local sources and other states, we are vitally interested in assuring that the legal and regulatory policies of the federal government favor the development and utilization of these domestic energy supplies. The growing web of federal regulatory authority that affects both the production and utilization of coal and other mineral resources is a grave concern to the state. Many of the regulatory procedures are burdensome, unnecessary and wasteful in terms of compliance efforts and cost of enforcement. In addition, federal laws tend to ignore significant differences in the physical characteristics of the various states resulting in serious problems in applying federal regulations.

The State of Louisiana strongly urges a significant change in national policy toward greater autonomy for the states in regulating resource production and utilization. A continuation of present trends in contradictory and unmanageable federal regulatory policies will further cripple the nation's ability to use our dependable domestic resources. Unless this change occurs soon, the Nation will not have resource options available at the time they are needed.●

INTRODUCTION OF LEGISLATION TO PROVIDE FOR ADJUSTMENT OF STATUS OF CERTAIN VIETNAMESE EVACUEES RESIDING IN GUAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. WON PAT. Mr. Speaker, I am introducing a bill today to allow adjustment of status for certain third country nationals who have been residing in Guam since their evacuation from Vietnam by American forces in 1975.

In the 5 years since these individuals came to Guam with the direct assistance of the United States, they have become productive members of the territorial community. While a few of the original group achieved status and adjustment through various legal means, such as marriage to American citizens, the majority—approximately 123,000—have remained on Guam in indefinite parole status under section 212(d)(5) of the Immigration and Nationality Act. They were ineligible for inclusion under the Indochinese Refugee Act of 1975 (Public Law 94-145) because they were from countries other than Vietnam—primarily from Korea, but also India, Taiwan, and the Philippines. The United States could not repatriate them to their home countries because our current law, which I believe is soon to be amended, requires return of aliens to the countries from which they came directly to the United States, not to their countries of origin.

The third country nationals carry alien registration cards marked to allow them to work and travel freely within the United States. Most of them were involved in business activities connected with the American presence in Vietnam. They include carpenters, painters, electricians, mechanics, heavy equipment operators, accountants, and several in other categories of occupations. In leaving Vietnam, they lost their worldly goods and immediate means of support. While many required some public assistance early in their Guam residence, only a very few are still on the public rolls. The great majority have found employment and established useful lives on the island. A couple even operate their own businesses which provide employment for local citizens.

Now that these third country nationals have established themselves on Guam and begun to achieve some economic self-sufficiency, it would be a hardship for them to uproot themselves once more and begin all over in their native countries. It is my understanding that the Immigration and Naturalization Service would like to resolve this status question and thereby be able to terminate the indefinite parole status. I therefore hope and ask for the Congress quick and favorable action on my status adjustment legislation.

Thank you.●

CONGRESS CONSIDERS A TAX CUT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for Wednesday, July 23, 1980, into the CONGRESSIONAL RECORD:

CONGRESS CONSIDERS A TAX CUT

A tax cut has become all but inevitable. Jimmy Carter, Ronald Reagan, and leaders in the Senate in both parties have all expressed their interest in and support of a tax cut. Most economists believe it may be needed if only to help offset the increases in taxes, energy prices, and inflation over the past two years. These increases constitute a massive drag on the economy that could dampen recovery from the recession. Also, virtually everyone agrees that businesses must have more incentive to invest.

There are differences among the various proposals, as one might expect, but a consensus in support of some form of tax relief has developed very rapidly both in Washington and in the nation at large in recent weeks. The real questions under discussion have to do with the size, timing, and distribution of the tax cut. The main concern is how to enact it in a way that does not make the problem of inflation worse.

At the moment there is no clear agreement on who should get the benefits of the tax cut. Should we follow the usual practice of giving individuals two-thirds of the benefits, with the remaining one-third going to business, or would a "fifty-fifty" split be better? Just which businesses should benefit from the tax cut? Timing is another important factor. A tax bill passed now would have no effect on the economy until next year. At this point in time it could not lessen the severity of the recession, but could only affect the course of the recovery that follows. The number of legislative days before the scheduled adjournment of Congress on October 4 leaves little time in which to draft a complex tax measure. Moreover, many economists fear that if Congress takes up a tax bill now, the "psychology of inflation" would be revived, financial markets would be unsettled, and interest rates would soar as they did earlier this year.

We must take great care with interest rates. Tax rates and interest rates seem to be on a see-saw these days: when one goes down the other goes up, and vice versa. Holding interest rates down is probably more important than cutting taxes. Lower interest rates would be very beneficial in promoting economic growth and achieving higher levels of employment. Farmers, small businessmen, people who build and buy houses, and all those engaged in the automobile industry would be helped.

The central problem of a tax cut is its potential effect on inflation. A tax cut should also be skillfully drawn so that it will work over the long run. A crash program to push the economy out of recession is probably not necessary because the basic conditions for recovery from the recession already exist. Ideally, a tax cut should serve several purposes: it should boost investment and productivity in the business sector; it should reward restraint in wages and prices; it

should offset both the inflation-induced increase in income taxes and the legislated increase in social security taxes scheduled for 1981; it should prevent the recession from worsening.

There is much argument as to whether a tax cut would be inflationary. Some contend that a tax cut would drive wages and prices up sharply because it would pump enormous amounts of money into the economy, giving consumers and businesses more cash to spend. Others claim that the inflationary impact of a tax cut would be blunted if the federal government trimmed spending, dollar for dollar, in an effort to avoid any unintended stimulation of the economy. Most economists agree that in the short run, at least, a one-time tax cut of any kind most likely would not cause inflation. Indeed, a moderate reduction would barely make up for the tax increases that result from inflation.

Not everyone thinks that Congress should be talking about a tax cut. There are respected voices, such as that of former Federal Reserve Board Chairman Arthur Burns, who say that any legislation to cut taxes is premature. Mr. Burns is flatly opposed to the writing of a tax bill during an election campaign. Furthermore, many legislators are asking themselves whether Americans really want a tax cut at the present time. Politicians and pollsters alike sense just the opposite feeling among large groups of voters. These voters are convinced that a tax cut in the near future would simply fuel inflation. In my own poll of Ninth District residents, I asked whether they thought the federal government should cut taxes in 1980 to stimulate the economy even if that action would enlarge the budget deficit. About 52 percent said there should not be a tax cut. Only 32 percent said we should have one.

What a tax cut finally does will depend in large measure on how people evaluate its effect on inflation. If they think that inflation has been cured by the recession, the tax cut will be seen as a positive step. If they think that the tax cut signals an abandonment of the fight against inflation, it will be seen as a blow to the already unstable economy.

There is no way to determine how people will interpret Congress' tax-cutting mood. The more thoroughly the tax cut is debated, the more people will understand its purposes. The more its long-term, supply-increasing aspects are emphasized, the more people will regard it as anti-inflationary.●

HONORING ITALIAN AMERICAN HERITAGE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. MURPHY of New York. Mr. Speaker, on June 28, 1980, I attended a ceremony given by the Associazione Nazionale Marinai D'Italia, Gruppo Amerigo Vespucci, which commemorated 35 years of Italian Armed Forces resistance for the liberation of Italy.

On that day we gathered to honor 50 Italian Army officers who, while here in the United States between 1943 and 1945, helped plan the Allied effort for the liberation of Italy. But, theirs is only one page in the story of Italian liberation. Behind those 50 stood countless thousands of Italian Armed Forces personnel and Italian citizens who fought and died serving the resistance. Rarely do a people unite in such a worthwhile cause. That cause demanded the ultimate sacrifice and their response was immediate, unflinching, and fervently patriotic. If it had not been for that response millions of Italians might not be alive today.

The pride and courage exemplified by these Italian resisters burns brightly in the hearts of every Italian American. We in the 17th District are fortunate enough to call many of these Americans our friends. Recently, in tribute to two of the greatest of their ancestors, a site within our district was named to the National Register of Historic Places. The site, located at 420 Tompkins Avenue in the Rosebank section of Staten Island, is known as the Garibaldi Memorial and was the home of Giuseppe Garibaldi, famous Italian freedom fighter of the 1800's, and Antonio Meucci, pioneer in the field of telecommunications. Both Garibaldi and Meucci lived in the Gothic-styled home during the latter half of the 19th century. The memorial contains priceless artifacts reminiscent of the unification period in Italian history. The house is now owned by the Sons of Italy of America and is operated as a museum.

In a world that too often forgets its past it is fitting that we hold fast to important reminders. The Garibaldi Memorial reminds us of a spirit that drove men to sacrifice their lives so that others might be free. That spirit awakens the past, enriches the present and gives hope to the future.

It is that spirit that makes me proud to represent such an accomplished and committed people. The recent distinction given the Garibaldi Memorial helps us to remember all Italians and the contributions they have made to this country and the world. For us in the 17th District it is a chance to remember and cherish those we love.

I am confident that Italian Americans in our community and throughout our country will continue to build on their rich heritage. It is heartening for us to know that we now have recognition of that heritage.●

GOVERNMENT AS LAWBREAKER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. EDWARDS of California. Mr. Speaker, I bring to the attention of my colleagues an editorial that recently appeared in the San Jose Mercury on the Supreme Court's recent opinion in United States against Payner. The Court's decision, along with several other recent opinions, significantly narrows the exclusionary rule. This rule has been one of the primary tools for curbing Government abuse of citizens' constitutional rights and maintaining the integrity of our judicial system.

The editorial reflects the views of those who are concerned about the preservation of civil liberties and constitutionally guaranteed rights in this country, and as such I commend it to the attention of my colleagues:

GOVERNMENT AS LAWBREAKER

In three separate cases last month, the U.S. Supreme Court broadened considerably a prosecutor's ability to nail a defendant with illegally obtained evidence.

We find the trend disturbing because it suggests the highest court in the land is edging close to an anything-goes approach to law and order. We fear where that can lead.

In a pair of 7-2 decisions, the court came down hard on the so-called "exclusionary rule," which provides generally that a person can't be convicted on evidence the police or the prosecutor broke the law to get. Taken together, these decisions narrow a criminal defendant's ability to challenge the evidence against him.

The justices said, in effect, that police don't need a search warrant to seek and find incriminating evidence not on a suspect's person or under his control. The cases involved drugs found in a suspect's girlfriend's purse and stolen checks in a suspect's mother's home. Now, apparently, the evidence is admissible in court wherever and under whatever circumstances the cops happen to find it.

That seems to strain the Fourth Amendment's prohibition against unreasonable search and seizure a bit, but it is nothing compared to what the court did in a third decision, United States v. Payner.

In that case, decided 6-3 on June 23, the Supreme Court said, in effect, prosecutors can bring tainted evidence into court so long as the defendant's rights aren't directly trampled in the process. The circumstances of Payner are truly outrageous. Briefly, this is the case:

The Internal Revenue Service suspected an Ohio businessman named Jack Payner of keeping unreported income in a Bahamian bank and hired a private investigator to get the facts. The investigator with the full knowledge and cooperation of the IRS, stole a briefcase belonging to an officer of the bank. Documents in that briefcase led the IRS to still another bank and, ultimately, to a loan guarantee agreement that was the chief evidence against Payner in his trial for falsifying a federal tax return.

A federal district court found Payner guilty on the basis of all the evidence but suppressed the government's clincher, the loan guarantee agreement, because it had been obtained by a flagrantly illegal search of the banker's briefcase. The judge then set aside the conviction because without the agreement the government couldn't prove Payner knowingly falsified his tax return.

The government appealed and the Sixth Circuit Court of Appeals upheld the trial judge. Last month, the Supreme Court reversed, on the ground that Payner's Fourth Amendment rights weren't violated because it wasn't his briefcase the government stole and rifled.

"No court," wrote Justice Lewis Powell for the majority, "should condone the unconstitutional and possibly criminal behavior of those who planned and executed this 'briefcase caper' (but) the interest in deterring illegal searches does not justify the exclusion of tainted evidence at the instance of a party who was not the victim of the challenged practices . . ."

Chief Justice Warren Burger, in a separate concurring opinion, conceded the government walked all over the banker's constitutional rights and cautioned the IRS against making third-party burglary a preferred way of getting at tax cheats. As Burger put it:

". . . the exclusionary rule is inapplicable to a case of this kind but that should not be read as condoning the conduct of the IRS 'private investigators' as disclosed by this record, or as approval of their evidence-gathering methods."

It shouldn't be so read, but the danger is that it will be read just that way. Certainly the court provides ample incentive for reading it that way when it refuses to suppress evidence gathered in precisely this manner.

That's only half the problem, though, as Justice Thurgood Marshall observed in his 15-page dissent. "The rationale for . . . suppression of evidence," Marshall wrote, "is two-fold: to deter illegal conduct by government officials and to protect the integrity of the federal courts . . . The Court has particularly stressed the need to use supervisory powers to prevent the federal courts from becoming accomplices to such misconduct . . ."

Then, Justice Marshall cited perhaps the most eloquent and succinct expression of this principle ever enunciated by a Supreme Court justice.

In 1928, in his famous dissent in Olmstead v. United States, Justice Louis D. Brandeis wrote:

"Decency, security and liberty alike demand that government officials shall be subjected to the same rule of conduct that are commands to the citizen. In a government of laws, existence of government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means—to declare that the government may commit crimes in order to secure the conviction of a private criminal—would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face."

That was true in 1928; it's still true in 1980.●

ECONOMIC SITUATION OF AMERICAN FARMER

HON. DAN QUAYLE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. QUAYLE. Mr. Speaker, the President's grain embargo has unquestionably worked a grave hardship on the most productive segment of our economy—the American farmer.

At a time when there had been a bumper crop—indeed a record crop in some areas—the Government stepped in and pulled the rug out from under our farmers.

Shortly after the grain embargo was announced, and prices took a nosedive, the farmer was faced with yet another problem caused directly by an action of the Carter administration: Interest rates went through the ceiling.

In the midst of the embargo and 20-percent interest rates; rail strikes and rail bankruptcies were adding to the problems of many Midwest farmers.

Hog and cattle prices fell sharply, and predictably, many farmers decided that it was no longer possible to continue so they sold out, causing a drop in the value of land and equipment.

All of these ingredients have combined to make for a disasterous situation in farming today.

Even without considering the weather, which—although I would also like to blame on the administration—would be granting it more power than I believe it deserves, most farmers agree that it has been the capricious actions of the President and his advisers which have led the entire agricultural community into the serious economic situation in which it finds itself.

The initial reaction of farmers to the embargo announcement was one of patriotism: If that's what the President thinks is best for the country, then we'll do our part.

However, it quickly became clear that agriculture was being expected to not only do its part, but the part of all other segments of the economy as well.

Aside from the athletes who were not permitted to compete in the Olympics, no group has been so severely affected by administration responses to the Soviet invasion of Afghanistan as agriculture.

Several weeks ago the President issued an Executive order which allowed the large grain companies to reopen trade with the Soviet Union so long as they did not sell American grain.

It is a fair question to ask: Who is being hurt by this order and who is being helped?

Clearly, the Soviet Union is not being hurt. The Russians, if they have ever felt any effect from the embargo, will now feel less.

The grain companies are free to go into the world market and buy grain from Canada, South America, France, and Australia and sell it to the Russians.

The administration can tell the American people that it is still following a tough policy with respect to the Russians.

The only group left out of the deal is the American farmer—the farmer who has planted fencerow-to-fencerow at the urging of this same administration.

The farmer who has been hit by high interest rates, by low prices, and by world events, none of which is under his or her control.

The farmer who had been forced to substitute credit for cash flow, only to see the credit markets dry up.

The farmer who is in the untenable position of having to buy his land, equipment, supplies, fertilizer, seed, and manpower at retail, while being forced to sell the fruits of his labor and his land at wholesale.

It is the feeling of many farmers that President Carter's grain embargo will cast a shadow over the fields of America for a decade.

We should never have permitted the American farmer to become a tool of the State Department or of the National Security Council.

The embargo should be lifted, and pending that, this Congress should withhold funds used in its administration.●

STAYING OUT OF SOMALIA

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. SIMON. Mr. Speaker, our colleague, Representative STEPHEN J. SOLARZ of New York, who has provided exceptionally fine leadership for the House and the Nation on the Foreign Affairs Committee and particularly in regard to Africa, which is the jurisdiction of the subcommittee which he chairs, had an article which appeared in the New York Times recently which I am inserting in the RECORD.

He suggests some very practical reasons for not having a military base in Somalia.

In addition to the reasons which he provides, I think there is an even greater overriding reason for not having a base in Somalia or at any other place in Africa. In January I had the opportunity to visit in Libya. I do not need to tell my colleagues in the House that our relations with Libya are not the finest. I hope that our relationship with that country can improve.

But one of the reasons for the present difficulty is that the United States did have a military base in Libya and the government then in power was accused of being a lackey and puppet of the United States. I believe that that charge almost inevitably will be made in any country in Africa today.

The result not only hastened the demise of a government that was basically friendly, but pushed succeeding leaders in a direction of having to prove to their own people that they were not subservient to the United States.

The role of the United States in Africa should be to be helpful, to foster stability, to reduce tensions, and to do all of it in a low-key way. In this same connection, I am not pleased to read about the multistory U.S. Embassy that is planned in Cairo, Egypt. My guess is that we will rue the day that we made a decision for that kind of an ostentatious presence in that great and good country.

I urge my colleagues in the House and Senate who have not read the Somalia statement of STEVE SOLARZ to do so.

STAYING OUT OF SOMALIA

(By Stephen J. Solarz)

WASHINGTON—The Administration's recent moves to expand United States military facilities on the Indian Ocean island of Diego Garcia, and to obtain new ones in Oman and Kenya, make a good deal of sense.

The United States clearly needs these facilities if it is to offset the military advantage that the Soviet Union, following its occupation of Afghanistan, now possesses because of its even closer proximity to the Persian Gulf. Without the capability to respond rapidly and effectively to any Soviet military action in this region, the United States simply cannot ensure that it will be able to maintain the flow of vitally needed oil through the Gulf in a future conflict.

Yet the main threat to United States interests in the Persian Gulf is an internal rather than an external one. It would be a serious mistake if, in shoring up our military capabilities in the region, we overlooked the potential political problems that threaten the legitimacy of existing regimes in the area, as the situation in Iran has painfully illustrated.

Not without trepidation, the Carter Administration has also attempted to improve our strategic position in the region by seeking military facilities in the turbulent Horn of Africa. The current negotiations for the acquisition of facilities for the United States in Somalia show, however, how a preoccupation with small but concrete military assets can threaten to divert policy makers' attention from the larger, if less tangible, political, economic and strategic interest at stake.

The proposed facilities at Berbera in Somalia would undoubtedly be useful for naval reconnaissance and refueling, pre-positioning of supplies, and logistical support for possible United States naval and air operations in the Gulf of Aden and the Red Sea. But the weight of the evidence is that while Berbera would provide desirable backup strength, economy and efficiency for our armed forces, its contribution would be neither unique nor essential to the achievement of United States military objectives. If necessary, we could make do with current or planned facilities in Oman, Kenya and Diego Garcia as well as those in Egypt, Israel and other countries.

Most important, the acquisition of facilities at Berbera could enmesh us in the momentous political ramifications of an Ethiopia-Somalia war that, under existing circumstances, is much more likely than a Soviet lunge toward the Persian Gulf.

In this respect, the situation in Somalia is very different from those in Oman, Kenya and Diego Garcia. Regular Somali troops are evidently engaged in the current fighting in Ogaden, Ethiopia's southeastern province, where ethnic Somali guerrillas are waging a secessionist war. In turn, Ethiopia has threatened to carry the battle over the Ogaden into Somalia. According to knowledgeable military experts, the Ethiopians, with logistical support from their Soviet and Cuban allies, could very easily occupy important areas of northern Somalia and mount destructive attacks on Berbera itself.

Ethiopia's position on the Ogaden is strongly supported by the vast majority of African states, which view Somalia as the aggressor. They regard Somalia's claim to the Ogaden as a clear violation of one of the most fundamental principles of the Organization of African Unity: that colonial boundaries, however arbitrary, should not be altered by force.

If we established a military facility in Somalia, and the regional conflict escalated, we would then be faced with an extremely uncomfortable political dilemma. Either we would rush to Somalia's assistance, at great cost to our relations with economically and politically important African states, and with the danger of being drawn into a major military involvement in a peripheral area where the regional balance of powers would be weighed against us, or we would refuse to help Somalia, raising new doubts about our international credibility and jeopardizing our relationship with Somalia itself. Clearly it is in our interest to avoid such a Hobson's choice.

Acquiring military facilities in Somalia would, therefore, be unwise even if Somalia were prepared to accept the modest military assistance we have offered it in exchange. But the Government of Somalia has thus far rejected our proffered aid and countered with an exorbitant request for the complete equipping of its army (estimated to cost up to $2 billion over five years) and an American commitment to the security of Somalia notwithstanding its involvement in the Ogaden.

On balance, it would appear to be the better part of wisdom to forgo the acquisition of a marginally useful military facility in Somalia that would pose great risks for our African diplomacy, our overall international credibility, and our relationship with the Somalis themselves.●

CINCINNATI ACTION FOR FOSTER CHILDREN, PARENTS, AND WORKERS

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. GRADISON. Mr. Speaker, Cincinnati Action for Foster Children and Parents is being held August 22 through 29 by proclamation of Mayor Kenneth Blackwell, to increase public awareness of the foster care program, to commend foster parents and workers, to increase public awareness of the foster care program, and to recruit new foster parents.

The Cincinnati Foster Care Benefit Committee is a group of foster parents, foster workers, and interested people in all walks of life who are taking the responsibility for community children. They are committed to the well-being of these children, and their emotional and physical nourishment, so they may reach their maximum potential.

Under the leadership of agency director Seth P. Staples, of the Hamilton County Welfare Department, the foster care workers have given generously of their time, effort, and concern to improve the life of children in the community.

For those children who have been abused, for those who are homeless, for those who are handicapped or hard to place, foster care is a stop and respite on the way to permanent placement.

Mr. Speaker, it is indeed an honor for me to congratulate all of those involved in securing a better future for Cincinnati's children.●

DAYTON, OREG., CELEBRATES 100TH YEAR OF FOUNDING

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. AuCOIN. Mr. Speaker, I want to take a few moments to call to the attention of my colleagues the 100th birthday of Dayton, Oreg., and to extend an invitation to travelers and vacationers to join the citizens of Dayton in its centennial celebration on Saturday and Sunday, July 26 and 27.

Dayton was settled in the winter of 1848-49, 10 years before Oregon became the Nation's 23d State, by Joel Palmer and Andrew Smith. The pioneer settlement in the Willamette Valley was named for Dayton, Ohio, Andrew Smith's former home.

What was the attraction of the Oregon country that persuaded the pioneers to embark on a 4- to 6-month trek over the 2,000-mile-long Oregon Trail? From the chronicles of the early explorers and from the descriptions of missionaries, the East learned of the hospitable climate, the generous rainfall, the fertile soil, and the potential for commerce in Oregon.

In the East there had been a great depression from 1837 to 1848. There was an opportunity for a better life in Oregon. And so the settlers came, beginning in 1841 with the great wagon trains. Soon the broad Willamette Valley was dotted with settlements. In 1848, a great gold rush in California created a ready market for crops and lumber, and the Oregon settlements prospered.

The Dayton Post Office was established in June 1851 with Christopher Taylor as postmaster. Today in Dayton, a monument to the pioneer days stands in the city park and is Dayton's principal landmark. It is the Grande Ronde blockhouse, built by Willamette Valley settlers on Fort Hill in the Grande Ronde Valley. There Federal troops established Fort Yamhill in 1856. Fort Yamhill was abandoned as a military post in the 1860's, and the blockhouse was moved to the Grande Ronde agency. Later the agency, too, was abandoned by the Government and the blockhouse fell into disrepair.

Fearing the building would disappear, John G. Lewis, a patriotic citizen of Dayton, obtained permission in 1911 to move the logs to Dayton. There the blockhouse was rebuilt and dedicated to Joel Palmer, cofounder of Dayton and donor of the city park.

Mr. Speaker, over the past century floods, fires, and hurricanes have tried to destroy this plucky town, but each time her citizens have rallied and rebuilt their community.

The Dayton Centennial Commission is winding up a full year of preparation for the celebration. As befits the occasion, it will be an old-fashioned

affair, with a parade, a town picnic, a band concert, a street dance, and a softball tournament.

The citizens of Dayton extend an invitation to everyone to join them in celebrating this milestone in Oregon history.●

THE CITY OF MIAMI OBSERVES CAPTIVE NATIONS WEEK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. PEPPER. Mr. Speaker, I would like to call to the attention of the House and our colleagues today the attached proclamation by Mayor Maurice Ferre of the city of Miami, Fla., urging all Miamians to join in "recognizing the valiant efforts and burning desires of many peoples of the world to know the joy of freedom."

Let us especially hope and pray that Afghanistan, a poor, but proudly independent nation in spirit, will find surcease from its present suffering under the cruel reality of Soviet occupation, fighting and killings, or worse, which are now being carried on in an effort to make that country more closely dependent upon the overwhelming might of the Soviet Union, which borders on Afghanistan. So far the Afghans have resisted the invaders, who bring modern machines and gases to bear upon the poor mountain fighters, who use rifles and pistols against tanks. Let their spirit and determination give them courage to overcome the cowardly attack upon their sovereignty by the overwhelming Soviet weapons.

I commend to you the following text of Miami's proclamation, in sympathy with all the captive nations subjugated under Communist tyranny, until now, and longing to be free and unshackled from the chains of their unscrupulous foe—the U.S.S.R. Government and its tyrannical ruling committees:

Whereas the world and all its people are not "free" as long as any country and its people are subjugated and enslaved by oppressive governments and other nations, such as Afghanistan, much of Central Europe and others under communist domination; and

Whereas recent history has shown the desire for liberty and independence is worldwide and that the United States is still regarded by much of the world's population as the citadel of human freedom; and

Whereas a strong dedication to freedom and public expression of support can emphasize to national and world leaders the commitment of the people of the United States to the concept of human rights; and

Whereas this is an appropriate opportunity for the people of Miami, whether native American or refugee from oppression, to join in ceremony and prayer in marking Captive Nations Week: Now, therefore,

I, Maurice A. Ferre, Mayor of the City of Miami, Florida, do hereby proclaim the Week of July 13 through 19, 1980, as Captive Nations Week.

In observance thereof I urge all residents of Miami to join with me in recognizing the valiant efforts and burning desires of many peoples of the world to know the joy of freedom with which Americans are blessed and dedicate ourselves to speaking out for liberty and independence everywhere in the world.

In witness whereof I hereunto set my hand and cause the seal of the City of Miami to be affixed.

Done in the office of the Mayor of the City of Miami, Florida.●

THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Ms. MIKULSKI. Mr. Speaker, on Thursday, July 17, 1980, a truly historic event took place in Copenhagen, Denmark, when the United States joined more than 50 nations in signing the Convention on the Elimination of All Forms of Discrimination Against Women.

Ratification of the Convention is now up to the President, of course, with the advice and consent of the Senate. Meanwhile, all of us can be proud that our country was among the initial signers of a statement that speaks to the condition of women all over the world.

Two women in particular should be recognized on this occasion: Koryne Horbal, U.S. delegate to the United Nations Commission on Women for the past 3 years, who worked so hard to develop this document and to win the approval of the General Assembly last December; and Sarah Weddington, Special Assistant to President Carter and Cochair of the U.S. delegation to the U.N. Mid-Decade Conference for Women, who actually signed the Convention for the United States.

The text of Ms. Weddington's remarks at the signing ceremony follows:

For the United States, signing the Convention on the Elimination of All Forms of Discrimination against Women is a most meaningful experience. As you recall, the adoption of the Convention by the UN General Assembly on December 18, 1979, was the culmination of a lengthy and difficult negotiating process, during which the United States actively supported this international instrument designed to achieve the elimination of discrimination against women.

The United States is a party to certain earlier human rights treaties relating to the rights of women, such as the Convention on the Political Rights of Women, but none of these earlier treaties attempted to deal with women's rights as comprehensively as this Convention. As the most recent of the human rights instruments, the wide scope of this Convention is particularly noteworthy and commendable in that it calls upon States Parties to take "all appropriate measures" to eliminate discrimination against women in such diverse fields of human endeavor as politics, law, employment, education, health care, commercial transactions, and domestic relations. Moreover, the Convention establishes a Committee on the Elimination of Discrimination against Women to review periodically the progress being made by States Parties. These reviews can provide the catalyst for continued progress.

As might be expected in the case of a document which is essentially the product of a consensus among more than 130 sovereign States, the Convention as written contains certain language with which the United States is not fully satisfied. The tenth and eleventh preambular paragraphs, for example, are objectionable to many nations, including the United States, because they contain political rhetoric which such nations consider inappropriate for an international convention intended to impose binding legal obligations upon States Parties. For that reason the United States, together with 25 other nations, refused to approve these preambular paragraphs during the General Assembly proceedings last December. In addition, although most of the Convention's substantive provisions are fully consistent with the letter and spirit of our Constitution and domestic laws, many of the subjects covered by the Convention are matters which are reserved to the several States under the American Constitutional system, and any ratification of the Convention by the United States Government should presumably be accompanied by an appropriate reservation preserving the prerogatives of our State Governments. Prior to the transmission of the Convention to the United States Senate for its advice and consent, there will be consultations among interested government agencies, members of Congress, the human rights community, and others for the purpose of seeking a domestic consensus as to how best to achieve (through reservations, implementing legislation, or otherwise) the necessary accommodation between the Convention and our laws.

Despite these concerns, the Convention is a significant and very welcome accomplishment of the United Nations system. The underlying principles of the Convention are fully consistent with the policies of the United States and the personal commitment of President Carter to make progress in bringing about the equality of men and women in our country. We hope that signature of this Convention by the United States and by so many of the other States assembled here will bring results.

And may I add a word. For many women who have struggled with the United States Constitution, to add the equal rights for women amendment, this is a proud moment for us. Women were not in Philadelphia when our Constitution was drawn. It has taken us 200 years to fill the gap. The lone voice of Abigail Adams urged her husband John "to remember the ladies" but alas he dismissed her language as "saucy" and irrelevant.

It is historic that there are foremothers in Copenhagen who are not saucy but serious. We cannot be dismissed. And as I sign this world document for the women of the United States, let us all be cognizant that something quite significant is in progress.

One of the pens I sign with will be given to the President.

FULL POWER

I invest Ambassador Donald F. McHenry, United States Permanent Representative to the United Nations, or Sarah R. Weddington, Assistant to the President, with full power and authority for and in the name of the Government of the United States of America to sign the Convention on the Elimination of All Forms of Discrimination against Women, the said Convention to be transmitted to the President of the United

States of America for his ratification by and with the advice and consent of the Senate of the United States of America.

In testimony whereof, I have hereunto set my hand and caused the seal of the Department of State to be affixed at the city of Washington, in the District of Columbia, this eleventh day of July, 1980.

WARREN CHRISTOPHER.●

WORLD CONFERENCE OF UNITED NATIONS DECADE FOR WOMEN

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. PICKLE. Mr. Speaker, I want to thank Congresswoman MIKULSKI for putting into the RECORD the remarks Sarah Weddington made at the World Conference of United Nations Decade for Women. These remarks were made as she signed the Convention on the Elimination of All Forms of Discrimination Against Women in Copenhagen, Denmark.

In my view this marks the growing recognition not only of our fight to end all discrimination, but also of Sarah Weddington as a world figure in the battle for human rights.

Starting in Austin, in the congressional district I represent, Sarah was first a leader on the city level, then for the State of Texas, then for all of the United States, and now she is taking her place in the worldwide efforts for women rights. Frankly, the movement will be stronger for her prominence.

And, even more telling for the U.S. role in the international community right now, Sarah Weddington will bring honor and respect for the American people in her role as the "U.S. Ambassador to the World for Women Rights."

Again, I thank Representative MIKULSKI for bringing this material to the House.●

SOVIET DENTIST STILL NOT FREE

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. AMBRO. Mr. Speaker, on a number of occasions I have brought to the attention of my colleagues the plight of Dr. Mark Nashpitz, a former Soviet prisoner of conscience, who has been trying to secure an exit visa in order to rejoin his family in Israel. I have now been informed of the birth of his first child, a baby boy. I am sure all of the Members of the House of Representatives join me in sending Dr. Nashpitz our best wishes not only on the health and happiness of his new son, but also in the fervent hope that he and his family will soon be allowed to emigrate to Israel so that the entire Nashpitz family may be reunited in accordance with the Helsinki agreement.

As I have mentioned on previous occasions, Dr. Nashpitz has had to contend with considerable persecution from the Soviet Government. The Government is especially adamant in its constant refusal of permission for Dr. Nashpitz to emigrate because his father defected from the Soviet Union in 1956. "The son of a defector," say the Soviet officials, "will never be rewarded." After serving an excessively long prison term, he was denied resident status for many months, without which it is impossible to obtain a visa. Even when granted residency, it was not in his home of Moscow with his wife, but in the secret city of Vladimir Oblast, the site of a secret munitions factory which offers still another excuse for the denial of an exit visa.

Mr. Speaker, as Representatives of the greatest democratic legislature in the world, we must not remain silent in the face of cases such as that of Mark Nashpitz and we must strive to see that all people are allowed to enjoy the most elemental freedoms to which every human being is entitled.●

HANDGUN CONTROL

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mrs. FENWICK. Mr. Speaker, I think it is time to talk about gun regulations, remembering the constitutional amendment that speaks to it: "A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." We have not in this required that all who would own guns should be enrolled in the militia, or national guard, as the amendment might suggest to some strict interpreters. We have learned, however, that some regulation is wise. New Jersey, I am happy to say, has good and workable laws on the subject. I support them. I would like to see them adopted nationwide. The terrible increase in death and wounding by handguns demands action on our part.

I ask unanimous consent to include this outline of New Jersey law in the RECORD.

NEW JERSEY

DEFINITION

Firearms: any pistol, revolver, rifle, shotgun, or any other instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor, or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosives substances.

Pistol or revolver: any firearm with an overall length less than twenty-six inches, or a shotgun having a barrel length less than eighteen inches, or a rifle having a barrel length less than sixteen inches.

DEALER REQUIREMENTS

Manufacturers and wholesale dealers registration: Each manufacturer and wholesale dealer of firearms must register with the superintendent of police. Each application for registration will cost $150. Each person actively engaged in the purchase or sale of firearms will be registered as a wholesaler agent at a cost of $5 per person.

Ledger: Each manufacturer and wholesale dealer must keep a detailed record of each firearm sold. Records will include the name and address of the purchaser, and a description of each firearm sold, including the serial number.

Retail dealers: License, ledger, and licenses for employees.

OWNER REQUIREMENTS

A firearms identification card for rifles and shotguns, a license to carry handguns openly or concealed.

PURCHASE REQUIREMENTS

Permit to purchase.

WAITING PERIOD

Seven days.

REGISTRATION

Partial.

RESTRICTIONS

None.

PURCHASE PROCEDURE

Anyone wishing to buy a pistol or revolver must first obtain a permit to purchase which will be issued to anyone of good character, of good repute in the community, and not prohibited by federal law from owning a firearm. When beginning a transaction to buy a handgun, a prospective purchaser must show a valid permit to purchase, proof of his or her identity, and evidence that he or she has obeyed the seven-day waiting period. In the ledger, the dealer must list the time and date of sale; the name, age, date of birth, complexion, occupation, residence, and physical description of the applicant; the name and home address of the seller; the place of transaction and the make, model, manufacturer's number, caliber, and other marks of identification on the handgun. A copy of this information will be sent to the chief of police.

Those wishing to purchase rifles and shotguns must show the dealer a firearm purchase identification card and a certificate signed by the applicant which contains the name, permanent home address, and firearms purchaser identification card number.

All persons wishing a license to carry must fill out an application form which sets forth the name, date of birth, sex, residence, occupation, place of business or employment, and physical description of the applicant. The application must be signed under oath and endorsed by three reputable persons who have known the applicant for three years and who will verify that the applicant is a person of good moral character and behavior. A set of fingerprints is required. Fingerprints will be checked with all records kept, including those of the state bureau of investigation and the FBI.

No application will be approved unless the applicant is thoroughly familiar with the safe handling and use of handguns and shows a justifiable need to carry a handgun.

MANDATORY MINIMUM SENTENCE

Any person who commits or attempts to commit a violent crime and is in possession of a firearm, whether capable of being discharged or not, shall be punished, in addition to the punishment of the crime, for the first conviction one to ten years; for the second conviction three to fifteen years; and for the third conviction ten years to life.

SATURDAY NIGHT SPECIALS

No provision.

AGREEMENTS WITH OTHER STATES

None.

STATE PREEMPTION CLAUSE

None.

MISCELLANEOUS

Pawnbrokers are not allowed to transfer firearms.

Persons may buy as many handguns as they wish; however, a permit must be filled out for each.

If a person unlawfully possesses a firearm and wishes to surrender it, he or she will not be charged with illegal possession.

New Jersey Statutes Annotated 2A:151-1 *et seq.*●

WEST POINT MADE SURE WOMEN WOULD SUCCEED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. McDONALD. Mr. Speaker, we all remember, during the debate on whether women should enter the military academies, of the assurances we heard that women cadets would do everything the men would do and there would be no exceptions. Such fairy tales now repose in the trash bin of history. Brig. Gen. Andrew J. Gatsis, USA (retired), who has a very distinguished combat record, wrote a very fine letter to the editor of the Army Times on this subject which sums up the situation very nicely. It appeared in the July 28 issue of the Army Times. Anyone for sexual integration of the Washington Redskins? The letter follows:

WEST POINT MADE SURE WOMEN WOULD SUCCEED

To the EDITOR:

ROCKY MOUNT, N.C.—The July 7 editorial "Soldiers Now" stated that the 61 women graduates of the U.S. Military Academy survived four of the toughest years endured by any group of cadets in the history of the Long Gray Line.

It does not surprise me to hear this same jargon that the news media and public relations syndrome have consistently been pushing since the beginning of the women's movement. This is an extravagant statement to make when the stark reality of it all is that the academy curriculum was softened from the start in order to accommodate women. Nothing has been said about lowered standards—for women cadets and in some cases for all—so that the majority of the female contingent could graduate.

Very seldom does one read that women are incapable at performing a task. It is always that they excel. How often does the public hear or read that women cadets at West Point are not required to participate in contact sports, boxing, or wrestling and that running groups are broken down in three categories which allow for less demanding standards to accommodate most of the women cadets? When does one hear about women carrying the lighter M-16 rifle rather than the heavier M-14 and that the rifle bolt spring pressure has been reduced so that the girls can execute inspection arms? It is hard to believe that cadet attitudes have changed to acceptance when the female is excused from hundreds of requirements. One such example is the Flex Arm Hang, required of women rather than the pull-ups demanded of the male cadets. This exercise calls only for hanging from the bar for a specified period of time.

The physical arena is not the only sector in which standards have deteriorated for the sake of this social experiment. Just to mention a few requirements that have been reduced to lessen stress on the female contingent: a hot breakfast is served to all on the recondo course in which one of the main training objectives is to survive and live off the land; more free time is given to all cadets, and rooms need not remain in inspection order after early morning hours. The plebe system has been relaxed and it is rumored that a proposal is under consideration for eliminating the fourth class system entirely.

The comment that "the academy made it plain to new women cadets that tolerance was not to be confused with acceptance" is rather ludicrous when the superintendent, General Andrew Goodpaster, made the following statement to his staff and faculty: "Any member who has a negative attitude toward women at the academy will be personally escorted to the door by me and given a handshake." One can imagine what impact this statement had on the members of the faculty with respect to allowing no tolerance. The fact is that the real name of the game is tolerance for the female cadet.

This should come as no surprise when the superintendent with a strong liberal background was hand-picked out of retirement by the President, an ardent feminist himself, to integrate sexually the academy regardless of the damaging effect it would have on the system. Backed up by a Pentagon which is saturated with women's libbers who give priority to the women's movement and ERA over national security, there never could be any doubt that women would graduate if those in charge at the academy wanted to keep their jobs.

And for the comment, "the ordered social experiment that many said was unworkable could indeed work." My reply to that is anything can be put together and forced to work, but the question is how well will it work? The Dallas Cowboys could be integrated sexually, but how many games do you think they would win against all-male professional teams?

The author of this editorial certainly has the right to express his opinion, for that is the essence of editorializing, but let's get the facts straight first.

ANDREW J. GATSIS,
Brigadier General, USA.●

SIXTH ANNIVERSARY OF THE INVASION AND OCCUPATION OF CYPRUS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. DERWINSKI. Mr. Speaker, this past Sunday, July 20, marked the sixth anniversary of the military invasion and occupation of Cyprus by Turkish forces. After 6 years, that island remains partitioned.

There was hope that President Carter would provide a diplomatic impasse to end this situation. However, the President's latest report of May 20, on what little progress has been made toward the conclusion of a negotiated solution of the Cyprus problem, revealed that there have been no breakthroughs whatsoever. This shows 4 years of neglect.

The administration's efforts to help solve this vexing problem are truly disappointing. There are no direct administration initiatives forthcoming. This is especially disturbing and not consistent with the President's 1976 campaign statement that "we would be negligent of the moral issues and courting longer range disaster if we fail to couple the improvement in relations with Turkey with increased fair progress on the Cyprus issues."

To sum it up, the administration's handling of the Cyprus question is another sorry example of a foreign policy that is recognized throughout the world as a period of debacle for the United States.

Turkey continues to occupy and colonize 40 percent of Cyprus, in violation of the United Nations Charter, international law, existing treaties, United Nations resolutions, and the explicit provisions of the NATO Charter. Political unrest, assassinations, and economic chaos are widespread in Turkey. The administration tends to ignore these problems as well.

To add to the complications, the Turkish occupation of Cyprus is draining the treasury of the Turkish Government. In contrast, the Greek part of the island is experiencing an economic boom.

The government of Cyprus has made many offers to end the political impasse and reintegrate the area occupied by the Turkish military into the Cypriot economy. This would bring economic benefits to Turkish Cypriots.

I will continue to speak out on this issue until a solution has been achieved.●

QUESTIONNAIRE RESULTS

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. SHARP. Mr. Speaker, once again several thousand residents of my district in Indiana have assisted me in my legislative duties by responding to my annual questionnaire. So that my colleagues in Congress may also be aware of the views expressed, I ask that the questions and my constituents' responses be printed in the CONGRESSIONAL RECORD.

The questions and responses follow:

THE QUESTIONS AND ANSWERS IN PERCENTAGE

THE ECONOMY

1. In recent months the Federal Reserve Board has tightened the supply of credit and raised interest rates in an effort to fight inflation. Do you believe this is a correct policy? Yes, 41; No, 59.

2. If efforts to persuade Japanese auto manufacturers to build cars in the U.S. fail, would you support quotas or trade barriers to reduce the number of foreign cars sold in the U.S.? Yes, 69; No, 31.

3. Several changes which may directly affect you and your neighbors are being considered as part of the effort to cut federal spending and balance the budget. Do you favor:

a. Cutting the federal subsidy for the school lunch program, causing non-needy

parents to pay 5¢ to 15¢ more for their children's meals ($160 million spending cut)? Yes, 70; No, 30.

b. Eliminating Saturday mail delivery ($588 million spending cut)? Yes, 66; No, 34.

c. Ending revenue sharing grants to State government ($2.4 billion spending cut)? Yes, 56; No, 44.

4. Given the continuing need to fight inflation, which, if any, of the following proposals do you favor to reduce unemployment:

a. Reducing interest rates? Yes, 76; No, 24.

b. Cutting personal income taxes to increase purchasing power? Yes, 73; No, 27.

c. Cutting business taxes to provide incentives for investment? Yes, 60; No, 40.

d. Increasing spending for public service jobs? Yes, 23; No, 77.

e. Increasing tax breaks for individual saving? Yes, 82; No, 12.

f. Doing nothing, letting higher unemployment help stop inflation? Yes, 12; No, 88.

5. Do you believe it is possible to increase defense spending, balance the budget, provide a tax cut this year? Yes, 34; No, 66.

6. Do you favor higher support prices or similar measures to help offset the decline in prices received by farmers since the Soviet grain embargo? Yes, 45; No, 55.

7. Should we relax protections against air pollution and acid rain to encourage utilities and industries to convert their plants from oil to coal? Yes, 62; No, 38.

8. Controls on domestic oil prices are being gradually removed, and the price of oil produced in the U.S. will rise to the world price set by OPEC countries. This will bring U.S. oil companies an estimated $1 trillion in additional revenues over the next 10 years. Do you favor the "windfall profits" tax recently passed by Congress to capture an additional 23 percent of this money for emergency fuel assistance to low-income people, for energy and transportation programs, and for future general income tax cuts? Yes, 71; No, 29.

9. The President has proposd an import fee on imported oil which he claims will discourage such imports. The fee is expected to increase the cost of a gallon of gasoline by 10 cents. Do you support such a fee? Yes, 23; No, 77.

10. In 1975 Congress passed an amendment I proposed requiring Detroit to raise the average gas mileage of new cars to 27.5 miles per gallon by 1985. Suggestions are now being made to increase this requirement to 40 miles per gallon or more by 1995. Do you favor this approach to saving energy and making U.S. cars more competitive with foreign imports? Yes, 81; No, 19.

FOREIGN POLICY AND DEFENSE

11. As part of the U.S. response to the Soviet Union's aggression in Afghanistan, President Carter decided to prevent the export of additional American grain and high technology, and to boycott the summer Olympic games in Moscow. Do you support:

a. the grain and technology embargo? Yes, 89; No, 11.

b. the Olympic boycott? Yes, 82; No, 18.

12. Do you support the President's proposal to increase defense spending by 3 percent above the rate of inflation during each of the next five years? Yes, 81; No, 19.

13. Do you favor a naval blockade of Iran's ports and oil fields or other military action against Iran at this time? Yes, 60; No, 40.

14. Do you believe the United States should accept large numbers of refugees from Cuba? Yes, 17; No, 83.

15. Do you believe our allies in Western Europe and Japan are bearing their fair share of our mutual defense efforts? Yes, 6; No, 94.●

LCDC

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. MOAKLEY. Mr. Speaker, I am privileged today to call to the attention of my colleagues the 15th anniversary of the Language and Cognitive Development Center, Inc., of Jamaica Plain, Mass. This unique organization, devoted to the overall, individual development of children who are emotionally disordered or brain-injured, many of whom are considered hopeless by the rest of society, was begun in 1965 by Dr. Arnold Miller and his wife, Eileen Eller-Miller. I would like to express my sincere congratulations and thanks to the Millers for their 15 years of tireless and dedicated service to these special children. I would also like to share with my colleagues, the following article from the Jamaica Plain Citizen honoring the anniversary of the Language and Cognitive Development Center and telling of their excellent program and its many accomplishments:

[From the Jamaica Plain Citizen, July 3, 1980]

GREAT THINGS ARE HAPPENING AT LCDC

The Language and Cognitive Development Center, Inc. (LCDC) located at 11 Wyman street in Hyde Square's old Wyman School, is celebrating its 15th anniversary this year. The occasion has been recognized by Governor Edward J. King, who proclaimed the period February 25-March 2, 1980 as "LCDC Week" throughout the Commonwealth of Massachusetts.

The non-profit organization headed by Dr. Arnold Miller, a psychologist, and his wife, Eileen Eller-Miller, a speech pathologist, was established in 1965 to help the development of children who are emotionally disordered or brain-injured. Some were once considered hopeless.

Last year, the U.S. Bureau of Education for the Handicapped singled out the organization by giving them a three year, $223,918 grant, which provided funds to demonstrate and disseminate the center's cognitive-developmental approach with children. LCDC's methods are considered an alternative to traditional approaches for identifying and intervening with low incidence disordered children. The grant also furthered LCDC's use of new video-based methods to develop rapid evaluation and intervention with the children.

The impetus in 1965 for the one-room operation which the Millers opened up as the Language Development Center on Beacon Street, Boston, was not a pleasant one. For years, as Dr. Miller describes it, he and his wife had been frustrated by traditional methods of treating children.

"Many times," he wrote, "we had seen severely disordered children with their intense faces, endless ritual-bounding on trampolines, prayerlike rocking and alert but empty glances.

"Often, we had walked through the children's sleeping quarters and seen boys and girls silently bounding from wall to wall, running back and forth across highly waxed floors in rooms empty but for bureaus and beds. And we had repeatedly confronted the resistance and custodial stance of those directing institutions until gradually we decided to build our own program and center. In this setting, we resolved to enhance children's chances of becoming functioning human beings," Dr. Miller said.

Central to operations is LCDC's school program geared for children ages two through eight who have not developed the ability to communicate but who can see, hear, walk, climb and carry objects. The school curriculum is designed to help them progress from understanding simple requests to expressive use of sign and spoken language and, finally, to reading, writing and arithmetic, as well as awareness of space, time and the conditions required for their own survival and self-maintenance.

The school, which currently enrolls 30 children features:

—Parents as indispensable allies in all work with their children. LCDC's outreach program also regularly extends the school's day program into a child's home and neighborhood.

—Upset and disordered behavior is dealt with non-punitively in the classroom, said Dr. Miller.

—Treatment evaluation and program adjustments occur for each child bimonthly—not as a static "annual review"—due to the newly developed video feedback system, says Dr. Miller. This closed circuit TV system allows tracking and video-taping of a child's behavior at the center. The equipment permits the center to advance beyond current methods of assessing and intervening with disordered children.

—A sign and spoken language program is used with nonverbal children in developing their speech and language.

—A "symbol accentuation program" establishes reading and writing for previously unteachable children, says Dr. Miller.

—The elevated board system developed at LCDC teaches the children body awareness and a sense of their own capabilities.

—LCDC also operates a clinic between the hours of 8:30 a.m. to 5:00 p.m. which has occasional vacancies. The school has a waiting list.

The clinic program, licensed under the Massachusetts Department of Public Health, combines therapeutic with educational approaches to meet the special needs of each child, said Dr. Miller. An emotionally disordered child does not have to go to one therapist for emotional problems and to another for language or reading problems.

"The same staff worker is trained to deal with both areas in the same session. The result is often more rapid educational and emotional gain for the child at substantially greater cost-effectiveness," said Dr. Miller.

Mothers and fathers meet weekly in individual or group sessions with a staff member to discuss common problems and methods of coping with and helping their child.

The clinic also employs a bilingual Spanish-speaking staff. Children may be referred to the clinic by hospitals, other clinics, pediatricians, teachers, parents and others.

Recognition of LCDC's work has been forthcoming from such organizations as the American Psychological Foundation (which commended the center's 27 minute film, "Edge of Awareness") and the Mental Health Association of the U.S.

The center's school program has been approved by the Boston School Committee. LCDC has also been approved as an accredited school eligible for funding under Public Law 766 and it is licensed as a freestanding clinic under the Massachusetts Department of Public Health. It has established its own Medicaid contract with the Massachusetts Department of Public Welfare. The center is also an approved facility for third party funding.

To carry out in part the demonstration purposes of the three year grant from the Federal Government, the Center, in 1979 created a Speakers Bureau which offers professional lectures from LCDC and an opportunity to view *Edge of Awareness*—both to in-house training groups and to the general public. Organizations interested in such a program may contact Seddon Wylde at the Center for further information, 522-5434.

In summarizing the situation at LCDC today, the Millers stated that: "At this stage we find that almost all our children benefit significantly from the combined efforts of our staff and parents—some more than others. Many children who would have previously been institutionalized can now stay with their families. Some who were mute can now use signs to indicate their needs. Some who had only gestures can now communicate through spoken language. And, for the first time, this year we have five of our 30 school children scheduled for normal school programs which they will enter while functioning at or beyond the grade norms.

"We fully expect LCDC to continue its innovative path and accomplishments in the future, thanks to a dedicated staff, as well as the understanding and help of advisers and many friends."●

TRIBUTE TO HARRY POOLE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. WAXMAN. Mr. Speaker, on August 16, 1980, the western region, American Associates of Ben Gurion University of the Negev, will honor Harry Poole, executive vice president of the United Food & Commercial Workers Union (UFCW) in Los Angeles. The dinner will celebrate the naming of a chair in Harry Poole's honor at the Hubert H. Humphrey Center for Social Ecology of Ben Gurion University in Israel. This is a center where future Israeli leaders participate in a special training program in the fields of education and public administration.

Harry Poole was born in Bridgeville, Del., January 5, 1915. He grew up in Philadelphia where he was graduated from Olney High School in 1933. Immediately upon graduation he enrolled in night courses in merchandising at the Charles Morris Price School while working during the day. This also marked the beginning of his long and varied association with the labor movement.

Harry Poole was one of the first two officials of the Amalgamated Meat Cutters chosen to study at the Harvard University trade union program of the graduate school of business administration. He has served in almost every capacity in union affairs since he began as a shop steward in local 195 in Philadelphia. Working through the ranks as committeeman, business representative, delegate, organizer, negotiator, he became international vice president of the Amalgamated Meat Cutters Union in 1944. Since the 1979 merger of this union with the Retail Clerks Union he has served as the executive vice president of the newly created United Food & Commercial Workers (UFCW)—the largest single union in the AFL-CIO. He has been a member of the executive council of the AFL-CIO since December 1977. The scope of his labor and labor-management activities has brought him national and international recognition. Among his many assignments he has served as a delegate on an international level at Geneva-based union conferences of the International Union of Food & Allied Workers' Associations, as a member of the Industry-Labor Council of the White House Conference on Handicapped Individuals, member, Labor Sector Advisory Committee for Multilateral Trade Negotiations, to mention only a few.

It is appropriate that Harry Poole's name be linked with the legacy of Hubert H. Humphrey—since both represent lifelong commitment to bringing dignity and security to the lives of working men and women. Harry Poole's career exemplifies the accomplishments and goals which the Humphrey Center of the Ben Gurion University hopes its graduates will attain. The Center seeks to find solutions to such basic human needs as helping people of different backgrounds and beliefs live and work together in productive and peaceful existence, and improving educational standards in underdeveloped countries. The success of this research will benefit not only Israel but the world community.

I ask the Members to join with me in congratulating Harry Poole on his years of accomplishment and to wish him continued health and success in the future.●

NICARAGUA CONTINUES TO MARCH LEFTWARD—FREE SPEECH IS VANISHING

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. McDONALD. Mr. Speaker, recent statements and protestations by administration spokesmen notwithstanding, the evidence of Nicaragua's leftward march under the Sandanistas continues. The most recent evidence of this is the confiscation of television channel 2, a privately owned television network in Nicaragua. Channel 2, incidentally was the only independent channel in Nicaragua. The only other station—channel 6—was operated by the Somoza family. What follows is the letter I received from the president of channel 2 explaining his situation, as well as a copy of a letter to the Association of Television Companies of Central America and Panama:

KEY BISCAYNE, FLA.,
July 14, 1980.

HON. LARRY MCDONALD,
Cannon House Office Building,
Room 504, Washington, D.C.

DEAR REPRESENTATIVE MCDONALD: On June 18, 1980, Atelcap (Association of Television Companies of Centro America and Panama) debated and passed the enclosed resolution. This resolution denounces the Sandinista regime of Nicaragua for their unlawful and anti-capitalistic actions. Specifically, the resolution addressed the confiscation of Channel 2, a privately-owned television network in Nicaragua, without due process or redress. The confiscation of Channel 2 by the Sandinistas is without legal, lawful or moral justification and is a direct threat to the basic human right of freedom of speech throughout Central and South America.

Channel 2 was founded in 1964 by the family of the undersigned, and the undersigned has been its Chief Operating Officer since 1964 and its President since 1970. During the entire history of the operation of Channel 2, it was a free and democratically operated television network, whose only commercial competition was Channel 6, the television station owned by the Somoza Family. Channel 2 at no time actively participated in the Somoza Government or in any way gave aid or comfort to the Somoza regime.

Despite the foregoing, the Sandinistas on July 19, 1979, upon taking over the Nicaraguan Government, also took control of Channel 2 without reason or explanation. To this day, the owners of Channel 2 have never been advised of what legal basis the Sandinista Government is relying on for their actions, nor has any attempt been made to compensate the owners of Channel 2 for the confiscation of their property.

This matter is brought to your attention because of the critical nature of the relationship between the United States Government and Nicaragua, and the substantial aid package that is being offered to the Nicaraguan Government. The aid package is based on a Congressional finding that such aid is merited. Congressman Jim Wright, who toured Nicaragua, reported that the Nicaraguan Government is a free and democratic country. That report flies in the face of all reality as evidenced by the attached resolution and the contents of this letter.

The actions of the Sandinista regime in this instance is in direct contravention of the United States Government's human rights policy. The clear pattern being followed by the Sandinistas is that of the Castro regime where massive confiscation of private industry and violation of human rights occurred without compensation or due process of law.

I would be happy to personally discuss this situation with you and to present any documentation you feel necessary regarding this matter. Your immediate attention is appreciated.

Very truly yours,

OCTAVIO A. SACASA,
President, Channel 2.

Enclosure

JULY 18, 1980.

DEAR SIRS: I hereby respectfully call to your attention the following agreement reached during the last meeting of the Association of Television Stations of Central America and Panama, regarding Televicentro Channel 2 in Nicaragua.

We have been advised, and it has been confirmed that since that very day the new Government of Nicaragua was installed on July 19, 1979, it took possession by force of Channel 2 Televicentro in Nicaragua, and of Radio Station A.B.C., which operated inside the same building, private enterprise companies of independent character and separate from the Somoza Government.

It is our duty to raise our protest before all Nations, as a warning voice, since this abuse of authority signifies an open violation of the freedom to broadcast free thought, aside from the appropriation of private property. We have no doubt that in

moments of national emergency the authority of a State can take under its control any means of communication for reasons of security; but this is a measure, as well as Martial Law or the suspension of constitutional guarantees, that by its very nature must be temporary. It is a fact that in the case of Channel 2 Televicentro in Nicaragua and in Radio Station A.B.C., this appropriation has been prolonged for more than ten months, without any explanation of its legal motivation, and that the Government of Nicaragua is not only directing and managing these companies entirely, including their subsidiaries, with a value of over thirty million cordobas, in all its extension and complexity, but it has also fired previous employees, even taking control of the accounting books and of the corporation books containing the stock certificates, which it has been enjoying, and collecting the corresponding payments. The Companies and subsidiaries affected have not received a single cent pursuant to this appropriation, nor even a written explanation about this measure, and they have not been advised by the Government about appropriation or expropriation. All appearances and public statements by the authorities, give the appearance that these companies have arbitrarily been placed under the power and dominion of the State.

Although it is true that at the moment the Revolution succeeded a Law of National Emergency was published on July 22, 1979 which in its Article 8 stated that "the means of collective communication could be put pursuant to a State of Emergency, to the service of the ends pursued by the State", this disposition of Article 8 was expressly voided by Decree of the National Board of Government number 51 of August 21, 1979, by which all radio stations of Nicaragua not appropriated were returned to their owners, with the sole special exception of Channel 2 Televicentro and Radio Station A.B.C. After rescinding the Decree of National Emergency regarding the means of communication the Government of Nicaragua has no right to illegally retain and continue to occupy that television station and that radio station. And as to the means of public communications, the law in Nicaragua in its Articles 6 and 8 guarantees the "full standing of all Human Rights of the Universal Statement, of the Interamerican Statement, etc.," and Article 8 of that Fundamental Statute specially stresses the unrestricted liberty of thought, both oral and in writing, regulated by the special law. And afterwards, by Decree No. 383 of the 29th of April, 1980, the Law of National Emergency was totally voided, which makes this illegal appropriation of the only means of private television that there was in Nicaragua more unlawful.

We believe that this appropriation is a flagrant and serious violation of one of the basic liberties of democracy, which is the liberty to broadcast free thought, and it affects the republican constitutional system. Our Federative Institution, which contains all the Television Companies of Central America and Panama, specifically states its formal and strong protest for this outrageous violation of the law, and of the legal system. The occurrence of this appropriation in Nicaragua is a harmful example that can be repeated in any other nation, and damage our own interests, as it has occurred in the case of Nicaragua.

We specially address the authorities of the Government of Nicaragua who openly proclaimed, at the triumph of the Revolution, that they would uphold, as a fundamental principle, the liberty to broadcast free thought and the security of private enterprise which was not contaminated with the Somoza regime. They have not only failed to fulfill their promise to the Nicaraguan people and the other nations, specially in this Continent in this particular case, but they have betrayed the rights of those companies and of all of their stockholders, executives and employees.

Very truly yours,

JOSE J. ORTIZ PACHECO,
President, A.T.E.L.C.A.P.●

WHAT IS RIGHT WITH THE U.S. MILITARY

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ROSE. Mr. Speaker, there has been mounting concern over the reported shortcomings of our military in maintaining equipment, retaining skilled personnel, and in other areas. There is cause for remedial action, including an immediate increase in pay for our soldiers.

But while we consider the rash of reports of military problems, we are losing sight of what is right with our armed services. I refer to the detailed account in Time magazine, issue of July 28, of the excellence of the XVIII Airborne Corps and the 1st Brigade of the 82d Airborne Division in conducting the largest U.S. mass parachute jump in history.

Time magazine commented that "injuries had been expected to run as high as 1 percent—2,640 paratroopers jumped—but the rate was less than half of that, only 11 in all; the most serious was a shoulder separation. All but 5 percent of the force landed on target and began moving out."

The report observed that "if war or the threat of war were to come in the Persian Gulf area, these paratroopers likely would be the U.S. spearhead."

Participating paratroopers are stationed in Fort Bragg, N.C., in the district that I represent. I have had the opportunity to meet with officers and men of the XVIII Airborne Corps and the 82d Airborne Division. America can be proud of their devotion to duty, exemplary courage, and highly developed skill. We must demonstrate our pride by constant review of their needs—above all, their pay.

Following is the article from Time magazine.

IN FLORIDA: JUMPING WITH THE 82D

(By Don Sider)

He feels the giddiness deep in his gut: an amalgam of excitement, anticipation and, he admits only to himself, a touch of fear. His unit has just been alerted for a mass jump. With each ritualistic step from now until he is back on the ground, the giddiness will return. That is part of all this, a part the Paratrooper likes best.

The largest U.S. parachute drop in peacetime wafted down onto the sandy scrubland of Florida's panhandle early one morning this month: 2,640 soldiers leaping from 20 huge C-141 jets, along with three more planeloads of Jeeps and other heavy equipment. They came from the XVIII Airborne Corps and the First Brigade of the 82nd Airborne Division at Fort Bragg, N.C. If war or the threat of war were to come in the Persian Gulf area, these paratroopers likely would be the U.S. spearhead.

He feels the inner electricity again during the intense hours of refresher training that precede every jump. The sessions are like a football team's pregame warmup, insurance that the jumpers are sharp and ready, that in an inherently risky venture, risk will be held to a minimum. They trigger his adrenalin.

The scenario for this exercise has a small friendly nation, "Granna," under attack by forces from two of its neighbors, "Holguin" and "Kupa." Granna requests assistance. The President sends U.S. troops.

Late in the afternoon, the Paratrooper is trucked with the others to barracks alongside the airfield at Fort Bragg. Here they will spend the night. But first their jumpmasters must check them in and assign them positions for the drop. It is a long, dull procedure, and the Paratrooper smiles when he thinks how much like a flock of sheep or a herd of cows they all are—passive, oblivious to the time and space they occupy, psychically removed. In their minds many of them are, like himself, already in the plane or stepping out of it. As one of the guys says: "When you see yourself going through the door, all the hassles disappear."

The paratroopers are to seize an airstrip 10 km from the jump site so that, in a real war, thousands more could fly in aboard transport planes. On the way, they will engage two companies of "Aggressors," played by other units from the 82nd Airborne and the Air Force.

The men are finally dismissed at 7:30 p.m. By 8 most are in bed; the day ahead will start at 4 a.m. The Paratrooper lies there thinking of what his brigade commander, Colonel Charles Ferguson, said that afternoon: "It's exciting. You get up for it. You have to do everything right. If you jump from 1,000 ft. and your parachute doesn't open, you hit ground in eight seconds." The Paratrooper does not sleep well, and he suspects most of the others do not either.

If this had been the real thing, the First Brigade would have been in the air within 18 hours of the signal to go. The 82nd, two other Army divisions and one Marine division are the ground combat element of the Rapid Deployment Force. Because paratroopers are able to land anywhere with maximum speed and surprise, the 82nd is always at the ready.

At 6 a.m., the Paratrooper draws his chutes—the main, worn on the back, and the small reserve, which will ride on his chest. "Put 'em on," orders the jumpmaster, and the Paratrooper and a buddy help each other, threading the straps, snapping the hooks, fitting each item by the book. An officer pokes and tugs and checks every item, again by the book, then slaps the Paratrooper on the rump and says, "O.K." It is light now, and the Paratrooper stares with amusement at the troopers around him. Their faces, like his, are smeared with camouflage grease paint, blending with their mottled uniforms and helmet covers, as in some military minstrel show. The order to board the plane snaps him from his reverie. "The only way down now will be to jump," he says to himself, just as he has said to himself with every takeoff before every jump.

Lieut. General Thomas Tackaberry, commander of the XVIII Airborne Corps, was the first man out of the first C-141. Standing in the drop zone, he said the mass assault had a dual purpose. It tested how well the Army and Air Force could carry off such a huge troop movement (very well with

a brigade, but a whole division is so much larger that there may be barely enough planes to deliver it across the sea). The exercise did something for the individual paratroopers as well. Said Tackaberry: "Psychologically, it helps a man to know he's part of a big unit." Every jump is a revalidation, a reassurance that the paratroopers are special.

Aboard the C-141, the Paratrooper, jammed among his equipment-laden buddies, drifts into and out of sleep. Twenty minutes from the drop zone, the final commands begin. Then he is out the door and into the clear sky, counting aloud, "One thousand, two thousand, three thousand, four thousand." His chute is snatched open by the rushing air, and he drifts toward the ground.

One V formation after another of C-141s lumbered 1,000 ft. overhead at 125 m.p.h., spewing parachutists from both sides, as escort planes darted above them. It was an explosion, an inundation, a blizzard of men from the sky, lasting less than five minutes.

The Paratrooper hits the ground and rolls into a proper landing fall. It is a good jump, a good landing. He looks up at the dense cloud of green parachutes, and he explodes with joy. "You are bea-u-ti-ful!" he screams. "Bea-u-ti-ful!"

Injuries had been expected to run as high as 1 percent, but the rate was less than half of that, only eleven in all; the most serious was a shoulder separation. All but 5 percent of the force landed on target and began moving out.

In the 92° Florida sun, the Paratrooper shoulders his 60-lb. rucksack and his M-16 rifle and joins his squad. The jump is a mere memory. Here on the ground, there is soldiering to do.●

A CHAPTER IN YUGOSLAV HISTORY

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. DERWINSKI. Mr. Speaker, the highly respected publication, the American Bulletin, is well known for its commentary on the situations that exist in Czechoslovakia, and in a more general manner, all of Eastern Europe. In its June edition, the Bulletin comments on the situation in post-Tito Yugoslavia and gives an objective review of the record of Marshal Tito. I wish to insert it at this point:

A CHAPTER IN YUGOSLAV HISTORY

On his European tour, President Carter will visit Yugoslavia. Some may think it a belated visit. Voices of criticism were raised when the President of the United States was not among the dignitaries paying homage at Tito's bier. Now that time has elapsed and tempers have cooled down, other voices are being heard. In an editorial on May 20, The Province of Vancouver, B.C., raises the question whether it was a "blunder" on the part of the President not to attend Tito's funeral. There was a time when "the crowned heads of Europe considered it important to attend the funerals of departed monarchs as some expression of policy—the solidarity of natural rulers, the brotherhood of allies, the guarantee of continued alliance." However, Soviet President Brezhnev's presence does not secure Yugoslavia from Kremlin pressure. "But if Mr. Carter were pictured alongside the Soviet leader at this time, his diplomatic offensive over Afghanistan might be seen by smaller nonaligned countries as a sort of charade not unlike the 19th century funerals of crowned heads. The Russian people might miss the message of the Olympic boycott if pictures of the two leaders together in Yugoslavia were carried in their newspapers. These are at least factors the White House had to consider. To dismiss the decision based on them as a blunder is to take a rather unsophisticated view of world politics at the moment" (reprinted in the Christian Science Monitor, May 9, 1980).

At the time of his death Tito was revered by many at home and much honored abroad. The world recognized him as a remarkable leader who had defied Stalin in 1948, took his country out of the Moscow dominated Soviet bloc and gradually welded the nation together. Tito's biographer, however, would have to record Tito's personal ruthlessnesss in his rise to power in wiping out any opposition. One cannot forget the execution of General Draja Mihailovich, in whose memory Hon. Morris K. Udall of the House of Representatives has sponsored bill H.R. 262, which would authorize the private construction of a monument in Washington to this resistance fighter "who saved the lives of 520 American airmen during World War II" CONGRESSIONAL RECORD, May 28, 1980).

These airmen formed themselves into an organization, the National Council of American Airmen Saved by General Mihailovich. The General had organized rescue efforts to keep ditched bomber pilots out of the hands of the German forces "(Yugoslav War Hero" by Tom Tiele, CONGRESSIONAL RECORD, May 28, 1980).

For decades, the American airmen have been trying to get government sanction to acquire a piece of property in Washington, D.C. for a small monument. The U.S. administration opposes the plan, although the senate has twice voted its approval. The monument would be inappropriate, says the administration, as the United States has supported Tito and Tito did not want any honors for Mihailovich. To Tito Mihailovich was not a war hero but an enemy, tried for treason after the war and executed as a traitor.

The Truman administration had awarded Mihailovich the Legion of Merit for his wartime help, but in deference to Tito it was decided not to make it public.

The case for General Draja Mihailovich was presented in "Patriot or Traitor," a Hoover Archival Documentary published by the Hoover Institution, Stanford, Cal., with an introductory essay by David Martin and followed by Senator Frank J. Lausche. When Yugoslavia collapsed in the Nazi biltzkrieg, an unknown colonel of the Yugoslav army by the name of Draja Mihailovich gathered together a group of officers and men and proclaimed the continuation of the war against the Nazis until the end.

It was not until in June 22, 1941, when Hitler attacked the Soviet Union, that the Communist Party in Yugoslavia responded to Stalin's appeal for immediate assistance. The Communists then launched their own guerrilla movement. (The same was true of all Communist Parties in the world. They would have nothing to do with the war effort until the Soviet Union was under attack; then it became a holy war. And even then, the Communists fought not only the Nazis on the battlefield but also another enemy on the home front, the non-Communists. In the worst days of the war, they were already planning for the future, organizing an underground which was to take over the day the Nazis were defeated. This was done with ruthless determination in Poland, Czechoslovakia and elsewhere.)

The Mihailovich forces and Tito forces collaborated briefly but soon began to fight each other in a merciless civil war. The war ended with Tito's victory. When Mihailovich was arrested by the Tito government after the war and put on trial as a traitor, American airmen asked to testify on the general's behalf to prove that Mihailovich had fought the Germans, that he was a patriot, not a traitor. A Committee for a Free Trial of Mihailovich was set up in New York and a commission of inquiry was headed by the famous jurist Arthur Garfield Hays.

The commission found no trace of treason. However, the voluminous transcript of the commission was never put to use until finally in 1978, it appeared in book form. The introductory essay to "Patriot or Traitor" is by David Martin, executive secretary of the Committee for a Fair Trial, and includes also British archival documents.●

REPRESENTATIVE TENNYSON GUYER, OUR AMBASSARDOR OF GOOD WILL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. BROOMFIELD. Mr. Speaker, last Sunday the Washington Post magazine paid tribute to one of our most beloved colleagues and my good friend, TENNY GUYER.

The article points out that TENNY quietly enjoys the universial affection of his constitutents in the Fourth Congressional District of Ohio who have urged him to seek a fifth consecutive term in Congress.

As a fellow member of the House Foreign Affairs Committee, who has had the priviledge of working closely with TENNY for most of his years in Washington, I know that the affection of his constitutents is shared by everyone in Congress who knows him.

TENNY estimates that over the years he has delivered more than 10,000 speeches in all 50 States and 24 other countries. He has probably made more commencement addresses than any other living American.

The Governor of his State has commissioned him: "Ohio's Ambassador of Good Will." I think we should consider bestowing a similar title on behalf of Congress.

Wherever he speaks across the country, TENNY's good humor, sincerity, and uplifting message cannot help but add luster to all of us who have the privilege of serving with him.

Mr. Speaker, I think everyone who knows TENNY will enjoy Rudy Maxa's article which follows:

CHAMPION TALKER GUYER GUSHES—BUT NOT ON HILL

Rep. Tennyson Guyer (R-Ohio) is Mr. Main Street America, "born, bred and buttered," notes one of his press releases, in Findlay, Ohio. That's where (as Guyer likes to point out) Norman Vincent Peale worked his first newspaper job, where Zane Grey played on the local baseball team, where the man who wrote the song "Down by the Old Mill Stream" lived.

Guyer makes no waves in Congress, where he quietly enjoys the affection of his constituents; he says he recently asked 115 of them if he should stand for reelection, and not one person in 11 counties said they could imagine a House of Representatives without him.

But if his presence goes unnoticed on Capitol Hill, put the 66-year-old Guyer on the lecture circuit and he's an unabashed "King of Corn," as the Dayton Journal Herald once called him, a one-man traveling show of one-liners and inspirational speeches that wows Rotarians, Lions Clubs, high school and college audiences. In fact, Guyer is the King of Commencement Speakers; he says Lowell Thomas once told him that with more than 1,000 commencement speeches to his credit, Guyer held the record among living Americans.

"When I first came to Congress," says Guyer, "I was told, 'Look, they don't want show-offs or jokes.' It's made me, well, not intimidated, but I almost resolved not to talk."

Which is something like Niagara Falls deciding to dry up. So Guyer keeps quiet in Washington ("I don't like to give political speeches") but gushes forth on the lecture circuit, delivering more than 100 speeches (most for free, some for as much as $1,000) each year with lines like these:

"My wife ought to be on a parole board—she never lets anyone finish a sentence."

"I have nothing against lawyers, but I can't understand how a guy can write a 10,000-word document and call it a 'brief.'"

"You know, it isn't often I get such a nice introduction. For example, the other night a fellow says, 'We now bring you the latest dope from Washington . . . Mr. Guyer.'"

Guyer estimates he's delivered more than 10,000 speeches in all 50 states and 24 other countries. He's cut four records of his talks—the liner notes on the album with the speech titled "The Miracle Called America" observes that Guyer's "real-as-meals sincerity" helped earn him the nickname of "Ohio's Ambassador of Good Will." One woman died while he delivered a speech. Once a falling tree limb injured a mother holding her baby in the audience; at a high school commencement address 18 years later, a young woman identifed herself as that baby.

You might think years of applause might make a Buckeye's head turn, but Guyer allows as how he's just in "the people business." He likes to impart an uplifting message in his talks. For profanity, "golly!" will have to do. And he and a Peony Queen runner-up, Mae Guyer, have been married 36 years. She has a small desk near his in his House office, and a couple of times a year she prints (at the Guyers' expense) a newsletter for some folks back home. It's called "Mae's Wash. Line," and it features news from the Big City with an illustration of some wash on the line. Now that's just about as real as measles.●

STRONG SUPPORT FOR OTEC TECHNOLOGY

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 21, 1980

● Ms. MIKULSKI. Mr. Speaker, as a cosponsor of the Ocean Thermal Energy Conversion Act of 1980, I want to join with my colleagues in strong support of this legislation. OTEC can supply a significant portion of our country's energy needs by the year 2000. As other supporters of OTEC technology have noted, the process is nonpolluting and does not raise the environmental problems connected with other technologies, such as nuclear and coal.

But in addition to these environmental and energy benefits that accompany OTEC development, I want to emphasize the creation of jobs in the shipbuilding industry that will occur.

Many thousands of jobs for Americans will be developed as a result of this program. Last October, Mr. Edward Hood of the Shipbuilders Council of America stated that:

60,000 workers in U.S. shipyards presently face the prospect of unemployment, much of which will apply to minority workers in areas of chronic unemployment. With the usual multiplier, nearly 200,000 workers in equally important supporting industries will be affected.

At a time when significant sectors of our economy have fallen behind other countries in technology innovation with resultant severe loss of employment for American workers, I am proud that Congress has passed the OTEC bill, which is an outstanding bill on environmental, energy and job-creation grounds.●

RON PAUL'S WILLINGNESS TO TAKE THE HARD STANDS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ARCHER. Mr. Speaker, our colleague Dr. RON PAUL is often in the minority because of his willingness to take the hard stands—but frequently that is exactly what it takes to get something accomplished.

A case in point has been the attention RON has been devoting recently to H.R. 5961, a bill on which he is an acknowledged expert. I would like to share with my colleagues in the House excerpts from a recent Barron's article recognizing the impact of his efforts on this issue:

OPPOSITION MOUNTS TO PENDING AMENDMENT

(By Shirley Hobbs Scheibla)

WASHINGTON.—In a highly unusual about-face, Rep. John J. Cavanaugh (D., Neb.) now is opposing a bill he originally sponsored. It's an amendment to the Bank Secrecy Act the Administration is promoting, ostensibly as a means of curbing traffic in drugs. "I figured we should do anything we could to curtail this," says Cavanaugh. "I later learned that we were making necessary and legitimate conduct illegal which in 99 percent of the cases would have nothing to do with drug trafficking. . . ."

The bill appeared likely to sail quietly through the House until Rep. Ron Paul (R., Texas), a member of the Banking Committee, began a one-man fight against it. An obstetrician and gynecologist, he gave up the private practice of medicine in 1976 to enter Congress because he was "convinced that the size, power and cost of the federal government had to be cut for our free society to survive."

Paul believes that the measure violates the Fourth Amendment of the Constitution, which says: "The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated and no warrants shall issue but upon probable cause." Many influential persons agree with him.

H.R. 5961 would break new ground by allowing the Customs Service to conduct exit searches, according to Paul, who says this is characteristic of totalitarian states, not free societies. He contends it is solely a money control bill, doesn't even mention drugs and would set the stage for federal control of international capital flows.

When Paul offered an amendment in the Banking Committee to restrict the bill to drug traffic, it was defeated. He says he will try to get it back in when the bill reaches the House floor.

His remarks in the House, before the three committees considering the bill, and in other public statements are bearing fruit. As noted, Rep. Cavanaugh has changed his position. Like Paul, he now believes that the bill is unconstitutional.

When the House Banking Committee held two days of hearings in November and in January, it heard only witnesses in favor of H.R. 5961. But by the time the Ways and Means Committee got around to weighing it, Paul had stirred up enough interest so that some opponents were heard. Besides himself, they included Reps. Lawrence P. McDonald (D., Ga.), Fortney H. Stark (D., Ga.) and Steven D. Symms (R., Idaho).

Despite the lack of publicity about the bill, Congress is getting mail against it [generated by Ron Paul]. Dr. John W. Codling, a surgeon from Welfair, Wash., wrote Rep. Charles A. Vanik (D., Ohio), chairman of the Trade Subcommittee of the Ways and Means Committee, that it is "dishonesty personified" to claim that the bill will help stop drug trafficking when it fails even to mention drugs.

A letter to Vanik from the chairman of an Ohio company said, "At a time when our country is facing serious balance of payments problems, we need to increase U.S. exports of manufactured goods to compensate for present losses of market shares to Japan and West Germany. . . . Because of its far-reaching and restrictive effect on trade, urge you to defeat H.R. 5961."

A Charlotte manufacturer wrote Rep. Henry Reuss, chairman of the House Banking Committee, that he has started to make a foreign-designed product. "Since most of our parts come from Europe, we regularly transfer large sums of money to pay for our purchases. Under the authority granted by H.R. 5961, our business can be destroyed by preventing transfer of moneys to Europe." He fears that, at the least, long delays and government regulation "will be imposed on movement of these funds."

The head of an Oregon company wrote Paul that the bill would hinder the placement of difficult insurance accounts. He added: "When Eurodollar holders realize that they will be further restricted in free commerce, they will effectively remove U.S. dollars from their holding."

A letter from Tacoma to Rep. Norman Dicks (D., Wash.) put it more dramatically: "The U.S. Treasury is playing a dangerous game. If the holders of billions of Eurodollars get the idea that they will be blocked . . . an avalanche of dollars could descend on the currency markets of the world sending the dollar into an unprecedented tailspin. Coincidentally, a very large proportion would be siphoned off into

the gold market, creating an upward spiral to match the dollar's downward tailspin."

Whether Members of the House agree or disagree with RON PAUL's position on this particular issue, it is clear that he and his national constituency have had an impact on this legislation.●

THE AMERICAN BALD EAGLE

HON. WILLIAM S. GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. GREEN. Mr. Speaker, I would like to draw attention to a noteworthy project undertaken by the General Wine and Spirits Co., which is headquartered in my district and which markets a product called Eagle Rare Bourbon. In light of the brand name, the company decided to embark on a project to preserve and protect the American bald eagle, the symbol of our Nation and democracy.

One important result of its efforts was a brochure produced on the American bald eagle, with the assistance of the U.S. Wildlife Service, that alerts our citizens to the precarious plight of the bird. The brochure contains information about the bald eagle, one of only two eagle species native to the United States. It tells how their numbers have dropped across the country, how reproduction is affected by contaminants in our waterways, and what people should and should not do if they encounter injured bald eagles. More than 100,000 of these booklets have been distributed without charge to schools and interested citizens.

The project is both informational and educational. Its goal is to elevate public awareness of the plight of the bird so that it may be saved for future generations. General Wine and Spirits has also sent a variety of public service stories about the bald eagle to magazines and newspapers nationwide pointing out the possibility of extinction unless we all begin to care about the bird. It is frightening to realize that nearly 200 years ago, when the bald eagle was chosen as our symbol, there were approximately 25,000 soaring through our country and today that number has dropped to about 1,100 breeding pairs and 1,300 subadult birds. The eagle has few, if any natural enemies; only man stands as its threat.

By bringing this message across to our people, the Eagle Rare Bourbon program has made an important step toward guaranteeing the future of the bald eagle. It is my hope, and that of General Wine and Spirits, that more businesses and industries adopt this attitude of making contributions toward the public good.●

TRIBUTE TO MR. MICHAEL DUNN

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. STARK. Mr. Speaker, I welcome this opportunity to pay tribute to Michael H. Dunn, who serves the Oakland community with vigor as a dedicated pastor and community leader. I deeply regret that at age 34 Michael Dunn has suffered a heart attack. Unexpected misfortunes like this make people pause to recognize the contributions of valued community members.

Michael Dunn's many accomplishments reflect his persistent energy and dedication. As pastor of the Elmhurst Presbyterian Church of Oakland, Mr. Dunn has opened his church to the entire community. His church has become a place for senior groups, and for educational activities such as health seminars. He has made his church a place where the children can come to play, by putting basketball courts in back of the church.

Michael Dunn's achievements, however, extend far beyond his own church. Mr. Dunn is president of the United East Oakland Clergy, an organization devoted to improving all aspects of community life. Under his leadership, this clergy group continues to expand its strong, thoughtful voice in all community programs. Mr. Dunn is also president of the East Oakland Community Corp. This corporation aids the community through training local people for jobs, and designing and redeveloping housing.

Through his devoted leadership in these groups, the church, and numerous other groups, Mr. Dunn assists and advises city and local government, the Oakland Public Schools, and local community groups in implementing vital community programs.

I am privileged to honor Michael Dunn, and to emphasize not only how much this man's tireless efforts contribute to the Oakland community, but also how much this community appreciates him. I know that my colleagues will join with me in wishing Mike a speedy and full recovery. We need him.●

LOW INCOME ENERGY ASSISTANCE MUST BE EXTENDED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. BIAGGI. Mr. Speaker, over 1,100 Americans have lost their lives this summer as a result of the killer heat wave of 1980. Tragically, many of these victims were low income and elderly persons who would still be alive today if they had only been able to afford the use of a fan or air conditioner.

Yesterday, I introduced emergency legislation to help correct this critical problem. Simply stated, my bill, H.R. 7787, would extend the low income energy assistance program beyond its arbitrary June 30, 1980, cutoff date. The immediate effect would be to permit some 22 States to spend approximately $21 million in unobligated Community Services Administration low income energy assistance funds to help those who cannot otherwise afford essential home energy costs—the expressed intent of the program.

Funds for this program administered by the Department of Health and Human Services would also be eligible for expenditure under H.R. 7787. The exact amount of these funds is unclear. However, it would appear to be significantly higher than the $21 million CSA figure, since HHS received a much greater portion of the program funds to begin with.

Just last year, this Congress approved a $1.35 billion supplemental appropriation for the low income energy assistance program. The intent of this action was to insure that our poor and elderly could survive the winter. The program was successful and our efforts helped to avoid a major catastrophe.

However, the program had one major flaw—it did not take into account the possibility of one of the most severe heat waves in our Nation's history. Instead, it was assumed that the energy crisis would have been well behind us by now and a June 30 cutoff date for the program was established. Unfortunately, energy prices remain high and, as we have seen all too clearly, the summer heat can be just as hazardous as the cold of winter.

H.R. 7787 provides a very simple solution to this costly miscalculation. To address these unforeseen circumstances, this important measure extends an already existing program that still has millions of dollars in unobligated funds at its disposal. No new funds would be required under this legislation—only the spending authority would be changed from June 30 until September 30, 1980.

As an original member of the House Select Committee on Aging, I have heard many tragic reports of elderly Americans dying during the heat wave because they could not afford to use fans and air conditioners. Perhaps the severity of this tragedy is best expressed by reports of an elderly woman who was found dead during the heat wave in front of her open refrigerator, the only cooling equipment in her home.

Mr. Speaker, just as these elderly Americans cannot afford essential cooling equipment, we cannot afford to sit idly by and watch thousands die while Federal aid is available—but not being used—to help save lives.

This Congress acted in a prompt and most responsible fashion when we ap-

proved legislation last year insuring that our poor and elderly could meet soaring energy costs. A similar commitment is needed to cope with the crisis posed by this summer's heat.

As we are being stared in the face by, traditionally, the hottest month of the year, I strongly urge that H.R. 7787 be given prompt and favorable consideration. I ask that my colleagues join me in this life or death cause.

Mr. Speaker, at this time, I insert the text of H.R. 7787:

H.R. 7787

A bill to amend the Act of November 27, 1979, to provide that awards to applicants under the energy crisis assistance program funded in such Act may be made through September 30, 1980.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That that portion of title II of the Act entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1980, and for other purposes", approved November 27, 1979 (Public Law 96-126) which appears under the heading "COMMUNITY SERVICES PROGRAM", and under the general heading "COMMUNITY SERVICES ADMINISTRATION", is amended by striking out "June 30, 1980" and inserting in lieu thereof "September 30, 1980".●

ETHNIC PRIDE IN PITTSBURGH

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, the city of Pittsburgh is filled with ethnic pride as marked by the efforts of a great Polish American, Joseph A. Borkowski of the Central Council of Polish Organizations in Pittsburgh. I submit to this House the following documented story from Joe Borkowski concerning the American and Canadian pilots and the veterans of the 13th Division of the Polish Army who took part in the Polish-Bolsheviki War in 1919-20:

THE AMERICAN AIR FORCE VETERANS IN THE POLISH-RUSSIAN WAR, 1919-20

(By Joseph A. Borkowski)

The year 1980 marks the 60th Anniversary of the Battle of Warsaw between the Polish Army of the young emerging Republic of Poland and the rising tide of Bolshevism which threatened to envelop Europe. It was Leon Trotsky who promised to extend liberty (Communism) to all of Europe.

The Bolsheviki's enthusiasm became all the more exuberant when their armies were successful in driving the Polish forces to the very gates of Warsaw. General Mikhail N. Tukhachevsky started a well organized offensive in the northern section of Poland and had every reason to believe that the city of Warsaw would eventually fall. In the meantime, Semeon M. Budenny, a vaunted and successful Cossack cavalry leader was having a field day against the Polish forces on the Kiev-Lwow (Lemberg) front, outflanking the Polish lines and at different times threatened with disaster and annihilation. If Budenny continued his successes, the entire Warsaw-Modlin front would collapse and the cities of Warsaw and Lwow would fall.

In order to determine Budenny's movements and troop concentrations the Poles were in need of an air reconnaissance system. To meet this need, Captain Marion C. Cooper of the United States Air Force, who was in Poland on social service duty and was aware of the needs of the Polish army, went to Paris where he approached the American pilot veterans of World War I. The first to enlist were: Captain Marion C. Cooper, Major Cedric Fauntleroy, Lieutenant George C. Crawford, Lieutenant Kenneth Shrewsbury, Captain Edward C. Corsi, and Lieutenant Carl H. Clark. Among the first recruited was Major Cedric Fauntleroy who made more than 4,000 flights for the A.E.F. and during the war served with the famed Rickenbacker's "Hat In The Ring" squadron. He subsequently became the commander of the American-composed outfit which became known as the Kusciuszko Squadron.

Upon enlistment, all the recruits became an integral part of the Polish Army and were given the same rank which they held in the U.S.A.F. However, they were paid the same salary as the Polish Officers, $6.00 per month.

A typical member of the Kusciuszko Squadron was Captain Harmon Rorison of Wilmington, North Carolina, who actually travelled 6,000 miles to fight for the Poles. He performed distinguished services under trying conditions, and while on reconnaissance caused consternation and havoc among the Bolsheviks with his deadly machine gun accuracy.

Another outstanding fighter was Lt. George M. Crawford who fought with reckless abandon in attacking the enemy forces and disrupting the river traffic which was used by the Reds in flanking movements.

The Kusciuszko Squadron proved to be a decisive and effective force in stemming Budenny's concentrated and flanking attacks and keeping his forces from aiding the Bolsheviks at Warsaw. The New York Times correspondent under dateline, 8-28-1920, had this to say: "The Kusciuszko Aerial squadron is playing an important part in the defense of Lwow (Lemberg). The smaller machines are being used repeatedly for attacking the cavalry under General Budenny, the Bolshevist commander. The pilots are making four to six flights some days and have been cited twice by the general staff within a week. Prisoners report that the morale of the troops under Budenny is being shattered by the effective work of the aviators under Major Fauntleroy". It was hard work. All the more it was all outdoors in the land where winters are hard and long.

On Sunday September 21, 1980, The Central Council of Polish Organizations of Pittsburgh and its Historical Committee will unveil and dedicate a commemorative plaque (described below) honoring American and Canadian Pilots and the veterans of the 13th Division of the Polish Army who took part in the Polish-Bolsheviki War of 1919-1920. The Services will be held in the Soldiers and Sailors Memorial Hall on 5th Avenue in Pittsburgh at 2:30 p.m. The ceremonies will also mark the 60th anniversary of the Battle of Warsaw in which the 13th Division and the American and Canadian Pilots took part.

In Memory of the American and Canadian pilots of the Kosciuszko Squadron and the veterans of the 13th Division of the Polish Blue Army composed of Poles from America who aided in defeating the Bolsheviks on the Polish eastern front, September 1920, and thus directly contributed to preserving the freedom of a newly formed Republic of Poland. Members of the Kosciuszko Squadron were:

Colonel Cedric E. Fauntleroy
Lt. Colonel Merian C. Cooper
Major George M. Crawford
Captain Carl H. Clark
Captain Edward C. Corsi
*Lieutenant Edmund P. Graves
*Captain Arthur H. Kelly
*Captain T. V. McCallum (Canada)
Captain Harmon C. Rorison
Lieutenant Elliott W. Chess
Lieutenant Earl F. Evans
Lieutenant Thomas H. Garlick
Lieutenant John I. Maitland
Lieutenant Kenneth M. Murray
Lieutenant Edwin L. Noble
Lieutenant Kenneth O. Shrewsbury
Lieutenant John C. Speaks, Jr.

*Killed In Service.

Erected by Central Council of Polish Organizations of Pittsburgh, Pa., on the 60th Anniversary of Battle of Warsaw, Poland.●

IRS AND 12 INTEREST GROUPS ON THE ASHBROOK AMENDMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. RANGEL. Mr. Speaker, on June 18, the House considered the Ashbrook amendment, which would prohibit IRS from promulgating new rules on the tax-exempt status of private schools which discriminate against minorities. That amendment was a rider to the fiscal year 1980 supplemental Treasury appropriations. During the debate several questions were raised which left me as I am sure many of my colleagues unsatisfied. In order to clear up some of the confusion which I believe this House was left with as a result of that debate, I had inquiries made of the Internal Revenue Service on their understanding of the issues involved. The text of that response follows along with the type of regulations IRS would like to promulgate. You will note from the new proposal that the tenants of the *Green II* case are adhered to and that schools which were formed for religious purposes and not in an effort to evade desegregation would not be the subject of IRS investigations.

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., June 24, 1980.

Hon. CHARLES B. RANGEL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RANGEL: This is in response to a request made by your staff to Jim Fuller of our Chief Counsel's Office. You requested our comments on certain aspects of proposed amendments to the Treasury's 1981 Appropriations Bill which would continue the current prohibition on the Service in developing or issuing any new rules designed to prevent racially discriminatory private schools from qualifying for tax exemption under section 501(c)(3) of the Internal Revenue Code.

The problem, as we have pointed out on many occasions, is that current IRS rules are ineffective in identifying schools which,

while professing an open enrollment policy, in actual operation discriminate against minority students. The effect of current IRS rules has been that the tax exemption of a private school which has a nondiscriminatory policy in its governing instruments will likely remain undisturbed unless some overt act of discrimination comes to the attention of the Service. The clearest illustration of the problem is the fact that a number of private schools continue to hold tax exemption even though they have been held by Federal courts to be racially discriminatory.

In our proposed revenue procedure on private schools, we sought to bring our rules into line with those followed by Federal courts in focusing on a school's actual operation, not simply its asserted policy. But, of course, we are stopped from implementing any such new rules under the 1980 Appropriations Act. In the absence of any new rules in this area, we do not believe we can enforce the nondiscrimination requirements in an evenhanded and effective manner.

Our proposed revenue procedure on private schools, as revised in February, 1979, was designed to focus on the particular facts and circumstances of schools, including any church-related schools. The proposal had special provisions for church-related schools, and we do not believe it would have affected the exemption of any nondiscriminatory church-related schools. Before a school would have been classified for special review under the proposal, we would have been required to make a determination whether the school's formation or substantial expansion was related in fact to public school desegregation in the community. If a school's formation or substantial expansion did not coincide with the date of public school desegregation, or if the school was formed or expanded for religious reasons, and not because of such desegregation, then the school's tax exemption would not be challenged. In addition, the proposal would have taken into account any special circumstances limiting a school's ability to attract minority students, such as emphasis on special programs or curricula which are of interest only to identifiable groups without a significant number of minority students.

Finally, you asked about the current relationship between the *Wright* and *Green* cases.

The *Wright* case, challenging IRS administration of this area on a nationwide basis, was dismissed by the District Court for the District of Columbia last November primarily on procedural grounds. The court held that the plaintiffs in the case lacked standing to challenge IRS rules in this area. The case is now on appeal to the U.S. Court of Appeals for the D.C. Circuit.

The *Green* case, on the other hand, was a continuation of an earlier case in which standing had previously been upheld. Nonetheless, the government did move to dismiss the case on procedural grounds, but the court denied the motion and did reach the merits of the case. In its May 5 order the court required the Service to take immediate action to revoke the tax exemptions of discriminatory private schools in Mississippi. The court concluded that the current rules were ineffective in insuring that private schools in Mississippi, the schools subject to this particular litigation, were in fact racially nondiscriminatory. The procedures the court ordered the Service to implement with regard to Mississippi schools are very similar to those procedures which the 1980 Appropriations Act prohibited. Thus the Service must administer one set of rules for private schools located in Mississippi, but, because of the Appropriations Act, a different set of rules for schools elsewhere in the country.

The amendments to our 1980 Appropriations Act have placed the Internal Revenue Service in a very difficult position in administering the law in this area. On the one hand, the Service is under a continuing Federal court injunction to deny tax exemption to private schools which are racially discriminatory, and we have concluded that more effective rules are needed to enforce this nondiscrimination requirement. On the other hand, we are prohibited from issuing any new guidance to our agents and field personnel which they could utilize and rely on to administer the nondiscrimination requirement in an effective and uniform way.

We recognize that this is a very sensitive and difficult issue, and that many have objected to our proposals in this area. If legislation in this area is deemed appropriate, we would hope that the Congressional Committees with tax writing authority would address substantive legislation for the area. In the meantime, however, the Service must make an administrative decision one way or the other. We are concerned that a continuation of these restrictions in the 1981 Appropriations Bill will further exacerbate the problems, and prevent the Service from administering this area in a fair, effective, and evenhanded manner.

For your further information we have attached a copy of Commissioner Kurtz's opening statement before the Subcommittee on Oversight of the House Committee on Ways and Means on February 20, 1979, regarding the proposed revenue procedure. His testimony underscored the need for more effective rules that would adopt the standards used by the Federal Courts in identifying schools which in actual operation discriminate against minority students even though they may profess an open enrollment policy.

Sincerely,

S. ALLEN WINBORNE.

Enclosure.

CHIEF COUNSEL,
INTERNAL REVENUE SERVICE,
Washington, D.C., July 21, 1980.

HON. CHARLES B. RANGEL,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RANGEL: Pursuant to the request of Mr. Signer of your staff, enclosed is a draft of possible new rules concerning tax exempt private secondary and elementary schools. This proposal might either be issued by the IRS as a revenue ruling or revenue procedure, or might be used as a basis for legislation in this area. I am also enclosing a revised version of the Ashbrook amendment, which would continue the general prohibition, but allow the Service to promulgate reasonable and uniform rules in this area.

The absence of more specific guidelines in this area, coupled with the recent judicial action, is creating serious administrative problems in administering the nondiscrimination requirement in a uniform and effective manner, and we appreciate your assistance in seeking resolution of this problem.

Sincerely yours,

N. JEROLD COHEN,
Chief Counsel, IRS.

Enclosures.

PROPOSED RULES GOVERNING TAX EXEMPT PRIVATE SCHOOLS AND RACIAL DISCRIMINATION—MAY BE ISSUED AS IRS RULES OR USED AS A BASIS FOR LEGISLATION

A school must have a racially nondiscriminatory admissions policy in order to qualify for exemption from federal income tax. Rev. Rul. 71-447, 1971-2 C.B. 230. This requirement also applies to church related and church-operated schools. Rev. Rul. 75-231, 1975-1 C.B. 158.

Tax exempt private schools are required to adopt such a policy formally and to publicize the policy annually to the community. Rev. Rul. 75-50, 1975-2 C.B. 587.

In addition, all private schools shall actually operate in conformity with their asserted nondiscriminatory policy. In making this determination, the particular facts and circumstances of each school will be considered under the following rules prescribed by United States Federal Courts.

Pursuant to such rules the tax exempt status will be denied to any private schools:

(1) which have in the past been determined in adversary or administrative proceedings to be racially discriminatory; or which were established or expanded at or about the time the public schools districts in which they are located or which they serve were desegregating, and which cannot demonstrate that they do not racially discriminate in admissions, employment, scholarships, loan programs, athletics, and extra-curricula programs.

(2) The existence of conditions set forth in Paragraph (1) herein raises an inference of present discrimination against blacks. Such inference may be overcome by evidence which clearly and convincingly reveals objective acts and declarations establishing that such is not proximately canceled by such school's policies and practices. Such evidence might include, but is not limited to, proof of active and vigorous recruitment programs to secure black students or teachers, including students' grants in aid; or proof of continued, meaningful public advertisements stressing the school's open admissions policy; or proof of meaningful communication between the schools and black groups and black leaders within the community concerning the school's nondiscrimination policies, and any other similar evidence calculated to show that the doors of the private school and all facilities and programs therein are indeed open to students or teachers of both the black and white races upon the same standard of admission or employment.*

In addition, a private school will not be considered racially discriminating under these rules, or subject to any inference of discrimination, if its formation or expansion is not related in fact to public school desegregation, taking into account all pertinent facts and circumstances. In this connection, if a school were formed or expanded for religious purposes, and not for the purpose of excluding minorities, the formation or expansion of the school will not be considered to be related to public school desegregation. Moreover, consideration will be afforded the fact that certain schools, because of their special religious orientation or other special curricula, may not be able to attract a significant number of minorities.

Nothing in these rules should be interpreted as requiring religious schools to accept students who do not subscribe to the school's religious tenets and beliefs or to proselytize for adherents to their religious faith in order to obtain minority students. Recognition of these religious or other special circumstances will not be given if the school is operated with the intent to exclude minorities.●

*Order of May 5, 1980, as amended by order of June 2, in *Green* v. *Miller*, C.A. No. 69-1355 (D. D.C., 1980).

MARRIAGE TAX

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HUBBARD. Mr. Speaker, I would like to insert the text of a letter from attorney Russell L. Croley, Jr. of the firm Shewmaker & Croley, Central City, Ky., regarding the inequity of the so-called marriage tax, which causes married couples to have a higher tax liability than two single persons at the same income level:

I am sure that you receive innumerable letters from constituents complaining about Federal income taxes, but I trust you will not consider my particular objection just another "belly ache" about one of the only two inevitable things in life. I want to point out a most inequitable situation that Congress has created—perhaps unintentionally—which imposes an undue tax burden on millions of Americans.

I was married in June, 1979. Both my new bride and I have income, and therefore, of course, must pay income tax. However, our tax liability for 1979 was increased approximately $1,000.00, according to my CPA, simply because of the marriage. That is, if Julie and I had remained single, our combined tax liability—with the same amount of income—would have been about $1,000.00 less. Try as I may, I can see no valid policy reason for this situation; on the contrary, it is quite evident that this quirk in the Internal Revenue Code encourages cohabitation without the benefit of matrimony. I do not feel, as I know you do not, that this is the type of behavior Congress should encourage.

Furthermore, this state of our law has precipitated numerous "tax divorces" between two working spouses. I am sure you are aware of the case now in the Court in the Washington area in which the IRS is challenging the validity of a dissolution of marriage where the couple continued to live together after the divorce, but filed income tax returns under single status. These types of behavior—sometimes mandated by economic considerations—are disgraceful, and the disgrace falls squarely on the Internal Revenue Code.

I might add that my personal interest in this situation will be considerably diminished in the future when my wife resigns from her employment. However, there are many millions of other Americans who are being wrongfully taxed, and the situation should be corrected.

Trusting that you will give this matter your attention and consideration, I remain,

Yours truly,

RUSSELL L. CROLEY, JR.●

KEY VOTES

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. PEASE. Mr. Speaker, it has become my practice to periodically list in the CONGRESSIONAL RECORD the key votes I have cast in the U.S. House of Representatives.

This list of my key votes is arranged as follows: Each item begins with the rollcall number of the vote, followed by the number of the bill or resolution, and a description of the question on which the vote was taken. This is followed by my own vote on the issue, either Y (for yes), N (for no), or NV (for not voting). Finally, the vote of the entire House of Representatives is indicated by passed or failed followed by the yea-nay vote totals.

The list printed here includes key votes taken between January 22, 1980, and June 5, 1980:

LIST OF KEY VOTES OF CONGRESSMAN DON J. PEASE, 96TH CONGRESS, 2D SESSION

(5) H. Con. Res. 249. Resolution urging that the 1980 Moscow Summer games be moved, cancelled or boycotted as protest of Soviet invasion of Afghanistan. Yes. Passed, 386-12.

(7) H. Con. Res. 204. Resolution for a trade agreement providing products from People's Republic of China most-favored-nation status and thus remove higher tariffs on Chinese goods imported to the U.S. Yes. Passed, 294-88.

(11) H.R. 4788. Amendment deleting authorization for eight water projects, totaling $161 million, for which no complete feasibility reports exist from U.S. Army Corps of Engineers. Yes. Failed, 117-263.

(20) H.R. 5980. Amendment providing for allocated assistance authorization under the targeted Fiscal Assistance Section of the bill according to general revenue sharing formula. No. Failed, 185-221.

(22) H.R. 5980. Amendment to provide that no state could receive more than 12.5 percent of the targeted fiscal assistance during any one quarter. No. Passed, 216-188.

(23) H.R. 5980. Amendment to strike language which requires payment of prevailing wage rates under the Davis-Bacon Act on activities funded with assistance authorized in the bill. No. Failed, 130-266.

(24) H.R. 5980. Motion to recommit the bill with instruction to reduce the authorization for countercyclical assistance from $1 billion in fiscal year 1980 to $525 million. Yes. Failed, 178-215.

(25) H.R. 5980. Bill providing $1 billion in fiscal year 1980 for fiscal assistance payments to state and local governments that experience declines in real wages and salaries. Funds would be triggered by a consecutive quarterly decline in the GNP and would be allocated to the most severely affected governments. Bill also contains provision for a one-time fiscal assistance payment of $200 million in fiscal year 1980 allocated among local governments only according to their distress. No. Passed, 214-179.

(29) H.R. 4788. Bill authorizing $4.3 billion for fiscal year 1981 for construction of new water development projects for navigation, flood control, power and other purposes and to provide one step process of authorization procedure for all water projects along with establishing one-House veto of water projects regulations issued by Corps of Engineers. No. Passed, 283-127.

(44) H.R. 4774. Bill providing any employee who is a member of a religion or sect historically holding conscientious objection to joining or financially supporting a labor organization will not have to do so. A two-thirds majority vote required for passage due to suspension of the rules. Yes. Passed, 349-15.

(60) H.R. 3919. Motion to instruct conferees on windfall profits tax bill to accept Senate provisions which would make available $25.7 billion in residential and business energy tax credits for conservation and alternative energy investments. Yes. Failed, 195-207.

(79) H.R. 6081. Amendment instructing President to encourage the government of Nicaragua to hold free elections within a reasonable time and take into consideration Nicaragua's progress toward holding free elections in giving any additional aid. Yes. Passed, 400-0.

(84) H. Res. 571. Motion to kill resolution to direct the Attorney General to furnish to the House all evidence compiled by the Justice Department and the F.B.I. against members of Congress in connection with the ABSCAM investigation which would have put grand jury proceedings in jeopardy. Yes. Passed, 404-4.

(85) H.R. 3919. Motion on Windfall Profit Tax bill to kill a motion instructing the House conferees not to accept any Senate provision that would reduce revenues going to the highway trust fund. The Senate version of the bill extended the current expiration date for the exemption of gasohol from federal gasoline taxes, which go into highway trust fund from 1984-1988. Yes. Passed, 294-118.

(88) H.R. 6081. Bill authorizing $75 million for Nicaragua and $5 million for Honduras. Yes. Passed, 202-197.

(115) S. 643. Conference report on Refugee Act of 1980. Revising the limit on admissions each year for next three years, establishing more uniform provisions for resettlement, and granting the President authority to raise the 50,000 person limit each year after consultation with Congress. The report authorizes $200 million annually for FY 1980, FY 1981 and FY 1982 for refugee services. Yes. Passed, 207-192.

(121) H.R. 3829. Amendment to cut the authorization for the U.S. contribution to the Inter-American Development Bank (IDB) by $1.2 billion and to reduce the amount for the "soft loan" window from $700 million to $600 million and the amount for callable capital (loan guarantees) from $2.7 billion to $1.6 billion. No. Passed, 219-170.

(122) H.R. 3829. Amendment to cut the authorization for the U.S. contribution to the Asian Development Bank (ADV) by $265 million from $445 million to $180 million. No. Passed, 210-189.

(143) H.R. 3919. Conference report on Crude Oil Windfall Tax Profit Bill. It imposes an excise tax on various categories of domestic oil production, projected to raise $227.7 billion by 1990. The legislation includes a package of energy tax credits for business and homeowners, provisions which repeal the carryover basis for taxing inherited assets, and exemption from individual income taxes of up to $200 in bank interest and stock dividend income. Yes. Passed, 302-107.

(166) H. Res. 608. Resolution directing the Standards of Official Conduct Committee to conduct a full and complete inquiry and investigation of alleged improper conduct that had been the subject of recent investigation (known as ABSCAM) by the Department of Justice and F.B.I. to determine whether any member or House employee had violated the code of Official Conduct or any law, rule, regulation or other applicable standard of conduct. Yes. Passed, 382-1.

(186) S. 662. Motion instructing conferees to restore House-passed amendments cutting overall U.S. contributions to the International Development banks from $4 billion to $2.5 billion. The bill contains the U.S. contribution for 1979 through 1982 to the Asian Development Bank, Inter-American Development Bank, and the African Development Fund. No. Passed 211-180.

(189) H.J. Res. 521. Amendment to increase appropriations to $500 million to allow for pre-mobilization draft registration

and for examination and classification of the registrants. No. Failed, 45-363.

(190) H.J. Res. 521. Amendment to increase the appropriation from $4.7 million to $13.3 million to provide for a peacetime registration for the draft instead of just the machinery for a post-mobilization draft. No. Passed 218-188.

(192) H.J. Res. 521. Bill to authorize the transfer of $13.3 million already authorized in FY 1980 funds for resumption of draft registration of 18-20 year old males. No. Passed, 219-180.

(206) H. Con. Res. 307. Amendment to first FY 1981 Budget Resolution which would reduce the defense function by $5.8 billion in budget authority and $3.1 billion in outlays and would increase the functions of the budget containing domestic social programs by $9.4 billion in budget authority and $5.4 billion in outlays. No. Failed, 74-313.

(207) H. Con. Res. 307. Amendment which would increase budget authority by $5.5 billion and outlay by $5.3 billion to restore funding of many domestic social programs. The amendment also would increase the revenue target by $5.3 billion to reflect the enactment of various tax reforms. No. Failed, 65-352.

(208) H. Con. Res. 307. Amendment to increase budget authority by $1.1 billion, outlays by $740 million, revenues by $800 million, and the surplus by $60 million. The increases in budget authority and outlays consist of increases in domestic social programs of $1.6 billion in budget authority and $1.2 billion in outlays offset against reductions of $425 million in budget authority and outlays for consultants, printing and film procurement. The $800 million increase in revenues reflected foreign oil tax credits reform. Yes. Rejected, 201-213.

(212) H. Con. Res. 307. Amendment to increase defense outlays in FY 81 budget by $5.1 billion and to cut $5.1 billion from CETA public service jobs, from child nutrition and food stamp programs, from foreign and multilateral aid and from budgets of 17 regulatory agencies. No. Failed, 164-246.

(216) H. Con. Res. 307. Amendment to reduce budget authority by $5.6 billion, outlays by $10.4 billion and revenues by $10.3 billion through tax cuts totaling $30.3 billion and through repeal of the oil import fee. No. Failed, 191-218.

(219) H. Con. Res. 307. Resolution providing for a balanced budget in FY 81 and containing budget aggregates for FY 81 providing budget authority of $694.6 billion, outlays of $611.8 billion, revenues of $613.8 billion and surplus of $2 billion. Yes. Passed, 225-193.

(222) S. 1309. Amendment to reinstate the purchase requirement for food stamps. No. Failed, 112-289.

(228) S. 1309. Bill to increase the FY 79 authorization for appropriations for the food stamp program. Yes. Passed, 320-56.

(234) H.R. 6974. Amendment to delete the $1.55 billion research and development authorization for the MX missile program and basing system. No. Failed, 82-319

(237) H.R. 6974. Amendment to delete $500 million for research and development for the MX missile basing system and to specify that the remaining $66 million in authorized funding be used to study alternative modes for the MX missile system. Yes. Failed, 152-250.

(249) H.R. 6974. Amendment to provide that public or private land not be withdrawn for the MX/MPS system until the Secretary of Defense provides an impact statement with proposals to address impacts and a study of split basing. Yes. Failed, 135-268.

(250) H.R. 6974. Bill to authorize appropriations for fiscal year 1981 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles and torpedoes and to evaluate the personnel strength of the Armed Forces and the Reserves and for civilian personnel of the Department of Defense, for military training, student loans, and civil defense. Yes. Passed, 338-62.

(261) H.R. 6942. Amendment to strike language reducing the number of committees notified about CIA covert operations to the Intelligence Committees prior to initiation. No. Failed, 50-325.

(273) H. Con. Res. 307. Motion to instruct conferees on budget for fiscal year 1981 to agree to national security figure of $153.1 billion in outlays and $171.3 billion in budget authority. Yes. Failed, 123-165.

(280) H.J. Res. 554. Joint resolution to make an appropriation for the Federal Trade Commission for the fiscal year ending September 30, 1980. Yes. Passed, 236-106.

(288) H.J. Res. 531. Joint resolution to disapprove of the imposition by the President of fees on the importation of crude oil and gas. Yes. Passed, 376-30.

(290) H.R. 7428. Bill to extend the present public debt limit through June 30, 1980. Yes. Passed 208-198.

(299) H.R. 6942. Amendment to reduce by 10 percent the overall authorization of appropriations for fiscal year 1981 for international security and development assistance excluding assistance for Israel and Egypt, UNICEF, peacekeeping operations, American schools and hospitals abroad, international narcotics control and migration and refugee assistance. No. Passed, 243-131.

(300) H.R. 6942. A bill to authorize appropriations for fiscal year 1981 for international security and development assistance, the Peace Corps, and refugee assistance, and for other purposes. Yes. Passed, 221-147.●

YALE UNIVERSITY PRESIDENT ATTACKS INTRUSIVE FEDERAL REGULATIONS

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ASHBROOK. Mr. Speaker, there has been a good deal of commentary recently on the disillusionment of blue-collar workers with their traditional allegiance to big government liberalism. Less observed has been the steady realinement of another traditional liberal constituency: higher education.

Never in our country's history has the Federal Government paid more attention to our colleges and universities, both public and private, than within the last 15 years. But never has the morale of the professoriate been lower than it is right now. The dream of massive Federal aid for research and tuition has brought with it a nightmare of stifling, inflexible, unimaginative Federal regulations.

The larger the Federal apparatus grows, the more self-serving and dimwitted it becomes—transforming everything it touches into its own image of earnest mediocrity. Fortunately, more and more academics are coming to see that the Federal regulatory process—distant, anonymous, fragmented, and addicted to spasms of sanctimonious crusading—is inherently inimical to personal and institutional creativity.

As Yale University President A. Bartlett Giamatti observed in his commencement address last month:

I know there is a new Department of Education in Washington. Its creation in no way speaks to a concern for the quality of education in this country. And no politician has been so graceless as to pretend that it does.

President Giamatti devoted most of his address to a thoughtful and eloquent discussion of the perils of Federal regulation. He explicitly recognized that his analysis was applicable to Federal encroachments on other private activities, not only education. Anyone who cares about academic excellence, but who supported the new Department of Education anyway, should reflect on these remarks.

Here is an abridged text of President Giamatti's address:

PRIVATE CHARACTER, PUBLIC RESPONSIBILITY—THE BACCALAUREATE ADDRESS

(By A. Bartlett Giamatti)

In a private university, we hear constantly from well-wishers and others that the private character of a private university will be lost if we do not beware the federal government and its regulatory tentacles. The private universities and their faculties need little warning. They know that something irreplaceable is lost in relying only on a centralized bureaucracy and its various arms for sustenance or guidance. They know traditions of self-reliance and of self-government, in institutions as in individuals, must be safeguarded. And I assume everyone knows that federal regulation can often be disruptive, or diversionary of resources and energy, or at times blatantly intrusive into the heart of the academic enterprise.

Beginning about a century ago, with the railroads, the federal regulatory process intended to bring equity of treatment into the commercial world. Since then, the intention of regulation by the government has been to overcome obstacles set up by those intent on monopolizing the marketplace or on ignoring the legitimate claims to social goods of the citizenry at large. The intention of regulation, to promote access and equity, cannot be quarreled with. But the effects of much regulation over the last hundred years cannot be regarded with anything but skepticism by those concerned with the Republic. Intent on promoting deeply desirable ends, the regulatory system has often effectively prevented that which it was meant to insure. The process has often become an instance of what it was intended to overcome. The regulatory solvent meant to unblock impediments to the free flow of social goods and commercial efforts has sometimes become not a solvent at all, but a spreading mucilage, self-creating, self-fulfilling, and at worst self-defeating—promoting a potential but unrealized social or commercial benefit often without any discernible regard for the costs or for the potential social injury that may, from another point of view, result; often expressing benign and desirable intent with no awareness at all of the complex, grainy, recalcitrant reality that makes up daily life. The regulatory process distrusts the imagination; the result is that federal regulations represent a threat to the imaginative capacities of the American people second only to daytime television.

The authors of regulations are hard to find. Regulations are created by committees; few are willing to take responsibility for a given spool of federal piety. Legislative histories in the Congress are often unclear, offering only the broad mandate to eradicate all harm. It is usually left to some agency or department to specify the will of the people, an act carried out under the miasma generated by the hot breath of remorseless lobbyists, who have been instructed to disagree or co-opt. I have heard congressmen, who were instrumental in passing a given federal bill, debate how best to subvert its effects now that the agency charged by Congress had begun to work. The agency had begun to encroach upon constituencies dear to the congressmen. I have heard top officers of a Department plot how best to force Congress to take responsibility for what Congress supposedly wanted because pressure "out there" was too intense for the Department to handle. Excluded from this circuit of non-responsibility and evasion is the general citizenry in whose name all this is being done. The regulatory process, often binding lawmaker and bureaucrat in strategies of mutual incomprehension, leaves the absent citizenry cynical and dispirited. If someone tells me that this is how it works and one must take a "mature" or "pragmatic" view of it all, I can only reply that it is in fact not working in the best interests of the public; and that the public distrust of public servants, elected or appointed, has roots deeper than Watergate and many consequences no "insider" ought lightly to dismiss. The regulatory process, viscous, dense and often dangerously intrusive, is its own worst enemy. No government, regardless of how well motivated it is, can paste up again the Garden of Eden.

It is also clear that this process is not always as mindless or closed as I have made it sound. The underlying intentions are laudable and desirable, and the defenders of the process, when confronted with the effects of their good intentions, should ask, pointedly: Where self-regulation is so notably lacking, in the social and commercial world, what is the government to do? Is the government to be irresponsible, feckless, uninterested, withdrawn? Regulation, after all, is the only appropriate and serious response to a situation where any form of self-regulation, self-government, self-imposed sense of responsibility, is lacking. We may object to federal regulation but the government of the United States does promote important social goals, especially when certain segments of society have no strong interest in promoting them or when other deserving or disadvantaged segments of society lack the strength to promote them. After all, federal power and federal regulation were, and are, essential to the promotion of racial justice and the battle against discrimination in this country. Here federal regulation made, and makes, real the public interest. We may well speak of initiative and incentives and imagination and of how a free market or a free people need them, but if imagination and initiative and incentives are only devoted to private purposes, then no responsible government can sit idly by if self-interest is not and will never be coincident with the public interest.

To preach of the public interest and to serve only one's private concerns, in a way that ignores the public interest, is to ask for regulation or for revolution, and a rational people would rather conduct its struggles through the political and judicial systems than in the streets. And yet, if we want a polity less split by competing pressures, less fragmented by interest groups adept in moralistic rhetoric and absolutistic posturing, then all parts of the private sector must become less suspicious of each other and more disposed to mutual cooperation and self-governance. Self-regulation for the public good within the private sector is the only way to convince the citizenry that it need not cry, or allow, for federal regulation. In all sectors, public and private, we desperately need in this country a greater concern for the public interest, and more sensitive understanding of the civic responsibilities of power. We all need to think better of ourselves and to act on the best of our common belief.

If such is the case against federal regulation and if such is the legitimate claim for federal regulation, then the challenge to the private, independent university and college is real and insistent. It is a fact that we depend upon federal help and are subjected to sullen waves of federal control. There is no denying that the federal government is in private university education. Basic research in the physical, medical and many of the social sciences cannot go forward without federal help. Millions of young Americans cannot go to college or university, anywhere, for whatever purpose, without federal assistance. We must recognize that, and recognize that there is no question whatsoever that we must be accountable, in ways appropriate to the work we do, for the public's money. But we must also recognize that more than accountability has been agreed to. There is no point in simply lamenting that this is so, and that a bygone day, before the Second World War, is not with us now. The government's role in financing education is a fact and it cannot change. Nor should we assume that only evil flows from that fact, that all is lost and that our children will only own the ruins of a once-noble private or independent edifice. A healthy, mutually beneficial relationship with government is within the private university's grasp.

It will not be easy to achieve such a relationship. To work toward one in the interests of the nation entails real risks, particularly if collaboration is pursued in an opportunistic fashion on either side, or is pursued by either party only for venal ends. To understand what is at risk and what must never be lost—indeed, what must be, for the nation's good, sustained—let us now turn to the private character of a private university.

The essence of that private character is in the university's independence. That independence, the most precious asset of any private university or college, is what we maintain for ourselves on behalf of America. In our independence, our self-interest as an institution serves and meets the nation's public interest. Assuming, therefore, our need to appreciate and yet responsibly resist the role of the federal government, the central question to pause on here is: In what does the independent character of a private university consist and how does that independent character contribute to America's needs?

In my view, the independent character of the private university is defined by the following features, the first of which obviously does not separate public from private universities but is common to them:

(I) The institution has, and must assert, as its central mission teaching, scholarship, and the dissemination of knowledge;

(II) The institution has, and must retain, the right to act as a fiduciary for itself;

(III) The institution has, and must defend, the right to define free inquiry for the truth for itself;

(IV) The institution has, and must maintain, the right to set standards for admission, for appointments and for the assessment of excellence, consistent with its human and intellectual values, for itself;

(V) The institution has, and must sustain, the right to govern itself according to those traditions and values it has learned to cherish and defend and disseminate;

(VI) The institution has, and must promote, its civic role in supporting and strengthening the country's fundamental values through constructive criticism, open debate and freedom, within and without, from coercion of any kind.

Those are the features of the independent character of a private university. When federal intrusion (or anyone else's) threatens that independent character, that intrusion must be resisted.●

EXECUTIVE COMMUNICATION NO 4726

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ASHLEY. Mr. Speaker, following is a copy of Executive Communication No. 4726 from the Department of Commerce in explanation of the draft bill which was introduced in the form of H.R. 7798, to amend the Fishery Conservation and Management Act of 1976 to provide for representation of the Northern Mariana Islands, and for other purposes.

THE SECRETARY OF COMMERCE,
Washington, D.C., June 26, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed for consideration by the Congress are six copies of a draft bill to amend the Fishery Conservation and Management Act of 1976 to provide for representation of the Northern Mariana Islands, and for other purposes, together with a statement of purpose and need in support thereof.

We have been advised by the Office of Management and Budget that there would be no objection to the submission of this legislation to the Congress from the standpoint of the Administration's program.

Sincerely,

PHILIP M. KLUTZNICK,
Secretary of Commerce.

Enclosure.

STATEMENT OF PURPOSE AND NEED

SECTION 1. AMENDMENTS TO PROVIDE FOR REPRESENTATION OF NORTHERN MARIANAS

The Fishery Conservation and Management Act of 1976 (FCMA), as amended, (16 U.S.C. 1801 et seq.), among other things, created Regional Fishery Management Councils which are responsible for the preparation of fishery management plans as well as for certain fishing activities conducted in their respective geographical areas of authority. The Fishery Management Councils are comprised of the States located in their areas of authority. The term "State" is defined in Section 3(21) to mean not only the several States but other entities including any Commonwealth, territory, or possession of the United States. At the time of the FCMA's enactment, the Trust Territory of the Pacific Islands was intentionally excluded from its coverage. As a result, the Western Pacific Council presently is comprised of the States of Hawaii, American Samoa, and Guam. By Presidential Proclamation of October 24, 1977, the FCMA was made applicable to the Northern Mariana Islands. This Proclamation carried out the

provisions of Public Law 94-241, The Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. As a result of the foregoing the FCMA should be amended to include formally the Northern Mariana Islands in the Western Pacific Council. In this connection it is necessary to add two new members to the Council, which now had eleven (11) members, so as to give the Northern Mariana Islands representation and to keep an odd number of members as is the case in all Councils.

The Western Pacific Council does not have under its area of authority the islands of Wake, Howland, Baker, Jarvis, Johnston, Palmyra, Midway, and Kingman Reef, although under the FCMA, they are considered States to which the FCMA applies. Therefore, Section 302(a)(8) of the FCMA should be further amended to give the Western Pacific Council general jurisdiction over this area.

SECTION 2. AMENDMENTS PERTAINING TO FOREIGN RECREATIONAL FISHING

Participation by foreign vessels in U.S. recreational fishing tournaments has been greatly restricted by the FCMA. Since the Act in general refers only to "foreign fishing" without distinguishing commercial from recreational, a nation whose vessels wish to fish recreationally in our zone must negotiate governing international fishery agreements (GIFA's), receive allocations, and obtain permits. Where the foreign nation seeks commercial access to the fishery conservation zone (FCZ), the existing process could presumably be used to permit recreational access also with suitable annotations in the GIFA, the permit applications, and the permits. However, the existing process seems unduly cumbersome for recreational activities, and has been a deterrent to foreign participation. If the United States does not ease the requirements for foreign recreational fishermen, there is the likelihood that other countries may impose equally restrictive requirements for U.S. recreational fishermen. In addition, if recreational access only is desired, then the FCMA process looks even more cumbersome. On the other hand, the possibility exists that a broad exemption could allow abuse or, in the aggregate, a significant leak in catch statistics.

The bill would provide a limited exemption for foreign nationals to be granted permits by the Secretary of Commerce for recreational fishing vessels to fish in recreational fishing tournaments conducted in the fishery conservation zone. Any fish caught by permitted foreign recreational vessels in a tournament would not count against the TALFF, or allocation, (if any) to the flag nation. A new Section 204(d) has been drafted to establish the exemption.

SECTION 3. AMENDMENTS TO TITLE III

Annual reports

Section 305(f) requires the Secretary of Commerce to submit a report to Congress and the President on March 1, covering certain Council and other activities undertaken in the previous calendar year. Since Section 302(h)(4) does not require the Councils to submit a comparable report to the Secretary until February 1, a March 1 date is unrealistic. In addition, the report required by the FCMA is largely duplicated by the National Marine Fisheries Service Annual Report required by the Fish and Wildlife Act of 1956, as amended. Therefore, these reports should be consolidated. To accomplish this, Section 305(f) would be amended to change March 1 to July 1 and Section 302(h)(4) would be amended from February 1 to May 1. This will allow the Councils and the Secretary sufficient time to prepare comprehensive reports.

Submission of data

The FCMA provides specifically that, where there is an approved fishery management plan, fisheries data is to be submitted to the Secretary with respect to the fisheries managed by that plan. Sec. 303(a)(5). However, the Act does not specifically provide for collection of similar data with regard to fisheries in possible need of management but as to which approved fishery management plan has not yet been prepared. The same types of data as are required under Section 303(a)(5) are also needed by the Councils and the Secretary to prepare the initial fishery management plan for a fishery not yet under management. Regional councils are experiencing difficulties in preparing these initial plans because of lack of data. Sections 3 (c) and (d) are sought to clarify the authority of the Secretary to require the submission of fisheries data concerning fisheries as to which there is no existing plan and to establish that such data will be treated with the same confidentiality as fisheries data collected in connection with an existing plan.

Publication of management plans

Section 305(a) presently requires the Secretary to publish in the Federal Register an entire fishery management plan or any amendment thereto prepared and approved under the provisions of the Act. Printing the entire plan or amendment in the Federal Register is far more costly than merely publishing a Notice of Availability and separately printing copies of the document. Roughly speaking, publishing an entire plan in the Federal Register costs about $21,000, whereas publishing a Notice of Availability and printing 500 copies of the plan separately costs approximately $1,600 per plan. If the Notice of Availability contains a detailed summary of the plan or amendment the interested public will be able to respond to the proposal and will not be deprived of any rights to participate in the rulemaking.

Emergency regulations extension

Section 305(e) provides that emergency regulations to implement a fishing management plan may remain in effect for not more than two 45-day periods. Past experience reveals that the 45-day period is too short. Section 305(a) requires a 45-day public comment period on proposed final regulations. Executive Order 12044 extends that period to 60 days for significant regulations. The result is that there is inadequate time to analyze public comments, and take other related action in emergency situations. If the number of days emergency regulations could remain in force and effect were increased from 45 days to 90 days the possibility of having an unregulated interval of time between the termination of the emergency regulations and the adoption of final regulations would be diminished. The amendment to Section 305 would so provide.

Criminal penalties

Section 309 of the FCMA provides for criminal penalties, including imprisonment, for certain violations of the provisions of the FCMA, as well as for offenses such as assault, resisting arrest, or other interference with enforcement officers. Under the FCMA, imprisonment is an available federal penalty against foreign fishermen who fish in the FCZ without a permit or who fish in the territorial sea. Upon consideration, it seems that imprisonment is not an appropriate penalty under federal law for violations of a pure fisheries nature, that is, those violations which do not involve assault, resisting arrest, or interference with enforcement officers. Domestic fishermen are already not subject to such a penalty. The bill would result in foreign fishermen being similarly treated, by removing imprisonment as a type of punishment available under subsection 309(b).

With respect to violations in the FCZ, imprisonment is not in accord with customary international law or the practice of most foreign countries and is prejudicial to our own fishermen fishing in areas in which foreign countries exercise fisheries jurisdiction. In several instances, moreover, U.S. fishermen have been incarcerated in foreign prisons for fishing violations. If imprisonment were eliminated as a penalty for fisheries violations in the FCZ, the United States would be in a much better position to attempt to call upon other countries to avoid imposition of such penalties. With respect to fisheries violations within the territorial sea, the United States clearly has authority under international law to imprison violators. However, the logic which leads to the conclusion that imprisonment is not an appropriate penalty for violations of a pure fisheries nature applies equally to offenses committed in the territorial sea or the FCZ.

Under the FCMA, a state is free to establish its fisheries regime within the territorial sea. As part of that regime, a state could establish criminal penalties, including imprisonment, for all persons who fish in the territorial sea in violation of state-established rules. Section 309, either as originally enacted, or as proposed to be changed by this amendment, does not alter existing state jurisdiction or authority.

Coast Guard report

Section 311(a) requires the Secretary of the Department in which the Coast Guard is operating and the Secretary of Commerce to submit semiannual reports, regarding the degree and extent of known and estimated compliance with the provisions of the Act, to the Committee on Merchant Marine and Fisheries of the House of Representatives, the Committee on Commerce and Foreign Relations of the Senate, and the various Fishery Management Councils. The Department of Commerce believes that this semiannual report provision should be replaced with a requirement for an annual report due not later than a specific date. Such a change would ensure adequate time for data collection and assessment, as well as report preparation and distribution. An appropriate date to specify would be June 30.

Sale of seized fish

Section 310(d)(2) authorizes the sale of seized fish "subject to the approval and direction of the appropriate court . . ." While court-ordered sale is an appropriate disposition procedure when the fishing vessel has been seized together with its cargo of fish, or when the amount of fish seized is small enough to be stored by the Government, the Departments of Commerce and Justice have found the procedure too time-consuming to be useful in cases where large amounts of perishable fish are involved. In such situations, the time required to prepare the necessary court papers, present them to an available judicial official, and return to the docks with the court order, is sufficiently great to insure that the fish by then have little or no value to a processor. The amendments follow the approach of other laws that anticipate seizures of perishable fish, including the Tuna Convention Act of 1950, 16 U.S.C. 959(e), and the Atlantic Tunas Convention Act of 1975, 16 U.S.C. 971f(a)(4).

SECTION 4. THE AMENDMENTS TO DOCUMENT THE VESSEL M/V OLWOL

The M/V OLWOL is a vessel which was acquired from Japan for Trust Territory war

reparation under the terms of the April 18, 1969, Agreement between the U.S. Government and the Government of Japan for the settlement of Micronesian War Claims. Under the terms of the Agreement, the Government of Japan made available 1.8 billion Yen to be used for the purchase of Japanese goods and services for the Trust Territory. The M/V OLWOL was one of the items purchased with these funds. The vessel is owned by the Government of the Trust Territory, which has given custodial responsibility to the Government of the Northern Mariana Islands.

Under the FCMA, vessels engaged in fishing in the waters around the Northern Mariana Islands must be documented as United States vessels or must have a foreign fishing permit. United States vessel documentation laws, however, prohibit foreign-built vessels over five net tons from fishing in the territorial sea and the fishery conservation zone established by the FCMA. Thus, the M/V OLWOL, owned by the Trust Territory and in the custody of the Government of the Northern Mariana Islands, is prohibited from fishing in the waters around the Islands as a vessel of the United States. This situation is an undesirable and inequitable one, which is corrected by provisions in Section 4 of the bill that would authorize and direct the Secretary of the department in which the Coast Guard is operating to cause the M/V OLWOL to be documented as a vessel of the United States, upon compliance with the usual requirements, with the privilege of engaging in the coastwise trade and the fisheries.●

THE MONETARY RECONSTRUCTION AND MORTGAGE RELIEF ACT OF 1980

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. NOLAN. Mr. Speaker, the failure of the Carter administration's economic policies requires that Congress move quickly with its own comprehensive program for economic recovery. I am, therefore, introducing the Monetary Reconstruction and Mortgage Relief Act of 1980.

The bill is a comprehensive economic package designed to reduce U.S. dependence on imported oil, to halt inflation by establishing wage and price controls and by placing a ceiling of 3 percent on interest rates, to establish closer supervision of the Federal Reserve System by authorizing a congressional veto of Federal Reserve Board decisions, to raise to parity levels the prices of U.S. grain sold for export, to achieve a balanced Federal budget, and to provide emergency mortgage assistance to homeowners and farmers who find it difficult to continue making their mortgage payments because of the recession and its accompanying adverse economic conditions.

Most of the provisions of my bill have been introduced separately by other Members of Congress and Senators. I have introduced the measures as one bill designed to get our economy back on the road to recovery without resorting to high interest, high unemployment, or bankrupting agriculture.

None of the bill's titles, except the one providing mortgage relief, will require additional budget outlays. The emergency mortgage assistance provision is an interim measure, the need for which will pass when economic stability is restored. In any case, outlays for emergency mortgage assistance will be offset by savings to the economy which will accrue from a reduction in the U.S. trade deficit—accomplished by restricting oil imports and by increasing the prices paid for U.S. grain exports—and from halting inflation by establishing wage and price controls, and by putting a 3-percent ceiling on interest rates.

The comprehensive economic bill also includes a balanced budget provision. The budget cannot be balanced in the absence of other actions to halt inflation and generate economic activity. But, in the context of my bill for monetary reconstruction, achieving a balanced budget becomes less rhetorical and more feasible.

I urge your support for the Monetary Reconstruction and Mortgage Relief Act of 1980. Achieving energy independence and restoring individual purchasing power in industry and agriculture, as the bill provides, will halt inflation and will balance both the economy and the Federal budget.

A summary of the bill follows:

THE MONETARY RECONSTRUCTION AND MORTGAGE RELIEF ACT OF 1980—SUMMARY OF TITLES

TITLE I—ENERGY CONSERVATION AND RATIONING

Originally introduced by Congressman Stephen L. Neal, this title requires a 20 percent cutback in foreign oil imports within one year. The planned cutback will trigger the Standby Gasoline Rationing Plan and will reduce our foreign oil bill by almost $18 billion, thus reducing the trade deficit by that amount and strengthening the value of the dollar.

TITLE II—EMERGENCY WAGE PRICE CONTROL ACT OF 1980

Introduced by Senator Edward Kennedy in April 1980, Title II requires the President to impose a freeze, and then to control, prices, wages, rents, dividends, profits and interest rates. The wage and price control measure is a temporary initial step to stop inflation immediately while more fundamental structural economic reforms are put into place. Title II differs from Senator Kennedy's bill largely in that employee stock ownership plans are exempt.

TITLE III—INTEREST RATES

Places a ceiling of 3 percent on interest rates and provides for civil penalties for violators. The interest ceiling will prevent the Federal Reserve System and monetary theorists from ever again causing inflation to surge by allowing interest rates to climb to usurious levels.

TITLE IV—DISAPPROVAL OF ACTIONS REGARDING MONETARY POLICY

Authorizes a congressional veto (both Houses concurring) of actions taken by the Federal Reserve Board or the Federal Open Market Committee, thus making the Federal Reserve System accountable to the people of the United States through their elected representatives.

TITLE V—EXPORT SALES OF GRAIN

Similar to a bill originally introduced by Rep. James Weaver, Title V prohibits the sale or exchange for export of U.S. grain at prices less than parity, thus reducing the trade deficit by increasing exchange earnings from our agricultural exports.

TITLE VI—BUDGET ACT AMENDMENTS

Originally introduced by Senator Max Baucus, Title VI stipulates that three-fifths of both Houses of Congress must vote in favor of a budget deficit before the Federal Government could spend more than it collects, and, in the budget process, requires a separate vote on any tax increase.

TITLE VII—EMERGENCY HOMEOWNERS RELIEF ACT AMENDMENTS OF 1980

Amends the Emergency Homeowners' Act of 1975 by expanding coverage to include mortgagors who operate a farm on their mortgaged property. To compensate for inflation since 1975, the mortgage assistance for qualifying homeowners is raised to $400 per month while qualifying farm owner-operators receive $800 per month. Owners of homes and farms thus will be eligible for emergency mortgage assistance if economic circumstances beyond their control (recession and adverse economic conditions) threaten to cause widespread foreclosures and distress sales of homes and farms.●

EDITORIALS FAVOR DRAFT REGISTRATION FOR NATIONAL SECURITY PURPOSES

HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. CHAPPELL. Mr. Speaker, on Friday July 18, 1980, a special three judge district court in Philadelphia invalidated the registration provision of the Military Selective Service Act recently passed by this Congress and signed by the President.

As you know, subsequently the Federal Government filed an application requesting the U.S. Supreme Court to grant a stay on the lower court's action. In an in-chamber opinion, Supreme Court Justice William J. Brennan granted the stay which allows the Government to begin the registration process until the matter is reviewed by the entire Court.

The actions by the judiciary have once again brought this issue into public focus. It is, therefore, timely to call my colleagues' attention to two recent and excellent editorials on this most vital subject. One appeared in the Clay Today, June 12, 1980, issue and the other in the June 19, 1980, Daytona Beach Morning Journal. Their message is well worth keeping in mind: world turmoil could threaten the security of these United States. Certainly the world we live in has not been less dangerous in the past month.

The text of the editorials follows:

REINSTATE DRAFT REGISTRATION

Congressional action on renewal of peacetime draft registration appears headed for conclusion today as senators prepare for a final vote on the matter.

The Senate in recent days saw a futile but prolonged filibuster effort to delay the pro-

gram. But supporters of the plan have apparently succeeded in mustering enough backers to approve it.

The House-passed program would require an estimated 4 million young men to register this summer.

The registration plan calls for spending $13.3 million to sign up 19- and 20-year-old men at local post offices, probably in mid-July. Two weeks would be set aside for registration—one for persons born in 1960 and one for persons born in 1961. Failure to register would be a felony that would carry a maximum penalty of five years in prison and a $10,000 fine.

Legislative experts are predicting the Senate could stay in session until noon Saturday before a vote could be forced on the issue.

We find it amazing that our senators must argue and debate among themselves at a time when world turmoil could threaten the very security of these United States.

Coupled with reports that our military effectiveness continues declining while the Soviet Union and other communist countries build theirs, it is certainly time someone sounds a very loud alarm.

Our senators' wrangling over a much needed emphasis on our armed forces sounds very similar to the story of Nero playing his fiddle while Rome burned to the ground.

Draft registration is not required military conscription, such as is the case in several European countries. There, efforts are no doubt prompted by grim memories of invading armies that sought world domination 40 years ago.

America, through a geographical blessing, has not faced major invasions from neighboring countries.

In the years following the Vietnam War, we "turned off" to a military buildup. This nation's enemies have not.

In the event of a major conventional war in which armies must face each other, will the United States be prepared? We think not.

Reinstatement of draft registration would prepare this country in the event a major conventional conflict should occur. Without an available list of ready men and women who could serve, we would be that much further behind.

We do not suggest turning our nation into an armed camp. But we must be ready.

Military analysts predict it would take many costly weeks for the U.S. to mobilize an effective combat force. Others say it would take months.

Could our All-Volunteer armed forces meet this demand? It's not likely.

Today's military personnel ranks are not what they should be despite massive campaigns conducted by Madison Avenue advertising firms. They pretentiously convey military service more as a romantic adventure or vacation than the rigorous, disciplined and oftentimes tedious environment that it is.

We hear talk concerning the outrageous amount of funds spent on the military. New York advertising firms do not come cheap. Bonus money to induce men to join combat units does not grow on trees. Taxpayers must foot the bill for massive amounts of pamphlets, billboards and slick campaigns aimed at telling how nice it would be to put on a uniform.

We feel these efforts are misdirected.

Reinstate the draft. Divert enlistment campaign dollars to build and update military equipment and pay our military personnel what they're worth to the safety and well-being of our nation.

There are two directions the nations of this world can go in when they cannot settle by peaceful means conflicts that continually arise. The choice between conventional and nuclear war is a grim one indeed.

The future of this nation rests in facing the possibility that it may be forced into armed conflict in the future.

With reinstatement of draft registration, we would be one step closer to preparedness.

READINESS THE KEY TO NATION'S DEFENSE

Congress is on the verge of passing a draft registration bill, and a record peacetime defense budget also is nearing final approval.

Both moves should help the nation maintain and improve its military defenses. But whether they will really help the military overcome its main problem remains to be seen.

While the U.S. has the best and most sophisticated military hardware in the World, and while raw manpower isn't really a problem there's an emerging consensus that the nation's ability to defend itself is being seriously undermined by a lack of essential, highly trained personnel.

Evidence of the lack of skilled servicemen is abundant in all branches of our armed forces.

Though our sophisticated fighter jets are unmatched in performance capability by those of any other nation, roughly 50 percent of the military's jet fleet is grounded at any one time because the services lack the highly trained personnel needed to fly and maintain modern war planes. Though sophisticated new Navy ships are being built, there are serious questions whether there will be crews able to man them. Earlier this year, the Navy had to take one ship out of service temporarily because of a lack of trained crewmen. All branches of the armed forces report such problems.

Absence of trained manpower insidiously undermines the nation's military might. We can have the best, most technologically sophisticated military hardware in the World, but it will be of little use when we really need it if we don't have men trained to run and maintain it.

Reasons for the lack of trained military manpower are many, but the primary one has to be compensation. Most new recruits would be better off financially working in fast food restaurants. Sadly, more and more service families are qualifying for food stamps and welfare.

Air Force maintenance crews work for less than a quarter of the hourly pay earned by their civilian counterparts. A military computer programmer typically can increase his pay $10,000 a year by leaving the service and going to work for a civilian employer.

More and more servicemen in skilled positions are quitting, and doing so at an unexpectedly high rate. This creates burdens for those who keep serving. They face longer and longer tours of duty, and greater and greater strains on their family life. Some of them feel forced to quit. It becomes a vicious circle.

Another problem, a legacy of the Vietnam war, is the lack of prestige afforded men in the armed services. Instead of enjoying the respect they deserve for their patriotism and personal sacrifice, many servicemen, particularly younger ones, are scorned by their peers.

The military's lack of trained manpower is a growing and potentially critical problem that requires the attention of Congress and leading military officials and planners. Registration, if it leads to a draft, could help.

But the key to meeting the problem probably will be to start paying more competitive salaries to highly trained servicemen. They might be a better investment for defense than some of our expensive military hardware.

It also would help if servicemen once again start getting the respect they deserve for their sacrifices that enable the rest of us to enjoy freedom and security.●

THE CANCER OF COMMUNISM

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. DAN DANIEL. Mr. Speaker, the July 1980 issue of the periodical, the Retired Officer, contains an editorial by Col. Minter L. Wilson, Jr., U.S. Army, retired, which should be read by all Members, particularly those who believe that Communists can be "good guys." The editorial points out that basically there are no variants of communism—it is all bad. The article follows:

THE CANCER OF COMMUNISM

"Anyone not hopelessly blinded by his own illusions must recognize that the West today finds itself in a crisis, perhaps even in mortal danger."

—Aleksandr Solzhenitsyn

The statement above is the lead sentence in another remarkable article ("Misconceptions About Russia Are A Threat to America," *Foreign Affairs*, Spring 1980), by the Russian expatriate and winner of the Nobel Prize for Literature (1970), now living in Vermont. He says the ultimate cause is our blindness—60 years of it—to the true nature of communism.

In this month when we traditionally celebrate the freedom which is so precious to Americans, when we see refugees swarming ashore from communist tyranny in Cuba, boat people still escaping Vietnam, starving Cambodians crossing into Thailand, the communist yoke firmly tightening onto the necks of the Afghanis and all of Eastern Europe still under the Soviet heel, perhaps it is time to stop, listen and reflect on Solzhenitsyn's message.

Solzhenitsyn, who spent the entire 55 years of his Soviet life in the remoter areas of the U.S.S.R., draws a clear distinction between the territory—Russia—where the disease of communism first seized control and the Russians who live there. He says the word "Russia," for present-day purposes, can only be used to designate an oppressed people or else to point to a future nation liberated from communism. To emphasize that view, he points to Brezhnev and his ilk as those who have connived at the ruin of their own people in the interests of foreign adventures, who have destroyed the national way of life and kept the people in hunger and poverty for the last 60 years. Communist leaders are alien to their people and indifferent to their suffering, he says.

There are those who to this day cherish, glorify and defend communism. Those who have seen it in operation, "personal and up close," know its evil menace to the world and grasp its implacable nature. Others fail to understand the "radical hostility of communism to mankind" and that no "better" or "kinder" variants exist. The ideology cannot survive without using terror. "Consequently, to coexist with communism on the same planet is impossible. Either it will spread, cancer-like, to destroy mankind, or else mankind will have to rid itself of communism."

Scholars of Russian history and the present-day Soviet Union come in for scathing denunciation from Solzhenitsyn for their

unwitting adoption of Soviet historiography, under the illusion of conducting independent research, when, in reality, much remains hidden and hushed up. So, the sins of communism are ingeniously ascribed to an age-old Russian mentality. Think how advantageous it is to those who espouse communist ideology, and who seek power through it, to blame its crimes and vices on the traditions of old Russia. But one doesn't have to look far today to discover that, as in the U.S.S.R., the "ideals of the revolution" manifest themselves from the very first in suppression and murder of the people. Through the most arbitrary selection of facts and events, whether it be in the Soviet Union, the People's Republic of China or Vietnam, the "liberals and radicals" who lent so much of their fervor and assistance to these bloody regimes are relieved of a burden on their consciences.

HIGH-MINDED VIEW

Maintaining that the Russians, and others, can only liberate themselves, Solzhenitsyn makes one request:

Please do not force us into the grip of dictatorship, do not betray millions of our countrymen . . . and do not use your technological resources to further strengthen our oppressors.

And offers this advice:

Take care lest your headlong retreat lead you into a pit from which there is no climbing out.

His is a voice, strong in character, made so from suffering and adversity, telling us that crushing burdens can give birth to a contrary process—a process of spiritual ascent. But the process needs nurturing. It is time for sacrifices lest "today's illusory profits return as tomorrow's devastation." We must replace the "sleek god of affluence" with the high-minded view of the world which was ours at the founding.

The cancer of communism is with us. It can only be halted by force from outside or disintegration from within, according to Solzhenitsyn. He says the West faces a greater danger today than in 1939. His hope is that on the eve of the global battle between world humanity and communism, the West will recognize the Russian people as friends of humanity and allies against communism.

"So much has been ceded, surrendered and traded away that today even a fully united Western world can no longer prevail except by allying itself with the captive peoples of the communist world."●

WHAT NOT TO DO ABOUT AMERICA'S CRISES

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ASHBROOK. Mr. Speaker, we are all familiar with the first admonition doctors give us about finding accident victims: "Don't move the patient unless you have to". This is important advice, and it is hard to follow. When we see a fellow human being in pain, our natural reaction is to try to do something, even if it is wrong.

Unfortunately, in dealing with America's domestic emergencies, such as massive unemployment, Congress too often follows the natural desire to do something, anything, and at once. The results have often been the same for the Nation that they would have been for an accident victim: We end up by doing something stupid and harmful, out of the best of intentions. For the victim, the intentions don't help. In the case of unemployment, for example, we start up a public jobs program, which increases the national debt, which results in Government draining capital from the free market, in turn reducing job-creating capital and makes unemployment yet higher.

In these situations, it is conservatives who look especially bad. They are like a crowd of people at an accident who are following medical advice. Someone is lying there in pain, and people just stand around, doing nothing and waiting for the ambulance to come. These people certainly look pretty unheroic, and someone who runs to the victim, picks him up, puts him in a car and rushes him to the hospital looks a lot more humanitarian. The results of his bumbling efforts may be permanent crippling or even death for the victim, but he looks good. The crippled state of our economy is at least partly due to this sort of showy good will on the part of politicians who, above all, want to look good.

Our present crushing tax burden, the entrenched bureauracy, and our regulatory mess are largely a result of showy bungling. Congress throws together a massive program for the latest emergency, the energy crisis, jobs for minorities, air pollution, inflation, unemployment, and a hundred other things, and it looks as if they were doing the job. As my colleague BOB BAUMAN has pointed out, we seem to be passing more and more legislation on a continuing emergency basis. Those of us who want to stop and take a look at where we are going and what we are trying to do are made to look uncaring and almost inhuman.

Twenty years of quick fixes have been enough to do enormous damage even to an economy as strong as ours once was. Even those of us who were most worried 20 years ago could not have believed that we could have been reduced to our present state. Our productivity has fallen below that of many of the countries which, in 1960, hardly dreamed of overtaking us. For the first time in American history our children will have a lower standard of living than their parents. Our machinery, once the envy of the world, is now often vastly inferior to that of other industrialized nations. Our factories routinely use old, outdated equipment that would long since have been sent to the junkyard in Japan or Germany. Why can we not afford new machinery? Because, since 1960, over one-half a trillion dollars worth of new public debt has had to be financed by the American capital market. Money which goes to pay for Government debt cannot be used to buy new machinery or new buildings, and Government has chosen programs instead of job-producing capital.

This is not to say that the Congress ever actually voted to stop investment. Like the fellow who drove the accident victim to the hospital, the Congress has blindly reacted to immediate problems, giving little thought to the long-run results of its quick fixes. Year after year, emergency after emergency, they have looked good, but the cost to the victim, the American economy, has been crippling.

For 22 years, the quick-fixers have looked so good they have controlled both Houses of Congress. The voters have been impressed by their good intentions, as they have rushed to throw together one program after another to solve our national problems. It is hard for Americans to believe that the fellow grabbing the victim and tossing him in his car could be the worst enemy possible for the person he is trying to help.

In a political emergency, the same rule we use in a physical emergency has a lot to be said for it. We must start waiting to act until someone who knows what they are doing arrives on the scene. It is impossible to look at our present situation and believe that the congressional leadership knows how to deal with our national problems. But they want to act, to do something, right now, as they have been doing for 20 years. As a result, they are the worst enemies our victimized economy has.

Government by emergency has put this country into the emergency room. If we are to survive at all, we will have to do more hard thinking and less blind reacting. If America is pushed over the brink of ruin, it will do no good to insist that it was all done with the best of intentions.●

TRAINING THE SOVIETS TO FILL IN THE GAPS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. FINDLEY. Mr. Speaker, the United States relies on its technological superiority to maintain a strategic advantage over the Soviet Union. With the fearsome increase in the quantity and delivery capability of Soviet military forces, this U.S. technological edge could make the difference between deterrence or war, between survival or defeat.

Yet, the United States has been far too lax in controlling the transfer of high technology to the Soviet Union. Some examples are now well-publicized: U.S. technology built the Soviet Kama River plant which produced many of the trucks that rolled into Afghanistan this winter. U.S. precision miniature ball-bearing grinding machines helped the Soviets develop MIRV guidance systems to give their huge intercontinental ballistic missiles pinpoint accuracy. Having enabled the

Soviets to make their ICBM's more deadly, the United States must now pay a second price—a multimillion-dollar MX system to undo the damage our technology transfer policy created.

In the aftermath of the Soviet invasion of Afghanistan, President Carter imposed new, though no doubt temporary, restrictions on high technology exports to the U.S.S.R. This followed congressional action on legislation in 1979 to tighten controls on technology transfer to Communist States.

But the type of technology transfer to the Soviet Union which should arouse the greatest concern for our national security—the training of Soviet scientists and engineers in American universities and research institutions—continues unabated and unfettered. Via federally funded U.S.-U.S.S.R. academic exchange programs, the United States is enabling Soviet citizens to come to this country to acquire critical technological know-how and understanding of vital scientific processes. Much of what these Soviet scientists and engineers study here has a dual-use potential, that is, it has military as well as peaceful applications.

The U.S. intelligence community has actually discovered that some of the Soviet students are assigned to work on defense programs when they return to the U.S.S.R. But this is no doubt just the tip of the iceberg. Given the closed nature of Soviet society and our complete lack of control over the end use of the knowledge we have imparted, we have no way to monitor the whereabouts or the nature of the work of the Soviet students when they go home.

In spite of these facts, no new restrictions have been imposed on United States-Soviet academic exchanges—a program where few restraints have existed in the past. United States-Soviet academic exchanges began in 1958; they have occurred at their current level since the mid-1970's. Approximately 70 Soviets annually come to the United States to study at academic and research institutions while about that same number of Americans go to the Soviet Union. Fifteen to twenty on each side are involved in a Soviet Academy of Sciences exchange program which, despite its name, focuses primarily on economies and the social sciences. About 10 more Soviets and 10 Americans each year are senior research scholars. The remaining 40 from each country participate in the U.S.-U.S.S.R. graduate student/young faculty exchange. This last program offers a 10-month stay in a university or research institutions of the other nation.

There is a disturbing disparity in the research topics pursued by each side in both the senior research and the graduate student/young faculty exchange programs. In 1978-79, for example, all 10 of the U.S. senior scholars researched liberal arts or social science topics while 8 of the 9 Soviet senior scholars specialized in the natural sciences. Again, the 43 American graduate students participating in 1978-79 studied history, literature, music or another liberal arts topic in the Soviet Union while 36 of the 43 Soviet graduate students and young faculty members who came here, on the other hand, studied science, most notably physics and chemistry.

One American thus spent her 10 months in Moscow looking into "The Heroine in the Russian Fairy Tale." Another examined "The Political Attitudes Behind the Assassination of Tsar Paul I" while still another focused on "Performance Practices in Russian Choral Music of the Late 19th and Early 20th Centuries."

The contrast of these topics with those of the Soviet students is startling. One Moscow State University student was in the United States for 10 months researching laser physics, nonlinear optics, and spectroscopy as well as tunable lasers. Another was also interested in lasers—two level atoms in one-mode laser fields. The list goes on. In case these technical topics are initially as inscrutable to you as they were to me, tunable lasers and two-level atoms in one-mode laser fields both relate to separating out parts of complex atoms. This field is still in its infancy though we are already certain of its implications for chemical warfare.

Many of the Soviet graduate students and young faculty members, in fact, spend their time here working on advanced state-of-the-art U.S. technology and on research in areas in the forefront of American scientific discovery. Aircraft engine design, ship hydrodynamics, and optical signal processing are among the many topics recently pursued with obvious interest for the Soviet Armed Forces. And the Soviets are now surpassing their past record by pushing for greater access to U.S. computer technology through these exchanges.

Part of the reason for the disparity between American and Russian topics is that young American scientists prefer to work in the superior U.S. labs rather than undergo a restrictive and half-productive year in a Soviet institution. Applying for such an exchange scholarship is, of course, a matter of individual choice for Americans. No one forces them to go.

Not so for the Soviet students who are carefully selected by their Government according to the scientific requirements of the U.S.S.R. Furthermore, the Soviet "students" are far older than their American counterparts. Usually, they are at least 35 and already extremely experienced in their field. The Soviet Government carefully analyzes what gaps exist in Soviet scientific knowledge and works to place students in research programs designed to help them fill those gaps. The Soviets insist on placing their students in the very best American universities and science programs: MIT, Cal Tech, Berkeley, and Syracuse are high on the Soviet list.

At one time it may have been easier to restrict Soviet access to high technology of military significance by keeping them out of government labs. However, today each of the armed services awards contracts to U.S. universities for an increasing amount of scientific research with potential military uses. The university research may continue for years before the Government assumes direct responsibility for its further development. Therefore, it is dangerous to give Soviet scientists a free rein for 10 months in U.S. university laboratories. There has, indeed, been more than one case where the Pentagon discovered that a research assistant working on a defense contract in a university lab was actually a Soviet exchange student.

Ironically, Soviets working in American labs have access to equipment which the United States will not agree to sell to the Soviet Union on the grounds that it would damage our national security to do so. In their own labs in the U.S.S.R., they would have to work around the lack of this equipment. Their hands-on experience with this equipment gained during their stint in the United States, of course, undermines the effectiveness of any export embargo. In addition, Soviet familiarity with the state of U.S. technology, its priorities, successes, and failures, provides the Soviets with the insights they need to develop effective countermeasures to our scientific advances.

The threat these exchanges pose to U.S. national security interests is very real. The United States should, therefore, immediately take steps to restrict this critical outflow of U.S. technology to the Soviet Union:

First, we should insist on mutuality in these exchanges. The United States should not be training Soviet "students" in physics and chemistry while Americans are researching 18th century Russian history. The United States must put an end to this one-way flow—an outflow—of U.S. technology.

Second, at the present time, the national security risks of each proposed Soviet student and topic are reviewed by an intergovernmental committee. The committee makes a recommendation on whether or not each Soviet exchange program applicant should be allowed to come to this country for study, based on his proposed program of study and its implications for U.S. security. But the recommendation is not binding. It is merely an advisory opinion which the State Department may then overrule.

The committee recommendations should be binding. And the final decision on whether or not to admit a Soviet student should rest not with the Department of State but with the Department of Defense. The State Department lacks the technical expertise to assess the national security risks of

the potential technology transfer involved. The Defense Department does have this expertise. Also, the foremost consideration for the State Department is international goodwill and good relations; unfortunately, it too often stresses these objectives to the exclusion of all others. But it is U.S. national security interests which must prevail and it is Defense which is most qualified to assure these interests.

Third, the same Defense Department office which would review and make the final decision on these exchanges should, in conjunction with the U.S. intelligence community, develop better information on Soviet technological and scientific priorities and gaps. Proposed topics of study should be checked against these lists to increase awareness in the United States about Soviet scientific objectives. This country should not help Moscow overcome its technological and scientific disadvantages and further undermine the U.S.-U.S.S.R. strategic balance.

The result of these proposed restraints may well be that these academic exchange programs with the Soviet Union will come to an end. Or, future Soviet students in the United States will spend 10 months researching topics such as "The Importance of the American Comic Strip as an Indicator of Social Change in the United States." So be it. There may be a place for United States-Soviet exchange programs to improve understanding between our two nations but it should focus on humanitarian programs, perhaps medicine or cultural affairs. It should not be a one-way drain of U.S. high technology and science which threatens U.S. national security. U.S. security is far more important than the goodwill these programs may produce. And, in the aftermath of the Soviet invasion of Afghanistan, we should clearly recognize the need for a strong U.S. national defense rather than Soviet goodwill.●

THE SANDINISTA TAKEOVER

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. LAGOMARSINO. Mr. Speaker, I wish to bring to the attention of my colleagues further news of the confiscation of an independent Nicaraguan television network—channel 2—at the time of the Sandinista takeover last year.

During the entire history of the operation of channel 2, it was a free and democratically operated television network. Channel 2 at no time actively participated in the Somoza government or in any way gave aid or comfort to the Somoza regime, according to that network's president, Mr. Octavio Sacasa.

In a recent letter to me, Mr. Sacasa described the confiscation of the television network. I call to the attention of my colleagues this correspondence and urge them to heed the words of Mr. Sacasa, who questions the validity of the arguments that Nicaragua is a free and democratic country.

Following the correspondence from Mr. Sacasa is a quotation from Sandinista junta member Humberto Ortega speaking in response to a question about elections in Nicaragua.

Letters from Sacasa and Ortiz Pacheco and quotation from Humberto Ortega follow:

OCTAVIO SACASA,

Key Biscayne, Fla., July 14, 1980.

Hon. ROBERT J. LAGOMARSINO,

Longworth House Office Building,

Washington, D.C.

DEAR REPRESENTATIVE LAGOMARSINO: On June 18, 1980 Atelcap (Association of Television Companies of Centro America and Panama) debated and passed the enclosed resolution. This resolution denounces the Sandinista regime of Nicaragua for their unlawful and anti-capitalistic actions. Specifically, the resolution addressed the confiscation of Channel 2, a privately-owned television network in Nicaragua, without due process or redress. The confiscation of Channel 2 by the Sandinistas is without legal, lawful or moral justification and is a direct threat to the basic human right of freedom of speech throughout Central and South America.

Channel 2 was founded in 1964 by the family of the undersigned, and the undersigned has been its Chief Operating Officer since 1964 and its President since 1970. During the entire history of the operation of Channel 2, it was a free and democratically operated television network, whose only commercial competition was Channel 6, the television station owned by the Somoza Family. Channel 2 at no time actively participated in the Somoza Government or in any way gave aid or comfort to the Somoza regime.

Despite the foregoing, the Sandinistas on July 19, 1979, upon taking over the Nicaraguan Government, also took control of Channel 2 without reason or explanation. To this day, the owners of Channel 2 have never been advised of what legal basis the Sandinista Government is relying on for their actions, nor has any attempt been made to compensate the owners of Channel 2 for the confiscation of their property.

This matter is brought to your attention because of the critical nature of the relationship between the United States Government and Nicaragua, and the substantial aid package that is being offered to the Nicaraguan Government. The aid package is based on a Congressional finding that such aid is merited. Congressman Jim Wright, who toured Nicaragua, reported that the Nicaraguan Government is a free and democratic country. That report flies in the face of all reality as evidenced by the attached resolution and the contents of this letter.

The actions of the Sandinista regime in this instance is in direct contravention of the United States Government's human rights policy. The clear pattern being followed by the Sandinistas is that of the Castro regime where massive confiscation of private industry and violation of human rights occurred without compensation or due process of law.

I would be happy to personally discuss this situation with you and to present any documentation you feel necessary regarding this matter. Your immediate attention is appreciated.

Very truly yours,

OCTAVIO A. SACASA,

President, Channel 2.

JULY 18, 1980.

DEAR SIRS: I hereby respectfully call to your attention the following agreement reached during the last meeting of the Association of Television Stations of Central America and Panama, regarding Televicentro Channel 2 in Nicaragua.

We have been advised, and it has been confirmed that since that very day the new Government of Nicaragua was installed on July 19, 1979, it took possession by force of Channel 2 Televicentro in Nicaragua, and of Radio Station A.B.C., which operated inside the same building, private enterprise companies of independent character and separate from the Somoza Government.

It is our duty to raise our protest before all Nations, as a warning voice, since this abuse of authority signifies an open violation of the freedom to broadcast free thought, aside from the appropriation of private property. We have no doubt that in moments of national emergency the authority of a State can take under its control any means of communication for reasons of security; but this is a measure, as well as Martial Law or the suspension of constitutional guarantees, that by its very nature must be temporary. It is a fact that in the case of Channel 2 Televicentro in Nicaragua and in Radio Station A.B.C., this appropriation has been prolonged for more than ten months, without any explanation of its legal motivation, and that the Government of Nicaragua is not only directing and managing these companies entirely, including their subsidiaries, with a value of over thirty million cordobas, in all its extension and complexity, but it has also fired previous employees, even taking control of the accounting books and of the corporation books containing the stock certificates, which it has been enjoying, and collecting the corresponding payments. The Companies and subsidiaries affected have not received a single cent pursuant to this appropriation, nor even a written explanation about this measure, and they have not been advised by the Government about appropriation or expropriation. All appearances and public statements by the authorities, give the appearance that these companies have arbitrarily been placed under the power and dominion of the State.

Although it is true that at the moment the Revolution successed a Law of National Emergency was published on July 22, 1979, which in its Article 8 stated that "the means of collective communication could be put pursuant to a State of Emergency, to the service of the ends pursued by the State", this disposition of Article 8 was expressly voided by Decree of the National Board of Government number 51 of August 21, 1979, by which all radio stations of Nicaragua not appropriated were returned to their owners, with the sole special exception of Channel 2 Televicentro and Radio Station A.B.C. After rescinding the Decree of National Emergency regarding the means of communication the Government of Nicaragua has no right to illegally retain and continue to occupy that television station and that radio station. And as to the means of public communications, the law in Nicaragua in its Articles 6 and 8 guarantees the "full standing of all Human Rights of the Universal Statement, of the Interamerican Statement, etc.," and Article 8 of that Fundamental Statute specially stresses the unrestricted liberty of thought, both oral and in writing, regulated by the special law. And after-

wards, by Decree No. 383 of the 29th of April, 1980, the Law of National Emergency was totally voided, which makes this illegal appropriation of the only means of private television that there was in Nicaragua more unlawful.

We believe that this appropriation is a flagrant and serious violation of one of the basic liberties of democracy, which is the liberty to broadcast free thought, and it affects the republican constitutional system. Our Federative Institution, which contains all the Television Companies of Central America and Panama, specifically states its formal and strong protest for this outrageous violation of the law, and of the legal system. The occurrence of this appropriation in Nicaragua is a harmful example that can be repeated in any other nation, and damage our own interests, as it has occurred in the case of Nicaragua.

We specially address the authorities of the Government of Nicaragua who openly proclaimed, at the triumph of the Revolution, that they would uphold, as a fundamental principle, the liberty to broadcast free thought and the security of private enterprise which was not contaminated with the Somoza regime. They have not only failed to fulfill their promise to the Nicaraguan people and the other nations, specially in this Continent in this particular case, but they have betrayed the rights of those companies and of all of their stockholders, executives and employees.

Very truly yours,

JOSE J. ORTIZ PACHECO,
President, A.T.E.L.C.A.P.

SANDINISTA JUNTA MEMBER HUMBERTO ORTEGA ANSWERS QUESTION ABOUT ELECTIONS IN NICARAGUA

[Answer] I wish to point out to Compañero David Aragon that on 19 July 1979, our people, with weapons in their hands and the memory of the sacrifice of 50,000 Nicaraguan patriots, decided who they wanted to run the country. On that occasion the people decided that they were the ones who were going to rule themselves when they supported Sandinism. When we talk about elections, we are not referring to a raffle to see who is going to seize power. When we talk about elections, we are not talking about the type of elections the counterrevolutionaries, the betraying bourgeoisie, think we are going to have here. We are not going to have elections as if people did not know who was in power. In other countries elections are held to choose a government; in Nicaragua the people have already chosen their government. The Sandinist people have already seized power. Therefore, when we talk about elections, we are referring to the mechanisms and systems that our revolution is going to implement so that the working people will elect the representatives of their established government in the best and fairest manner. In the future, elections will be held to improve on the representatives of a people who are already in power and who have chosen their revolutionary destiny.●

EXECUTIVE COMMUNICATION NO. 4507

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. ASHLEY. Mr. Speaker, following is a copy of Executive Communication No. 4507 from the Department of State in explanation of the draft bill which was introduced in the form of H.R. 7799 to give effect to the Protocol Amending the Convention for the Preservation of Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed at Washington on March 29, 1979:

DEPARTMENT OF STATE,
Washington, D.C. June 2, 1980.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit for the consideration of the House a draft bill to implement obligations of the United States under the Protocol Amending the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea. The Senate gave its advice and consent to ratification of this Protocol on March 20, 1980.

A section-by-section analysis of the bill follows.

SECTION 2

This section defines certain key terms.

SECTION 3

This section provides for the United States to be represented on the International Pacific Halibut Commission (the Commission) established by the Convention as amended by the Protocol (hereinafter the Convention) by three commissioners to be appointed by the President. One commissioner would be an official of the National Oceanic and Atmospheric Administration; at least one would be a voting member of the North Pacific Management Council who is also a resident of Alaska knowledgeable or experienced concerning the North Pacific halibut fishery. In addition, this section provides for the appointment of alternate commissioners by the Secretary of State, with the concurrence of the Secretary of Commerce.

SECTION 4

This section provides that the Secretary of State, with the concurrence of the Secretary of Commerce, may accept on behalf of the United States recommendations made by the Commission under Article III of the Convention and paragraphs 14 and 15 of the Annex to the Convention.

SECTION 5

This section gives the Secretary of Commerce general responsibility to carry out the terms of the Convention and the Act. It authorizes the Secretary, in consultation with the Secretary of the Department in which the Coast Guard is operating, to promulgate regulations necessary to carry out the purposes and objectives of the Convention and the Act. It also authorizes the Secretary to cooperate with the duly authorized officials of the Government of Canada. Finally, it grants the Secretary, with the concurrence of the Regional Fishery Management Council having authority for the geographic area concerned, authority to promulgate regulations, applicable to nationals or vessels of the United States, or both, which are in addition to, and not in conflict with, regulations adopted by the Commission. Such regulations may not discriminate between residents of different states. If halibut fishing privileges must be allocated between various United States fishermen, such allocation is to be fair and equitable to all such fishermen, reasonably calculated to promote conservation, and carried out so that no particular individual, corporation, or other entity acquires an excessive share of the halibut fishing privileges. Subject to the provisions of the Convention, any allocation shall be made in accordance with rights and obligations under existing federal laws and treaties, including fishing rights, if any, of native Americans.

SECTION 6

This section authorizes any agency of the Federal Government to cooperate at the request of the Commission in the programs of the Commission.

SECTION 7

This section makes it unlawful for any person subject to the jurisdiction of the United States to violate any provision of the Convention, the Act, or any regulation adopted under the Act; to resist or interfere with law enforcement of the Convention and the Act; or to trade in fish taken and retained in violation of the Convention, the Act, or any regulation adopted under the Act. This section also prohibits any foreign fishing vessel, and the owner or operator of any foreign fishing vessel, from engaging in fishing for halibut in the United States fishery conservation zone, unless such fishing is authorized by, and conducted in accordance with a valid and applicable permit issued under Section 12.

SECTION 8

This section provides for the imposition by the Secretary of Commerce of a civil penalty for commission of an act prohibited by Section 7. The amount of the penalty is not to exceed $25,000 for each violation.

SECTION 9

This section makes it a criminal offense to commit certain of the acts prohibited by Section 7—those involving resistance to or interference with law enforcement of the Convention and the Act and fishing by a foreign fishing vessel which is not in accordance with a valid and applicable permit issued under Section 12.

SECTION 10

This section provides for forfeiture to the United States of any fishing vessel used, and any fish taken or retained in connection with or as a result of the commission of any act prohibited by Section 7.

SECTION 11

This section provides for enforcement of the Act by the Secretary of Commerce and the Secretary of the Department in which the Coast Guard is operating. It provides specified enforcement authority to enforcement officers authorized to enforce the Act. In addition, it permits such enforcement officers, in accordance with regulations issued by the two Secretaries, to issue citations to the owner or operator of a vessel which is operating or has been operated in the commission of an act prohibited by Section 7, in lieu of seizing the vessel and fish. The provisions covering warrentless searches and seizures are intended to conform the language of this Act to the Fisheries Conservation and Management Act of 1976. The District Court for the District of Alaska has recently affirmed the legality of such warrentless searches and seizures for fishing violations.

SECTION 12

This section prohibits any fishing vessel of Canada from fishing for halibut in the United States fishery conservation zone unless it has on board a valid and applicable registration permit. It also provides for the Secretary of State, after taking into consideration the views of the Secretary of Commerce and the Secretary of the department in which the Coast Guard is operating, to approve and issue registration permits to fishing vessels of Canada that wish to fish for halibut in the United States fishery conservation zone.

SECTION 13

This section authorizes the appropriation of such sums as may be necessary to carry

out the Convention and the Act, including necessary travel expenses of the United States Commissioners or Alternate Commissioners and the United States share of the joint expenses of the Commission.

SECTION 14

This section authorizes the Secretary of State to provide facilities for office and any other necessary space for the Commission. Such facilities are to be located on or near the campus of the University of Washington.

SECTION 15

This section authorizes the Secretary of Commerce, the Secretary of State, and the Secretary of the department in which the Coast Guard is operating to administer the Act consistent with the terms of the Convention, including the Protocol, on a provisional basis pending the exchange of instruments of ratification in accordance with Article II of the Protocol.

SECTION 16

This section repeals the Northern Pacific Halibut Act of 1937, as amended, as of the ninetieth day after the date of enactment of the Act.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal for the consideration of the Congress and its enactment would be in accordance with the President's program.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary for Congressional Relations.●

BAD YEAR FOR FARMERS BUT STILL HOPE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. FINDLEY. Mr. Speaker, Clayton Yeutter, president of the Chicago Mercantile Exchange, recently made a speech to the Nebraska Bankers Association which gave a good perspective of the farm catastrophe of 1980 and the potential for 1990.

As we move toward the time that we will be rewriting the Federal farm program, we should keep in mind some of Mr. Yeutter's observations as reported by Midlands Business Journal. Here are excerpts of that article:

American farmers will suffer a "catastrophic" year in 1980 and possibly 1981 but agricultural exports potentially could triple by 1990, said the president of the world's second-largest futures market.

"In the short run, it's hard to be optimistic about anything on the agricultural scene," said Clayton Yeutter, president of the Chicago Mercantile Exchange. "The farmers are just going to have to hang in there."

Most damaging this year is the Russian grain embargo, Yeutter said. "We've sent no real message to the Soviets and the farmers are paying the price."

Even more critical is the long-term damage, he said. "We've handed substantial world markets over to our competitors. The Soviets and others are signing long term contracts with other grain suppliers, which puts us out of competition. It's a devastating error that never should have been made."

Yeutter said President Carter is "doing nothing to win support from the agricultural community. It looks as if he is writing off the farm vote as a factor in the election."

By imposing the grain embargo, Carter hurt future trade relations with the Soviet Union, Yeutter said. "I have heard estimates that Russia could have been a 100 million ton customer of United States agriculture products by 1990," he explained. "It will be a long time before that happens now."

After imposing the embargo, Carter should have enacted a set-aside program to offset its effects, Yeutter said. "That should have been done this spring, but it's too late now. Next year we'll just need a greater one that will be more expensive and more disruptive."

Yeutter also criticized Carter's decision to let Russia buy eight million tons of grain next year. "We're not even sure that they will want to," he said.

The U.S. could move more grain into the world market by utilizing such programs as PL 480 (food for peace), or CCC (Commercial Credit Corporation) exports, said Yeutter.

Farmers will need time to "dig out" from 1980's adverse effects, but "the long-term market potential for U.S. agricultural products is phenomenal," Yeutter said. "Ag exports are now about $30 billion per year. I think it's possible to triple that to $100 billion a year by 1990.●

SOME GOOD ADVICE FROM THE PEOPLE OF THE FOURTH CONGRESSIONAL DISTRICT OF KENTUCKY

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. SNYDER. Mr. Speaker, together with our colleagues in the Senate, we manage to fill thousands of pages in the CONGRESSIONAL RECORD with sage comments every year, but I have always contended that does not make us the real experts. Our counterparts in the executive branch generally outdo us, pouring their combined wisdom into tens of thousands of pages in the Federal Register, but that certainly does not make them the real experts either.

The real experts, as far as I am concerned, are the people back home who have to live with the laws, the regulations, and the policy decisions we dish out. They know our laws from daily experience and they know our regulations on a firsthand basis. Congress talks a lot about taxes, but they know taxes, because they are the ones who pay them. Congress talks about inflation, but they meet it at the grocery store every day. Congress talks about energy problems, but they know our energy problems because they sat in gas lines last summer and have to reach deeper into their pockets each time the tank is filled this year. Congress talks about unemployment, but they are the ones looking for work.

This year, as in the past, I asked the experts—the people of the Fourth District of Kentucky—to share their opinions with their Congressman through a questionnaire. As always, the response of the levelheaded people of the Fourth District evidences that they care and are concerned about the direction of their Government. Twelve thousand of them filled out and returned the questionnaires and many of them added their own personal comments and suggestions on a wide range of topics. Their thoughtful remarks have reconfirmed my belief that we would have more answers, fewer problems, and be in much better shape if more of us took the time to listen to the people we represent.

Since the questionnaire dealt with issues which are national in scope, my colleagues should find the results interesting. It is even quite likely that the opinions of the people in Kentucky's Fourth District might reflect the views of a good many of their own constituents. Questionnaire results follow:

QUESTIONNAIRE

Please answer the following questions Yes or No (except No. 3 which requires "a" or "b" response).

1. Do you believe that the proposed military registration is a step toward implementing the draft and precipitating a war? Yes, 33.4 percent; no, 65.2 percent; undecided, 1.4 percent.

2. Do you feel that there is an effort by the Administration to psychologically prepare the American people for military action in the Mid-East? Yes, 57.2 percent; no, 40.8 percent; undecided, 2 percent.

3. Assuming a military deficiency—(a) Do you perceive this as a manpower shortage? or (b) Do you perceive this as a deficiency in weapons, i.e. B-1 Bomber, Trident, MX, Neutron Bomb? (a) 22.9 percent; (b) 51.7 percent; both, 22.9 percent; neither, 0.8 percent; undecided, 1.7 percent.

4. Do you believe that the overthrow of the Shah of Iran was precipitated by this country's insistence on leniency toward dissidents in the cause of human rights? Yes, 47.1 percent; no, 47.1 percent; undecided, 5.8 percent.

5. Do you support major new government incentives to encourage the development of alcohol fuels, gasohol, etc? Yes, 89.4 percent; no, 9 percent; undecided, 1.6 percent.

6. Would you support legislation to encourage savings by exempting the first $100 or $200 of interest income from taxes? Yes, 90.5 percent; no, 8.5 percent; undecided, 1 percent.

7. Do you believe gasoline rationing should be imposed to conserve energy? Yes, 31.1 percent; no, 66.8 percent; undecided, 2.1 percent.

8. Would you support temporary easing of Environmental restrictions if it would speed the increased use of coal? Yes, 84.0 percent; no, 14.8 percent; undecided, 1.2 percent.

9. The Value Added Tax—a form of a national sales tax—has been proposed as a substitute for portions of Income and Social Security taxes. Do you support it? Yes, 25.8 percent; no, 66.0 percent; undecided, 8.2 percent.●

COMMENCEMENT ADDRESS BY KATHLEEN MARY O'BRIEN

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. SOLOMON. Mr. Speaker, it is perhaps an overworked phrase that the future of our Nation depends on our youth. In attending numerous commencement exercises in my district this spring, I had the opportunity to learn what our youth are thinking, and I am now more convinced than ever that our future is in good hands.

What is most encouraging is a clear turnaround in what our young people are thinking, compared to years past. Despite the problems our Nation has experienced in recent years, our potential leaders have a positive view of the future, rather than a negative and unforgiving view of the past.

This trend was clearly evidenced in the valedictory delivered at Minerva High School by Kathleen Mary O'Brien. Coincidentally, Kathleen is the granddaughter of a former House Member, Leo W. O'Brien. I commend her remarks to my colleagues:

COMMENCEMENT ADDRESS BY KATHLEEN MARY O'BRIEN

This is a time for happiness tinged with regret.

Happiness because we've reached a long-sought goal. Regret because we're leaving behind our daily contact with faculty and friends.

But our sadness is eased by knowing that the friendships and the knowledge acquired will endure for a long, long time.

I realize that a valedictory address by a 17-year-old girl at a small Adirondack High School commencement is hardly an Earth-shaking event.

But the occasion is important to me because I'm one of thousands of young people—at the high school and college level—who are expressing their hopes and fears for a new decade—the 1980's.

Certain decades of this century were given nicknames such as the Roaring Twenties and the Fabulous Fifties. Unfortunately, we also have had what some regarded as the *Sick Sixties, and Seventies.*

We graduates are not too young to remember valedictories of recent years, valedictories spoken from platforms like this. They spoke of violence and distrust * * * of anarchy and arson * * * of rejection of patriotism and of destruction of what they called "The Establishment."

Tragically, what they called for came true in great measure. Violence exploded in the academic world. Many of us were led to believe the American System had failed * * * that we were incapable of governing ourselves * * * that brave men and women were weak and cowards were strong * * * that the negative should replace the positive.

Now a new decade has dawned. I hope it will be the great 80's not the hate 80's. I hope that we will dwell more on success than on failure. I hope that we look at our nation—with all its human faults and failures—as one which in the last 20 years has cut the numbers of people living in poverty in half; has created 25 million new jobs; has added more than 10 years to life expectancy and is constantly striving for world peace.

We take the valuable things in this country for granted. We are quick to criticize any infringements upon us but fail to offer any solutions to solve them.

We must change this attitude and learn to deal with problems that affect us personally and nationally.

Let's have done with the silly idea that all men except *me* are fools * * * that all public servants are thieves or drones * * * that government must rule every part of our lives * * * and that technology is a threat to mankind.

I wonder how the false prophets of gloom and doom in our public media would treat Abraham Lincoln if he were President today.

I suspect we would hear more of his warts and his poor bewildered wife than of the Emancipation Proclamation or the Gettysburg Address.

Ladies and gentlemen, my slogan for the 1980's is "Accentuate the Positive, and the Good."

If this be treason to the sloganeers of doom and gloom I say to them—So be it.●

THE TOBACCO PRICE SUPPORT PROGRAM: BLUE CHIP INVESTMENT FOR U.S. TAXPAYERS

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HOPKINS. Mr. Speaker, a little learning is still a dangerous thing, even though Alexander Pope's original observation is more than 250 years old. As a case in point, consider the 1981 Federal budget, which will include an allocation of about $200 million for the tobacco price support program conducted by the U.S. Department of Agriculture. While Congress struggles to balance the budget, some lawmakers who do not know the facts, spurred on by numerous tobacco critics who do not care about the facts, will once again cry for the elimination of that program.

The tobacco price support program is, quite simply, the most successful of all agricultural commodity support programs. It is successful because it meets effectively its goal of assistance to the farmer at a relatively minimal cost which is dwarfed by such positive economic consequences as additional tax revenues nationally, and expanded employment opportunities in a dozen Southern and border States.

Price support programs for agricultural commodities, including tobacco, began during the depression of the 1930's. Congress enacted the tobacco program because it found that tobacco farmers were subject to "uncontrollable natural causes," typically precarious financial positions, and a chronic inability to match supply and demand—circumstances which inhibited the orderly marketing of their commodity. These problems were, and remain today, commonplace among many different types of farmers; thus, it is not surprising to find that the tobacco program is just one among many similar commodity price support programs.

To participate in the tobacco program, a farmer must agree to limit his production as specified by the USDA, which then sets a minimum price for the marketing of tobacco leaf. Because American farmers have long produced tobacco leaf of outstanding quality, most domestic tobacco is sold for prices substantially in excess of the legal minimum. If, however, a farmer's tobacco is not sold at the minimum price, it is taken into the Government pool and the grower receives a loan—not a gift—for the minimum price. The Government later sells tobacco from the pool—when the price has risen—and the grower's outstanding loans, together with interest, are repaid from the proceeds of the sale.

Because virtually all of the loans are eventually repaid, the USDA budget allocation for tobacco price support loans is not an expense in the usual sense of the word. The sole cost of the loan operations to the taxpayer is the amount of any losses on the loans. From the beginning of the program in 1933 through fiscal year 1978, cumulative losses on all tobacco price support loans, including interest, amounted only to $51 million.

In my own district, the Burley Growers Cooperative in Lexington, Ky., announced recently that it would pay bonuses totaling $390,000 on the 1974 burley crop to more than 5,000 individual growers. The bonuses are the result of tobacco sales from the co-op's pool at prices higher than the support price at which the co-op took in the tobacco. In addition, the co-op expects to pay grower bonuses on the 1975 and 1976 crops amounting to $7 million or more. Particularly noteworthy is the Lexington-based organization's perfect record of more than four decades during which it has never failed to repay the principal on loans used to operate its tobacco price support operations.

To put this figure in perspective, compare the results of the tobacco price support program to related Government transactions. One useful benchmark is other agricultural commodity loan programs. In only 1 year, 1978 for example, losses on loans for all agricultural commodity loan inventory operations amounted to $18 billion.

In fact, sales from the tobacco pool during recent years have been vigorous and the U.S. Treasury has made a profit on the loan operations. For example, in fiscal year 1978 there was a net gain of $827,000.

Standing in even more striking contrast is tobacco's direct economic contribution to the American taxpayer over a 46 year span. From 1933 through 1978, Federal and State excises on tobacco products returned about $120 billion to the taxpayer. Federal excise collections on tobacco products during the period amounted to more than $70 billion and the States received about $50 billion.

Senator FRITZ HOLLINGS of South Carolina, chairman of the Senate Budget Committee, has argued with respect to this program that tobacco does more to support the Federal Government than the Federal Government does to support tobacco. Indeed, if the taxpayers could count on a rate of return for all other outlays, similar to that for this blue chip investment, balancing the budget would soon join winged flight on the list of once-staggering challenges now taken for granted.

A study by the University of Pennsylvania's Wharton Applied Research Center showed that in 1977 sales of tobacco products contributed $48.6 billion to the U.S. gross national product. In that year alone, Federal, State, and local governments received $19.3 billion in tax revenue generated by the tobacco industry and its ripple effects in the economy. In 1978, exports of tobacco made a net positive contribution of $1.7 billion to our oil-soaked balance of payments.

If, in the aggregate, the Nation's taxpayers are the principal financial beneficiaries of the program, then so be it; but policymakers in Washington would do well to remember that the program exists primarily to assist the individual tobacco farmer. Tobacco is a labor-intensive crop which can generate a higher income from a smaller plot of land than any other commonly grown agricultural commodity. Thus, required investment in land and machinery is relatively low, when compared to other crops. It is just these characteristics, however, which would make conversion from tobacco to other crops impractical if not impossible.

For these reasons, the tobacco support program is vitally important to the continued operation of many traditional family farms which provide economic security, and in many cases the very means of survival, to approximately 400,000 American farmers and their families.

To be sure, as Congress moves through the appropriations process and attempts to repair the damage done by decades of deficit spending, we must look clearly at every line item, including such programs as tobacco price supports. Regrettably, however, there will continue to be critics with little understanding of the delicate economic balances characteristic of our agricultural system. Clearly, the tobacco price support program has stood the test of time and preserved orderly marketing conditions which have enabled generations of growers to earn a decent living on their farms—helping in the process to slow the demise of the family farm as an American way of life, both economically and agriculturally.●

THE COST OF INFLUENCE PEDDLING

HON. ROBERT S. WALKER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. WALKER. Mr. Speaker, I commend to my colleagues yesterday's lead editorial in the Washington Star—in fact—I suggest they may want to read it twice. Notwithstanding certain loud protestations emerging from the White House, a new "circling of the wagons" has begun and the editorial speaks to the point and raises numerous questions that demand answers.

The article follows:

[From the Washington Star, July 22, 1980]

THE COST OF INFLUENCE PEDDLING

It's no use pretending that anyone's White House would be likely to handle a president's kid brother like a stranger who wandered in off the street—or that, when high executive officials roll out the red carpet (as they seem to have done in the matter of Billy Carter and his lucrative footsie game with the Libyans) they necessarily do so out of corruption rather than courtesy.

Still, the continuing revelations about the Billy Carter affair suggest an unusual solicitude on the part of exalted personages in the West Wing of the White House. And however motivated, they suggest grievous lapses of judgment.

The basic problem, now irrefutably established, is that Billy Carter was acting over an undetermined period of time—and at least since sometime in 1978—as an unregistered "agent of influence" for the despicable regime of Muammar Kadafi—and that the Department of Justice and, later, the FBI were on his trail. Federal law carries serious penalties—not ultimately sought in Billy Carter's case—for citizens who act as unacknowledged agents for foreign governments.

What the emerging record tends to show, moreover, is that far from taking immediate and vigorous steps to distance the White House from Mr. Carter's influence-peddling activities, the president's official family treated him in a fashion quite likely to reinforce the assumption of his Libyan paymasters that he was a good buy and might do good things for them in Washington and elsewhere.

The record shows, for instance, that Mr. Carter enjoyed ready access to both National Security Adviser Zbigniew Brzezinski (a self-described "family friend") and later, through him, to White House counsel Lloyd Cutler. Before one jaunt to Tripoli, high-level briefings by National Security Council officials were arranged. Much later, when the heat from the Justice Department was being turned from simmer to low, Dr. Brzezinski referred the president's brother to Mr. Cutler. Mr. Cutler arranged Washington counsel for him. That counsel, in turn, negotiated with the Justice Department for a consent decree putting a legal end (without penalty) to Mr. Carter's irregular and unlawful status.

The question naturally arises: Was Justice Department enthusiasm for a more vigorous, possibly criminal, approach to the case cooled by the knowledge that Billy Carter was enjoying high-level courtesies in the West Wing? That question is unanswerable on the basis of available information. Our working assumption is that the solicitude of Mssrs. Brzenzinski and Cutler was more ill-considered than otherwise.

Nonetheless, there are more problematic possibilities and the issue of kid-glove treatment needs careful exploration. The reality and appearance of the most basic governmental proprieties are involved.

Still to be cleared up, furthermore, is the question we posed here last week: What did President Carter know of his brother's influence-peddling activities, and when did he know it? As a reader of the newspapers, he could hardly have been unaware that Billy Carter was in cahoots with the Kadafi crowd; and one doubts that the arrangement met with his approval. The president said the other day that he had recently advised his brother to get the matter cleared up with the Justice Department; Billy Carter claims, in clear contradiction, that he had not discussed the matter with the president before he settled with the Justice Department. Where does the truth lie?

In itself, the Billy Carter case could be merely another of those messy situations that arise when ambitious (and impecunious) friends or relatives of the powerful trade on a presumptive personal relationship, real or pretended, usually without sanction. Even so, it would be an unsavory business, to be dealt with sternly and uncompromisingly.

Certainly it will not do to give foreign governments—all the less those of the unsavory character of Libya's—the impression that they can buy influence, through presidential siblings, at the highest levels of government. And that seems just what the Libyans assumed they were buying when they took Billy Carter into their "friendship" and pay.

If the president and his official family have difficulty grasping the serious implications of this shoddy episode, a congressional investigation would certainly impress it upon them—and, along the way, fill in some of the missing pieces of the story. Those pieces could, of course, be far uglier than anyone now thinks.●

AGRICULTURAL SCIENCE: THE CHALLENGE OF CHANGE

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. WAMPLER. Mr. Speaker, Congressman GEORGE E. BROWN, JR., a distinguished member of the House Committee on Agriculture and chairman of the Subcommittee on Science, Research, and Technology of the House Committee on Science and Technology, made a most thought-provoking speech last week, July 15, 1980, before a joint meeting of the National Agricultural Research and Extension Users Advisory Board and the Joint Council of Food and Agricultural Science at Rosslyn, Va. Mr. BROWN's speech had as its theme the need for our country to reverse the erosion of support for agricultural research that has occurred over the last few years.

The next Congress must address this problem head on, inasmuch as the major statute governing the future course of research, extension, and teaching in the fields of food and agricultural sciences, title XIV, Public Law 95-113, commonly referred to as the

1977 farm bill, expires next year. Our colleague's speech is most timely therefore, and should be made available to all who have an interest in the future of our Nation's food, fiber, and forest product supply.

I insert herewith Congressman BROWN'S speech:

AGRICULTURAL SCIENCE: THE CHALLENGE OF CHANGE

I appreciate the opportunity to address you this evening. I hope that Dr. Bertrand, in inviting me to speak, realizes the potential danger in allowing a politician in an election year to practice his oratory skills on a captive audience. But the subject of government research policy, and agricultural research in particular, has been a long-standing interest of mine so you needn't fear an inordinate amount of political bromides due to election year cycles.

I made the focus of my speech sufficiently broad so as to be able to roam over a number of topics in hopes of stimulating the discussion during your annual joint meeting. The National Agricultural Research and Extension Users Advisory Board and the Joint Council on Food and Agricultural Sciences are in a unique position. Being advisory bodies, you have the enviable advantage of taking a detached view of agricultural research that cuts across the Department of Agriculture's research functions and one that has a longer planning horizon than the focus forced upon the Department by political realities. You should use this lack of petty political accountability forced upon other policymakers to free your thinking about the challenges facing agriculture in this country and around the world.

Being advisory bodies you also are in a position to offer the opening comments in discussions that you feel need some attention. This, I think, is one of your key functions. Congress is a reactive entity and usually responds to issues rather than creating them. In times of extreme change, such as we are in now, Congress becomes a reactionary entity, returning to past solutions in apparent disregard of the fact that the nature of the problem has changed. It is up to people outside of Congress, outside of the daily responsibilities of USDA, to catalyze the discussion and offer guidance on what are the major problems facing agriculture and where the solutions may lie.

We are entering challenging times. As a mature, developed society, we see a great threat in change. In the area of agriculture, the last thirty years have been good to this country. Thanks to the fine work done by our agricultural research and extension network. But the post-World War II boom, the chemical and mechanical revolution in agriculture, is based on the idea that we have limitless resources—energy, water, soil—and now with limits to these resources upon us, it is time to alter the direction and structure of agriculture. That is the challenge now facing us and it is your charge to anticipate the changes needed and help set the research and extension goals required to accomplish the change.

Perhaps at this point I should roam over some of those topics promised a moment ago, in order to point out some areas that need priority attention.

It is impossible to go to any sector of our complex agricultural production, processing, marketing, and transportation system and not see the effects of increasing energy prices. What will be the effect of increasing fossil fuel prices over the next decade? Will prices of agricultural products continue to rise and be paid by consumers, or will alternatives emerge that will change the structure of agriculture?

In the production area, increasing prices for fossil fuels and petrochemical products will cause great changes, Integrated pest management and closer monitoring of pest populations to reduce pesticide applications are being driven by increased pesticide prices. Fertilizer sales are down slightly this year due to increased cost and if this trend continues, we may see an effect on yields, unless alternative systems are developed and instituted. Highly mechanized, centralized farming systems may find increased competition from smaller operations closer to the eventual markets. High prices may discourage consumers of many products and cause shifts in purchasing patterns.

The impact of energy prices on the rest of our present complex food marketing and transportation system needs attention as well. What happens when energy prices cause packaging and transportation costs to equal the cost of production for a food item? What happens, for instance, when the cost of transporting a California tomato to New Jersey equals the cost of raising the tomato in the first place? Will we see a resurgence of the New Jersey truck farms that were driven out of business by the mechanized, energy intensive California industry? Will agricultural production closer to cities, on smaller operations, reappear and require increased services from the extension and marketing operations in USDA?

I have no answers to these questions nor the scores of others that arise when one begins to ponder the possible effects of energy costs on agriculture. Perhaps there will be no great trauma and the system will slowly adapt to change. But it scares me to see so few people even asking these questions.

In our system of agriculture, as in any developed system, there is inertia that will preserve the status quo beyond the point where a rational, detached observer would notice problems developing and institute changes in the system. The myopic, incremental view of change that we so-called policy makers are forced to take frequently prevents us from seeing where we are going until we run into a wall. Advisory bodies such as yours must serve as guides, taking the longer view, doing the research planning and priority setting that will keep us one car length away from the wall. This assumes a certain level of skill on the part of those behind the wheel, of course, an assumption that is at times called into doubt.

In the area of energy production from agricultural and silvicultural products, much work is needed. We are on the verge of solving some of our energy supply problems by turning to renewable biomass sources such as alcohol fuels and waste wood utilization. Careful study needs to be made of the long-term effects of the developing energy agriculture industry.

Will alcohol feedstocks require increased production acreage? Will we stick with corn or begin to include underutilized crops such as the Jerusalem artichoke milkweed, or some of the Southwestern hydrocarbon plants? What is the effect on soil quality of removing timber waste or crop stubble for fuel purposes? Again, the list goes on and again it is up to groups such as yours to ask the questions, find the most pressing needs, and suggest research priorities. Most of us know how long it takes between identifying a need, directing research at the topic to obtain results, and achieving final application. That lag must always be kept in mind in planning.

Water resources are another cause for concern over the next twenty years. In my part of the country we view with alarm the problems of water supply and quality in the Colorado River Basin that we will see in the near future. Water mining is becoming a major problem in northern Texas and the supply problems caused by increased use of irrigated farming practices throughout the Ogallala aquifer needs greater attention. Rural water supplies have become contaminated in many areas by agricultural chemicals—I have a number of DBCP contaminated wells in my district. Soil salinity threatens large areas of the Southwest, due to past and present wasteful irrigation practices.

In many respects, water problems in the Western United States parallel the energy problems being experienced in agriculture throughout the country. We proceeded for years as if water were a limitless resource, much as we did with oil, and focused on the supply of water, drilling new wells and building more dams and canals, when expanded operations demanded more water. Now with water, as with energy, we find that much greater efficiency is needed, and we must shift to a conservation strategy.

This will be an expensive program, requiring careful planning to insure the proper use of limited funding. Application of new irrigation systems will be needed. Inventories of areas affected by soil salinity will be needed. Major work on conserving water loss in reservoirs, canals, and laterals is required. Since we can no longer "buy" new water through major reclamation projects, we should look at shifting the emphasis of these public works programs to "buy" additional water through conservation. An evaluation of the effectiveness of existing cost-sharing programs is needed since they will have a major role to play.

We need to look at different strategies to be used in dry areas of our country, such as the development of drought and saline resistant plant strains. If water supply and quality continues to decline, many crops currently raised in irrigated acreage may no longer be commercially viable crops. Replacement crops such as guayule, jojoba, and a number of other plants indigenous to these areas should be explored further.

Soil erosion is a major threat to the continued health of our agricultural system. The changing nature of agriculture to larger, centralized operations has eliminated many of our soil conservation strategies developed during the Dust Bowl days. Windrows and terraces are incompatible with center pivot irrigation systems and other modern farming equipment. Crop rotation patterns, fallow acreage, strip cropping, and other cultural soil conservation techniques have fallen victim to cropping decisions made from an economic viewpoint rather than a conservation viewpoint. The great challenge facing us now is to adapt soil conservation strategies and programs to accommodate the current realities. We cannot afford to let current rates of soil erosion continue.

Changing patterns of farmland ownership may also affect the implementation of soil conservation programs. With much land owned by off-farm interests, cropping and reinvestment decisions are frequently made in cities distant from the farming operation. Even with the presence of skilled farm managers, decisions made affecting resource conservation may reflect market forces rather than a need to maintain the soil base. Perhaps instead of concentrating so much on the amount of foreign investment in U.S. farmland, we should look more carefully at trends in ownership patterns.

At the same time as soil quality is declining, much productive land is disappearing under asphalt and being diverted to non-agricultural uses. How do we control the pres-

sures bringing about this conversion of some of our most fertile land? How do we balance the forces competing for this land?

Well, I could stand here for hours and continue to outline other major areas of interest to research and extension policymakers. Perhaps it is best to fall back on the definition of an effective speaker as one who communicates as much by what has been left unsaid as by what is said. I trust that you will have no difficulties finding areas needing USDA's attention outside of those that I have briefly mentioned.

But having identified a list of emerging problems, your task as advisory groups has just begun. You must determine which are the highest need areas, what approaches should be explored, how much of USDA's resources should be devoted to these issues. You must engage in the kinds of debates that we in Congress and USDA must have in setting our shorter term priorities. This is the task which you were charged to perform in the 1977 Farm Bill. With the 1981 Farm Bill fast approaching, your work over the last four years becomes more critical as we decide what direction we want our agricultural research and extension activities to take for the following four years. This is also time to reflect upon the performance of your two groups.

With the changes that we will be faced with in the rest of this century, our planning must be done better than it has in the past. This country abounds with examples of sectors of our economy that have failed the test of change—the auto industry, the steel industry, the shoe industry, and so on down the front page of the Wall Street Journal. You must prevent the agriculture industry from joining this list. But first you must avoid the usual defensive attitude of an established system and view change as an opportunity rather than a threat.

Every year I see agricultural research and extension funds suffer relative to other government research functions. I have seen the competition that takes place for this supposed fixed pot of funds as if there were some adversary role between Hatch Act funds and competitive grant funds and Smith-Lever Act funds. The plain truth is that the agriculture sector is failing to make its case with OMB and Congress.

Those concerned about agriculture's future in this country must reverse the erosion of support for agricultural research that has occurred over the last few years. You must bridge the gap between producer and consumer that has resulted from our complex food marketing and distribution system and from the urbanization of large areas of our country. You must build a new constituency in urban areas to replace the loss of a thousand farms a week and the support that those farm families once provided for agricultural issues. Consumers and urban residents have a vital stake in agriculture research and extension operations and need to be made more aware of this.

Look around for parallel sources of funding. In FY '77 the National Science Foundation funded $206 million in plant sciences research, $3 million of which was on biological nitrogen fixation. This money and elements of funding in other government agencies have not traditionally been included in discussions on agricultural research. Use the competitive grants program to bridge that research into the existing agricultural research system and to tap other research funding outside of the traditional AR and CR funding.

Focus existing federal research funding on the fringes of existing knowledge and spin off some of the ongoing research to private industry. Federal research dollars are high risk funds that do not require the direct economic return of private research and development investments and should look at such issues as: Biological nitrogen fixation, nutrition monitoring and research, new crop research, long-term plant breeding research, and the like. Government funds should focus on areas left untouched by commercial interest, the so called public good issues, such as: the needs of small and medium sized family farms, pest management strategies, alternative energy systems, rural quality of life issues, germplasm storage, preservation and collection, and many others. One vital area that has been left untouched is monitoring chronic crop yield losses under ten percent caused by nutrient deficiency, air pollution, and other stresses that occur without visible evidence. The amount of ongoing funding directed at monitoring this area is pitifully sparse in spite of the value of this research in giving us warning signs of potential problems.

Use the boom in information and communications technology to expand extension functions. The Green Thumb ag-weather system that is being looked at by USDA can cheaply transmit a variety of information from the monthly county extension letter and market information to pest management strategies and availability of crop storage space. A system such as this could become an electronic extension network, speeding services and freeing extension staff for other non-routine work.

This technology could also be of use to the Department in solving the dilemma of the need for centralized planning contrasted with a decentralized research and extension system. Coordination of research, system management functions, bookkeeping functions, communications needs and other applications would greatly benefit USDA's operations and help cut costs.

Use foreign agricultural development funds in USDA and other agencies to explore alternative farming systems. Nations that are twenty years behind the United States in per capita energy use may be seen as well to be twenty years ahead of this country if predictions about the needed domestic reductions in energy consumption are to be met. In developing and applying suitable systems of agriculture in less developed countries, systems that recognize limited fossil fuel availability in many of those countries, we perfect systems of agriculture and agricultural technologies that may have application in this country.

Advanced irrigation technology designed to aid drought-stricken areas in other countries may be useful for large areas of the southwestern United States that will be facing increased pumping costs, water shortages, and increasing soil salinity. Integrated pest management systems aimed at reducing the use of expensive pesticides in less developed countries have value in this country given the fact that nearly all of our major crops and many of our insect and plant pests are imported from other countries. Developing technologies that decrease the need for petrochemical fertilizers will help both farmers in developing countries and in the U.S. decrease their production costs.

In essence, what I am telling you this evening is that meeting the challenge of change will require a corresponding level of effort on the part of groups such as yours. I have tried to give you examples of areas where I feel there are present and emerging problems. You can do a better job I am sure. I have tried to list a few examples of new ways to cope with limited resources available for agriculture research and extension activities. Innovative thinking on your part will undoubtedly come up with many more. Better planning and more innovation are what we need now and your help is essential. Do a good job. Thank you.●

TECHNOLOGY TRANSFER, PART II: SOVIET THIRST FOR SCIENTIFIC KNOWLEDGE

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. FINDLEY. Mr. Speaker, the Soviet Union is making a tremendous effort to overcome the shortcomings in its scientific knowledge and research. To that end, it is placing great emphasis on scientific education and training. It recognizes the importance of scientific know-how to achieve its many military and economic objectives.

I would like to call to the attention of my colleagues the following article by Daniel S. Greenberg on Soviet scientific education today. It appeared in the May 13, 1980, issue of the Washington Post.

THE INTELLECT GAP

(By Daniel S. Greenberg)

Americans who monitor Soviet education are reporting extraordinary accomplishments there from a decade-long drive to provide all high school students with extensive, super-enriched training in mathematics and science. It's so successful, they're saying, that the American high school system has been rendered primitive by comparison.

Though there can be a lot of slack in the linkage between national power and scientific literacy, interest is compelled by the Soviet commitment to make virtually all its young people go through mathematical and scientific training of a duration and intensity that relatively few Americans experience. For example, while calculus has almost disappeared from the American high school curriculum—only about 100,000 students a year take it—all Soviet high school students get two years of calculus, and about 97 percent of Soviet youngsters now finish high school.

According to one of the leading American observers of Soviet education, Izaak Wirszup, professor of mathematics at the University of Chicago, the new Soviet science education represents a break with the old lock-step, imagination-dulling methods that have been widely blamed for Soviet science's relatively poor standing in world-class research. "These changes," Wirszup says in an unpublished report to the National Science Foundation, "are tantamount to an educational mobilization of the entire population." Of particular importance, he notes, is that the reformed scientific training is characterized "by an unexpected turn toward the individual and the development of his ability to do independent, creative work."

If that's so, and if it eventually takes hold in the actual conduct of scientific research, then the Soviet scientific community may be on its way to shaking off a well-earned reputation as a sluggish giant. The Soviets are aware of the relatively low productivity of their scientific enterprise and, as Wirszup points out, have given a high priority to expansion and reform of a school system that has been identified as a major bottleneck in the modernization of the Soviet economy.

The Soviets, he states, gave a great deal of authority for curriculum reform to their

leading mathematicians and educational researchers. The result, he continues, "is a program for mathematics instruction that is modern in content, innovative in approach, well integrated and highly sophisticated. It gives strong emphasis to theoretical foundations and logical rigor as well as to applications. . . . Moreover, the extraordinary Soviet research in psychology and methods of learning and teaching mathematics has been applied to the new curriculum, which now surpasses in quality, scope and range of implementation that of any other country."

Wirszup, who is an internationally recognized authority on Soviet computer technology and mathematics education in the Eastern bloc, added in his report that the Soviet effort amounts to "a concerted drive to produce mass education of unmatched quality."

For those many Americans who take a peculiar pride in acknowledging scientific ignorance, the differences that Wirszup tabulated in standard Soviet and American high school programs are likely to be quite startling. He reports, for example, that a Soviet high school student is required to complete five years of physics, four years of chemistry, one year of astronomy, five and one-half years of biology, and so on down a list that would empty America's high schools via the dropout route. Wirszup concludes: "The disparity between the level of training in science and mathematics of an average Soviet skilled worker or military recruit and that of a non-college-bound American high school graduate, an average worker in one of our major industries, or an average member of our all-volunteer army is so great that comparisons are meaningless."

Finally, he observes that while the remaking of the Soviet education system has hit some snags and stirred up pedagogical controversies, the Soviets feel they're on the right track and continue to invest vast resources in what they themselves describe as an "educational revolution." As for the students, they are lured on, Wirszup states, by the realization that "educational achievement . . . is practically the only safe avenue to a more comfortable standard of living under Soviet conditions."

Wirszup's findings, along with continuing reports of slumping standards and student achievements in American high school science and math programs, contributed to a White House request in February for the Department of Education and the National Science Foundation to collaborate on a report, due next month, on science and engineering education in the United States.

Of the many shortages now confronting the United States, it may be that the intellect shortage is the most dangerous.●

CALIFORNIA'S PROPOSITION 13 SHOWS WHY TAX RATE REDUCTION IS NEEDED

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980.

● Mr. GINGRICH. Mr. Speaker, I am today submitting as an extension a paper done by one of my summer interns. Her name is Audrey Powe. She is 22 and will soon complete college in Alabama. Audrey researched the results of California's famous proposition 13, which is now over 2 years old and able to be judged objectively.

The facts dug up by Audrey show that proposition 13 did not wipe out the State surplus, did not gut State services, and did not hurt the poor and minorities. In fact, 13 contributed to a lower inflation and unemployment rate in California relative to the national averages. It also forced the State government to manage and spend tax dollars more efficiently.

Proposition 13 was an across-the-board reduction in property tax rates. In concept it is similar to H.R. 7566, a bill backed by Ronald Reagan and nearly all House and Senate Republicans and which will cut Federal income tax rates by 10 percent. No two sets of economic circumstances are ever identical, but I believe the positive results of California's proposition 13 offer convincing evidence that passage of H.R. 7566 will reap similar benefits for the whole Nation.

Miss Powe's paper follows:

THE 2 YEARS OF PROPOSITION 13

(By Audrey Powe)

Proposition 13, an amendment to the constitution of California passed by referendum on June 6, 1978, cut property tax rates by one-third and made it more difficult to increase other state and local taxes. It is the purpose of this paper to examine the effects Proposition 13 had on the California economy.

In a release exactly one month after voters endorsed the amendment, the Congressional Budget Office estimated that the revenues the state government could expect in fiscal year 1978-79 would drop by $7,044,000 as a result of Proposition 13. Another estimate said that, assuming no impact on the state's economy because of the lowered tax rates, the cuts would mean a revenue loss of $6.4 billion.[1]

Others were more optimistic. Professor Art Laffer of the University of Southern California asserted that lowering tax rates would result in a rise in total tax revenues for state and local government. Because lower tax rates would increase productivity and work incentives, economic activity would be stimulated. More consumer spending and an expanded tax base would prevent California's budget from going into the red. Laffer said that the 50 percent cut in property tax rates would mean a $110 billion increase in the personal income of Californians.[2]

Proposition 13 did stimulate California's economy, to the point where personal income rose by 14 percent within the first year.[3] With property tax rates lower, businesses expanded, thus creating new jobs, encouraging more investment, and higher real wages. Lower effective costs of homes (the property tax being a home "cost" borne by consumers) encouraged more construction and enlarged the property tax base. Since the California legislature moved to offset the anticipated revenue losses by imposing fees for services that had been free, a prominent result of Proposition 13 has been a shift in costs from property owners to property users.

State officials claim that Proposition 13 has not meant any significant cutbacks in welfare payments or the rate of pay hikes for govenment employees.[4] Prior to the passage of 13, economist Jude Wanniski warned that layoffs of regular public employees would reduce essential state services at the local level, such as fire, police, and sanitation.[5] But these services were maintained, because the state used available funds to help schools and local governments adjust to Proposition 13.[6] These available funds included user fees, federal aid, county revenues, and money from the $5 billion state surplus California has on hand when Proposition 13 was passed.

That budget surplus, in large part the result of the impact of high inflation on the state's progressive income tax code, kept California from feeling the initial revenue shortfalls caused by Proposition 13. Surplus funds totalling $4.2 billion were allocated to local governments to help them adjust. With that help and by using their own reserves, schools, cities, counties, and other taxing elements spent as much money under Proposition 13 as they did the previous year.[7]

Writing in the Los Angeles Times in October of 1979, Ellen Hume pointed out that "California's local governments actually spent 7 percent more under Proposition 13 in the fiscal year ending Sept. 30 then they did in fiscal 1978 before the property tax cut went into effect."

According to the GAO study by Hume, "Local as well as state treasury surpluses, the booming California economy and increased federal aid throughout the state helped California's local governments make up for the estimated $6 billion lost because of Proposition 13." The GAO report said 13 "had had only a minimal impact on local California government operations and federal grant outlays." On the county level, an average of $222 million more—a 10 percent increase—was made available to most counties in fiscal 78-79.[8] School districts enjoyed an increase in state aid of $2.267 billion in fiscal 78-79.[9]

The effects of Proposition 13 on the government itself were mixed. During the first fiscal year following passage, $54 million was saved by the imposition of a hiring freeze. This meant reduced opportunities for promotion and smaller pay raises for some public employees. Low morale among county employees has been a problem and the rate of turnover doubled in 1979.[10] There's been a steady exodus of people with marketable skills from government service, as physicians and other professionals went into business for themselves. Overall, 100,000 government jobs—8 percent of the bureaucracy—were eliminated after the passage of 13. Only 20,000 of these workers were actually laid off; the rest disappeared through attrition.[11]

In the area of education, there has been change, but not disaster or chaos. Average class size has remained at 35, and teachers have retired early as enrollment declined. Four elementary schools in Santa Barabara were closed in 1979, but this was partially due to a decline in enrollment (to 4,000 students from 6,200 in 1967).[12] Some libraries, in certain elementary schools, have been adversely affected by Proposition 13.

Fire and police protection have been virtually unaffected by 13, because these areas have received top priority when state aid was allocated. According to a report in the New York Times, students at the police academy in Oakland received dismissal notices 30 minutes after they graduated. However, all the new police officers were rehired within a few weeks.[13] This was a recurring pattern in California during the summer of 1978: Because the initial revenue shortfall seemed drastic, it provoked drastic action by some state officials. Yet most of these actions could be rescinded when the true fiscal picture became clearer.

Hospitals were affected slightly by Proposition 13. For example, the Santa Barbara County Hospital was closed to inpatients, yet indigent patients were treated at a private hospital with the county paying the

[1] Footnotes at end of article.

bill. Most county health officials assert that there was no decline in services. In general, government officials since the passage of 13 have put their emphasis on greater productivity with utilization of fewer resources.

Liberal fears that layoffs of over 500,000 public employees would come as a result of the budget cuts caused by Proposition 13 have not been borne out. Massive dislocation, either in the state government or in California's economy as a whole, has not occurred.[14] Sen. George McGovern (D.-S.D.) described the acceptance of Proposition 13 as "degrading hedonism," which was "motivated by racism" and would impose heavy burdens on the poor.[15] Economist John Kenneth Galbraith called Proposition 13 "a disguised attack on the poor." [16] But California has proven that it could cut tax rates by a large percentage and still deliver adequate services to those that depend on them.

In fact, the case can be made that the major beneficiaries of Proposition 13 have been minorities and others traditionally hard hit by unemployment. In the year following the passage of 13, California's unemployment rate declined by 1 percent and the rate of increase in the state consumer price index went down 1 percent relative to the national averages.[17] During the first five months of 1978, unemployment in California averaged 7.5 percent. As of March, 1980, it was at 5.8 percent.[18] This two-year downward trend in joblessness in California was sharper than was the national decline. For the first time in years, California's unemployment level was lower than that of the nation as a whole. The rise in employment and increased economic activity in general increased personal income 22 from the first quarter of 1978 to the first quarter of 1979.[19] Californians were earning $200 more per man, woman and child during 1979.

We can't credit Proposition 13 with every improvment in California's economic picture, but it did spawn similar measures aimed at controlling government growth and shifting resources back to the people. Governor Brown cut state income taxes $1 billion in 1979, and Californians approved Proposition 4 last November, which clamped limits on state spending. So California served as something of a laboratory for tax reduction and spending limitation measures, mostly emanating from the people to the politicians, rather than the reverse. The results—higher growth, employment, productivity, and living standards—have not disappointed Professor Laffer or most of California's citizens.

FOOTNOTES

[1] Congressional Budget Office, "Proposition 13: Its Impact on the Nation's Economy, Federal Revenues, and Federal Expenditures" (July 6, 1978, p. ix).

[2] Los Angeles Herald, March 3, 1980.

[3] "Proposition 13: One Year Later." *Swiss Economic Viewpoint*, Oct. 1979.

[4] Robert Lindsey, "California Finding Prop. 13 Less Potent Than Was Predicted," (New York Times: June 5, 1979, section A, p. 9).

[5] Jude Wanniski, "The California Tax Revolt" (The Wall Street Journal: May 24, 1978).

[6] Elizabeth Coleman, Release from the Governor of California's Office, June 14, 1978, p. 1.

[7] Ellen Hume, "California Spends More Despite Proposition 13," (Los Angeles Times: Oct. 3, 1979).

[8] Ibid.

[9] Congressional Budget Office, p. 6.

[10] Robert Lindsey, "Dire Predictions on Proposition 13 Have Not Materialized," (New York Times: March 7, 1979, section A, p. 14).

[11] Warren Brookes, "The California Boom and Proposition 13," (Boston Herald American: June 26, 1979, p. 9).

[12] Lindsey, "Dire Predictions."

[13] Swiss Economic Viewpoint.

[14] Brookes, p. 9.

[15] Los Angeles Times, July 2, 1978.

[16] Los Angeles Times, July 9, 1978.

[17] Unpublished paper by John Mueller.

[18] Los Angeles Herald, March 3, 1980.

[19] Brookes, p. 9.●

A TRIBUTE TO FATHER MICHAEL J. McGIVNEY

HON. EDWARD P. BEARD

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. BEARD of Rhode Island. Mr. Speaker, I rise today to pay tribute to Father Michael J. McGivney, the founder of the Knights of Columbus. While a 29-year-old curate at St. Mary's Church in New Haven, Conn., Father McGivney conceived of such a fraternal society. He died at the age of 38, leaving a reputation as a holy, caring man who expressed his love for God through his work with young people, the forgotten, and the voiceless.

Father McGivney's compassion, benevolence, and understanding has left a legacy that is magnified each passing year by the good works of the more than 1,330,000-member organization. To illustrate the extent of their achievements, last year the Knights of Columbus contributed over $24 million and nearly 9 million hours to humanitarian causes.

Mr. Speaker, people like Father McGivney who make a unique contribution to our society deserve special tribute and recognition. This is the purpose of H.R. 7653, which was cosponsored by 42 Members of Congress. This bill seeks to render the appropriate distinction due such an outstanding American by providing for the issuance of a commemorative postage stamp to be released for the 100th anniversary of the Knights of Columbus in 1982. This bill will be reintroduced later to provide the opportunity for additional cosponsors to become a part of this tribute.●

U.S. POLICY TOWARD MOROCCO AND THE WESTERN SAHARA ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues attention a recent exchange of letters I had with the State Department regarding U.S. policy on the Western Sahara issue and how we conduct our relations with the Moroccan Government.

It had been my understanding that in recent months two of the principles in our dealings with the Western Sahara issue involved, first, working toward an understanding with the Moroccans over the relationship between our supply of arms and their willingness to enter into negotiations for a peaceful settlement of the Western Sahara issue; and, second, starting a dialog with the Polisario. It is not clear from recent developments the extent to which we continue to hold firm to these two features behind our policies in this area.

My correspondence with the State Department follows:

SUBCOMMITTEE ON EUROPE
AND THE MIDDLE EAST,
June 18, 1980.

Hon. EDMUND S. MUSKIE,
Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I realize that there are many pressing international crises with which you have to grapple, but I would like you, as soon as possible, to review carefully the situation in the Western Sahara and our policies in that part of Africa. From where I sit, I see a Department of State divided on policies in this area but I do not always see the divisions within the Department reflected in a carefully balanced and implemented series of policies.

There are two specific matters which I would like to raise at this time. In my view, out of the discussions with the Congress on the Western Sahara issue over the last two years came distinct understandings that the United States would be working toward some type of linkage between the provision of military equipment to Morocco and the willingness on the part of the Moroccan Government to pursue a negotiated peaceful settlement of the conflict. I have the impression today that, whatever type of direct, indirect, public, private, positive or negative linkage we were trying to work towards no success has occurred and none seems likely. I do not know if we are still pursuing any linkage in earnest.

Second, I had the strong impression from our discussions that official contacts between Americans and members of the Polisario would be permitted and would occur. It is my impression that such contacts are not taking place at this time even if clearance for them is requested.

Morocco is an important friend of the United States and we want and need to continue that friendship. But at the same time we must acknowledge that Morocco is pursuing policies in the Western Sahara which will likely fail. Even our allies see trouble on the horizon. I would argue that the risks to our friendship with Morocco are greater the longer we allow or permit the Western Sahara conflict to linger outside negotiations.

I hope that you will have the opportunity to review our policies in this area and I would be happy to talk with you about it if you so desire.

I appreciate your consideration of this matter.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman.

DEPARTMENT OF STATE,
Washington, D.C., July 8, 1980.

Hon. LEE H. HAMILTON,
Chairman, Subcommittee on Europe and the Middle East, Committee on Foreign Affairs, House of Representatives

DEAR MR. CHAIRMAN: On behalf of Secretary Muskie, I would like to reply to your letter of June 18 in which you raised two specific matters: the linkage between the provision of military equipment to Morocco and Moroccan willingness to pursue a negotiated peaceful settlement; and our policy of official contacts between American representatives and the Polisario.

Our position on this "linkage" is identical to that described to the Congress when we consulted about the special arms package early this year. Ambassador Duke has reported that King Hassan of Morocco is aware of the linkage and knows that we want to see our supply of arms proceed in parallel with movement towards a peaceful solution of the western Sahara dispute. Ambassador Duke has briefed you, we understand, on his discussions with the King. He is convinced that the King wants negotiations with Algeria and has done enough to move towards negotiations to justify the decisions we have taken so far with regards to the provision of arms.

To be specific, we are encouraged by continuing statements from both sides that they desire a peaceful solution of the western Sahara dispute, and by their interest in the activities of potential intermediaries. Although Morocco is still pressing for negotiations with Algeria alone, it insists that all aspects of the dispute will be open for discussion once negotiations start, even by implication participation of the Polisario in the negotiations. Saudi Arabian leaders are the most recent of several potential intermediaries who have visited Algeria and Morocco this year, and the Moroccans believe the possibilities for a Morocco-Algeria meeting have improved. Delivery to Morocco of equipment in our arms package will not begin until late this year.

As for contact with the Polisario, we decided—and communicated to the Congress—that we would take a more relaxed position on contacts between members of the Executive Branch and the Polisario; we also relaxed our prohibition on trips by U.S. officials by the Moroccan-controlled western Sahara. Any such contacts or trips are of course subject to policy review and control before they take place. Department of State representatives met with a Polisario representative in Washington in March of this year. There have also been visits to the Moroccan-controlled western Sahara by three groups of U.S. officials.

We told the Polisario representative at the March meeting that further contact with the Polisario would be difficult because Polisario forces from their Algerian sanctuary had been conducting extraordinarily heavy attacks in Morocco proper. We simply did not see how we could do something that could be interpreted by the Moroccans and others as de facto or tacit encouragement of Polisario attacks deep in Moroccan territory. This is wholly consistent with our basic position, since we have repeatedly made the point to the Algerian Government that it should strongly discourage the Polisario from launching attacks into Morocco proper. Such attacks narrow the potential basis for Morocco's negotiating flexibility. We will keep under review the possibility of renewing these contacts.

We believe we have remained faithful to the understandings we reached with the Congress during our consultations this year and note only that the carrying out of these understandings must take into account the nuances of an evolving situation and the sensitivities and positions of the key actors. I can assure you that Secretary Muskie will take into account your views as he considers the next steps we take on this issue.

In the meantime, we would be ready to discuss these issues further whenever you wish.

Sincerely,

J. BRIAN ATWOOD,
Assistant Secretary
for Congressional Relations.●

DOES THE FATE OF CARTHAGE AWAIT U.S.?

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. STUMP. Mr. Speaker, history; we are quite often reminded that history repeats itself. It is made and easily forgotten, yet it can be studied to use as a guide for the future.

We face some very serious decisions in the history of our country, decisions which can be a turning point in our future. One of the most important of those decisions deals with our national security and defense.

Do we learn from the past, or, as Mr. Thomas C. Horne of Phoenix, Ariz., suggests, do we become the Carthage of the 20th century?

[From the Phoenix Gazette, July 10, 1980]

DOES FATE OF CARTHAGE AWAIT U.S.?

America has twice the gross national product of the Soviet Union. But America now spends only 4.9 percent of its GNP on defense, one-third less than the percentage when John Kennedy was president. Russia spends 13 percent. Consequently, Russia, though much poorer, spends 50 percent more than the United States on defense in absolute expenditures.

Comparisons are chilling. Russia has 50,000 tanks to our 10,500 (that statistic alone is worth pondering), 40,700 tactical warplanes to our 18,000, 534 major warships to our 260, and they are currently producing at a much higher rate than we are.

History has quite a lot to say about rich, prosperous countries that permit themselves to be significantly outspent on defense by much poorer ones. Henry V conquered France when France had twice the population and wealth of England. Many people think of the fall of Rome in this context. But probably the best analogy—and most instructive to us—is the major power destroyed by Rome during Rome's rise: Carthage.

Carthage, like the United States, began as a colony and soon surpassed the mother country in wealth and power. Phoenicians, from what is now Lebanon, began trading with mineral rich Spain in the 12th century B.C. In the 9th century B.C., they established Carthage, the name derived from the Phoenician word for New Town, as an intermediate trading post on the North African shore.

Carthage was strategically located across the narrow waist of the Mediterranean from Sicily. By the third century B.C., Carthage was the richest and most powerful country in the Mediterranean world, with colonies along much of the North African coast, in Malta, Sardinia, Corsica, Sicily and Spain.

The Carthaginians totally dominated the Western Mediterranean. Roman ships were forbidden there under a 6th century B.C. treaty. The Carthaginians drowned any foreign sailors they found west of Sardinia.

Carthage's similarities to the U.S. are numerous. Before the wars with Rome, Carthage was the world's technological leader, in such fields as engineering and naval power.

Carthage also had military geniuses, chief of whom was Hannibal. Hannibal led his troops from Spain to Italy (128 B.C.) and very nearly destroyed Rome. The Roman dictator, Fabius, concluded that it was an error to fight a major military engagement with a consummate military genius such as Hannibal. Rather, Fabius fought a delaying war. He cut off the enemy supplies by devastating the surrounding countryside, and hoped to wear the Carthaginians out from lack of supplies.

Hannibal requested soldiers and money from Carthage. With such help he probably could have destroyed Rome. Carthage was ruled by an oligarchy of wealth. It responded that a victorious general should be sending money home to his own people, rather than requesting it from them. It refused his request. This event should be remembered, in reading the remainder of what occurred.

Hannibal made the best of a bad situation. At Cannae, though greatly outnumbered, he won a major victory.

Rome, now in mortal danger, showed that Stoic strength which would enable it to rule the world for half a millennium. Taxes were raised beyond tolerance, citizens volunteered their savings, and every able man became a soldier without pay. Rome slowly turned the tide against the unreinforced and under-supplied Carthaginians.

After 10 years of additional fighting in Italy, the Romans attacked Carthage, and won a limited victory.

In the half century of peace which followed, Carthage rapidly recovered from the effects of war, and its renewed wealth prompted Rome to again declare war.

Carthage had experience in buying peace with concessions. In 238 B.C. Rome had declared war, and Carthage had bought peace by ceding Sardinia. Now, again, in 150 B.C. Carthage felt inadequately prepared for war, and sent an embassy to Rome with authority to meet all demands.

The Roman Senate agreed to preserve the freedom and autonomy of Carthage if 300 of the noblest Carthaginian children were given as hostages, and the instructions of the Roman consuls in Sicily were carried out.

The Carthaginians agreed. The Romans lawyer and historian, Appian, describes the scene at Carthage:

"So, hastily anticipating the appointed time, they sent their children into Sicily, amid the tears of the parents, the kindred, and especially the mothers, who clung to their ones with frantic cries and seized hold of the ships and of the officers who were taking them away, even holding the anchors and tearing the ropes, and throwing their arms around the sailors in order to prevent the ships from moving; some of them even swam out far into the sea beside the ships, shedding tears and gazing at their children. Others on the shore tore out their hair and smote their breasts as though they were mourning the dead."

The Roman consuls in Sicily sent the hostages to Rome. They then crossed to Utica, adjacent to Carthage on the North African coast, to give further instructions to the Carthaginians. The consuls had received their orders secretly from the Senate.

At Utica, the consuls praised the Carthaginians for their promptness in sending the hostages. Then they inquired, if the Carthaginians truly desired peace, why they needed any arms? They ordered the Carthaginians to hand over all their arms.

The Carthaginians returned with a vast number of loaded wagons, piled high with armor for 200,000 men, javelins and darts, and 2,000 catapults.

The consuls again praised the Carthaginians. They exhorted them now to bear bravely the remaining command of the Senate. The population of Carthage was to march out of their city, so that the Romans could raze it. Appian describes the reaction:

"While he was yet speaking, the Carthaginians lifted their hands toward heaver

with loud cries, and called on the gods as avengers of violated faith. Repeatedly and virulently they cursed the Romans, either because they wished to die, or because they were out of their minds, or because they were determined to provoke the Romans to sacrilegious violence to ambassadors. They flung themselves on the ground and beat it with their hands and heads. Some of them even tore their clothes and lacerated their flesh as though they were absolutely bereft of their senses. When at last the frenzy was past they lay there, crushed and silent, like dead men."

The consuls cut short further argument. They were powerless to alter the orders of the Senate.

The Carthaginians attempted a belated defense, forging an astonishing quantity of arms and ships out of what was at hand. But it was too late. After three years, the Romans broke through, and slaughtered the inhabitants.

Out of a population of 500,000, 50,000 survived to be sold into slavery. Carthage, which had flourished for 700 years, and had once been the richest, most prosperous, and most technologically advanced of countries, was destroyed. It had loved money too much, and defense too little.●

SANDINISTAS ONCE AGAIN MAKE CLEAR THEIR GOVERNING POLICIES

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. BAUMAN. Mr. Speaker, over and over again our State Department and the Carter administration has asked us to wait for positive developments in Nicaragua before declaring the country lost to communism. They said that, sure, there were Marxist elements in the new government, but that the private sector still had an active role to play. They also told us, as the Sandinistas themselves told Nicaragua's business community, that by the first anniversary of the revolution a date would be set for national elections.

Well, July 19, the first anniversary of the Sandinista victory, came and went, and no elections were announced. Now Nicaragua's apologists are squirming, and rationalizing this latest nondevelopment, while fear spreads through Nicaragua's people. But no one should be surprised by this turn of events, for barely 1 week before the revolutionary celebration, a Sandinista leader laid out for all to see once again what the revolution is really made of. He did this in a call-in show on Radio Sandino, and I include here for my colleagues portions of the responses given by Humberto Ortega, commander of the revolution and head of the Sandinista National Police.

The material follows:

ORTEGA ANSWERS QUESTIONS ON "DIRECT LINE" PROGRAM

(Managua Radio Sandino, July 11, 1980)

["Direct Line" program with Commander of the Revolution Humberto Ortega, commander of the Sandinist National Police, and program announcer Freddy Rostran Arauz—live]

[Excerpts] [Question by William Trujillo] The authorities have said repeatedly that our government is eminently Sandinist and have always denied they are Marxist-Leninist. Commander Ortega: Can you explain the differences and similarities between Sandinism and Marxism-Leninism?

[Answer] In the first place, I would like to tell Mr. Trujillo that we have never denied that we are Marxist-Leninists. We have always declared that we are Sandinists, but we have never denied that we are Marxist-Leninists. Sandinism is the political, ideological and revolutionary force that has moved this process, reflected our history, our struggle, and our liberation process from the beginning. The exploiters and the oppressors deserve a reply from the people who, although they have been oppressed and exploited, have never resigned themselves to being so and have struggled against being so. That is why we arrived at 19 July.

Therefore, Sandinism, which was born of the struggle against the U.S. expansionism of the last century, which was born of the struggle against imperialism during this century, Sandinism, which was born of the struggle against exploitation and oppression, reflects not only the contribution of our own historical process, but also the contribution of all of humanity, which struggles against the forms of exploitation and oppression that imperialism imposes. In this sense, Sandinism is not only nurtured by our own historical and national wealth, but also from that wealth of the entire humanity, to which we also belong. And the name of Marxist-Leninism plays a vanguard role in the struggle against exploitation and oppression. In this sense, we are (?friends).

[Question by David Aragon] According to rumors, we will soon have elections in Nicaragua. Are we going to allow the participation of those sectors that for centuries exploited and robbed the people?

[Answer] I wish to point out to Compañero David Aragon that on 19 July 1979, our people, with weapons in their hands and the memory of the sacrifice of 50,000 Nicaraguan patriots, decided who they wanted to run the country. On that occasion the people decided that they were the ones who were going to rule themselves when they supported Sandinism. When we talk about elections, we are not referring to a raffle to see who is going to seize power. When we talk about elections, we are not talking about the type of elections the counterrevolutionaries, the betraying bourgeoisie, think we are going to have here. We are not going to have elections as if people did not know who was in power. In other countries elections are held to choose a government; in Nicaragua the people have already chosen their government. The Sandinist people have already seized power. Therefore, when we talk about elections, we are referring to the mechanisms and systems that our revolution is going to implement so that the working people will elect the representatives of their established government in the best and fairest manner. In the future, elections will be held to improve on the representatives of a people who are already in power and who have chosen their revolutionary destiny.

These elections are not going to be an orgy. They will not be the same, for example, as the elections in which Fernando Augero Rocha deceived a sector of our population which was being massacred. This is what Somozism and the most reactionary sectors of imperialism did in 1967. This is not the type of election we are going to hold in the future. They will be the elections of a process which is already defined by those who conquered it.●

NCOA LEGISLATIVE GOALS FOR 1980-81

HON. MENDEL J. DAVIS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. DAVIS of South Carolina. Mr. Speaker, recently I had the privilege and the honor to spend a few days with more than 800 members of the Non Commissioned Officers Association of the United States (NCOA).

NCOA was conducting its 19th annual international convention at the Dunes Hotel and Country Club, Las Vegas, Nev. The assembly met for 3 days of business and passed a number of timely resolutions, including the association's legislative goals for 1980-81.

In attendance were NCOA members from around the world. They came from as far away as Europe, Hawaii, Alaska, and Panama. Nearly one-half of the delegation was active-duty members of the Army, Navy, Marine Corps, Air Force, and Coast Guard. In fact, the Navy was well represented with a group of fleet and force master chiefs who attended almost every function in summer service uniform.

On Friday there were two forums, one on veterans' services and the second on legislative affairs. Taking part in the veterans' forum were J. C. Peckarski, Director of Compensation and Pension, Veterans' Administration; Timothy L. Craig, Special Assistant to the VA General Counsel for Congressional Relations; and Joseph C. Juarez, Executive Assistant to Deputy Assistant Secretary for Veterans' Employment Service, Department of Labor. Their moderator was C. R. "Chuck" Jackson, former force master chief of the Navy's Recruiting Command, now retired, and the association's national veterans' services director.

Participating in the legislative forum were Senator WILLIAM S. COHEN of Maine; Dr. Bernard Rostker, Director of Selective Service; our former colleague, the Honorable Ted Risenhoover, now Special Assistant to the Assistant Secretary of the Army (Manpower, Reserve Affairs and Logistics); Ms. Karen Heath, administrative assistant to the Honorable BOB WILSON of California; representatives of the military's community relations offices, and me. Moderating was the NCOA vice president for government affairs, C. A. "Mack" McKinney, a retired Marine sergeant major.

Saturday's schedule brought on another forum. This one consisted of the top enlisted chiefs of the Armed Forces; Sergeant Major of the Army William A. Connelly, Sergeant Major

of the Marine Corps Leland D. Crawford, Chief Master Sergeant of the Air Force James M. McCoy, Master Chief Petty Officer of the Coast Guard Hollis B. Stephens, and representing the Navy's master chief was Atlantic Fleet Master Chief Franklin A. Lister.

These splendid representatives of our Nation's senior enlisted corps handled themselves with dignity and pride. Their professional approach to the questions posed by their audience was most commendable. The answers they gave were indicative of their devotion of duty, their pride of service, and love of country. I was extremely proud to have been a small part of a most informative session.

On Saturday evening I was honored by the NCOA members, as was Senator COHEN. NCOA president, Normand M. Gonsauls, a retired chief master sergeant, USAF, and senior vice president, Leon Van Autreve, a former sergeant major of the Army, presented the Senator with a special Vanguard Award for his interest in the men and women of the military services. They gave me their prestigious annual "L. Mendel Rivers Award for Legislative Action."

On Sunday, June 22, the assembly elected three new members to its board of directors. The board, in turn, elected the association officers for 1980–81. I was particularly pleased to note that my friend of long standing and NCOA's senior spokesman on Capitol Hill, "MACK" MCKINNEY, was elected senior vice president and chairman of the board.

The assembly also adopted the association's legislative goals for 1980–81. They reflect the dedication of the NCOA membership to carry on the tradition of service to God, country, and the noncommissioned and petty officer corps. I urge my colleagues to review these goals and do all they can to support the NCOA in its pursuit of an adequate defense posture for the United States.

The NCOA legislative goals are printed herewith:

LEGISLATIVE GOALS—1980

There is no failure except in no longer trying. There is no defeat except from within, no really insurmountable barrier save our own weakness of purpose.—KIN HUBBARD.

PREAMBLE

The members of the Non Commissioned Officers Association of the U.S.A. have joined their efforts and strength to work together for the well-being of the individual, the group, and for the greatest benefit of our beloved Nation. It is our purpose. It is our resolve.

This year the men and women of NCOA join in observance of a new decade of pride, progress and dedication to the Nation. At the same time, we honor the passing of two decades of service to God, country and the noncommissioned officers corps.

We shall not commiserate our failures, but they are not failures for we will keep trying. We will mourn our defeats though we will know our weaknesses.

We will rededicate ourselves to our purpose. We will continue to serve with honor.

NATIONAL DEFENSE

The United States, once a most powerful entity, has slipped to a subordinate position. In the most simplistic terms, our power was once based on the indisputable and overwhelming ability to conquer an enemy while sustaining a minimal number of American casualties. We maintained this superiority in conventional and strategic weapons through the 1960's.

By 1970 our stocks of arms and supplies were depleted by our involvement in Vietnam. Moreover, a change in the national mood diminished our efforts to replenish. The United States turned its attention and resources toward social reform and environmental protection.

As a result, less was spent to equip the Armed Forces. Less was appropriated to maintain people and their equipment. Ships were retired. Supplies and stocks continued to deteriorate. Weapons became outdated and outmoded. Although new technology was discovered, research and development of new weapons systems were almost negligible.

The 1970's introduced a period of "détente" with our Soviet adversary. For the first time in 25 years the United States and U.S.S.R. communicated freely and somewhat openly. The United States began trading with the Soviets. We sold them our technology. The technology they used to build the engines for their trucks and tanks that invaded Afghanistan was of U.S. origin. The technology used to improve the accuracy and production of their missiles was of American design. They advanced their economic and industrial productivity and, while the Soviets moved forward, the United States rapidly negated its position as the world's largest producer of defense material.

It is now doubtful that the United States can win a confrontation with the Soviet Union. At best, it might be able to hold the Russians at bay.

Currently, they outnumber us in weapons, ships, tanks, aircraft, personnel and strategic missiles. They continue to build their armed forces larger and stronger. In another decade they will enjoy an unquestionable superiority over the United States.

They also seriously consider the advantages of good civil defense. Their citizens participate in mass drills. New buildings are erected and designed to withstand normal destructive powers of warfare, and new industrial locations are diversified to reduce the possibility of first-strike destruction.

At present, a conventional attack by the Soviets would bring about the probability of use of nuclear weapons. The United States has no other choice. It will have none until it rebuilds its armed forces to a relative position of parity.

Therefore, be it resolved, that the principle legislative effort of the Non Commissioned Officers Association shall be to pursue an adequate defense for the United States. Furthermore, the Association shall actively support the research, development, production and procurement of such weapons and weapons systems and adequate personnel necessary to arm the United States against any probable aggressor.

MILITARY PERSONNEL—COMPENSATION

For more than 200 years noncommissioned and petty officers have served honorably in the Nation's Armed Forces. In return for this service they have received the necessities of life: a minimum wage, food, clothing, housing and medical care.

The benefits afforded military enlisted personnel and their dependents have never been generous. At best, they have been adequate to meet immediate need. At worst, as current benefits and pay go, military personnel and their families have been forced onto the Nation's welfare and foodstamp rolls.

By the most conservative account military pay has diminished more than 18 percent since 1972. Entry level pay which was 130 percent then is now less than 90 percent of minimum wage. Today, service members must be in pay grades E-3 or E-4 to earn the federal minimum wage, assuming they work but a 40-hour week.

This is, however, an invalid assumption. For example: former Secretary of Defense Melvin R. Laird recently pointed out that a plane handler on the aircraft carrier *Nimitz* works an average of 100 hours per week, is directly responsible for the safe operation of $7 million aircraft on a $2 billion ship, has been away from home for 6 months, and makes less than the check-out girl at McDonald's.

At home, if his family is fortunate, they live in base housing. But less than 20 percent are that fortunate. Usually, the family will live on the economy where rent is 180 percent or more of quarters allowance and home ownership is an improbable dream. The average spouse will spend more than 200 percent of monthly subsistence allowance even though shopping in the commissary.

Fewer than half will receive medical care directly from the military. Few will receive dental care. Some will be partially reimbursed for medical expenses by CHAMPUS, but many more will receive only a bureaucratic shuffle.

Nevertheless, Defense insists on measuring military pay under the R.M.C. (Regular Military Compensation) system. Rather than building on military pay and evaluating its adequacy the Defense Department adds a speculative cash value to benefits. DoD will take a $7,000 base pay and increase it on paper to $11,000 by adding a hypothetical dollar benefit from medical care, commissary shopping, base housing, tax savings and other emoluments. However, they do not deduct the cost of nonreimbursable travel and moving expenses, uniform cleaning and maintenance that exceeds the monthly allowance, health care expenses and other costs.

Therefore, be it resolved, that the Non Commissioned Officers Association shall direct a major effort toward increasing military pay and benefits and NCOA shall further direct its efforts toward improving the method of measuring the adequacy of military pay.

MILITARY PERSONNEL—POLICY

In the area of personnel policy, NCOA has been a leader in identifying and challenging inequities of service in the armed forces. For example: it has challenged a pay system that pays a 2nd Lieutenant higher parachute jump pay than the enlisted sergeant jump master who has many more jumps and years of experience.

NCOA successfully challenged recent orders that called for the immediate discharge of overweight officers while at the same time ordering disciplinary action before discharge of overweight enlisted troops.

NCOA successfully challenged recent regulations which would have authorized lower grade civilians to evaluate the performance of military enlisted personnel.

These are representative of only a few of the minor inequities in military personnel policy that discriminates against enlisted personnel.

Therefore, be it resolved, that the Non Commissioned Officers Association will continue to devote its priorities to amending

those portions of military personnel policy that unfairly discriminate between commissioned officers, federal civilian employees and enlisted personnel.

MILITARY PERSONNEL—FORCE SIZE AND INCENTIVES

It will do little good to commiserate here over the personnel shortage in our Armed Forces. However, we think it important to make the following observations:

The All Volunteer Force was created in 1973 when military pay was at its highest level.

Military pay has been reduced by the ravages of inflation, the inattentiveness of congress and the incompetence of the incumbent Administration by more than 20 percent since 1972.

The G.I. Education Bill was terminated in 1976.

Servicemembers on active duty today have until only 1989 to use their G.I. Bill benefits.

Cumulative leave payments in excess of 60 days were eliminated in 1979.

No fewer than 12 hearings have been held and no fewer than 12 legislative proposals have been offered in an attempt to reduce military commissary subsidies.

Military commissaries now accept more than $13 million each year in food stamps.

Incarcerated veterans receive a more generous federal education benefit than in-service (active duty) veterans.

A civilian may receive more generous education benefits than veterans.

Post service employment benefits for military personnel have been severely curtailed.

Retirement benefits for military personnel have been roundly criticized, eroded and subject to further change.

Unemployment compensation has been reduced for ex-servicemen and military retirees.

The reserve forces have been reduced by 300,000 because of enlistment shortfalls.

The regular forces are short more than 100,000 because of recruiting shortfalls.

Not one service achieved its recruiting goal in 1979.

The Marine Corps accepted a voluntary cut of 10,000 people in order to maintain quality.

The number of high school graduates in the Army dropped below 38 percent.

No fewer than 10 in-service education programs have been terminated.

Military personnel must now pay for parking at certain military installations.

The list is finite but it is much too long to recount here. Suffice to say that poor decision making and sheer folly have led the United States into a critical situation.

Current proposals to improve this situation range from across-the-board pay increases to improved bonus payments to creation of variable housing allowances and other new programs. Taken together they may be successful. Separately or exclusively they will not work.

Therefore, be it resolved, that the Non Commissioned Officers Association will work to restore or create the following programs:

1. To propose and/or support programs to re-enforce Reserve forces suffering acute personnel shortfalls to include a conscription lottery program as a method of universal military training.

2. Free parking on military installations and other places of duty for military personnel.

3. Protection of military retirement benefits.

4. Creation of new in-service and post-service education program.

MILITARY RETIREMENT AND RETIREES

The promises are old and dusty. "After you have completed twenty years of service, you will be eligible to retire. You will receive one-half of your monthly pay for life and you will continue to enjoy many of the privileges and benefits of active duty, including medical care, use of clubs and recreational activities and etc."

In 1955 this may have been true. However, in the twenty-five years hence, base closures, hospital closures, doctor shortages, and increased costs of military retirement have combined to jeopardize these post-service benefits.

No simple remedy exists to the problem of dealing with military retirees. The United States has made promises it cannot or is unwilling to keep. The retiree enjoys no legal protection to these benefits since they are implied and not contractual. In 1955 the law granted many benefits "if facilities are available." While they might have been available in 1955, they are not now. Additionally, since we are dealing in public law and not contractual commitment, Congress can and may change the law at its pleasure.

NCOA must work to codify these promises of benefits and services. This will include their mention on enlistment agreements. This will assist those who enter or reenlist in the services in the future. But for now, we must work toward the preservation or reenstatement of those benefits promised to service members who are now retired.

Therefore, be it resolved, that the Non Commissioned Officers Association will work to provide and preserve medical care and other benefits traditionally provided to military retirees and their dependents. Be it further resolved that NCOA will seek legislation to preserve and improve post-service employment and unemployment rights for military retirees, continued biannual cost-of-living adjustments and preserve the method of computation to retired pay, and protect and defend other rights and privileges associated with honorable service in the U.S. Armed Forces.

VETERANS BENEFITS

Every member of NCOA is a veteran. He or she may be retired or may even be on active duty. The law defines a veteran as any person who has served on active duty in the armed forces for more than 180 days. Therefore, every member of NCOA is a veteran in the eyes of the law.

Regrettably, not all are recognized in this manner when applying for veterans benefits. If the in-service veteran wants to attend college, he receives a smaller education assistance payment than is paid to his discharged counterpart. If a military retired veteran seeks medical care at a Veterans Administration (VA) facility, he must wait in line behind his non-retired counterpart. And, only a military retiree must forfeit part of his pay to receive disability compensation from the VA.

Nevertheless, veterans benefits play an important part in the life of the military retiree, the in-service veteran, the veteran with a short period of military service and the dependents of all veterans.

As NCOA enters a new decade, we accept an expanded role toward our nation's veterans. A few months ago, NCOA accepted recognition from the Administrator of Veterans Affairs at a National Veterans Service Organization. Now and in the future we will assist veterans in their attempt to receive equitable treatment from the VA.

We must now rededicate ourselves to protecting the benefits and services available to members and former members of the armed forces. At the same time we must dedicate ourselves to serving their survivors. We must look toward the future to ensure that those who serve after us will enjoy the veterans benefits which they, too, have earned.

Therefore, be it resolved, that the Non Commissioned Officers Association will:

1. Continue to pursue an extension to the current delimiting date to the current G.I. Education Bill,

2. Support improvements in the Dependency and Indemnity Compensation program that will provide an equal and reasonable benefit to the survivors of all qualified veterans,

3. Support improvements in the veterans home loan program,

4. Support improvements in the veterans disability compensation program,

5. Oppose the transfer of any VA function to another agency of government, particularly health care and education programs,

6. Support improvements and expansion of cemetery and burial benefits,

7. Define more carefully the length and character of service necessary to become eligible for veterans benefits,

8. Preserve and support improvements of veterans' employment programs, particularly for Vietnam veterans, and to include dissolution of the 48-month limitation on entitlement to veteran employment services.

GENERAL

The membership assembled commits the Association to continue its efforts in behalf of previous conventions' legislative goals and resolutions that are active and necessary for the well-being of the membership, the Non Commissioned and Petty Officers of the U.S. Armed Forces, the enlisted men and women of the U.S. Armed Forces, and the military and veterans' communities.

Further, the Association shall have the mandate of this assembly to actively support or oppose any legislation, when convenient and necessary, but not in competition with priority commitments, that is or is not in the best interest of the Association, its membership and/or the military and veterans' communities.●

DEBATE ON H.R. 7591

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980.

● Mr. WAXMAN. Mr. Speaker, Mr. STAGGERS, chairman of the Commerce Committee; Mr. DINGELL, its ranking member; and I would like to address several matters contained in the agriculture appropriations bill for fiscal year 1981 which concern us as members of the Commerce Committee.

This bill includes appropriations for the USDA and several related agencies, including the Food and Drug Administration (FDA). As you know, food and drug regulation is an important part of the Commerce Committee's jurisdiction.

Our primary concern is that the Appropriations Committee is using its report to restrict the authority Congress has given to the FDA. In the areas of patient package inserts for prescription drugs and antibiotics in animal feeds, the Appropriations Committee report would prohibit FDA from taking actions which are within its current authority. The Commerce Committee was neither advised of nor

consulted on any actions the Appropriations Committee intended to take with respect to FDA. We would hope that, in the future, we might work more in concert on issues which concern us both.

In the report language on the use of antibiotics in animal feeds, the committee has stated the FDA should take no action on the proposed rule restricting the uses of penicillin and tetracycline in animal feeds. The Subcommittee on Health and the Environment has held 2 days of hearings on this subject, including testimony from the drug industry, written testimony from the livestock producers, the National Academy of Sciences (NAS), Office of Technology Assessment (OTA), and U.S. Department of Agriculture (USDA), among others.

On pages 105 to 106, the committee report (H. Rept. 96-1095) states that the National Academy of Sciences specified the need for additional studies on the dangers to humans of subtherapeutic uses of antibiotics in animal feeds. What the National Academy of Sciences Committee actually said was that, although additional studies might provide useful information, they would not provide any answers to the regulatory question. NAS went so far as to state that the regulation of subtherapeutic uses of human antibiotics was a policy question—not a factual one—and would always be based on some speculation. In testimony before our subcommittee, Dr. Reuel Stallones, Chairman of the NAS Committee actually said that if he were advising someone, based on public health and safety considerations, he would have to say human antibiotics should not be used subtherapeutically in animal feeds.

However, this policy question has not been resolved as yet. Our concern of the moment is with the attempt to restrict FDA's authority without benefit of a decision by the committee with primary jurisdiction. We are making no judgment as to what regulatory action, if any, should be taken; however, FDA does currently have the authority to restrict subtherapeutic uses of antibiotics in animal feeds. We simply believe that it is entirely inappropriate and legally ineffective for the Appropriations Committee to take this action at this time, and we object, Mr. Speaker, to this intrusion into the jurisdiction of the Interstate and Foreign Commerce Committee.●

THE NEED FOR OVERHAULING OSHA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HANSEN. Mr. Speaker, I submit for the RECORD and for the benefit of my colleagues the recent statement of Mr. Robert Witt, legislative aide for Liberty Lobby, concerning proposed legislation to reform the Occupational Safety and Health Administration. Exhaustive research has been done on OSHA for the past decade and I believe that Mr. Witt's testimony before the Senate Labor and Human Resources Committee offers one of the best synopsis of the agency's past performance. The Liberty Lobby statement offers some very enlightening information regarding the effectiveness of the hapless safety agency since its inception in 1970 and I highly commend it to my colleagues attention:

Mr. Chairman and Members of the Committee: I am Robert Witt, Legislative Aide of Liberty Lobby. I appreciate this opportunity to submit for the record the views of Liberty Lobby's 25,000-member Board of Policy as well as the concern of approximately 700,000 readers of our weekly newspaper, The Spotlight.

One of the oldest and most enduring issues in government is the constant fight against bureaucratic growth and waste, and the abuse of power and citizens' rights. It is this overkill in size and use of authority which leaves the individual with a helpless feeling and creates the impression of government being a master over, rather than a servant of, the people.

The Occupational Safety and Health Administration (OSHA) is a prime example of these abuses and the need for regulatory reform.

Not long ago this nation celebrated its 200th anniversary of our forefathers' fight for liberty from oppression, entry without notice, fines without consultation, and many other "Tory" tactics. However, two centuries later many of the same ugly things are again happening to many small businessmen across the nation at this very moment—OSHA's practices and tactics.

OSHA at best has been a major disappointment, at worst an abysmal failure. The only good job OSHA has done in the last three years is in public relations. Government statistics show that since OSHA's inception in 1971, the rate and severity of serious injuries have risen sharply.

Significantly, before OSHA began, when industry handled safety on its own, serious injuries had been declining. Thus, despite compliance costs to American businessmen of more than $25 billion, plus more than $1 billion to American taxpayers, OSHA has failed to achieve a significant, positive impact on employee injury and illness rates.

After eight years of major investment in OSHA, Americans can only wonder where the return is on that investment. Has OSHA protected workers by significantly decreasing workplace deaths and injuries?

The unfortunate answer: OSHA has not been effective in protecting the American work force despite massive regulatory efforts.

Nevertheless, OSHA advocates continue to insist that the agency has had a positive impact and that without OSHA, worker injuries and fatalities would be even higher. Their argument is that what is needed is not less OSHA, but more; more inspectors, more standards, more dollars.

The Metal Trades Department of the AFL-CIO claims that 70 percent of this nation's workers would be deprived of the protections of the OSHA law.

OSHA inspectors would no longer be able to make wall-to-wall inspections in response to worker complaints because the bill would prohibit inspection of problem areas lying outside those listed in the complaint. This would outlaw the present OSHA practice of inspecting an entire construction site in response to a worker complaint against an employer (AFO-CIO News, Feb. 23, 1980).

The United Auto Workers say that S. 2153 would gut the "worker law" and call on all unions to wage a "holy war" to save "their" law. UAW is even leading the fight to save the safety agency from any budget cuts, claiming that OSHA's money grants to labor unions are highly popular.

They claim S. 2153 would do these things:

Companies with "good safety records" would be totally exempt from OSHA inspections. A "good safety record" would be based on data from state workers' compensation reports. Such reports are notoriously dishonest and can be easily fudged by the boss.

Companies with fewer than 20 reported accidents per 1,000 workers and no fatalities in the last year would also not be inspected. This is the most powerful incentive ever devised for not reporting accidents, and gives employers a license to maim and kill.

Fines would be reduced for companies with advisory safety committees.

OSHA would still be allowed to make inspections after workers are killed or seriously injured. That's when it's too late (NAW Washington Report, Mar. 7, 1980).

The Oil, Chemical and Atomic Workers Union states that defeat of the Schweiker OSHA Improvements Act of 1980 is a No. 1 legislative priority for 1980 and ordains the battle to be a holy one. They claim that "* * * the Schweiker bill would gut OSHA and roll back the hard-won gains labor has made over the past decade in workplace, health and safety" (Oil, Chemical and Atomic Union News, April, 1980).

AFL-CIO President Lane Kirkland claims that "no new legislation is needed on the nation's basic federal job safety and health law. What needs to be done can be handled administratively" (AFL-CIO News, Apr. 5, 1980).

Even labor's chief spokesman admits the need for OSHA reform. The only disagreement is how to accomplish it.

The "holy war" has even progressed to the stage that the National Wildlife Federation, a labor-backed organization that could not possibly have any interest in OSHA is urgently extolling its wildlife enthusiasts to oppose S. 2153 "and any other gut-OSHA bills * * * before they kill us" (National Wildlife Federation's Conservation Report, Mar. 7, 1980).

OSHA itself is waging a continuing confrontation with American industry. These statements especially indicate the lengths that union bosses will go to in order to misrepresent the true aims of S. 2153. Labor is waging a knee-jerk emotional war rather than its acclaimed "holy war."

It is currently common practice for OSHA to seek limited warrants in employee complaint cases where the employer has demanded a warrant be obtained. This action is due to numerous court losses that OSHA has been subjected to across the nation and not the threat of the legislation we speak about today.

OSHA has taken a more adversarial posture than ever. It is increasing criminal sanctions and prosecutions, inciting worker unrest with inflammatory newsletters and conferences and expanding its powers into labor-management and equal employment areas. Escalated regulatory activities by OSHA in the area of worker health have taken on an uncompromising attitude.

OSHA's media seminar in Chicago last September epitomizes the agency's intensely anti-business posture.

Unsubstantiated and irresponsible agency claims that "at least 100,000 American lives are lost to occupational diseases each year" were also levied against the business community.

While 32 journalists were wooed by rhetoric and roast beef at a declared cost to taxpayers of almost $24,000, panelists repeated declarations that businessmen are "Neanderthals" and "industry always lies."

It seems clear that OSHA has assumed a combative posture toward American business, to the disservice of the concept of worker protection. Particularly sensitive to criticism at this time, OSHA has become an even more aggressive adversary to business. In an attempt to reassert both its clout and the legitimacy of its purpose, the agency has taken a narrow scientific approach to health issues.

During its first five or six years, OSHA was one of the most criticized of all federal agencies. It has since made some forward progress under administrator Eula Bingham, but many of its recent actions appear to be designed primarily to bolster its sagging image in the eyes of Congress, the press and most importantly the American public.

Almost three years have passed, and industry complaints are again increasing, along with the gradual recognition that OSHA hasn't really "changed its spots." Nevertheless, OSHA advocates continue to claim that under Bingham, the agency is taking great strides forward.

However, the records of industry and OSHA itself strongly refute this contention. A good barometer of industry's performance is a comparison of the worker injury/illness rates prior to OSHA's inception with those later.

Since 1971, when OSHA began, the number of serious injuries and their severity has significantly increased, with a more recent upswing in worker fatalities. Conversely, National Safety Council (NSC) statistics for the 8-year period prior to 1971, when industry was handling safety and health concerns itself, show a steady decline in these categories.

FIGURES FOR THE EIGHT MOST RECENT PRE-OSHA YEARS

	1964	1971
Fatalities per 100,000 workers	21	17
Average workdays lost per temporary total disability..	27	23
Fatal injury rates	.07	.05
Permanent partial disability rates	.35	.33

[1] Based on Z16.1 standard per million man hours of exposure.

NSC statistics show a steady post-World War II 25-year decreasing injury and fatality rate trend for industry, which began increasing only in the 1970's during OSHA's years of regulation enforcement.

As the American work force has increased, injuries and fatalities have also increased, but the rate of these accidents' frequency did not increase proportionately until they came under OSHA's counterproductive regulatory system.

The disappointing performance of this regulatory nightmare doesn't warrant providing increased responsibility, but rather mandates re-evaluation and reform. OSHA's poor performance clearly demonstrates that voluntary safety and health preservation programs through employers' incentives are more certain to protect workers than costly government regulations geared to rigidity rather than results.

Without OSHA's arbitrary and bureaucratic barriers, its inflexible, nitpicking regulations, exorbitant paperwork and administrative burdens on business, industry would be able to effect even greater protection for workers through its own efforts. Government encouragement, incentive and consultation can aid industry, but the ultimate protection of worker safety and health must be through the employers themselves with good employee cooperation.

Not only has OSHA failed to produce demonstrable benefits in workers' safety, it has created extraordinary public controversy. Nine years ago the proposed act slipped through the House and passed the Senate 83-3. Soon OSHA, created to administer the law, became the most despised and ridiculed U.S. agency. In recent years, the erosion of public and political support is seen in several congressional votes in favor of blanket exemptions for broad classes of employers. In a free society, it has often been proved that no law can be effective if its administration and enforcement are widely viewed as illegitimate and nonproductive.

Nine years ago Congress cast the government in a policeman's role, establishing a system of crime and punishment for more than 4 million workplaces in the U.S. Although there may be a valid policeman's role in a limited number of apparent cases of criminal negligence, the vast majority of workplaces should not be subjected to such militant enforcement conditions because they are not hazardous, or at least not criminally so. In short, the federal government can participate more meaningfully in improving the occupational safety and health of America's workers.

The better way is for the government to redirect its policeman's role to functions where it is really needed to deter and correct grave occupational hazards, to provide useful research information, and to stimulate employer and employee cooperation and initiatives to improve workplace safety and health.

It is increasingly apparent that drastic reform of OSHA is overdue. I seriously doubt that any members of Congress who voted for the original safety law in 1970 could claim that the Act brought about the results they hoped for then.

I remind you of the contempt in which OSHA holds Congress. The agency is clearly unresponsive to congressional mandates, which further underscores the need for meaningful reform legislation. The original OSHA Act almost 10 years ago ordered the agency to make a written report to Congress on the status of the enactment of the law, as well as any needed amendments. This report, due more than seven years ago, has still not been made.

However, we now have a chance to curb regulatory overkill and work for real OSHA reform. S. 2153 has broad bipartisan sponsorship which truly indicates the acknowledged need for reform.

This legislation would provide performance-based exemptions to employers who achieve good safety records. "Safe" employers with responsible programs could receive an exemption from routine safety inspections and a waiver of penalties for serious and non-serious citations. OSHA's ability to maintain its punitive enforcement attitudes would be curtailed, and the agency's limited resources would be targeted to the truly hazardous industries where OSHA is most needed and can be most effective. Under a performance-based concept of control, employers would be given incentives and rewards for proved, responsible and successful safety programs.

This legislation is also in line with the recommendations made by the Senate Government Affairs Committee's December 1978 report on Government Regulation.

The federal government must get back to an "incentive" system toward American business rather than the present "punitive" one. Stationing a federal policeman on everyone's doorstep just hasn't worked and certainly isn't the American way.

We strongly urge this committee to act expeditiously and favorably on S. 2153 and report it to the Senate for action.

Thank you again for this opportunity to submit our statement for the record.●

SACRED COWS AND DOUBLE STANDARDS

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980.

● Mr. WAMPLER. Mr. Speaker, on July 11, 1980, the Wall Street Journal had an excellent editorial concerning scientific reports and cries of conflict of interest when independent entities such as the National Academy of Sciences assign as authors of reports those who may have employment or consulting connections with private industry. The editorial indicates that there are sacred cows and a double standard in instances where the Federal bureaucracy is concerned.

The article points to an interagency study to rationalize Federal policy toward toxic substances, with the study being conducted by a group composed exclusively of all the bureaucracies involved.

I commend the article to my colleagues in the House:

SACRED COWS

The routine is becoming familiar now. A group of experts issues a report on some hot aspect of science policy—nutrition, say, or environment, or toxic chemicals. The report doesn't say all the things some officials and interested citizens would like to say, so they begin the attack: Who was on this so-called expert panel? What were their biases? Were any of them paid for one way or another by private industry?

Not all science reports, though, seem to be subject to this minute post-Watergate examination of their possible conflicts of interest. For instance, there's the recent government report "Toxic Chemicals and Public Protection."

The report comes from an interagency task force called the Toxic Substances Strategy Committee. The committee is a child of President Carter, who near the beginning of his administration directed his Council on Environmental Quality to rationalize federal policy toward toxic chemicals. The TSSC set about its task, of course, by convening a group composed exclusively of all the bureaucracies involved. The whole gang was there, some 20 agencies, everyone from NIOSH to the State Department. And you know what they came up with? A report that calls for a truly massive increase in federal regulation. On the heels of the report, the Environmental Protection Agency proposed a new set of rules that will require up to 600,000 businesses to keep records for five to 30 years on any complaint they receive that a chemical has caused harm or a "significant adverse reaction" to people or the environment.

The problem begins, the report says, with the vastly increased production and use of chemicals since World War II. By now, the control problem is "staggering." The increase of cancer, in particular, is a leading cause of concern. And occupational expo-

sure to carcinogens, the report says, will cause— "at least in part"— 20 percent of cancer deaths in the years ahead.

The solution is more government: "Public health and the environment will be adequately protected from chemical hazards only with direct government action to regulate releases and exposures." We need the "superfund" to clean up spills, we need more public and government access to trade secrets, and we need more government control over the cosmetics industry. We also need public education of the citizenry to overcome people's surly reluctance to believe that laboratory rat tests are a sufficient guide to public cancer policy.

As an argument about public health policy all this is, to say the least, problematic. In fact the latest cancer incidence data do not enable us to make an unqualified statement that cancer is increasing. Still less, since the one truly dramatic increase is in lung cancer associated with smoking, can we say that the big danger is occupational exposure. With the data so shaky, why doesn't this report raise all the same suspicions that other recent science reports have? Is anyone yelling "conflict of interest"?

No one has, and one wonders why. After all, the authors of the report are bureaucrats, whose livelihood and prospects for advancement depend on the government expansion they so strenuously call for. They are also, come to think of it, precisely the kind of people who have been so willing to mouth conflict-of-interest charges impugning the motives of private-sector scientists. At least they ought to think a bit about how long they can go on with such assaults before getting the same in return.●

PROPOSED FIREARMS REFORM LAW CRITICIZED

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. McCLORY. Mr. Speaker, certain interest has been expressed recently in support of an extremely mischievous measure introduced in this body as H.R. 5225, the Federal Firearms Law Reform Act of 1979.

The effect of this legislation is to substantially nullify the very limited Federal firearms laws and to do serious damage to the Gun Control Act of 1968, which I regard as a very modest start toward controlling the illegal and damaging trafficking in handguns.

Mr. Speaker, two distinguished attorneys who are with the Washington-based law firm of Wilmer & Pickering have prepared a critical analysis of the pending bill.

Their analysis, set forth in a letter to Nelson T. Shields III, chairman of the board of Handgun Control, Inc., points out the damage which would result if this proposal were to be enacted into law.

Mr. Speaker, I am pleased to attach hereto a copy of the first section of that letter, containing a summary of the first two sections of H.R. 5225, for the edification of all of my colleagues—to the end that the pending measure may have the scrutiny which is required and to the end that the broad public interest may be appropriately served.

WILMER & PICKERING,
Washington, D.C., March 28, 1980.

Mr. NELSON T. SHIELDS III,
Chairman of the Board, Handgun Control, Inc., Washington, D.C.

DEAR MR. SHIELDS: This letter responds to your request for an analysis of the major features of H.R. 5225 and S. 1862 (the Federal Firearms Law Reform Act of 1979). Our analysis focuses on the extent to which the proposed legislation would alter existing law, and the consequences of, and any problems presented by, those suggested changes. It is not intended as a comprehensive, line-by-line survey of every aspect of the bill, but rather is meant to highlight its most important sections. We show that the bill would change the current law in a number of significant respects and that, for the most part, those changes would substantially reduce the efficacy of existing federal controls over firearm crime and illegal trafficking in firearms.

We identify the four broad problem areas summarized below.

I. THE BILL WOULD SUBSTANTIALLY WEAKEN EXISTING CONTROLS ON THE ILLEGAL TRANSFER OF FIREARMS

Foremost among the changes are the provisions that would allow any person that meets minimum federal eligibility requirements to purchase, receive or transport a firearm in interstate commerce and would allow persons other than federally licensed manufacturers, importers, dealers, and collectors to make the transfer, as long as it did not violate the state and local law at the place of residence of the transferee. These provisions would eviscerate the current system of federal controls on illegal trafficking in firearms, would increase the likelihood that criminals and other ineligible persons could own firearms, and would hamper the effective operation of state and local gun control laws.

II. THE BILL WOULD IMPROPERLY REDUCE THE CATEGORY OF PERSONS INELIGIBLE TO OBTAIN FIREARMS

The bill would significantly reduce the category of persons subject to the various federal prohibitions on firearm ownership, by excluding persons convicted of a number of serious felonies and persons under indictment for a felony These revisions are not required as a matter of constitutional law, are unworkable and are contrary to the public interest.

III. THE BILL WOULD UNNECESSARILY PREEMPT STATE LAWS GOVERNING THE TRANSPORTATION OF FIREARMS WITHIN STATE BORDERS

The bill would establish a new mandatory federal standard governing the transportation of handguns that would require states to allow the transportation of firearms within their borders under conditions much laxer than their own gun control laws. This federal standard represents an intrusion into the rights of states to control illegal and dangerous gun traffic.

IV. THE BILL WOULD UNDULY RESTRICT THE EFFECTIVENESS OF FEDERAL FIREARM CONTROLS

The bill contains a number of provisions aimed at controlling, either directly or indirectly, the ability of the Bureau of Alcohol, Tobacco and Firearms (BATF) to implement and enforce the federal firearms laws. These provisions would greatly hamper the effective operation of that agency.

For example, the bill would effectively prevent the BATF from employing one of its most effective enforcement tools—the routine inspections necessary to determine whether federal licensees are complying with the law. In addition, the bill would cripple the BATF's regulatory effectiveness by imposing a minimum one-half year delay in the rulemaking process. The bill also establishes a narrow definition of "engaged in business" for federal licensees that is unnecessary and inappropriate on its merits. Finally, a number of provisions contain asserted "protections" for persons accused of violating the gun control laws. These proposals would restrict the BATF's ability to seize the guns, or bring successful actions to revoke the federal licenses, of dangerous persons.

All of these provisions are discussed in detail below. It is important to recognize, however, that perhaps even more serious than the problems posed by each of these various provisions taken alone is the compounded effect of the package taken as a whole. Thus, for example, not only would the bill weaken the law governing firearms transfers, but it would also restrict the ability of the BATF to enforce the remaining standards and limit the opportunities for states to step in and ensure that tougher standards apply within their own borders and to their own citizens. Similarly, not only would the bill limit the class of persons barred from obtaining a firearm, but it would also reduce the likelihood that even those remaining in the prohibited category are effectively excluded from access.

I. THE BILL WOULD SUBSTANTIALLY WEAKEN EXISTING CONTROLS ON THE ILLEGAL TRANSFER OF FIREARMS

A. Interstate transfers by persons other than Federal licensees

The centerpiece of the current system to control illicit trafficking in firearms is the general prohibition on the interstate purchase, receipt and transport of firearms by persons other than federally licensed manufacturers, importers, dealers and collectors. This prohibition, which is subject only to certain narrowly limited exceptions, seeks to ensure that persons transporting firearms in interstate commerce have undergone a federal eligibility check through the licensing process and are subject to continuing federal oversight. At the same time, persons that meet minimum federal standards are allowed to purchase guns intrastate as long as such purchase is consistent with state and local law.

The bill, assertedly in furtherance of the goal of administrative simplicity, would dismantle this system. It would permit any person to purchase, receive or transport a firearm in interstate commerce, as long as such transfer would not violate the state and local law at the person's place of residence. And it would permit any person to transfer a firearm to any other person as long as the transferor did not know or have reasonable grounds to believe it would violate the transferee's state or local law. These provisions would eliminate a significant measure of federal control over illegal interstate commerce in firearms and would greatly increase the likelihood that ineligible persons could purchase guns. They would also undermine the ability of law enforcement authorities to trace crime guns because there would be no record of interstate transfers between non-licensees.

The bill would substitute for the existing structure a system that is essentially unworkable. If a transferee wishes to circumvent his own state law, it is unlikely he will be stopped. It is unrealistic to expect a transferor in California, particularly a non-licensed individual with no prior exposure to the gun control laws, to be able to determine whether a transfer to a Delaware resident violates the transferee's state and local law. As a result, the provision is unlikely to

be enforced effectively, thereby subverting minimum federal requirements as well as the application of the relevant state laws.

Moreover, the interstate purchase provision completely negates the already scant protections contained in Section 102(h) of the bill, which prohibits sellers from selling to persons they know or have reasonable cause to believe do not meet the minimum federal eligibility requirements (*i.e.*, persons convicted of disabling crimes, illegal aliens, etc.). Under current law, where federally licensed dealers, importers, manufacturers and collectors are subject to that standard with respect to sales to persons within their state, there is at least some possibility that the federal licensee may know or have reasonable cause to believe that the person is ineligible. *See* 18 U.S.C. § 922(d). Under the new proposal, where the potential customer can be from any state and the transferor can be a person without any federal responsibilities, the deterrent effect of this prohibition is virtually eliminated.

B. Lawful versus lawful sporting purpose

As noted above, current law makes it generally illegal for any federal licensee or any non-licensed person to provide a firearm to someone understood to reside in another state. One exception to this prohibition is that a gun may be loaned or rented for temporary use for "lawful sporting" purposes. 18 U.S.C. §§ 992(a)(5)(B), (b)(3)(B). This limited exception applies to permit a sportsman to make temporary use of a gun in another state, a type of "transfer" that does not interfere with the purposes of the general prohibition against the interstate transfer of firearms to non-licensees.

As shown above, the bill permits non-licensed persons to provide a firearm to another person, subject to the requirement that the transferor does not know or have reasonable grounds to believe that the transferee would violate a law in his home state by acquiring the gun. The bill creates an exception to this provision for the loan or rental of a firearm for temporary use of "lawful" purposes. § 102(d).

In this context, the exception bears no rational relationship to the prohibition. The implication of this provision is that a Maryland resident may provide a gun to a Virginia resident or even another Maryland resident, even if the transferor knows the recipient is prohibited from such receipt, as long as it is intended to be a temporary loan. Obviously, if someone is prohibited by state or local law from receiving a gun, there is no basis for the federal law to step in to permit such receipt, even as a temporary loan.

An additional loophole is created by changing the criterion to "lawful" purpose rather than "lawful sporting" purpose. Congress wisely limited the exceptions in §§ 922 (a)(5), (b)(3) when it passed the original statute in 1968, fearful of the potential abuses that broader exceptions might engender. In contrast to these narrower exceptions, the "lawful purpose" formulation could be stretched to read many ways; it could permit virtually free transfers between persons in the form of "loans" for the avowed purpose of self-defense, regardless of whether such transfers are consistent with state law. There is no legitimate federal interest in allowing an otherwise unlawful loan of a gun to a vigilante in New York City who intends to roam the streets carrying the gun with the "lawful purpose" of "protecting" himself and his fellow citizens.

II. THE BILL WOULD IMPROPERLY REDUCE THE CATEGORY OF PERSONS INELIGIBLE TO OBTAIN FIREARMS

A. Definition of "Disabling Crime"

Current law prohibits felons from receiving or transporting firearms in interstate commerce. 18 U.S.C. § 922(g)-(h). It also prohibits licensed manufacturers, importers, dealers or collectors from transferring firearms to such persons. 18 U.S.C. § 922(d)(1). The bill proposes to amend these provisions by limiting the restrictions to persons convicted of a "disabling crime." A "disabling crime" is defined in Section 101(e): "The term 'disabling crime' shall mean a violation of Chapters 5, 7, 12, 35, 37, 39, 42, 49, 51, 55, 68, 77, 81, 84, 95, 96, 99, 102, 103, 105, 113, 115, and 117 of title 18, attempts at violations of the aforementioned chapters, or any similar crime punishable in a court, except a State offense classified by the law of a State as a misdemeanor and punishable by a term of imprisonment of two years or less."

The proposed restriction to "disabling crimes" is presumably intended to define a subclass of felonies (or equivalent state crimes) that involve violent tendencies sufficient that the perpetrator should be prohibited from owning a firearm.[1] From a policy standpoint, however, it should be remembered that an individual who has committed a crime punishable by a year or more imprisonment has demonstrated a serious disrespect for the law and a willingness to invade the rights and interests of other members of society. That fact alone raises substantial doubts about the eligibility of such a person to handle, in a manner consistent with the safety and welfare of others, such a dangerous and potentially lethal instrumentality as a firearm.

More importantly, as a practical matter, it is exceedingly difficult to make a meaningful categorization of felonies according to whether they do or do not demonstrate a propensity for violence. Certainly, the proposed limitation fails to achieve that purpose. The definition of "disabling crime" would permit persons convicted of a broad range of violent crimes to own a firearm. Thus, the bill would remove prohibitions on the receipt of firearms by persons convicted of violations of 18 U.S.C. § 351, dealing with the assassination, kidnapping or assault of a Member of Congress; 18 U.S.C. § 1792, dealing with mutiny or riots at a federal prison, or the transportation into such institutions of firearms or other lethal weapons; 18 U.S.C. § 32, dealing with the willful destruction of an aircraft or aircraft facilities or the willful incapacitation of an aircraft crew member; 18 U.S.C. § 33, dealing with the willful destruction of a motor vehicle or motor vehicle facilities, or the incapacitation of a driver; 18 U.S.C. § 871, dealing with threats to take the life of or inflict bodily harm on the President or successors to the presidency; and 18 U.S.C. § 1364, dealing with interference with foreign commerce by violence, through the use of fire or explosives.[2] In addition, under the proposed definition, even violations of Chapters 40 and 44, dealing with unlawful use of explosives and firearms, would not render a person ineligible to own a firearm.

Even if the bill were revised to include a more comprehensive list of obviously violent crimes in the definition of "disabling crime," the classification would still raise problems in terms of long-term legislative practicality. Under this proposed structure, any time a new crime is defined or an existing crime is recodified, the Congress would be required to make the determination whether the crime indicated sufficient violent propensities that it should or should not be included in the list of disabling crimes, and would then have to amend the definition. Aside from the sheer burden this procedure would impose, there would be a significant risk of inaccuracy and oversight, as is revealed with the current definition, which includes violations of Chapter 68, formerly the chapter covering narcotics violations, but now repealed.

The bill employs the "disabling crime" concept in the penalty section as well. Current law imposes additional penalties for transporting or receiving a firearm in interstate commerce with the intent to commit a felony. 18 U.S.C. § 924(b). Section 104(b) of the bill would modify this provision to impose the extra penalty only if the firearm were transported in connection with a "disabling crime." This approach is clearly inappropriate and is not even consistent with the purported justification for the "disabling crime" limitation. Even if it were determined that prior commission of certain felonies should not make a person ineligible to transport or receive a firearm, it does not follow that the transportation of a firearm with intent to commit such crimes should be decriminalized.

B. Persons under indictment for a felony

Current law imposes prohibitions on persons indicted for felonies, as well as those convicted of such violations. The bill would impose such prohibitions only on persons actually convicted. The asserted justification for this change is that a person should be considered innocent until convicted and should not suffer a "penalty" prior to that time. But the extension of such prohibitions to persons under indictment for a felony has been part of the federal firearms laws since 1938, and courts have consistently upheld it as constitutional.[3] *See United States* v. *Craven*, 478 F.2d 1329, 1338-40 (6th Cir.), *cert. denied*, 414 U.S. 866 (1973); *United States* v. *Friday*, 404 F. Supp. 1343 (E.D. Mich. 1975); *United States* v. *Quiroz*, 449 F.2d 583 (9th Cir. 1971). As the court concluded in *Craven*, it is "eminently reasonable" to base the indictment classification on the conclusion that "the indictment of an individual for a crime punishable by imprisonment for a term exceeding one year is so often indicative of a propensity for violence . . . ." 478 F.2d at 1339.

As the courts have recognized, the state of being indicted is always temporary and,

[1] This proposed limitation on the class of persons prohibited from receiving or transporting a firearm is not required as a matter of law; the current prohibition based on a classification of all felons has been upheld as constitutional. *See Cody* v. *United States*, 460 F.2d 34 (8th Cir.), *cert. denied*, 409 U.S. 1010 (1972); *United States* v. *Synnes*, 438 F.2d 764, 771-72 (8th Cir. 1971), *vacated on other grounds*, 404 U.S. 1009 (1972).

Furthermore, the limitation is not necessary to protect the ability of allegedly nonviolent felons to obtain access to firearms. Current law already contains a provision that a person convicted of a felony may obtain relief from the disabilities imposed by these prohibitions, upon a determination by the Secretary: "that the circumstances regarding the conviction, and the applicant's record and reputation, are such that the applicant will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest." 18 U.S.C. § 925(c).

[2] *See also* 18 U.S.C. §§ 875-877 (various felonies involving threatening communications and extortion, many punishable by 20 years imprisonment); 18 U.S.C. § 372 (conspiracy to injure or impede an officer); 18 U.S.C. § 1501 (assault on process server).

[3] The application of legal disabilities to persons under indictment arises in other contexts as well. For example, under the Bail Reform Act of 1966, 18 U.S.C. § 3146(a) (1), (2), (5), an indicted person is subject to a number of restrictions, including limits on his rights to travel, to associate with others, to receive visitors, or to leave his home at night.

given the likely dangerous propensities of such persons, it is permissible therefore to require indicted persons to tolerate a temporary limitation on their ability to use firearms. *Id., citing, United States* v. *Thoresen*, 428 F.2d 654, 662 (9th Cir. 1970). The asserted public interest in protecting the ability of an indicted felon to own or transport a firearm during the period between his indictment and conviction (or acquittal) is outweighed by the greater public interest in keeping firearms out of the hands of dangerous persons who are likely to misuse them. The unfortunate and frequent instance of persons indicted for a violent rape or armed robbery committing another equally violent offense while out of jail pending trial leaves no doubt as to the wisdom of the current prohibition.●

OSHA'S UNHAPPY VITAL STATISTICS

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HANSEN. Mr. Speaker, the House will be considering the annual appropriations legislation for the Occupational Safety and Health Administration in the near future. Because complicated amendments will be offered to this legislation, I would like to make available statistics from reliable sources regarding the scandalous failure of the agency which my colleagues should have for their information in devising a more effective and less restrictive safety program for American workers. The statistics follow.

The cost to the taxpayer:

OSHA BUDGETS

	Budget	Approved work force ceiling
Year:		
1971 [1]	$15,189,000	970
1972	35,884,000	1,696
1973	69,373,000	1,699
1974	70,408,000	1,830
1975	102,006,000	2,471
1976 [2]	117,181,000	2,804
1977	130,333,000	2,717
1978	139,070,000	2,817
1979	[3] 173,034,000	3,086
Actual 8 plus year total	852,478,000	
Projected 1980	[4] 181,520,000	[5] 2,944
Projected 9 plus year total	1,033,998,000	

[1] Partial year—The Occupational Safety and Health Act of 1970 was signed into law April 28, 1971 by President Nixon.

[2] Transitional year—the workforce would be 2,494 if it reflected 310 positions transferred to "departmental management," the budget would be $109,189,000 if it reflected the transfer in expenditures.

[3] Includes $1,810,000 in pay supplements additional to the approved 1979 budget of $171,224,000.

[4] The requested 1980 budget was $179,520,000. The House has approved an additional $2 million over the request to $181,520,000. The Senate has not yet voted on the 1980 OSHA budget, but the Senate Subcommittee on Appropriations has recommended an additional $5,289,000 be approved above the requested figure, for a total budget of $184,809,000.

[5] The requested workforce ceiling is 2,944. Although the House added no additional positions, the Senate Subcommittee on Appropriations has recommended an additional 142 positions be added to maintain the 3,086 figure.

The cost to the businessman:

MCGRAW-HILL ANNUAL SURVEYS OF EMPLOYEE SAFETY AND HEALTH EXPENDITURES BY AMERICAN INDUSTRY

[Last Issued: May, 1979, in billions]

	Expenditure
Year:	
1972 [1]	$2.509

MCGRAW-HILL ANNUAL SURVEYS OF EMPLOYEE SAFETY AND HEALTH EXPENDITURES BY AMERICAN INDUSTRY—Continued

[Last Issued: May, 1979, in billions]

	Expenditure
Year:	
1973	$2.569
1974	3.074
1975	2.714
1976	2.376
1977	2.884
1978	4.287
Actual 7 year total	20.413
Projected 1979	4.851
Estimated 8 year total	25.264

[1] OSHA's first full year of operation.

The benefit (?) to the worker:

WORKER OCCUPATIONAL INJURY AND ILLNESS INCIDENCE RATES [1]

[Number of recordable injuries and illnesses per 200,000 hours of exposure] [2]

	Total injury and illness rate	Lost workday cases	Non-fatal cases w/o lost workdays	Lost workdays
Year:				
1972	10.9	3.3	7.6	47.7
1973	11.0	3.4	7.5	53.3
1974	10.4	3.5	6.9	54.6
1975	9.1	3.3	5.8	56.1
1976	9.2	3.5	5.7	60.5
1977 [3]	9.3	3.8	5.5	61.6
6-year change (percent)	−14.7	+15.2	−27.6	+29.1

[1] Bureau of Labor Statistics Summary, Report No. 561.

[2] The 200,000 hours of exposure is theoretically equated to "per 100 employees." However, a more realistic approximation is "per 112 employees" since these BLS figures are based on a 2,000 manhour work year for employees (50 work weeks at 40 hours per week) and the average full time American worker only works 1,790 hours per year.

[3] Computing this for the total American workforce for 1977, the last year for which figures are available, these incidence rates translate into: 1977 total injury and illness cases 5,460,300, 1977 lost workday cases 2,203,600, 1977 average lost workdays per lost workday case 16.

WORKPLACE FATALITIES [1]

	All industries	Companies with 11 or more employees
Year:		
1973 [2]	5,700	5,340
1974	5,850	4,970
1975	5,160	4,570
1976	4,480	3,940
1977	[3] 5,560	4,760
5-year change (percent)	−2.46	−10.86
1976–77 change (percent)	+24.11	+20.81

[1] Worker deaths due to occupational injuries and illnesses; statistics compiled by the Office of Occupational Safety and Health Statistics of the Department of Labor.

[2] Fatality statistics were first recorded in 1973, unlike other OSHA statistics which generally go back for an additional year to 1972.

[3] Approximation supplied by Bill Meade, Division Chief of the Division of Periodic Surveys, Office of Occupational Safety and Health Statistics. Due to OMB budget cuts, surveys among companies of 10 employees or less were officially discontinued after the 1976 compilations. However, Meade based his estimate on the average fatalities among 10 or fewer employee companies in relation to all companies in prior surveys to show that small company employee fatalities would account for an additional 800 worker deaths beyond the large (11 or more employees) company figures.●

FOR PEACE IN CAMBODIA

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. DERWINSKI. Mr. Speaker, I wish to direct the Members' attention to a recent statement approved by the executive board of the Illinois and Greater Chicago Chapter of the United Nations Association. I must point out that newspaper headlines are concentrating on other issues, while the tragedy in Cambodia may be forgotten. This resolution follows:

FOR PEACE IN CAMBODIA

The Cambodian people are still suffering famine within the country and dislocation in refugee camps despite several years of relief efforts channelled through the Thai border and through Phnom Penh. Refugee populations near the Thai border suffer from the domination and military confrontations of rival anti-Vietnam organizations, while the occupying authorities in Phnom Penh divert large amounts of aid to their own military forces.

It is obvious that crops cannot be planted and effectively harvested until peace is restored and this necessarily involves an overall political settlement. The most promising basis for such a settlement, in view of Cambodia's history and traditions, is a status of complete independence and neutrality.

Therefore, we urge President Carter to call upon the United Nations to organize a Conference of the powers and interests involved, with the objective of establishing a Commission for the restoration of Cambodian independence and neutrality. Reporting to this Commission should be a temporary UN force to replace Vietnamese occupying troops, and to maintain order and halt guerrilla action. Other agencies of the Commission should repatriate refugees and prepare for popular elections on the basis of an independent and neutral Cambodia.●

MANAGEMENT, LABOR UNITE IN "OPPORTUNITY TRAILER" PROGRAM

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 23, 1980

● Mr. HUGHES. Mr. Speaker, I would like to call your attention today to a successful program which is operating in south Jersey, one which exemplifies the dramatic accomplishments which may be made when labor and management combine their efforts and work together toward a common goal.

The "Opportunity Trailer" project was first launched in June of this year, and is sponsored jointly by the Building Contractors Association of Atlantic City, the Atlantic City area mechanical contractors, and the Labor Trades Council, in conjunction with the Atlantic County Division of Manpower. Its aim is to aid developers in complying with the New Jersey Casino Control Commission mandate that a "good faith" effort be made to hire 20 percent minorities and 6.9 percent women at the construction sites for future casinos.

The "Opportunity Trailer" is presently undertaking a countywide search for qualified building trade mechanics who are unemployed due to social barriers. The program is not looking for apprentices, but rather is seeking out skilled mechanics who have worked at their particular trade for years, and feel that their experiences now qualify them for positions in the casino construction field.

By the time the "Opportunity Trailer" completes its run in mid-August, it will have visited throughout the county, stopping in Buena, Hammonton, Egg Harbor City, Egg Harbor Township, and Pleasantville. Even at this early date, the project is already a big success—more than 250 people turned out for interviews in just the first 2 weeks, when the "Opportunity Trailer" was parked in Atlantic City.

The "Opportunity Trailer" is serving a dual function for the Atlantic County community, aiding developers to obtain the skilled manpower needed to complete construction of casino sites, and offering qualified minorities and women an extra chance to secure employment in their fields of expertise.

Working hand-in-hand, labor and management have joined forces in an effort to eliminate discrimination in the labor force, and all have benefited from this productive endeavor. I join today with the residents of south Jersey in saluting the people who made the "Opportunity Trailer" project possible. This meaningful program is truly a step in the right direction.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 24, 1980, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 25

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold joint hearings with the Special Committee on Aging on energy assistance to the elderly.
6226 Dirksen Building

Special on Aging
To hold joint hearings with the Labor and Human Resources Subcommittee on Aging, on energy assistance to the elderly.
6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the substance of S. 2718, authorizing funds for each of fiscal years 1981 through 1985 for the Economic Development Administration and the Small Business Administration to facilitate the formation of U.S. export trading companies to expand export participation by smaller U.S. companies (pending on Senate calendar).
5302 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold oversight hearings on the construction of the Tennessee/Tombigbee Rivers waterways project for the purpose of facilitating barge traffic on the inland waterway system.
4200 Dirksen Building

Finance
To continue hearings on miscellaneous tax reduction proposals.
2221 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To continue oversight hearings on the implementation of the Department of Energy's gasoline allocation program.
3302 Dirksen Building

10:30 a.m.
Appropriations
Business meeting, to consider proposed subcommittee budget ceiling allocations for fiscal year 1981, and Senate Resolution 464, disapproving deferral of budget authority relating to the Cumberland Gap tunnel.
S-128, Capitol.

JULY 28

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 2926, proposed Magnetic Fusion Energy Engineering Act.
3110 Dirksen Building.

Environmental and Public Works
Water Resources Subcommittee
To hold hearings to evaluate the ability of the national transportation system to handle anticipated increases in coal production.
4200 Dirksen Building

Finance
To resume hearings on miscellaneous tax reduction proposals.
2221 Dirksen Building

2:30 p.m.
Finance
International Trade Subcommittee
To hold hearings on U.S./International trade strategy.
2221 Dirksen Building

JULY 29

9:30 a.m.
Agriculture, Nutrition, and Forestry
Environment, Soil Conservation, and Forestry Subcommittee
To hold hearings on S. 1942, proposed Resource Conservation and Development Act.
457 Russell Building

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to assess certain provisions relating to the use of space environment contained in the proposed Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (pending receipt by the Senate).
235 Russell Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold joint hearings with the Select Committee on Small Business to encourage regulatory negotiation by the Federal Government.
424 Russell Building

Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Education For All Handicapped Children Act (Public Law 94-142).
4232 Dirksen Building

Select on Small Business
To hold joint hearings with the Governmental Affairs' Subcommittee on Oversight of Government Management to encourage regulatory negotiation by the Federal Government.
424 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices and Foreign Agricultural Policy Subcommittees
To hold joint hearings on S. 2569, to provide for certain State agencies to perform official inspections with respect to grain marketing, and S. 2886, to provide for additional means for transporting grain to export elevators.
324 Russell Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 2774, proposed Underground Coal Gasification and Unconventional Gas Research, Development, and Demonstration Act.
318 Russell Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on the substance of H.R. 2743, to provide for a national policy for materials research and development capability and performance of the United States.
3110 Dirksen Building

Environment and Public Works
Water Resources Subcommittee
To hold oversight hearings on the environmental effects of the Harry S. Truman Dam in Missouri.
4200 Dirksen Building

Finance
To continue hearings on miscellaneous tax reduction proposals.
2221 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2166, to establish a National Institute of Native American Culture and Arts Development.
6226 Dirksen Building

3:00 p.m.
Conferees
On S. 1159, authorizing funds for fiscal years 1980-82, for programs under the National Traffic and Motor Vehicle Safety Act and the Motor Vehicle Information and Cost Savings Act.
S-146, Capitol

*Office of Technology Assessment
The Board to hold a meeting on pending business items.
EF-100, Capitol

JULY 30

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee

To continue joint hearings with the Select Committee on Small Business to encourage regulatory negotiation by the Federal Government.
424 Russell Building.

Veterans' Affairs
Business meeting, to consider S. 2649, to increase the rates of compensation for disabled veterans, and to increase the rates of dependency and indemnity compensation for their survivors, and amendment No. 1888, to provide for limited specially adapted housing benefits for certain severely disabled veterans to S. 2649, aforementioned.
412 Russell Building

Select on Small Business
To continue joint hearings with the Governmental Affairs' Subcommittee on Oversight of Government Management to encourage Federal regulatory negotiation by the Federal Government.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to mark up S. 2236, to provide Federal law enforcement agencies full authority to investigate certain criminal activities, relating to the illegal movement of currency; S. 2002, to restrict the use of the "Rule of 78," a lending practice use in the computation of rebates of unearned interest in long-term consumer loans; H.R. 7340, to encourage payment in cash by providing certain discounts; H.R. 2255, S. 380, and S. 39, bills limiting bank holding companies in selling insurance as principals, agents, and brokers; and S. 1940, to provide an exemption for qualified small business venture capital companies to reduce the paperwork and regulatory burdens of small businesses which sell their securities to institutional investors and to encourage large investors to make a portion of their capital resources available to small business.
5302 Dirksen Building

Commerce, Science, and Transportation
To resume hearings on S. 1789, to improve the ability of products' manufacturers and sellers to obtain product liability insurance coverage at reduced rates, focusing on a revised draft version of the bill.
235 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Finance
To continue hearings on miscellaneous tax reduction proposals.
2221 Dirksen Building

JULY 31

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings to assess certain provisions relating to the use of space environment contained in the proposed Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (pending receipt by the Senate).
235 Russell Building

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on an Internal Revenue Service policy of stepped-up seizures of small businesses because of tax delinquency.
1318 Dirksen Building

Judiciary
To hold hearings on the nominations of George Howard, Jr., to be U.S. District Judge for Eastern and Western Districts of Arkansas; Susan C. Getzendanner and Charles P. Kocoras, each to be a U.S. District Judge for the Northern District of Illinois; and John E. Sprizzo, to be U.S. District Judge for the Southern District of New York.
2228 Dirksen Building

Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Education For All Handicapped Children Act (Public Law 94-142).
5110 Dirksen Building

Select on Small Business
Taxation, Financing, and Investment Subcommittee
To hold hearings on the procedural difficulties encountered by smaller business in dealing with the Internal Revenue Service.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to continue markup of S. 2236, to provide Federal law enforcement agencies full authority to investigate certain criminal activities, relating to the illegal movement of currency; S. 2002, to restrict the use of the "Rule of 78," a lending practice use in the computation of rebates of unearned interest in long-term consumer loans; H.R. 7340, to encourage payment in cash by providing certain discounts; H.R. 2255, S. 380, and S. 39, bills limiting bank holding companies in selling insurance as principals, agents, and brokers; and S. 1940, to provide an exemption for qualified small business venture capital companies to reduce the paperwork and regulatory burdens of small businesses which sell their securities to institutional investors and to encourage large investors to make a portion of their capital resources available to small business.
5302 Dirksen Building

Energy and Natural Resources
Energy research and Development Subcommittee
To resume hearings on S. 2774, proposed Underground Coal Gasification and Unconventional Gas Research, Development, and Demonstration Act.
Room to be announced

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To resume hearings on the substance of H.R. 2743, to provide for a national policy for materials research and development capability and performance of the United States.
3110 Dirksen Building

Finance
To continue hearings on miscellaneous tax reduction proposals.
2221 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings to review the Food and Drug Administration's evaluation of the drug dimethyl sulfoxide (DMSO), to determine its application and effectiveness.
4232 Dirksen Building

2:00 p.m.
Energy and Natural Resources
To resume hearings to assess the political, military, economic, and social factors affecting world oil production and consumption over the next decade, focusing on the role of U.S. foreign policy in assuring adequate supply of oil for the United States at a reasonable price.
318 Russell Building

AUGUST 1

10:00 a.m.
Banking, Housing, and Urban Affairs
Business meeting, to continue markup of S. 2236, to provide Federal law enforcement agencies full authority to investigate certain criminal activities, relating to the illegal movement of currency; S. 2002, to restrict the use of the "Rule of 78," a lending practice used in the computation of rebates of unearned interest in long-term consumer loans; H.R. 7340, to encourage payment in cash by providing certain discounts; H.R. 2255, S. 380, and S. 39, bills limiting bank holding companies in selling insurance as principals, agents, and brokers; and S. 1940, to provide an exemption for qualified small business venture capital companies to reduce the paperwork and regulatory burdens of small businesses which sell their securities to institutional investors and to encourage large investors to make a portion of their capital resources available to small business.
5302 Dirksen Building

Energy and Natural Resources
Energy Resources and Materials Production Subcommittee
To hold hearings on S. 2734, to provide for the transfer of certain land and facilities used by the Bureau of Mines located at Carnegie-Mellon University in Pittsburgh, Pennsylvania.
3110 Dirksen Building

AUGUST 4

10:00 a.m.
Energy and Natural Resources
Energy Research and Development Subcommittee
To resume hearings on S. 2926, proposed Magnetic Fusion Energy Engineering Act.
3110 Dirksen Building

AUGUST 5

9:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 336, 1247, and 1877, bills providing special tax treatment for married couples and single persons.
2221 Dirksen Building

9:30 a.m.
Agriculture, Nutrition, and Forestry
Environment, Soil Conservation, and Forestry Subcommittee
To hold hearings on S. 2861, designating certain lands in the State of North Carolina for inclusion in the National Wilderness Preservation System.
324 Russell Building

AUGUST 6

10:00 a.m.
*Energy and Natural Resources
To hold hearings on S. 2695, to limit the severance tax percentage that a State

may impose on coal shipped in interstate commerce.

3110 Dirksen Building

AUGUST 19

10:00 a.m.
Select on Indian Affairs
To hold oversight hearings on the implementation of Indian housing programs.

5110 Dirksen Building

AUGUST 26

10:00 a.m.
*Veterans' Affairs

To hold oversight hearings on the implementation of small business loan programs for veterans recommended by the White House Conference on Small Business.

412 Russell Building

CANCELLATIONS

AUGUST 1

9:30 a.m.
*Labor and Human Resources
Health and Scientific Research Subcommittee
To hold oversight hearings on the activities of the National Health Service Corps.

4232 Dirksen Building