

SENATE—Wednesday, June 17, 1981

(Legislative day of Monday, June 1, 1981)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Let us pray.

Father in heaven, no group of men and women in the world bear greater responsibility than those who compose the Senate of the United States. No group holds more power and greater potential for the good of all people. Enable this body to realize total fulfillment of its destiny.

Jesus said:

If a kingdom is divided against itself, that kingdom cannot stand. And if a house is divided against itself, that house will not be able to stand.—Mark 3: 24 R.S.V.

Lord God strengthen the Senate against every divisive force that would neutralize its influence.

Give to the Members of the Senate with their diverse and often conflicting views a high sense of the common purpose which unites them. Deliver them from stubborn pride that imputes to itself infallibility, that gives absolute value to views that are of relative importance, and that pits partisanship against common cause and national interest.

Father in heaven, guide Thy servants through discussion, debate, and confrontation to the adequate solutions so desperately needed. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. Under the previous order, the majority leader is recognized.

THE JOURNAL

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

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I inquire of the Chair, are there special orders for the recognition of Senators this morning?

The PRESIDENT pro tempore. There is a special order for the Senator from Wisconsin (Mr. PROXMIERE) for 15 minutes, the Senator from Michigan (Mr. LEVIN) for 15 minutes, the Senator from

Iowa (Mr. JEPSEN) for 15 minutes, and the Senator from Nevada (Mr. LAXALT) for 15 minutes.

Mr. BAKER. I thank the Chair.

Mr. President, I am now advised that the Senator from Nevada (Mr. LAXALT) has no further requirement for the special order in his favor. I ask unanimous consent that it be canceled.

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

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader rescind cancellation of the special order in favor of the Senator from Nevada (Mr. LAXALT) and transfer the 15 minutes ordered for the recognition of Senator LAXALT to the Senator from Oklahoma (Mr. BOREN)?

Mr. BAKER. Yes.

Mr. President, I ask unanimous consent that instead of rescinding and cancellation of the special order in favor of the Senator from Nevada (Mr. LAXALT) the 15 minutes otherwise ordered for the recognition of Senator LAXALT be transferred to the Senator from Oklahoma (Mr. BOREN) instead.

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

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

Mr. BAKER. Mr. President, I thank the minority leader.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of special orders in favor of the Senators just identified there be a brief period for the transaction of routine morning business to extend not longer than 30 minutes in which Senators may speak for not more than 5 minutes each.

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

DEPARTMENT OF JUSTICE AUTHORIZATIONS

Mr. BAKER. Mr. President, is it not so that according to the order previously entered, that after the expiration of time allocated to the two leaders under the standing order or its disposition otherwise, the time allocated to Senators under special orders, and the time for transaction of routine morning business, the Senate will automatically resume consideration of the Department of Justice authorization bill, S. 951, at which time the Senator from Connecticut (Mr. WEICKER) will be recognized for the purpose of continuing debate on a Weicker second-degree amendment to the Helms amendment?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. Mr. President, I thank the Chair.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. President, some time during the course of this day I intend to confer with the minority leader at his convenience on the matter of laying aside temporarily the Department of Justice authorization bill so that we may proceed to the consideration of the Department of State authorization bill as provided for in another order previously entered.

It is my hope that we might be able to proceed to the Department of State authorization bill at approximately 2 p.m., but, as I indicated just now, I will confer with the minority leader before we proceed in that manner.

However, Senators should be on notice that we will commence the debate on the Department of Justice authorization bill after the expiration of time allocated to the Senators under the standing order, the special orders, and morning business. That should run for about an hour, perhaps a little less. At the expiration of that time, at approximately 2 p.m., I anticipate that there is a good likelihood we will temporarily lay aside the Department of Justice authorization bill and proceed to the consideration of the Department of State authorization bill.

The best estimates and appraisals I can receive from this side of the aisle are that we should be able to dispose of the Department of State authorization bill in about 2 hours. In any event, it is my expectation that after we dispose of the Department of State authorization bill we resume consideration of the Department of Justice authorization bill for a time yet today.

So, Mr. President, the Senate will have a fairly busy day today. I expect we will run to a normal time for recess or adjournment this evening. It will not be late, but it will be a full day nonetheless.

Tomorrow morning, we will resume consideration of the Department of Justice authorization bill unless that has been disposed of or unless we have not yet disposed of the Department of State authorization bill.

I hope that we can finish both of those measures today and tomorrow. If we can do that and take care of certain other matters that must be dealt with, especially items that I identified last evening that might be dealt with on short-time limitations or by unanimous consent, and other items that may be cleared on both sides for action today and tomorrow, I hope that it might be possible to go over then until Monday. That is by no means certain. So Senators should not plan on it, but I simply urge that we consider

the arrangements of the Senate so that we might entertain that possibility at least.

MONDAY—RECONCILIATION BILL

On Monday, it is my advice that we will be able to turn to the budget reconciliation bill which has now been reported by the Budget Committee of the Senate. The report on that bill, by the way, runs to more than 900 pages, just short of 1,000 pages. Copies have been made available or will be made available today in an early or midafternoon timeframe. So on Monday next I expect that we will be in a position to proceed to the consideration of that bill.

There is, of course, the statutory time limitation on that bill, and it may take Monday and Tuesday, maybe even Wednesday, to finish that measure, but I hope we can address the problems that remain in connection with the consideration of that measure and the bill itself and dispose of it in time to take up the farm bill before we go out for the July 4 recess.

Mr. President, that is a vignette preview of the schedule of the Senate, as I see it, at this moment.

My purpose of expounding at some length is because I know Senators have to plan their schedules, especially at this time and more particularly in view of the fact that there is a possibility at least of an airline strike beginning on Sunday night. I hope that does not occur.

I have today talked to the Secretary of the Department of Transportation and asked him to keep me advised regularly on the progress of the negotiations on the possibility of that strike. I will report to Senators that at this time it appears at least a 50-50 prospect that such an interruption may occur.

I will continue to report as I receive further information, but in the meantime I urge Senators to consider their travel schedules for this weekend and most especially for Sunday to assume for the sake of schedule safety that there may be some difficulty in returning after Sunday by air.

Since we have the budget reconciliation bill up on Monday, and I am sure every Senator will want to be on the floor at that time, I thought it might be appropriate to call this to the attention of all Members at this point early in the week.

Mr. President, I have no further need for my time, if any remains, under the standing order, and I am prepared to yield it back or yield to the minority leader for his use if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. Will the majority leader yield his remaining time to me?

Mr. BAKER. Yes, I yield my time remaining under the standing order to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I yield to Mr. BOREN such time as he may need.

HIGH INTEREST RATES

Mr. BOREN. Mr. President, I thank the distinguished minority leader. I shall require only a brief amount of time.

Yesterday I took the floor to indicate that I will continue to speak each day we are in session until the administration takes some action to provide for an immediate program to assure the continued security of our thrift institutions, to meet the growing crisis in housing, in agriculture, small businesses, and other critical areas in our economy caused by the high interest rates.

As I pointed out yesterday, while we may be working on a long-term cure for the economic ills of our country, we face urgent short-term problems caused by the high interest rates, problems which will grow into a major crisis in the very near future if this Congress and this administration do not take action.

I want to again urge the President not to wait until a serious problem develops, but to plan now, to take action now, to prevent this crisis from developing.

Mr. President, this morning I would merely cite two or three statistics to show how this crisis is going day by day, and to indicate again the need for action to be taken to provide for the security of our thrift institutions in this country.

According to the March 1981 first quarter figures which have been released, the earnings of the insured savings and loan associations in the United States declined in the first quarter of this year by \$671 million, in terms of a net decline for this quarter only, the first quarter only.

The net worth of thrift institutions so insured in this country fell by 2.1 percent in the first quarter of this year alone.

Mr. President, perhaps even more dramatic is the record as it applies to the influx of new savings, new deposits, into the insured savings and loan associations.

In 1977 \$32 billion of new savings was added to these institutions; in 1978 that figure had fallen to \$23 billion; in 1979 it fell to \$15 billion; in 1980 it fell to \$10 billion; and in the first quarter of this year there were no new savings added as a net figure. In fact, the amount of savings, net increase in savings, in savings and loans in the first quarter of 1981 was a negative \$1 billion; in other words, a net outflow of savings from these institutions of \$1 billion in the first quarter of this year.

Mr. President, the merger of institutions can only go on so long before the chain runs out. Action must be taken to shore up these institutions either through the provision of tax-exempt certificates of deposit or savings accounts which will be attractive to potential savers, which will cause people to begin to increase savings in these institutions, and action must be taken to help bring the net interest costs of housing loans down so that the average American family can once again afford to buy a house, so we can put people in the con-

struction industry and in the building trades back to work; and action must be taken in the near future if we are to avoid serious problems in agriculture, in small business, where those who are productive in our society simply cannot continue to pay the present short-term high rates of interest and continue to exist financially.

Mr. President, I again call for action and urge the President and his administration to prepare a plan, to present it to Congress, so that we can prevent what could be a crisis from developing.

I thank the Chair and I yield back the floor.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I now yield back to the distinguished majority leader, after which I will yield to my friend from Illinois and my friend from Virginia.

Mr. BAKER. Mr. President, I appreciate the generosity of the minority leader, and I wonder if he will postpone that for a moment until there is time for staff to examine a document that I believe the Senator from New Mexico wishes to present.

Mr. ROBERT C. BYRD. I thank the majority leader.

I yield to the Senator from Illinois.

Mr. DIXON. I thank the minority leader.

INDEPENDENCE OF LITHUANIA

Mr. DIXON. Mr. President, 3 months ago I stood before my colleagues to share in the joy of the 63d annual commemoration of the declaration of independence of Lithuania. Today, I am here again to voice my support for the proud Lithuanians, but for another reason.

June 15 marked the 41st anniversary of the occupation and incorporation of Lithuania into the Soviet Union. This is an occasion that must not be forgotten.

To quote President Franklin Delano Roosevelt:

Lithuania did not lose her independence—Lithuanian independence was only temporarily put aside. Time will come and Lithuania will be free again.

I share these sentiments, and hope, as do all independent Lithuanians, that one day this brave and durable nation will again experience liberation.

VOTE OF COMMITTEE ON THE BUDGET ON MOTION TO REPORT THE OMNIBUS RECONCILIATION ACT OF 1981

Mr. BAKER. Mr. President, if the Senator will permit me to yield to the Senator from New Mexico, he has two matters to present. One is the matter that I believe is in the act of being cleared now, and the other is for the purpose of introducing a bill.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, on behalf of the Committee on the Budget, the following is an announcement of the

vote on the motion to report the Omnibus Reconciliation Act of 1981, which occurred yesterday, June 16, 1981:

Vote of the Committee on the Budget on the motion of the Chairman to report the Omnibus Reconciliation Act of 1981, with a "do pass" recommendation, and to include in the committee report the views of the Committee on the Budget on nonbudgetary material in the bill, on committees which did not meet their reconciliation instructions, and on the action of the Energy Committee on the Strategic Petroleum Reserve.

YEAS

Mr. Armstrong, Mrs. Kassebaum, Mr. Boschwitz, Mr. Hatch, Mr. Tower, Mr. Symms, Mr. Grassley, Mr. Kasten, Mr. Quayle, Mr. Gorton, Mr. Hollings, Mr. Chiles, Mr. Johnston, Mr. Sasser, Mr. Hart, Mr. Riegle, Mr. Moynihan, Mr. Exon, and Mr. Domenici.

NAYS

None.

THE PRESIDENT'S ECONOMIC RECOVERY PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to applaud the firm position taken by President Reagan at his press conference yesterday in behalf of his economic recovery program.

The President has presented to the Congress and to the country a program which, taken as a whole, is, I feel, a desirable one and an important one. It couples an essential reduction in spending with a reduction in taxes.

The American people, I am convinced, want a reduction in the cost of government. The American people also feel

that taxes are too high, and President Reagan has addressed this problem with his proposals to Congress.

Without his courage, his leadership, and his determination I am convinced we would not bring about a reduction in Federal spending. But with his courage, his determination, and his leadership we will, I am convinced, bring about a reduction in the cost of government that can be coupled with a reduction in taxes.

The President feels it is important that the enactment of his economic recovery program not be delayed. I agree with him, and I hope Congress will not stall. I hope Congress will act quickly on his total program. The sooner this total program can be enacted, the sooner there will be removed the element of uncertainty that exists in the Nation today.

Business cannot proceed without knowing what the Congress will do in regard to the tax program, and the average American citizen is in the same dilemma.

So I hope that Congress will act quickly on this program. I applaud President Reagan for his determination, for his leadership, and for his courage in standing firmly behind the program that he has presented.

Mr. ROBERT C. BYRD. Will the distinguished Senator yield?

Mr. HARRY F. BYRD, JR. Yes.

Mr. ROBERT C. BYRD. The Senator will admit, will he not, that the Congress has acted with speed in dealing with the President's economic program? I think Congress has acted remarkably expeditiously in dealing with the President's proposed budget cuts.

Mr. HARRY F. BYRD, JR. I agree. Mr. ROBERT C. BYRD. The first concurrent resolution was enacted, the reconciliation resolution was enacted, the reconciliation bill is being marked up now and will be on the floor next week. Should not the Congress be given credit for having acted expeditiously and responsibly and responsibly with respect to that portion of the President's economic program?

Mr. HARRY F. BYRD, JR. Yes, I agree.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I yield the remainder of the time back to the majority leader.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the minority leader. We have sort of played ping-pong with the time today, but I think it has been to good effect.

Mr. President, I now yield to the distinguished chairman of the Budget Committee.

The PRESIDING OFFICER. The Senator from New Mexico.

CORRECTED "CROSSWALK" ALLOCATIONS FOR FISCAL YEAR 1982

Mr. DOMENICI. Mr. President, I ask unanimous consent to have printed in the RECORD a table showing the corrected Senate crosswalk allocations for fiscal year 1982 under the recently adopted first budget resolution.

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

CORRECTED SENATE COMMITTEE ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT, FISCAL YEAR 1982

[In millions of dollars]

	Direct spending jurisdiction		Entitlements funded in annual appropriation acts			Direct spending jurisdiction		Entitlements funded in annual appropriation acts	
	Budget authority	Outlays	Budget authority	Outlays		Budget authority	Outlays	Budget authority	Outlays
Appropriations Committee	464,889	428,966			Governmental Affairs Committee	40,728	29,474	(1)	(1)
Agriculture, Nutrition, and Forestry Committee	942	3,392	31	33	Judiciary Committee	410	393	59	59
Armed Services Committee	-572	-570	15,395	15,281	Labor and Human Resources Committee	5,421	6,103	4,908	4,874
Banking, Housing, and Urban Affairs Committee	4,142	747			Rules and Administration Committee	41	6		
Commerce, Science, and Transportation Committee	877	-89	319	319	Small Business Committee				
Energy and Natural Resources Committee	1,085	1,029	60	58	Veterans Affairs Committee	1,285	903	15,569	15,502
Environment and Public Works Committee	8,705	2,211			Select Committee on Indian Affairs	461	283		
Finance Committee	339,144	321,242	41,374	42,607	Not allocated to committees	-109,846	-109,846		
Foreign Relations Committee	13,189	11,206			Total, budget	770,903	695,453	77,706	78,734

¹ Less than \$500,000.

Note: Details may not add to totals due to rounding.

Mr. DOMENICI. Mr. President, I further ask unanimous consent that this table be considered the fiscal year 1982 allocation to Senate committees for purposes of section 302(a) of the Congressional Budget Act.

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

Mr. DOMENICI. Mr. President, the Senate Budget Committee staff, while working with CBO, House Budget Committee, and Senate Appropriations Committee staffs discovered some technical errors in the fiscal year 1982 crosswalk allocations to Senate committees that were printed in the statement of managers accompanying the conference report on House Concurrent Resolution 115, the first concurrent resolution on the

budget for fiscal year 1982. The revised table I am placing in the record corrects these technical errors.

First, \$1,100 million in budget authority and \$92 million in outlays for programs authorized by the Senate Banking Committee but appropriated in regular appropriation bills were improperly allocated as direct spending in the jurisdiction of the Senate Banking Committee. These amounts should have been assigned to the Senate Appropriations Committee.

Second, \$123 million in budget authority reductions in programs in the direct spending jurisdiction of the Senate Banking Committee were improperly allocated to the Senate Appropriations Committee.

Finally, coding errors on certain entitlements funded in annual appropriations acts resulted in slight understatement of these amounts in the jurisdictions of the Senate Agriculture Committee and Senate Labor and Human Resources Committee and a slight overstatement of these amounts in the jurisdiction of the Senate Finance Committee.

These technical corrections have been discussed with the staffs of the affected committees. Those committees have no objection to making these corrections.

Mr. HATFIELD. Mr. President, I wish to express my appreciation to Chairman DOMENICI for asking unanimous consent to publish a revised "crosswalk" for fiscal year 1982. This crosswalk contains the allocation to the Appropriations Com-

mittee as a result of the conference agreement on the budget resolution. I understand that today's action makes technical corrections and does not in any way alter what Congress intended when it passed the resolution.

The Appropriations Committee will shortly report to the Senate its subdivision of that total allocation by subcommittee. It will be that subdivision which the Senate will use to measure each individual appropriations bill against the budget resolution. This same procedure is used by the House; namely, the Appropriations Committee subdivides its allocated total for purposes of comparing its bills to the budget resolution.

However, Members should be aware of a discrepancy which exists even before any subdivision is made. The total allocations for the Appropriations Committees of the House and the Senate are different. The House Budget Committee has allocated for fiscal year 1982 over \$1 billion more in outlays to the House Appropriations Committee than has been allocated to the Senate Appropriations Committee by the Senate Budget Committee.

This difference stems in large part from the House Budget Committee's policy on assumed collections from oil company overcharges. They contend that this policy results in an add-on of \$176 million in budget authority and \$1,048 million in outlays for the House Appropriations Committee. The Senate Budget Committee has no such policy assumption. This issue, we understand, was not considered in conference on the budget resolution.

This fact would probably not be a source of concern if it involved the authorizing committees since authorizing committees have different jurisdictions in the House and the Senate. But of course the Appropriations Committees have the same jurisdiction in the two Chambers—the same 13 subcommittees. So, for the two allocations to differ in outlays by an amount of this size is a source of concern.

I think the Senate should be aware that it is going into the fiscal year 1982 appropriations cycle with an allocation less than the House's.

Mr. DOMENICI. Mr. President, I thank the distinguished leader and distinguished minority leader for yielding.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, I have no further need for my time if any remaining and I yield it back.

RECOGNITION OF SENATOR JEPSEN

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa (Mr. JEPSEN) is recognized for not to exceed 15 minutes.

Mr. BAKER. Mr. President, before the Senator is recognized, I ask unanimous consent that I may be recognized for 30 seconds without it being charged against the time allocated to the Senator from Iowa.

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

Mr. BAKER. Mr. President, I am now advised that the distinguished Senator from Oklahoma, who has already spoken this morning, has no further need for time. I ask unanimous consent that the special order of 15 minutes in his favor be transferred instead to the distinguished Senator from Iowa, Mr. JEPSEN.

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

Mr. BAKER. I thank the Chair and I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Iowa is recognized for not to exceed 30 minutes.

S. 1378—THE FAMILY PROTECTION ACT

Mr. JEPSEN. Mr. President, I send to the desk a bill and ask that it be appropriately referred.

The PRESIDING OFFICER. Without objections, the bill will be received and appropriately referred.

Mr. JEPSEN. Mr. President, I ask unanimous consent that the Senator from Nevada, Senator LAXALT, be added as a cosponsor.

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

Mr. JEPSEN. Mr. President, I am today introducing a bill, along with Senator LAXALT as the chief cosponsor, which is designed to strengthen the American family. Specifically, the purpose of the act is to preserve the integrity of the American family, to foster and protect the viability of the American family by emphasizing family responsibilities in education, tax assistance, religion and other areas related to the family and to promote the virtues of the family.

I ask unanimous consent that a fact-sheet I have prepared be printed in the RECORD.

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

[Fact Sheet]

FAMILY PROTECTION ACT OF 1981

The provisions of the Family Protection Act of 1981 fall into six Titles:

Title I. Family Preservation.—To preserve the integrity of the American Family, to foster and protect the viability of the American Family in the areas of parental rights, parental notification, juvenile delinquency, child abuse, spouse abuse, the restriction of Legal Services Corporation litigation pertaining to abortion, divorce, homosexual rights, and busing; Armed Forces Dependents allotments and homosexual advocacy.

Sec. 101. Rights of Parents. This section would amend the General Judiciary Procedures Provisions, Chapter 111 of Title 28 of the U.S. Code (28 U.S.C. 1651 *et seq.*) by adding at the end a provision providing for "a legal presumption in favor of an expansive interpretation" of the parental role in supervising and determining the religious or moral formation of a child.

Sec. 102. Parental Notification. This section amends the General Provision section of the U.S. Code to provide that no program may receive federal funds unless prior to providing a contraceptive device or abortion service (including abortion counseling) to an unmarried minor, the parents or guardian of such minor are notified.

The section further amends Part C of the General Education Provisions Act for the

exact same purpose. Therefore, as drafted the "parental notification" provisions shall apply generally to the U.S. Code Statutes at Large, and specifically to Part C of the General Education Provisions Act.

Sec. 103. Juvenile Delinquency. This section amends the Juvenile Justice and Delinquency Prevention Act of 1974 (P.L. 93-415) by adding a new section stipulating that no federal program, directive, guideline, agency directive, commission or grant shall be construed to override existing state law relating to juvenile delinquency.

Section 103(b) is added for the purpose of preserving the integrity of state participation or cooperation in any program for the return of runaway youths through interstate compact or other similar legislative statutes or provisions.

Presently, the Juvenile Justice and Delinquency Prevention Act currently contains no provision comparable to sections 103(a) or 103(b).

Sec. 104. Child Abuse. This section provides that no federal program, directive, guideline, or grant be construed to provide any existing state law relating to child abuse.

Sec. 104 (b) would add a new condition to state programs on child abuse which seek federal funding under either the Child Abuse Prevention and Treatment Act of Title IV of the Social Security Act (42 U.S.C. 620 *et seq.*), specifically, that such programs be specifically authorized and established by the respective state legislature(s).

Sec. 104 (c) amends section 3 of the Child Abuse Prevention and Treatment Act by revising the definition of child abuse to conform with the definition of child abuse under the Child Welfare Amendments of 1979 (P.L. 96-272). (See H.R. 3434), and also by creating an exception for discipline or corporal punishment "applied by a parent or individual explicitly authorized by a parent to perform such function".

Sec. 105. Spouse Abuse. This section as drafted is amended to the General Provisions of the U.S. Code. It provides that no federal law, program, guideline, agency action, commission action, directive or grant shall be construed to pre-empt state statutory law relating to spousal abuse or domestic relations.

Sec. 106. Legal Assistance Restrictions. This section would impose numerous restrictions on the kinds of legal representation that could be offered by federally funded legal services offices.

Specifically, this section would amend section 1007 (b) of the Legal Services Corporation Act. (42 U.S.C. 2996 f (b) to ban funding under that Act to entities which provide legal assistance:

"To any proceeding or litigation which seeks to procure an abortion, or

"With respect to any proceeding or litigation seeking to obtain or arising out of a divorce, or

"To any proceeding or litigation which seeks to adjudicate the issue of homosexual rights.

Present law imposes restrictions only on the federal funds made available through Legal Services Corporation. This section would place the restriction under section 1007 (b) on *all* activities of the Corporation grantees, whether paid for out of Corporation funds or not.

Sec. 107. Armed Forces Dependents' Assistance allotments. This section amends Title 37 the "Pay and Allowances of the Uniformed Services" provisions, Chapter 13 by authorizing the Secretary of Defense to pay to the dependents of any member of the armed forces a monthly dependents' assistance allotment, which allotment shall be deducted from the pay and allowances of the member when such dependents are living separate from the member.

Public Law 93-64 (H.R. 8537, submitted by

the DOD), enacted July 9, 1973, allowed the mandatory allotment provision in the Dependents' Assistance Act of 1959 to expire in 1978. The mandatory allotment provision required members in pay grade E-4 (with four years or less service), E-3, E-2, and E-1 to allot a portion of their pay directly to their dependents in order to qualify for Dependents Assistance Act benefits, which consisted of a quarters (housing) allowance.

NOTE: Public Law 87-531 (1962) removed the mandatory allotment requirement for members in pay grade E-4 (with four years service) and above.

Sec. 108. Federal funds for Homosexual Advocacy. This section would bar federal funds from going to any public or private individual or entity which presents that male or female homosexuality is an acceptable lifestyle. Presently, there is no federal statute which places such a condition on the receipt of federal funds.

This section is not intended to prohibit a homosexual from receiving social security, welfare, veterans benefits, student assistance or other public funds.

The policy pursuant with this section centers on the proposition that the government should not support either directly or indirectly homosexual advocacy. This is particularly true in regard to the use of taxpayers dollars.

Title II. Taxation.—To foster and protect the viability of the American family through taxation in the areas of education savings accounts, tax exempt schools, multigenerational households, parental support accounts, retirement savings account, corporate day care, charitable contributions, and exemptions for childbirth or adoptions.

Sec. 201. Education Savings Accounts. This section is modeled after S. 24, by Senator Dole of Kansas. The section adopts the education savings provisions of S. 24 with several modifications in the areas of private schools, insurance company participation, and participation by relatives. Specifically, this section would amend the Internal Revenue Code of 1954 to provide for the establishment of and the deduction of an education savings account for each child. Parents and the child may contribute up to 2,500 per year to this account and receive a corresponding tax deduction.

Contributions may be made each year of a child's life until the child reaches 21 or enrolls at a qualified elementary, secondary, college or vocational school whichever occurs first.

Amounts from the fund will not be subject to tax when used for tuition, fees, and reasonable living expenses while the child is at a qualified educational institution. However, the amounts so expended will be included ratably in the child's income over a 10-year period beginning in the year the child attains age 25.

The section also provides for relatives of the child or parent to contribute to the account.

Sec. 202. Tax Exempt Schools.

Sec. 202(a) of the bill would create a new subsection 501(j) of the Internal Revenue Code. (Present subsection 501(j) would become 501(k).) Proposed subsection (j) outlines several conditions for organizations which wish to qualify for tax-exempt status as educational organizations. Under proposed subsection (j) an organization described in section 501(c)(3) of the Internal Revenue Code would be treated as organized and operated exclusively for educational purposes if it met 5 requirements:

1. It must be organized and operated exclusively for the purpose of providing preschool, grammar school, high school or college education;

2. It must be incorporated as a nonprofit corporation in any state of the United States, its territories or possessions, or in the District of Columbia;

3. Its bylaws must prohibit discrimination in the hiring of teachers or admission of students on the grounds of race, nationality or ethnic background;

4. It must require attendance for at least the same number of days as are required in public schools of the state in which it is located;

5. The school cannot be operating under a judicial order entered under 202(b) of the Family Protection Act.

Paragraph 1 of subsection 202(b) would provide a method whereby the Attorney General (U.S.) could obtain a judicial order barring a tax exemption for a school which had violated any provision of sections 1977, 1978, or 1979 of the Revised Statutes (i.e. 42 U.S.C. sec. 1981, 1982, 1983) or of the Civil Rights Act of 1964. If the Attorney General has reasonable grounds to believe that a school has violated any of those provisions, the Attorney General is required to file a civil suit for a declaratory judgement in the federal district court for the district where the school is located.

If the Attorney General can establish by a preponderance of the evidence that the school has engaged in deliberate or intentional discrimination for at least four consecutive years prior to the filing of the suit, the court would be required to issue a judicial order barring a tax exemption for the school. Paragraph 6 would prevent the court from considering a school policy requiring the faculty to adhere to or subscribe to certain doctrines or beliefs to be a policy of deliberate and intentional discrimination.

Sec. 203. Multigenerational Households. This section would add two new sections to the Internal Revenue Code which would permit a taxpayer to take either a tax credit or a deduction for maintaining an elderly dependent in the household.

Section 203(a) would add a new section 44F which would permit a taxpayer who maintains a household which includes a dependent who is at least 65 years old at the end of the taxable year to take a \$250 credit against his income tax. The tax credit would be non-refundable and would be applied after certain other credits such as the foreign tax credit, the credit for the elderly, the general tax credit, the investment tax credit, the child care credit and the residential energy credit.

Certain special rules would be applied. An individual would be treated as maintaining a household only if the individual (or the individual and spouse) furnished over half the cost of maintaining a household. Married couples would have to file a joint return to take advantage of the credit. Legally separated couples and divorced couples would not be considered married. In addition, certain married individuals who file separate returns would be permitted to claim the credit if they maintained a home for a qualifying individual for more than one-half of the year, furnished over half the cost of maintaining the household during the year, and if their spouses did not live in the household during the last six months of the taxable year.

Section 203(b) would create a new Code section 222 (after moving section 222 to section 223). Proposed section 222 would be an alternative provision to the proposed section 44F credit. Section 222 would permit a taxpayer to take a deduction of \$1,000 per year for each year during which the taxpayer maintained a household for a dependent at least 65 years of age at the close of the taxable year. The same special rules regarding marital status and claiming the deduction discussed in connection with the credit would apply. The remainder of the section would conform the Code to the changes made by this section of the bill. It provides for an effective date of taxable years beginning after December 31, 1980.

Sec. 204. Parental Support Account. This section would create two new Code sections, 223 and 645. New section 223 would allow a deduction of up to \$3,000 per year for contributions to a trust established to care for an individual's parents or a handicapped relative. A handicapped relative would have to fall into one of eight categories of relationship to the grantor in addition to being handicapped: (1) son, daughter, or grandchild; (2) stepson or stepdaughter; (3) brother, sister, stepbrother, stepsister; (4) father, mother, grandparent; (5) stepfather or stepmother; (6) niece or nephew; (7) aunt or uncle; (8) son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law.

New section 645 would describe a qualified parental or handicapped relative care trust. Under proposed section 645(a)(1) the trust would be exempt from tax, with certain exceptions. Under proposed section 645(a)(2) the amounts distributed by a qualified trust would not be included in the gross income of the beneficiary provided the beneficiary is not the spouse of the grantor of the trust and provided the beneficiary is not related to the grantor as (1) a son, daughter, grandchild; (2) stepson or stepdaughter; (3) brother, sister, stepbrother or stepsister; (4) father, mother, or grandparents; or (5) stepfather or stepmother.

Sec. 205. Retirement Savings Account. Section 205(a) would amend section 219 of the Internal Revenue Code to allow an individual retirement plan on behalf of the individual's spouse.

Subsection 205(b) of the bill would amend section 219(c) of the Code to explain how married individuals can claim the deduction for payments to an individual retirement plan for the benefit of a spouse. The spouse could have no compensation income in order for the taxpayer to claim the deduction for the payments; however, for purposes of computing the maximum allowable deduction the non-earning spouse would be treated as having compensation income equal to the earning spouse's compensation includable in gross income for the taxable year. The maximum deduction (the lesser of 15% of compensation or \$1,500) would be computed separately for each spouse.

If the spouse were handicapped, the maximum deduction would be \$3,000. (A handicapped individual is defined in Code section 190(b)(3) as an individual who has a physical or mental disability (including, but not limited to, blindness or deafness) which results in a functional limitation to employment or who has a physical or mental impairment which substantially limits one or more major life activities of such individual.)

The couple would have to file a joint tax return in order to claim the deduction for payments made for the benefit of the spouse. No deduction for payments to an individual retirement plan on behalf of a spouse would be permitted if the spouse had compensation includable in gross income or if a deduction would be disallowed if the spouse were making the contributions.

Sec. 206. Corporate Day Care—Charitable Contributions. This section would provide incentives for employers to establish day care centers for children of their employees. Section 203(a) would amend (section 162(b) of) the Internal Revenue Code to provide that an employer may take an ordinary and necessary business expense deduction for amounts paid to a day care center which meets the requirements of Code section 501(c)(22), which is operated by an employee of the taxpayer and which provides care for children of employees of the taxpayer.

NOTE: 501(c)(22) is the "Charitable Contributions" provision.

Sec. 207. Exemptions for Child Birth or Adoption. This section would amend section 151 of the Code to allow an additional personal exemption of \$1,000 in the year that a

child is born to, or adopted by, a taxpayer. A \$3,000 exemption would be allowed in the case of a child born to the taxpayer who was handicapped and in the case of the adoption of a child "whose parents were not members of the same race," who had attained the age of 6 before the beginning of the taxable year of the adoption, or who was handicapped. The language "whose parents were not members of the same race" is intended to mean a child of mixed racial background.

In order to qualify for the additional exemption, a married couple would have to file a joint return in the birth or adoption year. The additional exemption would not be permitted to single persons or to married persons filing separate returns. If the taxpayers would not fully utilize the additional exemption because their incomes were not enough to absorb the additional deduction, the portion which could not be used could be carried over to the following year.

In addition, this section would allow an individual to deduct the amount of the adoption expenses paid or incurred by the taxpayer during the taxable year.

The maximum dollar amount allowable as a deduction for all taxable years with respect to the adoption of any child shall not exceed \$3,500 for domestic adoptions and \$4,500 in the case of an international adoption.

Adoption expenses under the bill means reasonable and necessary adoption fees, court costs, attorney fees and other expenses which are directly related to the legal adoption of a child by the taxpayer and which are not incurred in violation of state or federal law.

Title III. Education.—to preserve the integrity of the American family in the area of education pertaining to community and parental participation relating to a child's education and a child's religious instruction, state or local teacher qualification and certification, non-profit private school exemption amendment to the National Labor Relations Amendments Act (NLRA), and education block grants.

Sec. 301. Community Participation in Religious Instruction and Education. This section would amend Part C of the General Education Provisions Act (20 U.S.C. 1230 *et seq.*) to provide that it shall be unlawful for any federal, state or local educational agency or institution receiving any federal funds which (1) fail to provide procedures through which parents and communities can participate in decisions "relating to the establishment or continuation of courses relating to the study of religion" (including provision for parental consent to student enrollment in any courses), or (2) limit the right of parents to visit the public schools or classes or to inspect their children's school records. The section would also bar states and local educational agencies from using federal education funds in school districts which require teachers as a condition of employment to pay dues or fees.

This section would further amend Part C of the General Education Provisions Act (20 U.S.C. 1230 *et seq.*) to bar the extension of federal funds under applicable education programs (1) to states and local educational agencies which do not "provide for parental review of textbooks prior to their use in public school classrooms"; and (2) to purchase or prepare any educational materials which tend to denigrate, diminish, or deny the role differences between the sexes as it has been historically understood in the United States.

Finally, the section provides that any individual aggrieved by a violation of the act may bring a civil action in the appropriate district court of the United States for damages or equitable relief as may be appropriate.

Sec. 302. Rights of States and Local Educational Agencies. This section would provide that "federal funds shall not be withheld under any provision of federal law nor

shall any provision of federal law be construed to prohibit" (1) the right of any state or local educational agency to determine the requisite qualifications of teachers within their jurisdictions (including the right not to require a certificate, so long as a college degree relevant to at least one of the subject areas to be taught by the teacher is required), (2) the right of any state to set or not to set attendance requirements at public or private schools within their jurisdiction, and (3) the right of any local educational agency, in consultation with parents, to limit or prohibit the "intermingling of the sexes in any sport or other school-related" activity.

302(b) would amend the National Labor Relations Act (29 U.S.C. 151 *et seq.*) to add a new exemption for non-profit private schools. The section would amend Section 2(2) of the NLRA (29 U.S.C. 152(2)) to exclude from the definition of employer "any corporation or association operating a non-profit private school, if on part of the net earnings inures to the benefit of any private shareholder or individual."

Sec. 303. Education Block Grants. This section was prepared prior to the time the Administration's block grant proposal was introduced. However, the section in many respects is similar to the Administration's block grant proposals.

Specifically, this section would amend the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 *et seq.*) by repealing Titles I, II, III, IV, VII, and IX of that Act and substituting in their stead a new Title XI. The states would have broad discretion in allocating funds at the local level.

It is my recommendation to the appropriate committee that this section be amended to reflect the Administration's elementary and secondary education block grant proposals.

Sec. 304. Released Time for Parenthood Education. This section provides that no provision of the Federal law shall be construed to prohibit release time for parenthood education to be conducted by churches in fulfillment of school requirements for required parenthood education courses.

Sec. 305. Legal Services: Busing. This section would amend section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) to prohibit funds received by LSC grantees from being used for legal assistance or litigation relating solely to achieve racial quotas or the desegregation of any elementary or secondary school or school system.

Title IV. Voluntary Prayer and Religious Meditation.—To ensure and protect the right to the free exercise of religious expression as guaranteed under the First Amendment to the Constitution of the United States.

Sec. 401. The Voluntary Prayer and Religious Meditation Act of 1981. This section is designed to reverse the last 19 years of Supreme Court decisions and subsequent case law regarding the constitutionality of state-sponsored religious exercises in the public schools.

The section directs its attention to the First Amendment to the Constitution, specifically the "Free Exercise Clause".

The First Amendment states that Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; . . .

The Supreme Court has prohibited state involvement in school prayer or other religious activity strictly on the establishment clause.

The "Exercise Clause" has taken a secondary role to the "Establishment Clause" in determining the constitutionality of state sponsored religion. At best, the "Free Exercise Clause" should be given equal balance and authority with the establishment clause. A strong case must be made for the free

exercise of religious expression whether public or private. Such expression is a fundamental freedom which should not be benignly denied in order to protect other freedoms equally fundamental.

This section directly confronts the religious freedom and establishment clause issue through congressional statutory law.

Finally, this section provides that any individual aggrieved by a violation under Title IV of the bill may bring a civil action in the appropriate district court of the United States, or in any state court of competent jurisdiction, for damages or for such equitable relief as may be appropriate or both.

In short, a parent or guardian representing a student who is being denied the opportunity (right) to participate in religious exercises would have standing to bring a civil action in Federal or state district court . . .

Sec. 402. Congressional Findings.

Sec. 403. Definition.

Sec. 404. Voluntary School Prayer and Religious Meditation Right Protected.

Sec. 405. Civil Actions Authorized; Jurisdiction and Relief.

Sec. 406. Savings Provisions.

Title V. Rights of Religious Institutions and Educational Affiliates.—to preserve and protect the integrity of religious institutions and their related activities from government intrusion, regulations and other acts of governmental intervention.

Sec. 501. Rights of Religious Institutions. This section would bar the federal government from imposing "any legal obligation or condition" with respect to curriculum, religious activities, licensure, conditions of employment, and operating procedures on a variety of social service organizations, if the organizations are "directly or indirectly operated by a church or religious organization."

The types of organizations and programs covered by this exemption from federal regulation would be church-operated child care centers, orphanages, foster homes, social action training programs, emergency shelters for abused children or spouses, schools, juvenile delinquency or drug abuse treatment centers or homes, and "similar programs." This section would permit reasonable health and fire regulations, however, when promulgated by an instrumentality of the federal government exercising the authority of a local government.

501(b)(1) is designed to ensure that religious organizations (under the section) whether directly or indirectly affiliated with a church, are not exempt from the provisions of the Civil Rights Act of 1964 with respect to race, creed, color, or national origin.

501(b)(2) is designed to exempt church or religious organizations (under the section) from any rules or regulations relating to affirmative action, quotas, guidelines, or actions designed to overcome racial imbalance.

Title VI. Miscellaneous.

Sec. 601. Jurisdiction.

Section 601(a) would provide jurisdiction in the United States district courts or any territorial court which has the powers of a district court for suits brought under the Act, without regard to the amount in controversy. Section 601(a) would also provide for venue in any district in which the defendant is an inhabitant, transacts business, or is found, and provides for similar service of process.

Section 601(b) would bar any action brought in State court under the Act from being removed to federal court except when a federal official or the United States is a party. The section would further provide that no costs may be assessed against the United States.

Sec. 602. Limitations on Actions. This section would provide that a civil action must be brought within six years after the cause of action arises.

Sec. 603.

Section 603(a) provides that any person who violates any provision of the bill or regulations thereunder may be subject to a civil fine not to exceed \$5,000. The subsection provides that an offense is newly committed each day of the violation. The subsection also provides that the fine may only be imposed after a hearing. Subsection 603(b) provides that hearings shall be conducted pursuant to the adjudication provisions of the Administrative Procedure Act (5 U.S.C. 554).

Subsection 603(c) provides that the Attorney General or a delegee may collect the civil fines, payable to the United States, in the district courts. The subsection limits review on collection matters to exclude the validity and appropriateness of the final determination. Subsection 603(d) provides that a person aggrieved by a final determination under subsection (b) may seek review in a United States Court of Appeals within twenty days after the determination. Review is to be in accordance with the Administrative Procedure Act (5 U.S.C. 706).

Section 604. Contrary Stipulations Void. This section would provide that any agreement contrary to the provisions of the bill is void.

Sec. 605. Report to Congress. This section requires the Secretary to file a report with the Congress within thirty months on the implementation of the bill.

Sec. 606. Effect on other laws. This section provides a rule of construction that, the bill does not limit, but is in addition to, any other private right provided by the federal or state law.

Sec. 607. Authorization of Appropriations. This section authorizes appropriations to carry out the provisions of the bill and does not specify a limitation on the amount.

Sec. 608. Separability. This section provides for the separability of the provisions of the bill, if any provision is found invalid.

Mr. JEPSEN. Mr. President, today I join with Senator LAXALT in introducing a vital and innovative piece of legislation, the Family Protection Act. Vital, because this legislation seeks to tackle the problems that surround Government intervention in the lives of individuals and their families. Innovative because the 97th Congress' version of this act is a novel effort to call attention to the value of the family unit and its definitive role in society as a whole.

As an elected public servant, a father of six children and a grandfather, I have great concern over the rise of Government intervention in the family. Government policies interfering with the family have increased over the past decade under the guise of solving human problems in the areas of health, education, and social services. Government oversight is no substitute for active participation by the community, the church, and in the final analysis, the family unit.

Government activists, although many times well intentioned, have adversely influenced the direction of American social policy. Very subtly, over a period of relatively few years, bureaucrats have spun a suffocating web of programs and regulations that has threatened the very existence of the traditional family. If you recall, after the 1970 White House Conference on Children and Youth, the Forum 14 report redefined the family as a group of individuals in interaction.

The American Home Economics Association has determined that the family is a unit of two or more persons who

share values and have a commitment to one another over time.

Unfortunately, such all-encompassing definitions, while at first glance may appear bland and academically accurate, actually extend the meaning of family to include anyone and anything from group marriages, to homosexual and lesbian couples who want to adopt children.

How did the traditional definition of two or more persons related by blood, heterosexual marriage, or adoption become so old fashioned and unacceptable.

As a young man growing up on a farm, I quickly learned the meaning of hard work and working together in a family unit. I realized that character and selflessness are uniquely inspired by household chores, well-placed words of encouragement and, on occasion, a prudent use of corporal punishment.

Truly, it is only through healthy family life that young people develop their habits and lifestyles. As a result of family upbringing, the individual realizes his essential character and grows into a participating member of society.

As noted author Richard Reilly stated:

Without the family that formation is impossible. It is in and through human society that man naturally reaches his fullest completion, and the fundamental cell of that society is the family.

Robert Kennedy said that:

One of the basic reasons we have had crime, lawlessness and disorder in the United States has been the breakdown of the family unit.

His statement demonstrates one of the fundamental truths about a society: Every attempt by a society to circumvent the structure of the family in establishing social change has been subject to dismal failure and moral disaster.

The family unit is so basic, so fundamental, and so necessary to society that it is hard to believe it is under attack—but it is. The family has become a favorite target of some organizations and intellectuals bent on transforming the existing social order.

As a Conservative, I strongly support the traditions and institutions which have served to strengthen the family and have stood the test of time. I cannot accept the concepts of these social planners who believe that times are changing and we need to adjust our basic values to fit the change in times.

There are many instances where Government policies have affected the integrity of the family. A few come immediately to mind.

Too often, compulsory busing disrupts family and neighborhood life and heightens racial tensions without improving the quality of education for children of any race or ethnic background. More importantly, it radically removes the responsibility from parents for directing their children's education.

Some of the rules and practices used in providing aid to families with dependent children—AFDC—are examples of how a Government program can disrupt family life. Under this program, low-income families deprived of a father's support are granted cash assistance while intact families in the same financial bracket do not meet eligibility requirements. This system provides no

monetary incentive toward marriage for an unmarried couple who already have children.

Under title IX funding, human services professionals have received Federal grants to cure family-related social maladies. A percentage of these funds are being used to finance 15 race desegregation assistance centers and 10 sex-discrimination assistance centers.

The activities of these federally funded centers range from recruiting females or males for employment in jobs not traditionally held by members of their sex to identifying race stereotypes in textbooks and other curricular material and developing methods of countering their effects upon students.

At best, such design is counterproductive to efforts to treat each minority as an individual rather than each individual as a member of a minority.

Mr. President, I ask, Is the role of the Federal Government to shape the attitudes of the American people? Are we to seek our moral direction from the Federal Government?

For over a decade now there has been a concerted effort to detach sexual activity in young people from the imperatives of morality and responsibility. What began as an effort by the Federal Government to provide health care services for low-income women has expanded into other untouchable areas of family planning. The Federal Government now is funding abortion referrals and counseling and is distributing contraceptives to minors without parental consent.

I agree wholeheartedly with Eunice Kennedy Shriver when she stated:

To do something helpful about teenage sex and pregnancy, we do not need more money for the mechanics of birth control or more value-free sex education. We need efforts that strengthen the family commitment and marriage and get at the problems that lead adolescents into early sexual activity.

I firmly believe that the Federal Government should not interfere or intrude into personal family life relationships. Families that have not been able to solve their personal problems have traditionally looked to their community's spiritual and religious leaders for direction.

Our role as elected officials should be one of protecting the freedoms of families as well as individual citizens. The time has come when protection that reflects the will of the people must be provided for and defined through legislation. With the accelerated erosion of basic family values due to Government intrusion and growing secular humanism—the time for family protection legislation has arrived.

The results of the November 1980 election clearly reflected the desire of the American people to see a change in the direction of our country's economic, educational, moral, and social policies. The elections were not won by just single issue, right-wing elements in our political system.

The widespread geographic unanimity of voting in last year's election was a true reflection of a growing concern among Americans across the country that America is in trouble.

The Family Protection Act is a non-partisan legislative effort that is intended to send a clear signal to all parents that they have the primary rights and responsibilities in the character formation, education, and health care of their children.

The intention of the bill is simple. In key areas, such as education, taxation, religion, and domestic relations, the Family Protection Act seeks to restore the responsibilities for strengthening the family to the unit itself.

Specifically, the Family Protection Act is divided into six titles: Family preservation; taxation; education, voluntary prayer; the rights of religious institutions, and educational affiliates; and jurisdiction.

FAMILY PRESERVATION

Title I of the Family Protection Act seeks to revise several antifamily sections of the United States Code. Although much more needs to be done to preserve the integrity of the family, I believe this section is a step in the right direction.

The concepts contained in this section include:

A reinforcement of the parent's legal right to direct the religious and moral upbringing of their children.

A shift in responsibility from the Federal Government to the State and local government for maintaining programs dealing with juvenile delinquency, as well as child and spouse abuse;

A restriction of Legal Services funds for use in litigation cases dealing with abortion, homosexual rights, and divorce; and

A requirement that parents are to be notified when an unmarried minor receives contraceptive devices or abortion-related services from a federally funded organization.

I note Mr. President, for the record, that in the last 15 to 20 years we have had an outpouring of money that totals in the millions of dollars in programs which were designed to address the problems of pregnancy and venereal disease among teenagers. Hundreds of millions of dollars in social programs, initiated in large part and supported by the Federal Government, agencies and organizations associated with Government, have tried to solve this problem. The results have been that we have an accelerated growth of teenage pregnancies; venereal disease is rampant and running higher than ever.

It seems to me that a requirement that parents are to be notified when an unmarried minor receives contraceptive devices or abortion-related services from a federally funded organization, a requirement that the parents themselves be involved in setting both the values and the discipline and guidance, would deal with this problem more effectively than the hundreds of millions of dollars poured into these programs by the Federal Government. What the Government has been doing has not and is not working at all.

There is a great obsession by those in this wave of humanism that has swept this country, and especially the bureaucrats and social advisers here in Wash-

ington, D.C. For some reason, whether it is the Potomac water they drink, if that is it, or whatever, suddenly believe they are more knowledgeable than anyone else with regard to what is best for people, particularly the people's children, and that if we start a program on a small scale and it does not work, the way to improve that program is to expand it and to make it a bigger program. If that does not work, then, we have a reciprocal pump in taxpayer funds, to put a few hundred million more dollars into the program and hundreds more people, and if it gets big enough and all-encompassing, it is eventually bound to work.

That mentality has been disastrous over the last half century in the Nation's Federal Government policy.

Mr. President, this act also includes a reinstatement of the 1973 Department of Defense requirement that service personnel separated from their families by military duty send home a predetermined allowance for family support each month.

It also provides a restriction of Federal funds for use in financing any organization that uses the funds for the express purpose of advocating homosexuality as a lifestyle.

TAXATION

Title II of the Family Protection Act seeks to reform the Internal Revenue Code to enable family members to care for each other. For too long, the Federal Government has used the tool of taxation to manipulate the individual as the central unit of our society at the expense of the family unit. This section addresses several inequities in the Federal tax code.

All too frequently, low- and moderate-income families are forced to put their elderly parents into subsidized nursing homes because they cannot afford to keep them at home. This bill proposes to allow a family a tax credit or a tax exemption if they take upon themselves the responsibility of caring for their aging relatives.

Although tax subsidies cannot attempt to match the amount of money required to keep an elderly dependent at home, it is certainly more cost-effective and more humane than putting an elderly relative out of sight in a federally regulated, subsidized, and controlled institution.

In the same vein, the Family Protection Act establishes a trust account procedure similar to the individual retirement account, under which taxpayers could save \$1,500 a year for their aged parent's or handicapped relative's support.

In the area of educational savings, relatives would be allowed to set aside \$2,500 tax exempt, per year, for a child's education.

Additionally, this section establishes a new Internal Revenue Code provision for educational institutions which wish to qualify for tax exempt status.

Employed individuals are given the option of saving \$1,500 tax deductible, a year, for their nonsalaried spouse's retirement. Also, corporations are eligible to deduct the expenses of maintaining an employee-employer day care facility.

We find too often, Mr. President, that

with the eroding away of the values of the man-wife, mother-father, sister-brother relationship, the family as a basic unit, there is also the eroding away of the value and the beauty of a woman being a mother and a homemaker.

You need only to listen to or to read the way some of the surveys that have been taken with regard to woman's function or role when they put the question. The question, when they ask about the homemaker, is usually asked this way: "Do you have a professional job or career outside the home, or do you stay home and do nothing?"

Additionally, Mr. President, this legislation allows a married couple to claim an additional \$1,000 tax exemption for the year in which a child is either born or adopted. This exemption increases to \$3,000 if the child is born handicapped, or over the age of 6, or biracial. This provision allows the individual to deduct the amount of adoption expenses paid during the taxable year.

EDUCATION

Beginning in the early 1960's, Mr. President, education became the center of the battle between Federal or local jurisdiction. Laws and grant programs were enacted one after another to aid those who had historically been left out: The underprivileged, the handicapped, the non-English speaking.

But somehow, the tail began to wag the dog. The few narrowly defined educational programs mushroomed into a vast series of contracts, activities, regulations, and unyielding Federal oversight. Local education became dominated by bureaucratic paperwork generated by the Federal Government.

Even though the Federal Government subsidizes only about 8 percent of local educational costs, local school boards can no longer be primarily responsible to parents. They have been forced to turn toward Federal policies and regulations for direction.

For example, in the past, there have been Federal challenges regarding all-male boys choir. The Government tried to regulate father-son banquets, mother-daughter banquets, all other similar functions.

In Iowa, we have an annual girls basketball season with highly competitive teams that I believe are second to none. Several years ago, the Federal Government of Washington, D.C., wanted to enforce a rule requiring the Iowa girls basketball program to change their rules to comply with the same rules required in boys basketball. Again, I say, Mr. President, I do not know, what some folks back here get into in the Government, or what happens to them, but they somehow seem to get the feeling that they have all the answers and know better what is best for people than people do themselves.

Today, Mr. President, many schools in this country are becoming closed fortresses to parents. The historic cooperation between parents and school boards in establishing and running local schools has broken down. Too often today, education officials view the parents with hostility. It is time to reverse this unfortunate trend.

The Family Protection Act would provide a cause of action—a cause of action. Mr. President—for parents if they were prohibited from participating in decisions vital to their child's educational development. If enacted, title III of this act would allow parents to visit public classrooms and review their children's school textbooks. This bill would also prevent States from using Federal funds to promote material that does not reflect a balance between the status roles of man and women.

It would also allow parents to withdraw their children on a release-time basis from classes teaching the functions of becoming a parent. Parents would also be notified if their child's curriculum required a course in religion.

Also, the Family Protection Act returns the right to the States to determine school attendance requirements, teacher qualifications, and the right, with parental consent, to determine policies for sex-intermingling in sports and other activities. As recommended by the Reagan administration, the bill would return certain education funds to the States in the form of block grants, rather than categorical, regulated grants.

Other education concepts would remove the private schools from the jurisdiction of the National Labor Relations Board as well as restrict the Legal Services Corporation from hearing cases dealing with school desegregation.

PRAYER

Mr. President, our forefathers framed the Constitution to insure that all Americans enjoyed the freedom of worship and the free exercise of prayer. However, in 1962, the U.S. Supreme Court ruled that both nondenominational prayer and Bible reading without comment conflicted with the first amendment prohibiting the establishment of religion. At the time of the decision, 26 States permitted Bible reading in schools and 13 permitted the recitation of the Lord's prayer.

I point out, Mr. President, that when I attended school, in a one-room country schoolhouse on a corner of our family land, each day began with pledge of allegiance outside to the flag, regardless of what the weather was, cold or hot. We went inside, hung up our clothes, put our boots in a nice neat row if it was wet weather, went and stood beside our desks, recited the Lord's Prayer together, sat down, and went to work. I am very thankful for that school, that training, that discipline.

In addition to that discipline, I also learned to read, to write, to add, and to subtract without the Federal Government telling me how to do it.

Mr. President, I note for the record since the Senate's inception in the late 1700's, this Chamber has begun each day's activities by asking God's blessing. Yet, throughout this country, public school children are being denied that privilege.

In a novel manner, title IV of the Family Protection Act reinstates the individual's right to the free exercise of religion based on the free exercise clause of the U.S. Constitution, which,

for some reason or other, the Supreme Court decided to either ignore, or make subordinate to the establishment clause.

RIGHTS OF RELIGIOUS INSTITUTIONS AND EDUCATIONAL AFFILIATES

Title V of the Family Protection Act deals with the rights of religious institutions and their educational affiliates. The ever-increasing authority of Federal agencies has caused major church-state conflicts never contemplated by Congress when it enacted much of the legislation these agencies claim as their source of authority. Numerous problems have occurred as a result of attempts to treat religious organizations as secular.

Many of the same religious schools long denied public funds because they are religious now find themselves subjected to Federal regulations because they are treated like secular institutions.

It has been a long-established policy that religious schools are an integral and definite part of the religious mission of the church.

Title V would prohibit agencies of the Federal Government from adopting and enforcing rules which violate the constitutional rights of religious institutions. It would ban the imposition of federally mandated requirements upon religious institutions.

This provision in no way interferes with the provisions of the Civil Rights Act of 1964, with respect to race, creed, color, or national origin, or with the ability of local government to require reasonable fire, health, and safety standards. Furthermore, religious institutions are protected from affirmative action guidelines, quotas, or goals.

JURISDICTION

The final section, title VI, outlines the various courts of jurisdiction to which an action under the act may be brought by an aggrieved party.

In addition, this section outlines the statute of limitations and other procedural questions.

Mr. President, this is the essence of the Family Protection Act. It is a lengthy but comprehensive piece of legislation intended to focus attention on the family unit and its historic place in American society. Clearly, the 1980's will provide a platform for all Americans who believe it is time to return the jurisdiction of the family back home where it belongs.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Protection Act".

Sec. 2. (a) The purpose of this Act is to preserve the integrity of the American family, to foster and protect the viability of American family life by emphasizing family responsibilities in education, tax assistance, religion, and other areas related to the family, and to promote the virtues of the family.

(b) In accordance with the purposes of this Act, the Congress finds that—

(1) a stable and healthy family is the foundation of a society and its culture;

(2) the family in America is the lifeline of America's continued existence and the cornerstone of America's growth and future development;

(3) certain Government policies have directly or benignly undermined and diminished the viability of the American family; and

(4) the policy of the Government of the United States should, on and after the date of the enactment of this Act, be directed and limited to the strengthening of the American family and to changing or eliminating any Federal governmental policy which diminishes the strength and prosperity of the American family.

TITLE I—FAMILY PRESERVATION

RIGHTS OF PARENTS

Sec. 101. (a) Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following:

"§ 1657. Rights of parents

"In any action brought under the provisions of this title involving the parental role in supervising and determining the religious or moral formation of a child, there is a legal presumption in favor of an expansive interpretation of that role."

(b) The table of sections for chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following: "1657. Rights of families."

PARENTAL NOTIFICATION

Sec. 102. (a) No program, project, or entity shall receive Federal funds, either directly or indirectly, under any provision of law unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling) to an unmarried minor, notifies the parents or guardians of such minor that such contraceptives or abortion services are being provided.

(b) Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL NOTIFICATION

"Sec. 440A. No program, project, or entity shall receive funds, either directly or indirectly, from the Federal Government under any applicable program unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling), to an unmarried minor, shall notify the parents or guardians of such minor that such contraceptives or abortion services are being provided."

JUVENILE DELINQUENCY

Sec. 103. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting after section 103 the following new section:

"Sec. 104. (a) No Federal program, guideline, agency, directive, commission, or grant shall be construed to abrogate, alter, broaden, or supersede existing State statutes on juvenile delinquency.

"(b) Nothing in this section shall permit a State to fail to participate or cooperate in any program for the return of runaway youths, whether by interstate compact or otherwise."

CHILD ABUSE

Sec. 104. (a) No Federal program, guideline, agency action, commission action, directive, or grant shall be construed to abrogate, alter, broaden, or supersede existing State statutory law relating to child abuse.

(b) No Federal funds shall be expended for the operations of any child abuse program in any State unless such program has been specifically authorized and established by the State legislature of the State in which such program operates.

(c) Section 3 of the Child Abuse Preven-

tion and Treatment Act is amended to read as follows:

"DEFINITION

"Sec. 3. For purposes of this Act, the term 'child abuse and neglect' means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question, by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened, but such term does not include discipline or corporal punishment methods applied by a parent or individual explicitly authorized by a parent to perform such function."

SPOUSE ABUSE

Sec. 105. No Federal law, program, guideline, agency action, commission action, directive, or grant shall be construed to abrogate, alter, broaden, or supercede existing State statutory law relating to spousal abuse or domestic relations.

LEGAL ASSISTANCE RESTRICTIONS

Sec. 106. (a) (1) So much of section 1007(b) of the Legal Services Corporation Act as precedes paragraph (1) thereof is amended to read as follows:

"(b) No entity receiving funds made available by the Corporation under this title, either by grant or contract shall—

(2) Section 1007(b) of such Act is amended by striking out "to" the first place it appears in paragraphs (1), (2), (3), (5), (6), (7), (9) and (10).

(3) Paragraph (4) of section 1007(b) of such Act is amended by striking out "for any of the" and inserting in lieu thereof "engage in any of the".

(b) Section 1007(b)(8) of such Act is amended to read as follows:

"(8) provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, or to compel State or Federal Government funding for an abortion;"

(c) Section 1007(b) of such act is amended by—

(1) striking out "or" at the end of paragraph (9).

(2) striking out the period at the end of such section and inserting in lieu thereof a semicolon, and

(3) adding at the end thereof the following new paragraphs:

"(11) provide legal assistance with respect to any proceeding or litigation seeking to obtain or arising out of a divorce; or

"(12) provide legal assistance with respect to any proceeding or litigation which seeks to adjudicate the issue of homosexual rights."

ARMED FORCES DEPENDENTS' ASSISTANCE ALLOTMENTS

Sec. 107. (a) Chapter 13 of title 37, United States Code, relating to allotments and assignments of pay, is amended by adding at the end thereof the following new section:

"§ 708. Allotment for dependents of members of the armed forces

"(a) (1) Subject to the provisions of subsections (b) and (c) of this section and under such regulations as the Secretary of Defense shall prescribe, the Secretary concerned shall pay to the dependents of any member of the armed forces, when such dependents are living separate from such member, a monthly dependents' assistance allotment in the amount specified in paragraph (2) of this subsection. The amount paid under this section in any month to the dependents of any member shall be de-

ducted from the pay and allowances of the member.

"(2) The amount of the monthly dependents' assistance allotment to be paid under this section shall be an amount equal to the amount of the basic allowance for quarters to which such member is entitled. A member may increase the amount of the monthly dependents' assistance allotment to be paid to the dependents of such member by requesting the Secretary concerned in writing to increase the amount of the deduction from such member's pay and allowances. The amount of any increase in the monthly dependents' assistance allotment and the corresponding amount deducted from the pay and allowances of the member may be any amount which is a multiple of 10.

"(b) Determinations made by the Secretary concerned under this section regarding the payment and amount of any dependents' assistance allotment shall be final and conclusive for all purposes and shall not be subject to review in any court, except for cases involving fraud or gross negligence.

"(c) As used in this section, the term 'dependent', with respect to a member of the armed forces, means—

"(1) the member's spouse; and

"(2) the member's unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on a member for over one-half of his support.

For the purposes of this section, the relationship between a stepparent and stepchild is terminated by the stepparent's divorce from the parent by blood."

(b) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end thereof the following new item:

"708. Allotment for dependents of members of the armed forces."

FEDERAL FUNDS FOR HOMOSEXUALITY ADVOCACY

Sec. 108. No Federal funds may be made available under any provision of Federal law to any public or private individual, group, foundation, commission, corporation, association, or other entity for the purpose of advocating, promoting, or suggesting homosexuality, male or female, as a life style.

TITLE II—TAXATION

EDUCATION SAVINGS ACCOUNTS

Sec. 201. (a) In General.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as 222 and by inserting after section 220 the following new section:

"SEC. 221. EDUCATION SAVINGS ACCOUNT.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there is allowed as a deduction the sum of—

"(1) amounts paid in cash, and

"(2) the fair market value at time of transfer of stock, bonds, or other securities, which are readily tradeable on an established securities market, transferred,

during the calendar year which ends with or within the taxable year by such individual to an education savings account established for the benefit of an eligible individual.

"(b) LIMITATIONS.—

"(1) ACCOUNT MAY NOT BE ESTABLISHED FOR BENEFIT OF MORE THAN 1 INDIVIDUAL.—An education savings account may not be estab-

lished for the benefit of more than 1 individual.

"(2) INDIVIDUAL MAY NOT BE BENEFICIARY OF MORE THAN 1 ACCOUNT.—An individual who is the beneficiary of more than 1 education savings account during any calendar year shall not be treated as an eligible individual for that calendar year.

"(3) MAXIMUM DEDUCTION PER ACCOUNT.—The amount allowable as a deduction under subsection (a) to an individual for amounts paid or transferred to an account for any calendar year shall not exceed \$2,500.

"(4) CONTRIBUTIONS BY MORE THAN 1 PERSON.—If more than 1 individual makes contributions to an education savings account during a calendar year, the \$2,500 amount under paragraph (3) shall be allocated proportionately among all individuals contributing to the account during that year on the basis of the amounts contributed by each such individual.

"(5) ADJUSTMENT OF LIMIT FOR INFLATION.—

"(A) IN GENERAL.—Beginning in 1983, the dollar amounts in paragraph (3), paragraph (4), and subsection (c) (2) (A) shall each be adjusted by multiplying such amounts by the inflation adjustment factor for the 12-month period ending on July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amounts for taxable years ending with or within the calendar year next beginning after such 12-month period.

"(B) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(1) DETERMINATION AND PUBLICATION.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1982), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(1) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average monthly Consumer Price Index (all items—United States city average) published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period ending on July 31 and the denominator of which is the average monthly Consumer Price Index (all items—United States city average) for the 12-month period ending on July 31, 1980.

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means the taxpayer, a child of the taxpayer (within the meaning of section 151(e)(3)), or an individual who bears a relationship to the taxpayer described in paragraphs (1) through (8) of section 152 (a), unless such taxpayer, child, or individual—

"(A) has attained the age of 21 before the close of the calendar year for which the contribution is made, or

"(B) is enrolled as a full-time student at an eligible educational institution for more than 4 weeks during that calendar year.

"(2) EDUCATION SAVINGS ACCOUNT.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an eligible individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and contributions will not be accepted for the taxable year in excess of \$2,500.

"(B) The trustee is a bank (as defined in section 401(d)(1)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person

will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust) and the face amount of which does not exceed the excess of—

"(1) the amount by which the maximum amount which can be contributed to the account from the inception of the trust until the taxable year which includes the year in which the individual for whom the trust has been established attains age 25, over

"(ii) the sums of the amounts contributed to the account for all taxable years.

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day before the date on which the individual for whose benefit the trust is established attains age 26 will be distributed on that date to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum of all such contributions.

"(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with or within which the calendar year ends.

"(4) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(5) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution,

"(C) a reasonable allowance for meals and lodging, and

"(D) the liability for tax under this chapter of any individual who does not elect the application of subsection (d)(3)(B) which is attributable to any amount required to be included in income under subsection (d)(3)(A).

"(6) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education,

"(B) a vocational school,

"(C) a secondary school, or

"(D) an elementary school.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 1201(a) or 491(b) of the Higher Education Act of 1965.

"(8) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in section 195(2) of the Vocational Education Act of 1963 which is in any State (as defined in section 195(b) of such Act).

"(9) ELEMENTARY AND SECONDARY SCHOOLS.—

"(A) ELEMENTARY SCHOOL.—The term 'elementary school' means a privately operated, not-for-profit, day or residential school which provides elementary education and which meets the requirements of subparagraph (D).

"(B) SECONDARY SCHOOL.—The term 'secondary school' means a privately operated, not-for-profit, day or residential school which provides secondary education that does not exceed grade 12, and which meets the requirements of subparagraph (D).

"(C) HANDICAPPED FACILITIES INCLUDED.—The terms 'elementary school' and 'secondary school' include facilities (whether or not privately operated) which offer education for individuals who are physically or mentally handicapped as a substitute for regular public elementary or secondary education.

"(D) REQUIREMENTS.—An elementary school or secondary school meets the requirements of this subparagraph if such school—

"(i) is exempt from taxation under section 501(a) as an organization described in section 501(c)(3), and

"(ii) does not exclude persons from admission to such school, or participation in such school, on account of race, color, or national or ethnic origin.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an education savings account shall be included in gross income by each individual who has contributed to the account, in an amount which bears the same ratio to such payment or distribution as the amount contributed by that individual for all taxable years bears to the amounts contributed by all individuals for all taxable years, for the taxable year in which the payment or distribution is received, unless such amount is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established.

"(2) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable as a deduction under subsection (a) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no deduction is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(3) INCLUSION IN INCOME OF QUALIFIED DISTRIBUTIONS.—

"(A) IN GENERAL.—Unless an individual elects the application of subparagraph (B) with respect to all amounts paid or distributed out of the account which were used exclusively to pay the educational expenses of such individual, all such amounts shall be included in the gross income of such individual in the taxable year in which such amounts were paid or distributed out of the account.

"(B) QUALIFIED DISTRIBUTIONS INCLUDED IN BENEFICIARY'S INCOME OVER 10-YEAR PERIOD.—If an individual for whose benefit an education savings account was established elects the application of this subparagraph, the gross income of such individual for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent

of the sum of the amounts paid or distributed out of the account which were used exclusively to pay the educational expenses incurred by that individual.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An education savings account is exempt from taxation under this subtitle unless such account has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of an individual who contributes to an education savings account, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be an education savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution from an education savings account is made, and not used in connection with the payment of educational expenses of the individual for whose benefit the account was established, the tax liability of each of the individuals who has contributed to the account for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includable in his gross income for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includable in the gross income of an individual for a taxable year under subsection (e), his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) DISABILITY CASES.—Paragraphs (1) and (2) do not apply if the payment or distribution is made after the taxpayer becomes disabled within the meaning of section 72(m)(7).

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (c). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an education

savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations."

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Paragraph (10) of section 62 of such Code (relating to retirement savings) is amended—

(1) by inserting "or education" after "Retirement" in the caption of such paragraph, and

(2) by inserting before the period at the end thereof the following: "and the deduction allowed by section 221 (relating to deduction of certain payments to education savings accounts)".

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "education savings accounts," after "accounts," in the caption of such section,

(2) by redesignating paragraphs (2) and (3) of subsection (a) as (3) and (4), and b, inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 221(c)).", and

(3) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable as a deduction under section 221(b) for such taxable year. For purposes of this subsection any contribution which is distributed out of the education savings account and a distributor to which section 221(d)(2) applies shall be treated as an amount not contributed."

(d) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(e) EDUCATION SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual for the benefit of his child to an education savings account described in section 221(c), shall not be considered a gift of a future interest in property to the extent that such payment is allowed as a deduction under section 221."

(e) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR EDUCATION SAVINGS ACCOUNTS.—An individual for whose benefit an education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 221(e) (2) (A) to such account.", and

(2) by inserting "or an education savings account described in section 221(c)" in subsection (c)(1) after "described in section 408(a)".

(f) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide re-

ports on individual retirement account or annuities) is amended—

(1) by inserting "or education savings accounts" after "annuities" in the caption of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 221(1) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of \$10 for each failure unless it is shown that such failure is due to reasonable cause."

(g)(1) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"Sec. 221. Education savings accounts.

"Sec. 222. Cross references."

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, certain individual retirement annuities, and certain retirement bonds."

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on education savings accounts."

(h)(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 128 and 129 and by inserting after section 127 the following new section:

"SEC. 128. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 221(d)(1), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 221(c)(5))."

(2) The table of sections for such part III is amended by inserting after the item relating to section 127 the following new items:

"Sec. 128. Education savings account distributions.

"Sec. 129. Cross references to other Acts."

(1) Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 221(c)) is established from that account which is excluded from the gross income of that individual under section 128 shall not be taken into account in determining support for purposes of this section."

(j) The amendments made by this section shall take effect with respect to taxable years beginning after December 31, 1981.

TAX EXEMPT SCHOOLS

SEC. 202. (a) Section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(1) SCHOOLS.—An organization shall be treated as an organization described in subsection (c)(3) organized and operated exclusively for educational purposes, if—

"(1) it is organized and operated exclusively for the purpose of providing preschool,

grammar school, high school, or college education;

"(2) it is incorporated as a nonprofit corporation in any State of the United States, its territories or possessions, or in the District of Columbia;

"(3) the bylaws of the organization prohibit discrimination in the hiring of teachers or admission of students, on grounds of race, nationality, or ethnic background;

"(4) the academic course of instruction of the organization requires attendance for at least the same number of days as are required in the public schools in the State in which the organization is located; and

"(5) a judicial order entered under section 202(b) of the Family Protection Act is not in effect with respect to such organization."

(b)(1) Whenever the Attorney General has reasonable grounds to believe that an educational institution described in section 501(j) of the Internal Revenue Code of 1954 has violated any provision of section 1977, 1978, or 1979 of the Revised Statutes or of the Civil Rights Act of 1964, he shall file a civil suit for declaratory judgment in a Federal district court for the district in which the educational institution is located. If the Attorney General establishes before such court, by a preponderance of the evidence, that the school has, for at least 4 consecutive years prior to the filing of the suit, engaged in a policy of deliberate and intentional discrimination, the court shall issue a judicial order barring a tax exemption for such institution.

(2) If the court finds that the Attorney General brought a suit under this subsection out of malice, bias against the religious or ethnic composition of an academic institution's supporters, or any other improper motive, the court may, at its discretion, assess damages against the Attorney General and against the Internal Revenue Service agents and officers responsible for bringing of the action.

(3) No judicial order issued under the provisions of this subsection shall take effect until the first taxable year of the academic institution which begins after the institution has exhausted all rights of judicial review.

(4) A district court which has entered a judicial order under the provisions of this subsection shall retain jurisdiction over the case, and shall revoke its order at such time as the academic institution demonstrates, by a preponderance of the evidence, that its discrimination policies have been discontinued and will not be renewed.

MULTIGENERATIONAL HOUSEHOLDS

SEC. 203. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by inserting before section 45 the following new section:

"SEC. 44F. ELDERLY DEPENDENTS.

"(a) GENERAL RULE.—In the case of an individual who maintains a household which includes as a member, a dependent who, as of the close of such individual's taxable year, has attained the age of sixty-five, there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, a credit of \$250.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

"(c) SPECIAL RULES.—For purposes of this section, the special rules set forth in paragraphs (1), (2), (3), and (4) of section 44A (f) shall apply with respect to the credit allowed by subsection (a)."

(b) Part VII of subchapter B of chapter 1 of such Code (relating to additional itemized

deductions for individuals) is amended by redesignating section 222 as 223 and by inserting after section 221 the following new section:

"SEC. 222. ELDERLY DEPENDENTS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who maintains a household which includes as a member a dependent who, as of the close of such individual's taxable year, has attained the age of sixty-five, there shall be allowed a deduction of \$1,000.

"(b) SPECIAL RULES.—Paragraphs (1), (2), (3), and (4) of section 44A(f) shall apply with respect to the deduction allowed by subsection (a).

"(c) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of a taxpayer who, for the taxable year, elects to take the credit against tax provided by section 44F (relating to elderly dependents). The election shall be made in such manner and at such time as the Secretary shall prescribe."

(c) (1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting immediately after the item relating to section 44C the following new item:

"Sec. 44F. Elderly dependents."

(2) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 222. Elderly dependents.

"Sec. 223. Cross references."

(3) Section 6096(b) of such Code (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44F" and inserting in lieu thereof "Section 44E, and section 44F".

(d) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

PARENTAL SUPPORT ACCOUNTS

SEC. 204. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as 224 and by inserting after section 222 the following new section:

"SEC. 223. CONTRIBUTIONS TO QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.

"(a) GENERAL RULE.—In the case of an individual there is allowed as a deduction the sum of the amounts paid or contributed by that individual for the taxable year to or under a trust described in section 645 established by that individual to provide care for a qualified beneficiary (within the meaning of section 645(c)(2)).

"(b) MAXIMUM DEDUCTION.—The amount allowable as a deduction under subsection (a) for any taxable year may not exceed \$3,000 with respect to payments to or contributions under a trust established for a single beneficiary."

(b) Subpart A of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954 (relating to general rules for taxation of estates and trusts) is amended by adding at the end thereof the following new section:

"SEC. 645. QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.

"(a) EXEMPTION FROM INCOME TAXES.—

"(1) EXEMPTION FOR TRUST.—Except as provided in paragraph (3), a qualified parental or handicapped relative trust shall be exempt from taxation under this subtitle.

"(2) EXEMPTION FOR BENEFICIARY.—Except in the case of a mandatory distribution

provided for in subsection (b), any amount distributed during the taxable year by a qualified parental or handicapped relative care trust shall not be included in the gross income for the taxable year of the qualified beneficiary to or for whose benefit such amount is so distributed to the extent that such amount is received by any individual—

"(A) who is not the spouse of the grantor of such trust, or

"(B) whose relationship to such grantor is not described in paragraphs (1) through (8) of section 152(a),

for the purpose of providing care for such beneficiary.

"(3) TRUST FUNDS TO BE TAXED ON DISTRIBUTIONS.—Except in the case of a mandatory distribution provided for in subsection (b), a qualified parental or handicapped relative care trust shall be treated as having taxable income for the taxable year in an amount equal to the sum of the amounts distributed by the trust during the taxable year, reduced by any portion of such distributions included in the gross income of a beneficiary for the taxable year under paragraph (2).

"(b) MANDATORY DISTRIBUTIONS.—

"(1) TO PARENT UPON ATTAINMENT OF AGE 64.—In the case of a trust established for the benefit of a parent of the grantor, the amount in the trust shall be distributed to the beneficiary not earlier than the close of the taxable year in which the beneficiary attains age 64.

"(2) DEATH OF BENEFICIARY.—If the qualified beneficiary of a qualified parental or handicapped relative care trust dies, the amount in the trust shall be distributed to—

"(A) in the case of a qualified beneficiary who is a parent of the grantor, the surviving spouse of the beneficiary, or, if there is no surviving spouse, the grandchildren of the beneficiary, to the grantor, or

"(B) in the case of a trust established to provide care for a qualified beneficiary who is a handicapped relative, to the children of such beneficiary, or if there are not such children, to the grantor.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.—The term 'qualified parental or handicapped relative care trust' means any trust—

"(A) which is created and governed by a written instrument under which—

"(i) it is impossible, at any time before the termination of the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of care for any qualified beneficiary of the trust, the payment of administrative expenses of the trust, or a mandatory distribution required under subsection (b), and

"(ii) the grantor of the trust has no reversionary interest in any portion of the trust (other than in the case of a mandatory distribution required under subsection (b)(2)) which may take effect in possession or enjoyment before the death of all qualified beneficiaries of the trust or before all beneficiaries of the trust cease to be qualified beneficiaries of such trust;

"(B) the trustee of which is a bank (as defined in section 401(d)(1)) or any person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the purpose of the trust; and

"(C) no beneficiary of which is a beneficiary of any other qualified parental or handicapped relative care trust.

"(2) QUALIFIED BENEFICIARIES.—The term 'qualified beneficiary' means a parent of the grantor or any individual—

"(A) who bears a relationship to the

grantor described in paragraphs (1) through (8) of section 152(a); and

"(B) who, under regulations prescribed by the Secretary, at the time such trust is established, is unable to engage in any substantial gainful activity because of a medically determinable mental or physical impairment which can be expected to be of long-continued and indefinite duration."

(c) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and by inserting in lieu thereof the following:

"Sec. 223. Contributions to qualified parental or handicapped relative care trust.

"Sec. 224. Cross references."

(d) The table of sections for subpart A of part I of subchapter J of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 645. Qualified parental or handicapped relative care trust."

(e) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

RETIREMENT SAVINGS FOR SPOUSES

SEC. 205. (a) Subsection (a) of section 219 of the Internal Revenue Code of 1954 (relating to deduction for retirement savings) is amended by inserting "or for the benefit of his spouse" immediately after "benefit".

(b) Paragraph (2) of section 219(c) of such Code (relating to married individuals) is amended to read as follows:

"(2) MARRIED INDIVIDUALS.—In the case of an individual who claims a deduction under subsection (a) for payments made for the benefit of his spouse—

"(A) The maximum deduction under subsection (b) (1) shall be computed separately for the individual and his spouse. For the purpose of making the computation for the spouse, the spouse shall be treated as having compensation includable in gross income for the taxable year equal to the compensation includable in such individual's gross income for the taxable year.

"(B) The deduction provided by subsection (a) shall be allowed for payments made for the benefit of such individual's spouse only if the individual and his spouse file a joint return of tax for the taxable year.

"(C) In the case of payments made for the benefit of a spouse who is handicapped within the meaning of section 190(b)(3), '\$3,000' shall be substituted for '\$1,500' in subsection (b) (1) and (b) (7).

"(D) No deduction shall be allowed under subsection (a) for payments for the benefit of a spouse for any taxable year for which—

"(i) the spouse has earned income includable in gross income, or

"(ii) a deduction would not be allowed if the spouse were the individual making the payment for the spouse's own benefit because of any limitation or restriction which would apply if the spouse were the individual making the payment.

"(E) This section shall be applied without regard to any community property laws. For purposes of this section, the determination of whether an individual is married shall be made in accordance with the provisions of section 143(a)."

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

CORPORATE DAY CARE—CHARITABLE CONTRIBUTIONS

SEC. 206. (a) Subsection (b) of section 162 of the Internal Revenue Code of 1954 (relating to charitable contributions and gifts excepted) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply with re-

spect to amounts paid or contributed by the taxpayer to a day care center which meets the requirements of section 501(c)(23)."

(b) Subsection (c) of section 501 of such Code (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(23) a corporation organized and operated in the United States exclusively for the purpose of providing day care for children, no part of the net earnings of which enures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, and which—

"(A) has applied for (and such application has not been rejected),

"(B) has been granted (and such granting has not been revoked), or

"(C) is exempt from having, a license, certification, registration, or approval as a day care center under the provisions of applicable State law."

(c) In the case of a day care center described in section 501(c)(23) of the Internal Revenue Code of 1954—

(1) the Secretary of the Treasury may not promulgate any criterion of eligibility for exemption from tax under section 501(a) of such Code which is not described in paragraph (23) of section 501(c) of such Code.

(2) no certification or approval by the Internal Revenue Service shall be required as a condition for such tax exemption, and

(3) no agency or department of the United States Government may require compliance with any rule or regulation by such a center as a condition of such tax exemption.

EXEMPTIONS FOR CHILD BIRTH OR ADOPTION

SEC. 207. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) ADDITIONAL EXEMPTION FOR CHILD BIRTH OR ADOPTION.—

"(1) IN GENERAL.—An exemption of \$1,000 for each child born to, or adopted by, the taxpayer during the taxable year.

"(2) BIRTH AND ADOPTION OF SMALL CHILDREN.—In the case of—

"(A) a child who is born to the taxpayer and who is handicapped (within the meaning of section 190(b)(3)), or

"(B) the adoption of a child—

"(i) whose natural parents were not members of the same race, or

"(ii) who has attained the age of 6 before the beginning of the taxable year for which the additional exemption allowed by paragraph (1) is claimed, or

"(iii) who is handicapped (within the meaning of section 190(b)(3)),

'\$3,000' shall be substituted for '\$1,000' in paragraph (1).

"(3) JOINT RETURN.—The additional exemption allowed by paragraph (1) for any taxable year shall not be allowed to an individual who is not a married individual (as defined in section 143) or to a married individual (as defined in such section) who does not make a joint return of tax with his spouse for the taxable year.

"(4) CARRYOVER OF UNUSED DEDUCTION.—In the case of a taxpayer for whom the exemption allowed by paragraph (1) for a taxable year reduces his tax liability to zero, and in the case of a taxpayer whose liability for tax under this chapter (determined without regard to the additional exemption allowed by paragraph (1)) is zero, the additional exemption allowed by paragraph (1) for that taxable year, or that portion of such exemption which is properly attributable to a re-

duction of the taxpayer's liability for tax under this chapter below zero, shall be carried over to the following taxable year and shall be treated, for such following taxable year, as an additional exemption allowed by paragraph (1) for that taxable year."

(b) (1) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222 and by inserting after section 220 the following new section:

"SEC. 221. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amount of the adoption expenses paid or incurred by the taxpayer during the taxable year.

"(b) LIMITATION ON DEDUCTIONS.—

"(1) MINIMUM DOLLAR AMOUNT.—No deduction shall be allowable under subsection (a) for the first \$500 of adoption expenses paid or incurred with respect to the adoption of any child.

"(2) MAXIMUM DOLLAR AMOUNT.—The aggregate amount allowable as a deduction under subsection (a) for all taxable years with respect to the adoption of any child shall not exceed \$3,500 (\$4,500 in the case of an international adoption).

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any amount for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowable under subsection (a) for any adoption expense paid from any funds received under any Federal, State, or local program.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ADOPTION EXPENSES.—The term 'adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child by the taxpayer and which are not incurred in violation of State or Federal law.

"(2) INTERNATIONAL ADOPTION.—The term 'international adoption' means an adoption—

"(A) occurring under the laws of a foreign country, or

"(B) involving a child who was a citizen of a foreign country who—

"(i) was brought to the United States for the purpose of adoption, or

"(ii) came to the United States under circumstances with respect to which the necessity for the child's placement in adoption proceedings was reasonably foreseeable."

(2) Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) ADOPTION EXPENSES.—The deduction allowed by section 221."

(3) The table of sections for such part VII is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"Sec. 221. Adoption expenses.

"Sec. 222. Cross references."

(c) (1) The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1980.

(2) The amendments made by subsection (b) shall apply to adoption expenses paid or incurred after December 31, 1978, in connection with any adoption which becomes final after December 31, 1980.

TITLE III—EDUCATION

COMMUNITY PARTICIPATION IN TEACHING OF RELIGION

SEC. 301. (a) Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL PARTICIPATION; TEACHERS RIGHTS; EDUCATION ALTERNATIVES

"SEC. 440B. Notwithstanding any other provision of law, it shall be unlawful for any Federal, State or local educational agency or institution receiving any Federal funds to—

"(1) prohibit parents or representatives of the community from participating in decisions relating to the establishment or continuation of courses relating to the study of religion;

"(2) prohibit or unnecessarily limit parental visits to public schools or classes, or the right of parents to inspect their children's education records upon reasonable notice;

"(3) require the force payment of dues or fees as a condition of employment for teachers; or

"(4) prohibit parental review of textbooks prior to their use in public school classrooms."

(b) Part C of the General Education Provisions Act is further amended by adding at the end thereof the following new section:

"COURSES OF INSTRUCTION AND EDUCATION MATERIALS

"SEC. 440C. No funds authorized under any applicable program or any provision of Federal law shall be used to secure or promote education materials or studies relating to the preparation of education materials if such materials do not reflect a balance between the status role of men and women, do not reflect different ways in which women and men live and do not contribute to the American way of life as it has been historically understood."

(c) (1) Any individual aggrieved by a violation of section 440B or 440C of the General Education Provisions Act may bring a civil action in the appropriate district court of the United States, or in any State court of competent jurisdiction, for damages, or for such equitable relief as may be appropriate, or both.

(2) Each district court of the United States, and each State court of competent jurisdiction, shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of sections 440A and 440B of the General Education Provisions Act.

(3) (A) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case brought under this subsection is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(B) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(4) In any action or proceeding brought under this subsection, the court may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs and any department or agency of the United States, of a State, or of a political subdivision of a State, shall be liable for costs the same as a private person.

(5) For the purpose of this subsection the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands.

RIGHTS OF STATES AND LOCAL EDUCATIONAL AGENCIES

SEC. 302. (a) Federal funds shall not be withheld under any provision of Federal law

nor shall any provision of Federal law be construed to prohibit—

(1) the right of any State or any State or local educational agency to determine the qualifications required of teachers within the jurisdictions of such agencies, including the right to make a determination that no certification requirement will be imposed;

(2) the right of any State to set or refuse to set attendance requirements at public or private schools within their jurisdictions, including the right to determine that no such attendance requirement will be imposed; or

(3) the right of any local educational agency, in consultation with parents of students enrolled in the schools of such agency, to limit or prohibit the intermingling of sexes in any sports or other school-related activities.

(b) Section 2(2) of the National Labor Relations Act is amended to read as follows:

"(2) The term 'employer' includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal reserve bank, or any State or political subdivision thereof, or any corporation or association operating a school, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization."

EDUCATION BLOCK GRANTS

SEC. 303. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE XI—ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE PROGRAM

"STATEMENT OF PURPOSE

"SEC. 1101. In order to meet the rising costs of providing education in the public schools of the States and to assist the limited resources of State and local educational agencies, it is the purpose of this title to make unconditional education block grants to State and local educational agencies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1102. There are authorized to be appropriated for the purpose of carrying out this title, \$4,500,000,000 for the fiscal year 1982 and for each succeeding fiscal year ending prior to October 1, 1985.

"ALLOTMENT

"SEC. 1103. (a) (1) From the funds appropriated pursuant to section 1102, the Secretary shall allot not less than 1 per centum among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands, according to their respective needs.

"(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of children in each such State—

"(A) who are age five to seventeen inclusive; and

"(B) (i) who are enrolled in the public elementary and secondary schools of local educational agencies, and

"(ii) who are enrolled in such schools of the State educational agency of such State.

"(3) For the purposes of paragraph (2) of this subsection the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

"(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available for

carrying out the purposes of this title shall be available for reallocation from time to time, on such dates during such period as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum which the Secretary estimates will be needed in such State and will be used for such period for carrying out applications approved under this title, and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"USES OF FUNDS

"SEC. 1104. Grants made under this title may be used in accordance with applications approved under section 1105 for educational programs and activities conducted by public elementary and secondary schools of local educational agencies and of State educational agencies.

"APPLICATIONS

"SEC. 1105. (a) A grant under this title may be made to any local educational agency upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Each such application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by and under the supervision of the applicant;

"(2) in the case of a State educational agency, provide assurances that no more than 5 per centum of the funds for which the application is made by such agency will be expended for purposes other than programs and activities conducted by the public elementary and secondary schools of such agency; and

"(3) provide for making evaluations of programs and activities assisted under this title.

"(b) Applications for grants under this title may be approved by the Secretary only if—

"(1) the application meets the requirements set forth in subsection (a); and

"(2) the application is consistent with objective criteria established by the Secretary for the purpose of achieving an equitable distribution under this title within such State. Such criteria shall be based upon a consideration of—

"(A) the number of children aged five to seventeen, inclusive, who are enrolled in the public elementary and secondary schools of the local educational agencies within each such State; and

"(B) the relative need of the local educational agencies within the State for assistance under this title.

"(c) Amendments of applications shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original applications.

"PAYMENTS

"SEC. 1106. Payments under this title shall be made from a State's allotment to any State or local educational agency which has an application approved under section 1105. Payments under this title shall be made for the cost of carrying out an application of a State or local educational agency and shall exclude any costs with respect to which payments were received under any other Federal program.

"WITHHOLDING

"SEC. 1107. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

"(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

"(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Secretary may authorize the continuance of payment with respect to any program or activities pursuant to this title which are being carried out by such recipient and which are not involved in the noncompliance.

"JUDICIAL REVIEW

"SEC. 1108. (a) If any State or local educational agency is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under section 1105, or with his final action under section 1107, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Secretary, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PROHIBITIONS AND LIMITATIONS

"SEC. 1109. (a) Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

"(b) Nothing contained in this title shall be construed to authorize the making of any payment under this title for the construction of facilities as a place of worship or religious instruction.

"DEFINITIONS

"SEC. 1110. As used in this title the term 'free public education' means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State."

(b) Title I, II, III, IV, VII, and IX of the Elementary and Secondary Education Act of 1965 are repealed effective October 1, 1981.

RELEASED TIME FOR PARENTHOOD EDUCATION

SEC. 304. Nothing contained in this Act, any amendment made by this Act, or any other provision of Federal law shall be construed to prohibit release time for parent-
hood education to be conducted by churches or parents.

LEGAL SERVICES: BUSING

Sec. 305. Section 1007 (b) (9) of the Legal Services Corporation Act is amended to read as follows:

"(9) to provide legal assistance with respect to any proceeding or litigation relating solely to the achievement of racial quotas for, or the desegregation of, any elementary or secondary school or school system."

TITLE IV—VOLUNTARY PRAYER AND RELIGIOUS MEDITATION

SHORT TITLE

Sec. 401. This title may be cited as the "Voluntary Prayer and Religious Meditation Act of 1981".

FINDINGS

Sec. 402. (a) The Congress finds that—

(1) America is a Nation founded on freedom;

(2) essential to freedom is the free exercise of the inalienable rights guaranteed to all by our creator;

(3) in order to preserve such rights it is equally essential that the Constitution be broadly interpreted in matters of individual freedoms; and

(4) the free exercise of religious expression whether public or private is a fundamental freedom which should not be benignly denied in order to protect other freedoms equally fundamental.

(b) In order to secure the right of individuals to the free exercise of religion guaranteed by the first amendment of the Constitution, the Congress pursuant to its authority under the necessary and proper clause of section 8, article I of the Constitution, enacts the provisions of this title.

DEFINITION

Sec. 403. As used in this title—

(1) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

(2) the term "voluntary prayer or religious meditation" includes individual prayer and devotional reading from religious literature initiated by members of the group, provided that any person so desiring is excused from participating in such prayer and devotional reading.

VOLUNTARY SCHOOL PRAYER AND RELIGIOUS MEDITATION RIGHT PROTECTED

Sec. 404. (a) Each individual shall have the right to participate in the free exercise of voluntary prayer or religious meditation in any public building or in any building which is supported in whole or in part through the expenditure of Federal funds.

(b) No department or agency of the United States, of any State, or of any political subdivision of a State, shall abridge the right of free exercise of voluntary prayer or religious meditation in any public building or any building which is supported in whole or in part through the expenditure of public funds.

CIVIL ACTIONS AUTHORIZED; JURISDICTION AND RELIEF

Sec. 405. (a) Any individual aggrieved by violation of this title may bring a civil action in the appropriate district court of the United States, or in any State court of competent jurisdiction, for damages or for such equitable relief as may be appropriate, or both.

(b) The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

(c) Each district court of the United States, and each State court of competent jurisdiction, shall provide such equitable relief, including injunctive relief, as may be

appropriate to carry out the provisions of this title.

(d) (1) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(2) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing within 30 days of filing with the court. A hearing of the case must be held within 180 days upon the proper filing of the case with the court.

SAVINGS PROVISION

Sec. 406. The provisions of this title shall supersede all the provisions of the Federal law that are inconsistent with the provisions of this title.

TITLE V—RIGHTS OF RELIGIOUS INSTITUTIONS AND EDUCATIONAL AFFILIATES

RIGHTS OF RELIGIOUS INSTITUTIONS

Sec. 501. (a) With respect to admissions policies, instructional or training materials, instruction or methodological hiring or selecting of employees and staff, contractual relationships with employees and staff, or operating procedures, neither the Federal Government nor any instrumentality thereof shall by rule, regulation, or otherwise impose any legal obligation or condition on any childcare center, orphanage, foster home, social action training program, emergency shelter for abused children or spouses, school, juvenile delinquency or drug abuse treatment center or home, or similar program or institution which is directly or indirectly operated by a church or religious organization. For purposes of the preceding sentence, the promulgation of reasonable health and fire regulations by an instrumentality exercising the authority of a local government shall not be prohibited.

(b) (1) The provisions of subsection (a) shall not apply with respect to the administration of the Civil Rights Act of 1964 with respect to race, creed, color, or national origin.

(2) Nothing in this subsection shall be construed to permit rules or regulations relating to affirmative action, quotas, guidelines, or actions designed to overcome racial imbalance.

TITLE VI—MISCELLANEOUS

JURISDICTION

Sec. 601. (a) Except as otherwise provided in this Act, the district courts of the United States and any court in a territory which is vested with the powers of a district court shall have jurisdiction of any civil action brought under this Act, or under an amendment made by this Act, without regard to amount in controversy. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, and process may be served in any district of which the defendant is an inhabitant or wherever the defendant may be found.

(b) Except as otherwise provided by this Act, any action brought under this Act, or under an amendment made by this Act, in any State court of competent jurisdiction shall not be removed to any court of the United States, unless an officer or employee of the United States in his official capacity is a party. No costs shall be assessed against the United States in any such action brought by or against the United States in any court of the United States, or of a State.

LIMITATION OF ACTION

Sec. 602. Any action brought under this Act, or an amendment made by this Act shall be brought within six years after the cause of action arises.

ENFORCEMENT

Sec. 603. (a) Except as otherwise provided by this Act, any person who violates any provisions of this Act, any amendment made by this Act, or any rule, regulation, or order issued thereunder, may be subject to a civil penalty, not to exceed \$5,000 for each violation, after opportunity for a hearing pursuant to subsection (b). Each separate offense shall be a violation and, in the case of a continuing offense, each day shall constitute a separate violation.

(b) Each hearing pursuant to subsection (a) shall be public and any assessment of a penalty after such a hearing shall be based on the record. Each hearing shall be conducted in accordance with the provisions of section 554 of title 5, United States Code.

(c) (1) Any penalty assessed pursuant to subsection (b) may be collected in an action brought by the Attorney General or, if the Attorney General directs, by the head of the appropriate agency in any district court of the United States. In any such action, the validity and appropriateness of the final determination imposing the penalty shall not be subject to review.

(2) The penalty shall be payable to the United States Treasury.

(d) A person aggrieved by a final determination under subsection (b) is entitled to judicial review in an appropriate United States Court of Appeals, if petition for review is filed within twenty days after the determination is made. Review of the determination shall be in accordance with section 706 of title 5, United States Code.

CONTRARY STIPULATIONS VOID

Sec. 604. Any condition, stipulation, or provision binding any person to waive compliance with any provisions of this Act, any amendment made by this Act, or any rule or regulation issued thereunder is void.

REPORT TO CONGRESS

Sec. 605. The Secretary shall prepare and submit to Congress, within thirty months after the date of enactment of this Act, a comprehensive report on the administration of this Act and the progress of States.

EFFECT ON OTHER LAWS

Sec. 606. (a) The rights and remedies provided by this Act, or any amendment made by this Act, shall be in addition to any other right or remedy provided under Federal or State law.

(b) This Act, and any amendment made by this Act, does not limit any other right or remedy for the protection of the family under State or Federal common law or statutory law.

AUTHORIZATION OF APPROPRIATIONS

Sec. 607. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

Sec. 608. If any provision of this act or any amendment made by this Act, or the application of such provision or amendment to any person or circumstances, shall be held invalid, the remainder of this Act or such amendment or the application of such provision or amendment to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Mr. JEPSEN. Mr. President, in the interest of providing the Members of the Senate and the Congress a legislative summary of the provisions contained in the Family Protection Act of 1981, I have outlined many of the key sections of the bill. I wish to emphasize that this sum-

mary is in brief and, therefore, subject to change and additional interpretation.

I ask unanimous consent to have the summary printed in the RECORD, and I thank the leadership for their cooperation.

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

SUMMARY OF PROVISIONS CONTAINED IN THE FAMILY PROTECTION ACT OF 1981

RIGHTS OF PARENTS

Section 101. This section would amend Chapter 111 of Title 28 of the U.S. Code (28 U.S.C. 1651 *et seq.*) by adding at the end thereof a provision providing for a "legal presumption in favor of an expansive interpretation" of the parent's role "in supervising and determining the religious or moral formation of his child" in federal cases involving that role.

Although the legal presumption that would be stated by this section is not now codified in federal statutes, it would appear to conform to existing case law determinations regarding the parent's role in the religious and moral formation of his child as protected by the free exercise and due process clauses of the Constitution. In *Pierce v. Society of Sisters*, 268 U.S. 510, 534-35 (1925), the Supreme Court struck down a State statute requiring parents to send their children to public, but not private, school, stating:

... we think it entirely plain that the Act of 1922 unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control. . . . The child is not the mere creature of the State; those who nurture him and direct his destiny have the right, coupled with high duty, to recognize and prepare him for additional obligations.

In *Wisconsin v. Yoder*, *supra*, the Court upheld the right of Amish parents to withdraw their children from public school after the eighth grade, stating:

... this case involves the fundamental interest of parents, as contrasted with that of the State, to guide the religious future and education of their children. The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition. . . . The duty to prepare the child for "additional obligations," referred to by the Court (in *Pierce*), must be read to include the inculcation of moral standards, religious beliefs, and elements of good citizenship. . . . However read, the Court's holding in *Pierce* stands as a charter of the rights of parents to direct the religious upbringing of their children. 406 U.S. at 3232-233.

More recently, in *Parham v. J.R.*, 442 U.S. 584, 602-03 (1979) the Court reaffirmed this presumption in rejecting the argument that a parent's decision to commit his child to a mental institution must be reviewed by the government in a formal, adversary pre-admission hearing:

Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Our cases have consistently followed that course. . . . The statist notion that governmental power should supersede parental authority in all cases because some parents abuse and neglect children is repugnant to American tradition.

See also *H. L. v. Matheson*, — U.S. —, 49 USLW 4255 (1981); *Quilloin v. Walcott*, 434 U.S. 246 (1978); *Stanley v. Illinois*, 405 U.S. 645 (1972); *Ginsberg v. New York*, 390 U.S. 629 (1968).

This expansive view of parental authority over children is not without limit, of course.

The Court has affirmed the right of government to intervene in instances in which parents' decisions threaten significant harm to the health or safety of the child or create a social burden. See, e.g., *Prince v. Massachusetts*, 321 U.S. 158 (1944); *Planned Parenthood of Central Missouri v. Danforth*, 428 U.S. 52 (1976); *Parham v. J. R.*, *supra*; *Application of President and Directors of Georgetown College, Inc.* 118 U.S. App. D.C. 80, 331 F. 2d 1000, cert. den. 377 U.S. 978 (1964). But absent proof of such significant threats to the child or society, the presumption is in favor of parental authority.

It is my opinion that this section is consistent with existing interpretations of that presumption, and thus would not alter existing law, but simply seek to codify existing case law which presumptively favors parental rights.

This section would appear to be within Congress' power, and therefore, poses no apparent constitutional implication.

PARENTAL NOTIFICATION

Section 102(a). This section would provide that no program may receive federal funds unless, prior to providing a contraceptive device, abortion, counseling, or an abortion to an unmarried minor, the agency notifies the minor's parents or guardian.

Federal law does not now require parental notification as a condition of federal funding of programs relating to family planning. For instance, family planning services specifically targeted to adolescents are funded through discretionary grants awarded by the Office of Adolescent Pregnancy Programs, authorized under titles VI of P.L. 95-626. The law requires that a grantee's family planning services be limited to counseling and referral unless other services are not available in the community. The grantee is required to inform any pregnant adolescent of the availability of counseling on all options regarding her pregnancy, which appears to include abortion counseling. However, the law specifically prohibits expenditure of any funds under the Act for the performance of an abortion. The law presently mandates grantees to "encourage" unemancipated minors receiving services to consult with their parents, but grantees are not required to make any services contingent on parental notification. Therefore, this section would mandate any services be contingent on parental notification.

Family planning services are also funded under title XIX of the Social Security Act (the Medicaid program), under title XX of the Social Security Act (social services), under title III-D of the Public Health Service Act (primary health care), and under title X of the Public Health Service Act (family planning). None of these programs requires parental notification, as follows:

"Title XIX of the Social Security Act specifically requires States to offer family planning services and supplies, including services and supplies to minors, in order to qualify for matching funds under the Medicaid program. There is no parental notification requirement. The law is silent on whether family planning services include abortion counseling or the provision of abortions.

"Under title XX of the Social Security Act, States are authorized to use their matched federal funds to offer family planning services, including medical care related to family planning, to anyone. There is no parental notification requirement. The law is silent on whether family planning services include abortion counseling or abortion, but, instead, appears to leave the matter to the States' discretion.

"Subpart I of title III-D of the Public Health Service Act authorizes grants to community hospitals (section 328), migrant health centers (section 329), and community health centers (section 330) for the provi-

sion of medical services including primary health services. Primary health services are defined to include family planning services, which, in turn, are left undefined. There are no provisions relating to family planning services specifically for minors, and no parental notification requirement.

"Title X of the Public Health Service Act authorizes direct grants and contracts to public and private nonprofit agencies (section 1001), formula grants to States (section 1002), and training grants to organizations and individuals (section 1003) to establish and operate family planning projects. Section 1001 specifically mentions family planning services for adolescents, and the other two sections do not exclude adolescents. There is no parental notification requirement in any of the three sections. Section 1008 of this title specifies that no funds may be used in programs where abortion is a form of family planning."

In addition to the above funded programs, title IV-A of the Social Security Act (Aid to Families with Dependent Children—AFDC) requires (but does not fund States to ensure that family planning services are available to AFDC recipients, including sexually active minors). There is no parental notification requirement.

Section 102 (b). This section would amend part C of the General Education Provisions Act (20 U.S.C. 1232 *et seq.*) by adding a new section stipulating that no programs under the Act may receive federal funds unless, prior to providing a contraceptive device, abortion counseling, or an abortion to an unmarried minor, the minor's parents or guardian have been notified.

JUVENILE DELINQUENCY

Section 103. This section would amend the Juvenile Justice and Delinquency Prevention Act (42 U.S.C. 5601 *et seq.*) by adding a new section. Subsection (a) of the new section would stipulate that no federal program, directive, guideline, or grant may be construed to override any existing State law relating to juvenile delinquency. Subsection (b) of the new section states that nothing in this new section should be construed to permit a State to fail to participate or cooperate in any program for the return on runaway youths, whether by interstate compact or otherwise.

The Juvenile Justice and Delinquency Prevention Act currently contains no provisions comparable to those in section 103.

CHILD ABUSE

Section 104.

Section 104(a) would provide that no federal program, directive, guideline, or grant be construed to override any existing State law relating to child abuse. Section 104(b) would provide that no federal funds for any program related to child abuse may be spent in any State unless that State's legislature specifically authorizes such a program. Section 104(c) would, for the purposes of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5010 *et seq.*), qualify the definition of "child abuse" to exclude discipline or corporal punishment by a parent or any persons designated by a parent.

There is no comparable provision to section 104(a) in current federal law, although federal law does not now appear to override State laws relating to child abuse. Section 104(b) adds a new condition to State programs on child abuse which seek federal funding under either the Child Abuse Prevention and Treatment Act of titles IV or XX of the Social Security Act, namely, that such program be "specifically authorized and established" by their State legislature(s). It would also bar direct grants from the federal government to child abuse programs that are privately operated in any State, (as is now possible under the Child Abuse Prevention and Treatment Act), and require that such grants be limited to, or channeled

through, State programs that have been specifically authorized by the State legislature(s).

Section 104(c) takes the entire existing definition of "child abuse" in the Child Abuse Prevention and Treatment Act and adds a qualifying phrase at the end that would exclude from the definition corporal punishment administered by a parent or an agent of the parent. This latter change would not materially alter existing law: In virtually every State, reasonable corporal punishment administered by a parent or a person standing *in loco parentis* is privileged. See *Baker v. Owen*, 423 U.S. 907, *aff'g* 395 F. Supp. 294 (M.D. N.C., 1975); *Ingraham v. Wright*, 430 U.S. 651 (1977).

SPOUSE ABUSE

Section 105. This section would provide that no federal program, directive, guideline, or grant shall be construed to override any existing State law "relating to spousal abuse or domestic relations."

There is no comparable provision to section 105 in current federal law.

LEGAL ASSISTANCE RESTRICTIONS

Section 103. This section would impose restrictions on the kinds of legal representation that could be offered by legal aid programs funded by the Legal Services Corporation (LSC). The section would amend section 1007(b) of the Legal Services Corporation Act (42 U.S.C. 1996f(b)) to bar funding under that Act to entities which provide legal assistance:

"(1) which seeks to procure an abortion or to compel any individual or institution to perform an abortion or assist in the performance of an abortion, or provide facilities for the performance of an abortion, or to compel State or federal government funding for an abortion, or

"(2) in any case relating to a divorce, and

"(3) in any case seeking to adjudicate the issue of gay rights."

The restriction with respect to abortions is broader than existing law: Existing law bars such representation where the performance of the abortion or provision of facilities is "contrary to the religious beliefs or moral convictions of such individual or institution". This section would eliminate that proviso, and would further extend the bar on representation to include suits which seek "to compel State or federal government funding for an abortion." See 42 U.S.C. 2996f(b) (8).

The restriction with respect to divorce and gay rights would be new.

Finally, it should be noted that existing law imposes restrictions only on the use of federal funds made available through the Legal Services Corporation. This new section would place these restrictions on *all* activities of LSC grantees, whether paid for out of LSC funds or not.

ARMED FORCES DEPENDENTS' ASSISTANCE ALLOTMENTS

Section 107. This section would provide for the mandatory direct payment of an amount equal to a military member's basic allowance for quarters (BAQ) to the member's dependents, when those dependents are living separate from the member. The allotment would be deducted from the pay and allowances received by the member.

Subsection (a) of section 107 would add a new section 708 to chapter 13 of title 37, U.S. Code, Pay and Allowances of the Uniformed Services, entitled "Allotment for dependents of members of the armed forces." "Armed forces" are defined in 37 USC 101 as meaning the Army, Navy, Marine Corps, Air Force, and Coast Guard.

Subsection 708(a)(1) provides that subject to such regulations as may be prescribed by the Secretary of Defense, the Secretary concerned (defined in 37 USC 101 as the secretaries of the military departments or the Secretary of Transportation, in the case of

the Coast Guard when it is not operating as part of the Navy) shall pay a monthly dependents' assistance allotment to the dependents of any member of the armed forces, when such dependents are living separate from the member. All officers (commissioned and warrant) and enlisted personnel of all grades are included. The amount paid to the dependents of a member shall be deducted from the pay and allowances received directly by the member.

Subsection 708(a)(2) specifies that the amount of dependents' assistance allotment to be paid shall be equal to the BAQ to which the member is entitled. A member may, however, increase the amount of allotment to be paid to his dependents by requesting the Secretary concerned, in writing, to deduct an additional amount from the member's pay and allowances to be sent to the member's dependents. Such an additional allotment may be in any multiple of \$10.00.

Subsection 708(c) defines the term "dependent," with respect to a member of the armed forces, as meaning (1) a member's spouse; and (2) a member's unmarried child (including the following categories of children if they are dependent on a member: a stepchild, an adopted child; and illegitimate child whose alleged father—if a member of the armed forces—has been judicially decreed to be the child's father or ordered to contribute to the child's support, or whose parentage has been admitted in writing by the military member. Such unmarried children must be either under 21 years of age or both (a) incapable of self-support because of mental or physical incapacity, and (b) in fact dependent on the military member for over one half of their support.) The relationship between a stepparent and a stepchild is deemed to be terminated—for purposes of eligibility for dependents' assistance allotments—if the stepparent is divorced from the parent by blood.

Subsection (b) of the proposed section 107 of the Family Protection Act would amend the table of sections of chapter 13 of title 37, U.S. Code, to add at the end a reference to the new section 708 of title 37.

Comparison with current law

Current law provides for no mandatory allotments of any portion of a military member's pay to his dependents when he is separated from them.¹

No such allotments have ever been required for either commissioned or warrant officers. However, from 1950 through 1973 certain enlisted personnel were required to establish an allotment payable directly to their dependents in order to qualify for basic allowance for quarters (BAQ) rates specified for persons with dependents.

The Dependents' Assistance Act of 1950 (ch. 622, 64 Stat. 794; Act of September 8, 1950), required that all enlisted personnel make allotments such as those described to be eligible for BAQ as "with dependents" rates. It further authorized (in section 8 of the Act) that the Secretary concerned could, without the consent of an enlisted member, direct that a payment of BAQ with dependents be made, and the requisite allot-

¹ A family separation allowance is authorized by 37 USC 427 to equitably reimburse members of the uniformed services involuntarily separated from their dependents for the average extra expenses that result from the separation, and to reimburse members who must maintain a home in the United States for their dependents and another home overseas for themselves for the average expenses of maintaining the overseas home. The family separation allowance, however, is payable in addition to any other allowance or per diem to which the member may be entitled. It is not deducted from the member's pay and allowances and allotted directly to dependents.

ment to a member's dependents be established, if the enlisted member had dependents and did not voluntarily make an allotment and thereby qualify for BAQ with dependents.

The Act of July 10, 1962 (76 Stat. 152) modified the system, in effect leaving the mandatory allotment requirement only for junior enlisted personnel (grades E-1 through E-3 and grade E-4 with less than four years of service). Rather than extending the allotment requirement (it had always been a temporary provision requiring extension every few years since its enactment in 1950) it was allowed to expire as of July 1, 1973. Since then, there has been no requirement of any sort for military personnel to directly allot any of their pay to their dependents.

There are several major differences between the old Dependents' Assistance Act (DAA) allotments and those which would be required by section 107 of the Family Protection Act:

"The DAA applied only to enlisted personnel and after 1962 only to junior enlisted personnel. Section 107 would apply to commissioned and warrant officers in all grades as well as all enlisted personnel.

"The DAA allotment procedure required the member to allot not only his monthly BAQ, but an additional amount deducted from his basic pay, to his dependents. The proposed statute requires only an amount equal to the BAQ to be allotted (although the member may voluntarily allot more).

"Under DAA, a direct allotment to dependents was made regardless of whether or not the member and his dependents were living separately. Section 107 would require such an allotment only if the member was living separate from his dependents.

"The DAA included dependent parents in its definition of dependents coming under its purview. Section 107 would apply only to spouses and unmarried children."

FEDERAL FUNDS FOR HOMOSEXUAL ADVOCACY

Sec. 108. This section would bar any federal funds from being made available to any individual or organization for the purpose of "advocating, promoting, or suggesting homosexuality, male or female, as a life style."

Changes from existing law

This condition on federal funding does not now exist in this form in federal law but would not appear to alter the existing situation. In 1981 Congress added to the continuing resolution for the fiscal 1981 appropriations for the Legal Services Corporation a prohibition on the use of federal funds "to provide legal assistance for any litigation which seeks to adjudicate the legality of homosexuality." P.L. 96-536 (Dec. 16, 1980) (incorporating by reference the restrictions contained in H.R. 7584 as enacted prior to its veto by the President). This section would not affect that prohibition. In addition, it might be noted that existing law does not appear to provide funds for the purpose of promoting homosexuality. Thus, this section would not appear to materially affect existing grant programs.

The section nevertheless is designed to codify into statutory law a prohibition of any federal funds which are used solely for the purpose of "advocating, promoting, or suggesting homosexuality, male or female, as a life style."

It is not the intention of this section to prohibit or deny social security benefits, welfare, veterans benefits, student assistance or other federal assistance to any individual who may suggest or intimate homosexuality as a life style.

TITLE II—TAXATION

Section 201.

Section 201 adds two new sections to the Internal Revenue Code to provide for education savings accounts which are similar in theory to individual retirement accounts

which exist in present law for retirement savings.

Proposed new section 221 would allow individuals a deduction for contributions of cash or readily tradeable stocks, bonds, or other securities to an education savings account for an eligible individual. Each education savings account could only be established for one individual and an individual could not be the beneficiary of more than one account. (Proposed Code sections 221(a) and 221(b) (1) and (2)).

There would be a \$2,500 limit on the amount which could be contributed to each account each year, but beginning in 1983 that amount would be adjusted annually for inflation. The Secretary of Treasury would determine and publish by October 1 of each year the inflation adjustment factor for the preceding 12-month period ending on July 31. The inflation adjustment factor would be determined by dividing the Consumer Price Index for all items—United States city average for the most 12-month period ending on July 31 by the same index for the 12-month period ending on July 31, 1980. This result would be multiplied by \$2,500 to determine the inflation-adjusted amount. (Proposed Code section 221(b) (3), (5)).

If more than one person contributed to the same account during the year, the \$2,500 or the inflation-adjusted amount deduction would be allocated proportionately among all individuals contributing to the account. (Proposed Code section 221(b) (4)).

Providing that the eligible individual was under age 21 during the year the contribution was made and was not enrolled as a full-time student at an eligible institution for more than four weeks during a calendar year, an education savings account could be set up for the taxpayer, a child or stepchild of the taxpayer, or any of the following relatives of the taxpayer: grandchildren or their descendants, brothers, sisters, stepbrothers, stepsisters, fathers, mothers, grandparents, nieces, nephews, aunts, uncles, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, brothers-in-law, and sisters-in-law. (Proposed Code section 221(c) (1)). This definition prohibits contributions to an education savings account once the beneficiary enters an eligible institution. Since a private elementary school can be an eligible institution, this provision may not facilitate saving for secondary or higher education.

An education savings account would be a United States trust for the purpose of paying the eligible expenses of an eligible individual. (Proposed Code section 221(c) (2)). Custodial accounts where the assets were held by a bank or other person satisfactory to the Secretary of the Treasury could constitute education savings accounts if they would qualify as education savings accounts but for the fact that they were not trusts. The custodian would be treated as trustee. (Proposed Code section 221(h)).

The governing instrument of the trust or custodianship would have to meet these requirements:

(1) Contributions could not be accepted unless they were in cash, stocks, bonds, or other readily tradeable securities.

(2) Contributions could not exceed \$2,500 per year.

(3) The trustee would have to be a bank or another person acceptable to the Secretary of the Treasury.

(4) The trust assets could not be invested in life insurance contracts unless the trust was the beneficiary of the contracts and the insured is the grantor of the trust. The face amount of the contracts must not exceed an amount equal to \$2,500 times the potential life of the trust i.e. (the number of years from the establishment of the trust until the beneficiary of the trust reaches age 25).

of the individual(s) contributing to the account, but if more than one individual has

made contributions to the account, the consent of all the contributing individuals would be required.

(6) The assets of the trust would not be commingled with other property except in a common trust fund or common investment fund.

(7) The assets in the trust on the date that the beneficiary attains age 26 are required to be distributed to each of the trust's contributors in the proportion to their contributions to the trust. (Proposed Code section 221(c) (2)).

Contributions to the trust would be deemed made during the preceding calendar year if the contribution is made on account of that calendar year and is made by the time prescribed by law for filing the return for the taxable year which covers December 31, of the preceding year. (Proposed Code section 221(c) (3)).

Contributions of stocks, bonds, and the like will be valued at market value on the date of contribution or the last preceding day on which they could have been traded on an established securities market. (Proposed Code section 221(c) (4)).

Eligible expenses would mean tuition and fees required for enrollment and attendance of a student at an eligible educational institution, fees, books, supplies, and equipment required for courses, and reasonable allowance for meals and lodging and any income due because the beneficiary must include the distributions in his or her income.

Eligible educational institutions would include an institution of higher education, a vocational school, a secondary school, or an elementary school. Institution of higher education means institutions described in section 1201(a) or 491(b) of the Higher Education Act of 1965. (See 20 U.S.C. §§ 1141 and 1088). According to those sections an institution of higher education is one which has high school graduates or holders of an equivalency certificate as regular students, which is legally authorized to provide a postsecondary school education, which provides a program of education leading to a bachelor's degree or provides at least a two-year program which is acceptable for full credit to a bachelor's degree, which is a public or non-profit institution, and is accredited or, if not accredited, meets certain alternative criteria. Schools of nursing, post secondary vocational institutions, and certain other proprietary institutions of higher education are also included in this definition. (Proposed Code section 221(c) (6) and (7)).

A vocational school would mean an area vocational education school, as defined in section 195(2) of the Vocational Education Act of 1963, which is in any State. (See 20 U.S.C. §§ 2461(2) and (8)). The term area vocational educational school is defined in that act to mean a specialized high school, the department of a high school, a technical or vocational school, or the department or division of a junior college, community college or university used exclusively or principally to provide vocational education to persons who are available for study in preparation for entering the labor market. Some of those types of schools have to meet additional requirements. A State is defined to include the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands. (Proposed Code section 221(c) (8)).

Elementary school would mean a privately operated, not-for-profit, day or residential school which provides elementary education. Secondary school would mean a privately operated, not-for-profit, day or residential school which provides education that does not exceed grade 12. Both elementary and secondary schools would be required to be exempt from Federal income taxes under Code section 501(a) and (c) (3) and they could not exclude persons from admission

to, or participation in, the school on account of race, color, or national or ethnic origin. Facilities which offer education for individuals who are physically or mentally handicapped as a substitute for regular public elementary or secondary education are included within the definitions of elementary and secondary schools; however, the handicapped facilities do not have to be privately operated. (Proposed Code section 221(c) (9)).

Proposed section 221(d) outlines the tax treatment of distributions from the education savings account. First, the general rule is that unless the distribution is used exclusively to pay the education expenses incurred by the beneficiary of the account, any distribution from the account will be included in the gross income of the contributors to the account in the same proportion as the amounts which they have contributed to the account over the years.

Second, distributions which are the result of corrections of excess contributions do not fall within the general rule, providing the correction is made within the time for filing the return for the year involved, that no deduction was taken for the excess contribution, and that any interest or dividends attributable to the excess contribution is also returned. The person to whom the excess contribution is returned must report the income earned on the excess contribution.

Third, the beneficiary of the savings account may elect to be taxed on distributions from the savings account which are spent on eligible expenses. First, he or she may elect to include the distribution of the gross income in the years the distributions are made. Second, he or she may elect to defer the taxes until the taxable year in which the individual turns age 25. In that year, and for the nine succeeding taxable years, the beneficiary will include in his or her gross income 10 percent of the amounts paid or distributed from the account which are used to pay that individual's educational expenses.

If a distribution from the account is not used for educational expenses of the beneficiary, the contributors to the account will be taxed on the amount not used properly plus an additional 10 percent of the deemed distribution. (Proposed Code section 221(f) (1)).

Although paragraph (f) (2) is entitled "Disqualification cases," the proposed statutory language states that if an amount is includable in the gross income of an individual under subsection (d), his tax shall be increased by an amount equal to 10 percent of the amount required to be included in his gross income. There is no reference to disqualification in the statutory language. Subsection (d) covers the tax treatment of almost all distributions. If paragraph (f) (2) is intended to describe a penalty provision, the reference to subsection (d) is too broad. If disqualification because of prohibited transactions is the object of the penalty, paragraph (e) (2) might be referenced. If distribution of unused funds under paragraph (d) (1) is intended to be penalized, that paragraph should be mentioned.

Proposed Code section 221(e) outlines the tax treatment of the education savings accounts. Basically they would be exempt from taxation, but they would be subject to the unrelated business income taxes imposed by Code section 511. The tax exemption could be lost, however, if a contributor to the account engages in a transaction prohibited by Code section 4975. The account would retroactively lose its exemption as of the first of the year in which the prohibited transaction occurred. This would mean that the assets of the account would be treated as if they had been distributed to the contributors as of the first day of the year.

Prohibited transactions would include such transactions between the account and

contributors as selling or leasing any property to each other; lending money to each other; furnishing goods, services or facilities to each other; dealing with the account assets as if they belonged to the contributor; or receiving kickbacks because of transactions involving the account.

If the beneficiary of the account were to pledge the account as security for a loan, the portion of the account which is pledged would be treated as if it had been distributed to the beneficiary. (Proposed Code section 221(e)).

There is no penalty for distributions made to the taxpayer after the taxpayer becomes disabled, even if the distribution is not used to pay educational expenses. (Proposed Code section 221(f)(3)).

Community property laws would not apply to this section.

Proposed Code subsection 221(1) requires the trustee of an education savings account to file reports with the Treasury and with the beneficiary of the account. The actual requirements would be established by regulations.

Bill section 201(b) would amend paragraph 10 of Code section 62 (which defines adjusted gross income) to provide that the deduction allowed by proposed Code section 221 would be used in arriving at adjusted gross income. In other words, taxpayers would be entitled to deduct contributions to education savings accounts whether or not they itemized deductions on their returns.

Bill section 201(c) would amend Code section 4973 to impose a tax of six percent on any excess contributions to an education savings account. The tax would not be imposed, however, if the excess contributions were timely corrected as provided in proposed Code section 221(d)(2).

Bill section 201(d) would amend Code section 2503 to provide that payment to an education savings account would not be considered a gift of a future interest in property to the extent that the payment is allowed as a deduction under section 221.

Bill section 201(e) would amend Code section 4975 by adding a new paragraph (c) (4) exempting the beneficiary of an education savings account from the tax on prohibited transactions imposed by Code section 4975 if the account ceases to be an education savings account by reason of a prohibited transaction.

Bill section 201(f) would amend Code section 6693 to provide penalties for failure to file the reports required by proposed Code section 221(1). There would be a \$10 penalty for each failure unless the failure were due to reasonable cause.

Bill section 201(g) provides for amending the appropriate tables of contents of sections of the Code to take into account the changes that would be made by the bill.

Bill section 201(h) would redesignate Code "sections 128 and 129" (this appears to be a typographical error which should read "redesignate section 128 as 129") and insert a new section 128. New section 128 would provide that gross income does not include distributions from an individual higher education account used exclusively for the payment of educational expenses of that individual. Appropriate changes would be made in the table of sections.

Bill section 201(i) provides that payments made to an education savings account do not count for purposes of determining how much support is provided a dependent under Code section 152.

Bill section 201(j) provides for a December 31, 1981 effective date.

Nothing in the present Internal Revenue Code allows taxpayers to set aside money tax-free for the education of their children. The format of the education savings account

appears to be modeled on the present Code provisions for individual retirement accounts.

Section 202.

Bill section 202(a), entitled "tax exempt schools," would create a new Code subsection 501(j). (Present subsection 501(j) would become 501(k)). Proposed subsection (j) outlines a sort of "safe harbor" for organizations qualifying as tax-exempt educational organizations. Under proposed subsection (j) an organization described in Code section 501(c)(2) would be treated as organized and operated exclusively for educational purposes if it met six requirements:

(1) It must be organized and operated exclusively for the purpose of providing preschool, grammar school, high school or college education;

(2) It must be incorporated as a non-profit corporation in the District of Columbia, any State, territory, or possession of the United States;

(3) Its bylaws must prohibit discrimination in the hiring of teachers or admission of students on the grounds of race, nationality or ethnic background;

(4) It must require attendance for at least the same number of days as are required in public schools of the State in which it is located;

(5) A majority of its board of directors must be parents of students attending the school operated by the organization; and

(6) The school cannot be operating under a judicial order entered under section 202(b) of the Family Protection Act.

Section 202(b) provides a method whereby the Attorney General could obtain a judicial order barring a tax exemption for a school which had violated any provision of sections 1977, 1978, or 1979 of the Revised Statutes (i.e. 42 U.S.C. §§ 1981, 1982, or 1983) or of the Civil Rights Act of 1964. If the Attorney General has reasonable grounds to believe that a school has violated any of those provisions, the Attorney General is required to file a civil suit for a declaratory judgment in the Federal district court for the district where the school is located. If the Attorney General can establish by a preponderance of the evidence that the school has engaged in deliberate and intentional discrimination for at least four consecutive years prior to the filing of the suit, the court would be required to issue a judicial order barring a tax exemption for the school.

If the court found that the Attorney General brought the suit out of malice, bias against the religious or ethnic composition of the school's supporters, or any other improper motive, the court could assess damages against the Attorney General and against the Internal Revenue Service agents and officers responsible for bringing the action.

The judicial order barring tax exemption would not take effect until the beginning of the first taxable year after the school had exhausted its rights of judicial review. The court would be required to retain jurisdiction over the case and revoke its order when the school demonstrated, by a preponderance of the evidence, that its discriminatory policies had been discontinued and would not be renewed.

Proposed section 501(j) is narrower than existing interpretations of what educational institutions are covered by Code section 501(c)(3), because that section is not limited to preschools, grammar schools, high schools, or colleges. According to Treasury Regulation 1.501(c)(3)-1(d)(3) "educational" relates to instruction or training of the individual for the purpose of improving or developing his capabilities or instruction of the public on subjects useful to the individual and beneficial to the community.

Present law does not require that an exempt organization be incorporated. Present statutory law does not explicitly require that an educational institution's bylaws prohibit

discrimination in the hiring of teachers or the admission of students. However, the courts and the Internal Revenue Service have interpreted section 501(c)(3) to require that educational organizations have a non-discriminatory policy as to students. They require the organization's governing instruments and its brochures to contain a statement that the school has a racially nondiscriminatory policy as to students. In addition the school must publicize this policy. Rev. Rul. 71-447, 1971-2 C.B. 230 and Rev. Proc. 75-50, 1975-2 C.B. 587. The requirements as to number of days of required attendance and composition of the board of directors would be new.

Under existing law the Internal Revenue Service may revoke the tax exempt status of an organization without resorting to litigation. If the Service does so, the organization has the right under Code section 7428 to bring an action for a declaratory judgment for a determination as to its continuing qualification.

Under existing law, unless a school has received some Federal financial assistance, it is unlikely that the United States would be able to bring an action to affect the school's policies of racial discrimination. A private party may bring an action under 42 U.S.C. § 1981 (alleging violation of equal rights to make and enforce contracts), § 1982 (alleging violation of equal rights in dealing with property), or § 1983 (alleging deprivation of rights secured by the Constitution and laws of the United States under color of State law), but the United States may not bring such actions. If the school has received some Federal financial assistance, the United States could bring an action under Title VI of the Civil Rights Act of 1964. It is unlikely that many private elementary or secondary schools receive Federal financial assistance.

Under existing law a court may award reasonable fees and expenses of attorneys to the prevailing party in any civil action brought by or against the United States or any agency and any official of the United States acting in his or her official capacity in any court having jurisdiction over the action, to the same extent that any other party would be liable under common law or under the terms of any statute which provides for an award. 28 U.S.C. § 2412.

Section 203.

Section 203 is entitled "multigenerational households." Section 203(a) would create a new Code section 44F. Proposed section 44F would permit a taxpayer who maintains a household which includes a dependent who is at least 65 years old at the end of the taxable year to take a \$250 credit against income tax. The credit would be non-refundable and would be applied after certain other credits such as the credit for the elderly, the general tax credit, the investment tax credit, the child care credit, and residential energy credit.

Certain special rules would be applied. An individual would be treated as maintaining a household only if the individual (or the married couple) furnished over half the cost of maintaining the household. Married couples would have to file a joint return to take advantage of the credit. Legally separated couples and divorced couples would not be considered married. In addition certain married individuals who file separate returns would be permitted to claim the credit if they maintained a home for a qualifying individual for more than one-half of the year, furnished over half the cost of maintaining the household during the year, and if their spouses did not live in the household during the last six months of the taxable year.

Bill section 203(b) would create a new Code section 222 (after moving section 222 to section 223). Proposed section 222 would be an alternative provision to the proposed section 44F credit. Proposed section 222

would permit a taxpayer to take a deduction of \$1,000 per year for each year during which the taxpayer maintained a household for a dependent at least 65 years of age at the close of the taxable year. The same special rules regarding marital status and claiming the reduction discussed in connection with the credit would apply. The remainder of the proposed section would conform the Code to the changes made by this section of the bill. It provides for an effective date of taxable years beginning after December 31, 1980.

Both the credit and the deduction for maintaining an elderly dependent in a household would be new provisions. In certain aspects they resemble the section 44A household and dependent care credit and/or dependency exemption.

Section 204.

Bill section 204 is captioned "parental support accounts." Bill section 204(a) would create a new Code section 223 which would allow a deduction of up to \$3,000 per year for contributions to a trust established to care for a qualified beneficiary.

Bill section 204(b) would create a new Code section 645 which would describe a qualified parental or handicapped relative care trust. Under proposed Code section 645 (a) the trust would be exempt from income tax, with certain exceptions. Amounts distributed by a qualified trust for the purpose of providing care for a beneficiary would not be taxable to the distributee unless the distributions were received by a spouse or relative of the grantor of the trust.

The trust would be taxable on amounts distributed to the extent that the distributions were not included in the income of a beneficiary during the year. There would be exceptions to this rule in the case of mandatory distributions. Proposed Code section 645(b) describes two kinds of mandatory distributions. First, if the trust is for the benefit of the grantor's parents, the amount in the trust must be distributed to the beneficiary not earlier than the close of the taxable year in which the beneficiary attains age 64. There is no deadline for mandatory distribution. Second, if the beneficiary of a qualified parental or handicapped relative care trust dies, the amount in the trust must be distributed to specified relatives.

Proposed Code section 645(c) contains definitions. Qualified parental or handicapped relative care trust would be defined as any trust which is created and governed by written instrument which meets the following requirements. It must be impossible for any part of the trust to be used for any purpose other than providing care for any qualified beneficiary, paying administrative expenses of the trust, or making a mandatory distribution. In addition, the grantor of the trust can have no reversionary interest in any portion of the trust which might take effect before the death of all qualified beneficiaries of the trust or before all beneficiaries of the trust cease to be qualified beneficiaries of the trust. The trustee of the trust must be a bank or similar institution or a person satisfactory to the Secretary of the Treasury. No beneficiary of the trust can be a beneficiary of any other qualified parental or handicapped relative care trust.

The term qualified beneficiary means a parent of the grantor or a relative of the grantor who is unable to engage in any substantial gainful activity because of a medically determinable mental or physical impairment which can be expected to be of long-continued and indefinite duration. (The term relative is described by the list of dependents in Code section 152(a) (1) through (8), i.e. children of the grantor or their dependents, stepchildren, siblings, or step-siblings, parents or their ancestors, nieces, nephews, aunts, uncles, and parents-in-law, children-in-law, and brothers- and sisters-in-law.)

There are provisions to conform the Code to the changes proposed by section 223, and the proposed effective date is taxable years beginning after December 31, 1980.

Proposed sections 223 and 645 are new.

Section 205.

Bill section 205 would amend Code section 219 to allow an individual to make contributions to an individual retirement plan on behalf of the individual's spouse. In order to take advantage of this provision the spouse could not have any earned income of his or her own; however, for purposes of computing the amount of the spouse's contribution to the individual retirement account, the spouse would be deemed to have compensation equal to the compensation included in the working spouse's gross income for the taxable year.

The maximum deduction (the lesser of 15% of compensation or \$1,500) would be computed separately for each spouse. If the spouse were handicapped, the maximum deduction would be \$3,000. Handicapped would be defined in section 190(b) (3), i.e. a person who has a physical or mental disability (including, but not limited to blindness or deafness) which results in a functional limitation to employment or who has a physical or mental impairment which substantially limits one or more major life activities of such individual. The couple would be required to file a joint return. No contribution or deduction would be permitted if the spouse had earned income includible in gross income or deduction would be permitted if the spouse had earned income includible in gross income or if a deduction would be disallowed if the spouse were the individual making the contributions.

Section 219 would be applied without regard to any community property laws. Whether or not a couple is considered married would be determined on the last day of the taxable year. The effective date would be taxable years beginning after December 31, 1980.

Under existing law, Code section 219 permits a deduction for contributions to an individual retirement plan; however, if both husband and wife contribute to such plans, each must have compensation included in gross income and each must meet the requirement for setting up a plan. If only one spouse has compensation, only that spouse may make a deductible contribution to his or her own plan under section 210. Couples are not required to file a joint return in order for the person making the contribution to claim the deduction. There is no special additional contribution for a handicapped spouse.

The proposed amendment of Code section 219(c) (2) would eliminate the current language which clarifies the fact that if both husband and wife have their own compensation incomes and each meets the requirements for setting up an individual retirement account, each may make his or her own contributions to his or her own plan. The language may have been unnecessary, but its elimination does raise a question as to the intended result.

Under current Code section 220, an individual with a non-earning spouse may make a contribution for both of them. Under this provision, however, the maximum contribution is \$1,750, which is only \$250 more than the individual could have contributed on his or her own behalf under current section 219. (Sections 219 and 220 are alternative provisions.) Section 220 does not require filing a joint return. In order for the non-earning spouse to benefit from section 220 the working spouse must be eligible to set up an individual retirement plan. If the working spouse is ineligible (perhaps as a result of participating in a plan at work), then the non-earning spouse receives no benefit from the existence of section 220. The proposed section 219 may change this result.

Section 206.

Section 206(a) is entitled "corporate day

care—charitable contributions." It would amend Code section 162(b) to provide that taxpayers may take an ordinary and necessary business expense deduction for amounts paid to a day care center which meets the requirements of proposed Code section 501(c) (23).

Section 206(b) creates a new type of tax-exempt organization. The organization would be organized and operated in the United States for the purpose of providing day care for children. No part of the net earnings could inure to the benefit of any private individual. The day care center could not lobby, participate in political campaigns or spread propaganda. It must have or have not been rejected for any necessary certificates or licenses required by States law.

The Internal Revenue Service and other government agencies are prohibited from promulgating any other criteria for eligibility for the proposed section 501(c) (23) exemption.

Current law permits a corporation to deduct payments to a day care center to provide care for preschool children of its employees as an ordinary and necessary business expense deductible under section 152 of the Code. (See Rev. Rul. 73-348, 1973-2 C.B. 31). Under present law day care centers which are primarily educational or primarily charitable may qualify as tax-exempt organizations. See Rev. Rul. 68-166, 1968-1 C.B. 255; Rev. Rul. 70-533, 1970-2 C.B. 112. Under present law, however, these organizations must apply for exemption in order to have their exempt status recognized by the Internal Revenue Service.

Section 207.

Section 207 would amend Code section 151 to allow an additional \$1,000 personal exemption for a taxpayer in the year that a child is born to or adopted by the taxpayer. An additional personal exemption of \$3,000 would be allowed in the case of a child born to the taxpayer, which child is handicapped. In the case of the adoption of a child whose parents were not members of the same race or a child who is over age six, or a handicapped child an extra \$3,000 exemption would be allowed under the section. The additional exemption would be allowed only to married individuals filing joint returns. If the exemption reduces a taxpayer's tax liability to zero, the extra amount could be carried over to the following year.

In addition section 207 would add a new Code section 221 which would allow the deduction of adoption expenses greater than \$500 but not more than \$3,500 or \$4,500 in the case of an international adoption. Adoption expenses would include reasonable and necessary adoption fees, court costs, attorney fees, and other expenses directly related to the legal adoption of a child. Illegal expenses could not be deducted. International adoptions include adoptions in foreign countries, or involving a child who is a citizen of a foreign country who was brought to the United States to be adopted or whose placement for adoption was reasonably foreseeable. Reimbursed expenses or otherwise deductible expenses could not be deducted under this section.

These provisions are new. There are no special exemptions for childbirth or adoption in the year they occur.

TITLE III—EDUCATION

Section 301. This section would amend Part C of the General Education Provisions Act (20 USC 1230 et seq.) to make it unlawful for any educational agency which receives federal funds to: (1) bar "parents or representatives of the community from participating in decisions relating to the establishment or continuation of courses relating to the study of religion," (2) bar or unnecessarily limit the right of parents to visit the public schools or to inspect their children's education records, (3) require teachers to pay dues or fees as a condition of employment, or (4) bar parents from re-

viewing textbooks prior to their use in the classroom.

This section would further prohibit the use of federal funds to "secure or promote" educational materials which "do not reflect a balance between the status role of men and women, do not reflect different ways in which women and men live and do not contribute to the American way of life as it has been historically understood."

Finally, this section would authorize personnel aggrieved by a violation of any of the above to seek judicial redress in state or federal court, would require the court in which such suit is brought to provide an expedited hearing on the matter, and would authorize the award of attorneys fees and costs to such persons if they prevail.

Section 301 would alter, and add to, existing law in a number of respects. The "Family Educational Rights and Privacy Act of 1974" (20 USC 1232g (a)(1)(A)) requires educational agencies receiving federal funds to give parents "the right to inspect and review the education records of their children," but that requirement is enforceable only administratively, not by private suit, as would be provided by this section. Section 14(b) of the "Labor Management Relations Act, 1947" permits states to allow collective bargaining agreements which require membership in a labor union as a condition of employment, a grant of discretion which twelve states now exercise. The section would bar such union security provisions with respect to teachers. 20 USC 1232a bars the federal government from exercising "any direction, supervision, or control over the curriculum, program of instruction, . . . or over the selection of library resources, textbooks, or other printed or published instructional materials by any educational institution or school system. . . ." and thus might be modified by this section. The remaining provisions of this section would appear to be new to federal law.

Section 302 (a). This section would provide that "federal funds shall not be withheld under any provision of federal law nor shall any provision of federal law be construed to prohibit" (1) the right of any state or local educational agency to determine the requisite qualifications of teachers within their jurisdictions (including the right not to require a certificate), (2) the right of any state to set or not to set attendance requirements at public or private schools within their jurisdiction, and (3) the right of any local educational agency, in consultation with parents, to limit or prohibit the "intermingling of the sexes in any sports or other school-related" activity.

The language of this section providing that "federal funds shall not be withheld under any provision of federal law" to affect (generally) every provision of federal law authorizing the withholding of federal funds under specified circumstances, such as Title VI of the Civil Rights Act of 1964 (42 U.S.C. 1000d), Title IX of the Education Amendments of 1972 (20 U.S.C. 1681), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

But the specific and narrow intent of this section is to link the limitation on withholding to the exercise of the three rights enumerated. In that sense the effect of the section on existing law would be considerably narrower.

Federal law at present does not authorize the withholding of funds or otherwise prohibit the exercise of discretion by the States in setting attendance requirements and determining the qualifications of teachers; such matters are now wholly prerogatives controlled by State law.

Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), however, does bar discrimination in federally assisted education programs on the basis of sex, and regulations issued pursuant to Title IX bar

schools receiving federal assistance from offering athletic programs that are segregated on the basis of sex. (45 CFR Part 86.41(a))

The only exception to this requirement provided by the regulations is for athletic teams "where selection for such teams is based upon competitive skill or the activity involved is a contact sport." Id., at 86.41(b). Thus, the first two "rights" summarized above would not appear to change existing law, but the third would appear to alter this aspect of Title IX.

It must be emphasized that the overall intent of this section is to codify protection from unnecessary federal intrusion in the rights enumerated.

Section 302(b). This section would amend the National Labor Relations Act (29 U.S.C. 151 et seq.) to add a new exemption for non-profit private schools. The section would amend Section 2(2) of the NLRA (29 U.S.C. 151(2)) to exclude from the definition of employer "any corporation or association operating a school, if no part of the net earnings inures to the benefit of any private shareholder or individual."

With one exception, each of these proposed amendments to the NLRA concerns amendments to the Act that were adopted by Congress in 1974.

The provision outlined above would add a new exemption to the NLRA for "any corporation or association operating a . . . school, if no part of the net earnings inures to the benefit of any private shareholder or individual." The extent to which such institutions are presently covered by the NLRA is not entirely clear. Not until 1970 did the National Labor Relations Board interpret the Act to cover private universities,² overruling in that case a contrary ruling it had made in 1951.³ In subsequent cases it extended this ruling to private elementary and secondary schools, both sectarian and non-sectarian.⁴ In *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), however, the Supreme Court held that the NLRA does not cover teachers in private sectarian schools. More recently, in *NLRB v. Yeshiva University*, 444 U.S. 672 (1980) the Court held that the NLRA similarly does not extend to full-time faculty members in private universities who perform extensive managerial functions. These decisions leave open the possibility that the NLRA still covers efforts to organize nonteaching personnel at private schools, including those religiously affiliated, as well as efforts to organize faculty at private nonreligious schools who do not perform extensive managerial functions. The exclusion of private schools from the definition of "employer" in the NLRA that would be made by this section would eliminate that possibility.

EDUCATION BLOCK GRANTS

Section 303. Specifically, this section would amend the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) by repealing Titles I, II, III, IV, VII, and IX of that Act and substituting in their stead a new Title XI. The states would have broad discretion in allocating funds at the local level.

This section was prepared prior to the time the Administration's block grant proposal was introduced. However, the section in many respects is similar to the Administration's block grant proposals.

It is my recommendation to the appropriate committee that this section be amended to reflect the Administration's elementary

² *Cornell University*, 183 N.L.R.B. 424 (1970).

³ *Trustees of Columbia University in the City of New York*, 97 N.L.R.B. 424 (1951).

⁴ *Shattuck School*, 189 N.L.R.B. 886 (1971); *Roman Catholic Archdiocese of Baltimore*, 216 N.L.R.B. 249 (1975).

and secondary education block grant proposals.

Section 304.

Summary

This section provides that no provision of federal law "shall be construed to prohibit released time for parenthood education to be conducted by churches."

The Supreme Court has interpreted the establishment of religion clause of the First Amendment to prohibit "shared time" programs between schools to teach religion to consenting students. *Illinois ex rel. McCollum v. Board of Education*, 333 U.S. 203 (1948). The Court has further held, however, that it is constitutionally permissible under the First Amendment for the public schools to "release" consenting school children during the school day so that they can repair the nearby churches for purposes of religious instruction. *Zorach v. Clauson*, 343 U.S. 306 (1952). Thus, released time programs in themselves do not violate the First Amendment. But if the state becomes excessively implicated in such programs by such means as giving course credit for the religious instruction, the First Amendment likely is transgressed. *Lanner v. Wimmer*, 463 F. Supp. 867 (D. Utah 1978).

Thus, existing law does not prohibit released time programs of parenthood education conducted by churches, and this section would not change that situation.

Section 305. Legal Services: Busing. This section would amend section 1007 (b) of the Legal Services Corporation Act (42 U.S.C. 2996f(b)) to prohibit funds received by LSC grantees from being used for legal assistance or litigation relating solely to achieve racial quotas or the desegregation of any elementary or secondary school or school system.

This restriction is broader than existing law. Existing law also bans legal services representation in proceedings related to desegregation, but does permit "the provision of legal advice to an eligible client with respect to such client's legal rights and responsibilities" in connection with such proceedings. This section would eliminate that exception from the bar. See: 42 U.S.C. 2996f (b) (9).

TITLE IV—VOLUNTARY PRAYER AND RELIGIOUS MEDITATION

Section 402. This section, entitled the "Voluntary Prayer and Religious Meditation Act of 1981", states that every individual "shall have the right to participate in the free exercise of voluntary prayer or religious meditation" in any building supported in whole or in part with federal funds, and bars any governmental agency from abridging that "right of free exercise of voluntary prayer or religious meditation." The section further provides a cause of action for individuals aggrieved by violations of this right, and requires the courts to give expedited review to such claims. The section defines "voluntary prayer or religious meditation" as "individual prayer and devotional reading from religious literature initiated by members of the group, and prayer and devotional reading from religious literature, provided that any person so desiring is excused from participating . . ."

In *Engel v. Vitale*, 370 U.S. 421 (1962) and *Abington School District v. Schempp*, 374 U.S. 203 (1963) the Supreme Court held unconstitutional as an establishment of religion, state sponsorship of prayer and devotional Bible reading in the public schools. A number of state and lower federal courts have extended these rulings to bar as well student-initiated prayer and Bible study groups in public elementary and secondary schools. *Brandon v. Board of Education of the Guilderland Central School District*, 635 F. 2d 971 (2d Cir. 1980); *Johnson v. Huntington Beach Union High School District*, 137 Cal. Rptr. 43 68 Cal. App. 3d 1 (Ct. App.), cert. den., 434 U.S. 877 (1977); *Trietley v.*

Board of Education of the City of Buffalo, 65 A. 2d 1, 409 N.Y.S. 2d 912 (App. Div. 1978).

Because a basic canon of statutory construction is to so construe statutes to avoid constitutional questions, this section has been deliberately designed to statutorily reverse the above rulings. The right stated by the section is a right of individual prayer or religious meditation although it is not designed to exclude some element of group devotional reading as well.

TITLE V—RIGHTS OF RELIGIOUS INSTITUTIONS AND EDUCATIONAL AFFILIATES

Section 501. This section would bar the federal government from imposing on a variety of church-related organizations any requirements with respect to admissions policies, instructional or training materials, instruction or methodological⁵ hiring or selecting of employees and staff, contractual relationships with employees and staff, or operating procedures. The only exceptions would be "reasonable health and fire regulations", when promulgated by a federal instrumentality exercising the authority of a local government, and requirements imposed pursuant to the Civil Rights Act of 1964.

The latter would be limited to requirements with respect to race, creed, color, or national origin, (i.e., not sex) and would include requirements "relating to affirmative action, quotas, guidelines, or actions designed to overcome racial imbalance." The church-related organizations covered by this section would be child care centers, orphanages, foster homes, social action training programs, emergency shelters for abused children or spouses, schools, juvenile delinquency or drug abuse treatment centers or homes, and "similar" programs or institutions.

Most government regulation of the above named types of organizations would be State and local in nature rather than federal. But the federal government does regulate conditions of employment and does impose a variety of conditions on organizations receiving or desiring to receive federal financial assistance.

For instance, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d *et seq.*) bars discrimination on the basis of race, color, and national origin in programs and activities receiving federal assistance; Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 *et seq.*) bars discrimination on the basis of sex in federally assisted education programs; Section 504 of the Rehabilitation Act 1973 (29 U.S.C. 794) bars discrimination in federally assisted programs on the basis of handicap. None except church-operated programs receiving federal assistance from these obligations.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. 200e *et seq.*) bars discrimination in employment on the basis of race, color, national origin, sex, and religion, and does exempt church-operated schools and colleges with respect to discrimination on the basis of religion. But no such exemption attaches to such institutions for discrimination on the other prohibited basis, or for any prohibited discrimination by non-academic church programs. Similarly, the minimum wage and maximum hour provisions of the Fair Labor Standards Act (29 U.S.C. 201 *et seq.*) make no exception for religious organizations as such.

Particular grant-in-aid programs may impose additional requirements on the operating procedures of recipient organizations, without exception for church-operated programs. Title XX of the Social Security Act (42 U.S.C. 1397 *et seq.*), for instance, authorizes grants to the State for a variety of social services, such as day care, prevention of child

abuse, and foster care. For at least some of these programs, the statute and/or the implementing regulations impose detailed requirements on the ultimate recipients with respect to staffing ratios, educational requirements for personnel, etc. See, e.g., 42 U.S.C. 1397a(a)(9)(A) and 45 CFR Part 71, 45 Fed. Reg. 17881-85 (March 19, 1980) (day care requirements).

Section 301 is intended to eliminate the applicability of virtually all such Federal regulations and conditions to the named church-operated programs and organizations with the exception of certain aspects of the Civil Rights Act of 1964, and thus would substantially alter existing law.

TITLE VI—MISCELLANEOUS

Section 601. Jurisdiction.

Section 601(a) would provide jurisdiction in the United States district courts or any territorial court which has the powers of a district court for suits brought under the Act, without regard to the amount in controversy. Section 601(a) would also provide for venue in any district in which the defendant is an inhabitant, transacts business, or is found, and provides for similar service of process.

Section 601(b) would bar any action brought in State court under the Act from being removed to Federal court except when a Federal official or the United States is a party. The section would further provide that no costs may be assessed against the United States.

Jurisdiction: Under existing law the Federal courts would have jurisdiction of suits brought under the Act pursuant to the general Federal question jurisdiction statute (29 U.S.C. 1131). However, except when a Federal official or the United States is a party or another statute specifically waives the requirement, general Federal question jurisdiction requires a minimum amount in controversy of \$10,000. Section 601(a) would remove that amount in controversy requirement for suits between private parties brought under this Act.

Venue and Service: The venue and service provisions appear to expand present law for suits brought under the Act. 28 U.S.C. 1391 (b) provides that venue lies in the district where all defendants reside, or where the claim arose. In the instance of an individual, section 601(a) of the Act would create liability to suit in any district where the individual transacts business or is found, even if only transiently. In the instance of a corporation, section 601(a) of the bill does not appear to alter venue (although the change in linguistic style may subject the proposed subsection to a different interpretation than current law).

In the instance of a government official of the United States as a defendant, 28 U.S.C. 1391(e) provides for venue (1) where the defendant resides, (2) where the cause arose, (3) where real property that is the subject of the action is situated, or (4) where the plaintiff resides if no real property is involved. Section 601(a) of the bill would appear to limit venue to the residence of the officer being sued and eliminate venue where the cause arose, where any real property may exist, or where the plaintiff resides.

Section 601(a) of the bill provides for service of process in any district in which the defendant may be found. Initial process is essential to personal jurisdiction over the defendant, and, accordingly, in the sense of service of the complaint, this subsection provides for nationwide service of process. This is not uncommon in terms of asserting jurisdiction.

Removal: Existing law permits the removal from State court of all civil actions over which the federal district courts have original jurisdiction. See 28 U.S.C. 1441. Existing law further permits the removal from State court to federal district court of all civil and

criminal actions in which a federal official or the United States is the respondent. See 28 U.S.C. 1442. Thus, for suits brought under this Act, the removal authority granted by Section 601(b) would be generally consistent with the latter statute but substantially narrower than the former one.

Costs: Rule 54(d) of the Federal Rules of Civil Procedure states the general rule that costs may not be taxed against the United States unless specifically provided for by law. Section 601(b) of the bill restates that general rule.

Congress has the constitutional authority to set affirmatively the jurisdiction of the district courts and to provide for procedure in the courts. *Wayman v. Southard*, 23 U.S. (10 Wheat.) 1 (1825).

Section 602. Limitation on Actions. This section would provide that a civil action must be brought within six years after the cause of action arises.

This section further provides a common limitation in the law. The determination of a six year limitation is not unusual.

Congress possesses the authority to limit liability to a given period of time. *Wayman v. Southard*, *supra*.

Section 603. Enforcement.

Section 603(a) provides that any person who violates any provision of the bill or regulations thereunder may be subject to a civil fine not to exceed \$5,000. The subsection provides that an offense is newly committed each day of the violation. The subsection also provides that the fine may only be imposed after a hearing.

Subsection 603(b) provides that hearings shall be conducted pursuant to the adjudication provisions of the Administrative Procedure Act (5 U.S.C. 554).

Subsection 603(c) provides that the Attorney General or a delegatee may collect the civil fines, payable to the United States, in the district courts. The subsection limits review on the collection matters to exclude the validity and appropriateness of the final determination.

Subsection 603(d) provides that a person aggrieved by a final determination under subsection (b) may seek review in a United States Court of Appeals within twenty days after the determination. Review is to be in accordance with the Administrative Procedure Act (5 U.S.C. 706).

The imposition of a civil fine is common to federal regulatory schemes, usually subsequent to some form of proceedings as outlined above.

Thus, the provision, while new to federal law as part of this bill, would not be unusual. The authority of the Attorney General to collect the fine is a restatement of the Attorney General's authority under 28 U.S.C. 509, 514, 517, and 547.

The authority to delegate the collection function is a restatement of the Attorney General's authority under 28 U.S.C. 510. The provision requiring filing of an appeal from a determination within twenty days and the restriction on review of collection matters are not uncommon.

It is my opinion that Congress has the authority to enact these provisions.

Section 604. Contrary Stipulations Void. This section would provide that any agreement contrary to the provisions of the bill is void.

This provision is new, and therefore, would not directly affect existing law.

As long as this provision is applied prospectively, there would not appear to be any constitutional infirmity. However, should the provision be applied retroactively (to agreements made prior to the enactment of the bill), the Impairment of Contracts clause of Article 1, section 10, clause 1 of the Constitution or the due process clauses of the Fifth and Fourteenth Amendments (under a taking without just compensation theory), may be implicated. It is not possible to analyze in detail whether the provision,

⁵ This phrase may be intended to state "instruction or methodology."

as applied, would violate these constitutional strictures, but the provision does not, on its face, appear to be unconstitutional.

Section 605. Report to Congress. The section requires the Secretary (what Secretary is not specified) to file a report with Congress within thirty months on the implementation of the bill.

Section 606. Effect on Other Laws. This section provides a rule of construction that the bill does not limit, but is in addition to, any other private right provided in federal or state law.

This section is new, and it is my view that Congress has authority to require such an interpretation.

Section 607. Authorization of Appropriations. This section authorizes appropriations to carry out the provisions of the bill and does not specify a limitation on the amount. The open limitation on the amount is not intended to imply "open-ended" or otherwise unlimited funding to carry out the provisions of the bill.

Section 608. Separability. This section provides for the separability of the provisions of the bill, if any provision is found invalid.

Such separability provisions are common, and it is my view that Congress has the authority to enact this provision.

Mr. LAXALT. Mr. President, today I am pleased to cosponsor the 1981 version of the Family Protection Act. The 1981 Family Protection Act, sponsored by my good friend and very able colleague the senior Senator from Iowa, ROGER JEPSEN, marks another major step in the vital process of strengthening the traditional family structure in America and minimizing the harmful Federal intrusions in our Nation's churches, schools, and families.

As I am sure Senators recall, last Congress I was the chief sponsor of the Family Protection Act, with the strong support and cosponsorship of Senator JEPSEN. In the 97th Congress, I find myself more deeply involved than I could have anticipated, in many diverse areas, including chief legislative responsibility in the Senate for the regulatory reform bill, and as chairman of the President's task force on federalism. A bill as complex and important as the Family Protection Act requires more effort than I felt I could devote to it.

Yet my commitment to the family, to traditional values, and to religious freedom is every bit as strong as it was last year. Fortunately Senator JEPSEN has agreed to assume the responsibility of the Family Protection Act in addition to his many other senatorial duties. I was pleased to place the care of the bill into his capable hands; I have the highest regard for the senior Senator of Iowa and I am confident that the bill could be in no better hands.

The sincerity of the Senator's convictions is striking, and the amount of work he has put into this bill is truly impressive. Already Senator JEPSEN has carefully reviewed the former version and has made positive changes, including restructuring the provisions in a more logical way. The Family Protection Act of 1981 is a different and better bill than last year's version in that it reflects changes resulting from careful study and the wisdom of continuing dialog. While I remain an enthusiastic supporter and a cosponsor, it is truly now the Jepsen Family Protection Act.

However, Mr. President, even more important than the language of the bill itself is what the bill represents. Like all pieces of legislation of this magnitude and complexity, changes have been made and more will be made during the legislative process. But behind the bill is a recognition of the necessity of this country to revitalize its family structure and to reemphasize the traditional values that made this a great nation.

When I originally introduced the Family Protection Act in 1979, it was the first time that conservatives offered a comprehensive family policy. Before that, for several decades family policy had been defined only by social activists who had called for ever-increasing Federal intervention in the most intimate of family relationships. Clearly, the vast array of Federal social programs has had a detrimental effect on all the intermediate institutions of our society such as the family, the schools, and the churches. It was a form of government activity that aroused the most hostile reaction from the American people, and with good reason.

The Family Protection Act turned the debate around in a healthy way. For the first time, policymakers began to take a look at their programs to make sure that they did not harm the family in some unintended way. People who had been previously politically apathetic rallied behind a measure designed to foster and protect their families. Americans began to reflect on the importance of the family and on traditional values. At the same time we witnessed a resurgence of traditional families and a return to the older ways that worked so well.

I believe that the policies of President Reagan will further strengthen the family. I do not expect a continuation of the social tinkering that we saw in the last 4 years under the Carter administration advocated by appointments openly hostile to traditional values. Instead I expect an administration deeply sympathetic to family concerns. Two of the provisions of the 1979 bill, elimination of the marriage tax penalty and educational block grants, have been embraced by the Reagan administration.

In short, Mr. President, I perceive the Jepsen Family Protection Act as an integral part of a process to develop a new awareness of the importance of the family to American society and to develop Federal policies designed to foster and encourage that family. I look forward to spirited hearings on the bill here in the Senate and to further changes to strengthen the bill. In essence today we are not merely reintroducing a Family Protection Act but we are reaffirming a family protection movement.

Along with Senator JEPSEN, I look forward to a resurgence of the American family in the 1980's.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin (Mr. PROXMIRE) is recognized for not to exceed 15 minutes.

RECONCILIATION BILL IN PRESENT FORM WOULD DESTROY UNIQUENESS OF THE U.S. SENATE

Mr. PROXMIRE. Mr. President, next Tuesday this body begins consideration of the vital reconciliation bill. That bill will have special significance this year, because it will be the first time Congress has made the painful effort to cut spending sharply and make the agonizing decisions on what specific programs to cut back.

That process will give us a bare 20 hours of debate, including quorum calls and rollcalls—20 hours to discuss a bill that, according to the majority leader, Senator BAKER, this morning, will run 900 pages.

The authors of the law that gave us this reconciliation process, including our distinguished Democratic leader, Senator ROBERT C. BYRD, did a brilliant job and won a great success in fashioning a bill that would permit this body to get on with the vital business of controlling a \$700 billion spending program without doing violence to the right of every U.S. Senator to debate and amend substantive matters that do not affect the budget process. We justified limiting debate on the reconciliation bill on the ground that matters of policy that did not have clear and direct budgetary significance would remain aside and apart—outside the reconciliation bill. In other words, debate would be limited on the reconciliation bill, but the bill would have an exclusive concern with the budgetary process and not matters that did not have budgetary significance.

Mr. President, all Senators must recognize the absolutely vital significance of this distinction. The U.S. Senate remains unique among the parliamentary bodies of the world as the one body that still permits virtually unlimited debate and—of equal importance—unlimited amendment.

In order to permit this body to proceed in the face of impassioned minority resistance, we have painstakingly and carefully developed a cloture rule to limit debate under some circumstances. At first, that rule required a two-thirds vote of all elected Senators—in other words, 67 Senators to invoke cloture. We have modified the rule to permit three-fifths of the elected Senators, or 60, to invoke cloture.

Even after cloture has been invoked, Senators can consume up to 100 hours in debate on any issue that comes before the Senate. Furthermore, until the Senate invokes cloture, Senators are free to submit amendments, even nongermane amendments, and press them to a vote. This body has invoked cloture on occasion in recent years, but the occasions have been relatively rare.

So we have cautiously and carefully compromised our right to unlimited debate and unlimited amendment. But we have moved only gradually and always with a recognition that the unique distinction that the U.S. Senate gives a minority—and I do not mean a partisan minority that is a Democratic or a Republican minority, necessarily; I mean, as well, a regional minority, or an ideological minority, or an economic minor-

ity. In this body more than any other in the world, we believe in a day in court for every Senator.

People wonder why it is such an honor to be a U.S. Senator and why it is such a distinction. Here is one distinction which makes this body unique and makes the office we occupy most distinctive.

This morning, the Chaplain, in the prayer he delivered, told us that nobody has more power for good, and that is true.

One of the reasons why this body has won the distinction it has is that we have listened to the minorities over the years and only painfully have changed the positions we have taken.

Now, in one fell swoop, we are about to rip to shreds everything that remains of the freedom of debate and amendment. Now—next Tuesday—we are about to tear apart the great distinction that characterizes this body. Various authorizing committees of this body have poured a great deal of substantive legislation into this reconciliation bill. In fact, most of the 900 pages of this bill include legislation having only a remote, if any, relationship to the budget process.

Mr. President, my great fear is that the budget process is being subverted in the various committees and in particular in the Banking Committee, by the inclusion into the reconciliation bill of substantive changes in law which have no direct spending impact. In my judgment these actions are outside the spirit and wording of the Budget Act and represent highly questionable attempts to short circuit the legislative process of deliberation and debate.

By an 8 to 7 straight party-line vote in the Banking Committee—and this is only one example, and this happened in a number of committees—the Banking Committee engrafted onto the reconciliation bill substantive changes in law that are wholly outside the budget process, including provisions:

No. 1, altering the character of housing community development from a targeted approach to low- and moderate-income families to a block grant revenue-sharing approach. This has no effect on the amount of money. That was not touched. As a matter of fact, when this legislation was brought up it was said by the chairman, and we all agreed it be brought up under those circumstances, because it had no budgetary impact.

The second point is that legislation which we have now put in the reconciliation bill raises the ceiling on FHA loans for mobile home parks and lots in mobile home condominiums. Again this has no effect on the amount of money involved.

It raises the ceiling on FHA loans for property improvement, and it directs HUD to develop a model manufactured housing code. Neither of those provisions has any budgetary effect.

It preempts State usury limits on mobile home loans.

It bars certain Federal assistance to communities with rent control laws.

It amends the reserve requirement section of the Monetary Control Act.

There is no budgetary significance at all in any of that.

Mr. President, I favor some of these amendments on their merits, and I think they are very good amendments, and I intend to push for them if we go to conference on the other bill which I hope we will, but none of those amendments should be on the reconciliation bill.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to my friend from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I congratulate the Senator on the speech he is making. He is calling the attention of the Senate to the dangers of including in the reconciliation bill legislation that has no budgetary impact.

This was not the intent of Congress in enacting the budget reform legislation. I had a bit to do with the enactment of that legislation. I was chairman of the Subcommittee on Rules of the Senate Committee on Rules and Administration at that time, and I spent an entire Lincoln Day recess working with staff in developing that piece of legislation. I think it was a forward-looking measure.

I think that the budget reform process has proved to be feasible and under the leadership of Mr. Muskie and Mr. Bellmon, and now Mr. HOLLINGS and Mr. DOMENICI, I think the Senate has been able to exercise disciplines in connection with the budget process, all to the good of the Republic.

But now if this process is used as a vehicle whereby controversial nonbudgetary legislation can be cranked into the reconciliation bill, thus avoiding adequate debate on the Senate floor and avoiding amendments on the Senate floor, will be a violation of the intent and spirit of the Budget Act—perhaps not a violation of the words as written, but the practical effect will be the circumvention of rule XXII which provides for cloture to shut off debate. It would also virtually eschew the authorization process. We might as well do away with authorizing committees if this is the way we are going to legislate, and just put all authorizing legislation into the recapitulation bill, which will be covered by a time agreement of 20 hours, with no nongermane amendments in order. The minority, which today is the Democratic Party, is virtually powerless to debate or to amend the legislation under such circumstances, but tomorrow it may be the other side of the aisle which will be in the minority.

So it does at least three things.

First, it effectively circumvents provisions of rule XXII for terminating debate.

Second, it preempts the responsibility of authorizing committees and it can do the same with the Appropriations Committee, as well, in connection with rescissions.

And, finally, it violates the spirit and intent of the budget reform process and ultimately will lead to its destruction.

I do not say it is being done by design. I do not know that. I think it probably is not being done by design. I think it may be a happenstance development that is unfolding before our eyes, and I think that at the moment it may just

appear to be convenient for committees, but I am glad to see Members on both sides of the aisle becoming concerned about this development and I hope that action can be taken to protect the budget reform process against this violation.

I thank and commend the distinguished Senator from Wisconsin and apologize to him for taking so much of his time.

Mr. PROXMIRE. Mr. President, I especially thank the Democratic leader because he more than anyone else is responsible for the Budget Act. He knows more about it, I think, than anyone else in this body without any question, and I think he can speak with far more authority than any other Member. So his word should have special weight.

Mr. President, we should also keep in mind the fact that the conferees on substantive legislation would not come from the committee of jurisdiction. The Banking Committee members would not be in conference on this budget. The Budget Committee would be in conference. That is also true of the Commerce Committee and true of the other committees.

Furthermore, substantive programs could be bargained off, one against the other, in a bizarre-like atmosphere without the committees having jurisdiction having any voice in it. Especially perhaps most importantly, the purpose of the budget process, which is to control spending, could be subverted by focusing our gaze upon substantive program issues and tradeoffs.

Mr. President, there are hundreds of pages of this kind in the reconciliation bill we will take up. And if we act on the bill without stripping out every bit of nonbudget legislation, we will create a precedent that will literally destroy the unique, virtually unlimited debate and unlimited amendment character that has made this body distinctive.

Consider the ridiculous position we will be in next Tuesday. Each of the managers of the bill will have 10 hours under his control. How much time will the vital money matters involved in this crucial bill take? They will probably take 6 or 8 hours on each side. That will leave Senator DOMENICI and Senator HOLLINGS in charge of 2 to 4 hours each on the widest range of red-hot, highly controversial, nonbudget issues.

Both of these able Senators will do their best and their best is very good, but they will almost certainly have to deny many Senators, both Republican and Democratic, the time to speak for even a few minutes on matters of the greatest importance to that Senator, to his State, and to the country. Equally bad, Senators will have no chance to offer amendments that they sincerely feel should come before this body for majority decision.

I say to fellow Senators: Think of standing up on the floor a week from next Thursday or Friday, without any chance to speak or amend on some of the most important legislation that we will have this year.

And what a precedent. In the future the open invitation to any committee that wants to ram a bill through without debate will be simply to put it on the

reconciliation bill. Perfect, perfect—no discussion, no debate, no amendment.

The skids will be greased, and this body will cease to be the unique forum that gave its Members the right to speak their mind at length and to amend substantive legislation without restriction.

Mr. President, I ask unanimous consent to have printed in the RECORD an excellent article on this matter by Eileen Shanahan appearing in the June 15, 1981, issue of the Star.

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

UNEASY BUDGET RIDERS

(By Eileen Shanahan)

Sometimes it almost seems that Congress wants to make it impossible for itself to function rationally.

The latest case in point involves the pending budget bills. The prime culprits include members of both houses and both parties.

The task Congress has before it in dealing with President Reagan's budget would be difficult enough in the best of circumstances. The problem is not merely that Congress has to decide what to do about the huge cutbacks in federal programs that the president has proposed. The extra complication comes from the fact that Congress is also still in the process of creating its own new procedures and precedents for handling the budget.

These procedures for fiscal 1982 have now reached their most complex and difficult stage—the "reconciliation" bill, which will set forth the specific program cutbacks that are needed to enable the government to live within the overall spending ceiling Congress has already adopted. The bill is expected to run some 4,000 pages, a record by a large margin.

As if the task of considering such a measure were not overwhelming enough, several congressional committees have added to their sections of the bill significant non-budget legislation. These actions threaten simultaneously to endanger the still-fragile budget processes and to prevent any significant debate on some major new laws.

LICENSES LOCKED IN

Among these riders, plainly the most indefensible, in terms of their lack of relevance to the budget measure, are three bills that make fundamental changes in the standards and procedures for licensing commercial TV and radio stations and reduce the amount of regulations that ham radio operators are subject to.

The bipartisan group in the Senate Commerce Committee that added these provisions to the reconciliation bill was plainly hoping to prevent any real debate on them; there is every prospect that they will realize their aim. There simply will not be time for the Senate to examine the implications of the broadcast deregulation riders in the mere 20 hours of debate that is allowed on the budget measure. Opponents of the riders say they would have the effect of granting TV and radio licenses in virtual perpetuity, a move that surely merits discussion.

An even larger batch of substantive legislation has been added to the budget bill by the housing committees in both the House and Senate. Some aspects of these riders do have serious spending implications, but the real reason they were included was obviously to get them enacted into law without debate or amendment. In the House, the budget bill will come up under a rule that will prohibit most amendments.

SILLY BARGAINING PLOY

The first move on the housing riders was made by Democrats on the House Banking

Committee, led by Rep. Fernand St Germain of Rhode Island. Then the Senate committee, led by Jake Garn of Utah, added some others in what it said was self-defense. In fact, the Senate committee ultimately got itself into the silly and potentially dangerous position of leaving some things out of its bill that it really favors, as a means of creating a bargaining position down the road when the Senate-House conference committee meets to write the final version.

Among the riders that the Senate committee included was one that would deny what are called Section 8 public housing funds to any locality that has rent control or a "rent stabilization" program—the latter language being aimed specifically at New York City.

There are a number of other legislative riders in the budget package, undoubtedly including some that no one except their authors knows about yet.

So far, the only voice that has been seriously raised against the whole process of legislating on the budget reconciliation bill is that of Senator Alan Cranston of California, who offered an amendment in the Banking Committee to eliminate all the housing riders.

He said that the committee, by attaching substantive legislation to the budget bill, was setting "an adverse precedent" that would "circumvent the right of senators to discuss thoroughly a substantive proposal on the floor."

CONTROLS ENDANGERED

The action is also "an ill-advised abuse of the budget process," Cranston went on, that will "dilute—and hence endanger—the primary purpose of the budget reconciliation process, which is to control federal spending."

He was defeated on a straight party-line vote, all his fellow Democrats with him and all the Republicans against. Cranston thinks any move to eliminate the riders on the floor would suffer the same fate.

Nor is it clear whether anyone else, in either the House or the Senate, will try to get the riders out of the reconciliation bill.

Rep. Leon Panetta of California, head of the House Budget Committee's task force on reconciliation, points out that only a few of the House committees added riders, and argues that it would lengthen the already difficult process of working on the 4,000-page bill to make a fight over them. He says this even though he argues that there's a real danger that the reconciliation process will get loaded down with such legislation and that next year there will be more such items and the year after that still more.

In the Senate, Budget Committee Chairman Pete V. Domenici of New Mexico has already indicated that he will go along with all the extraneous material added by the various committees. That is a surprise, because Domenici has always been a strong budget cutter and would not figure to be the type who would participate in undermining the budget-control process in which he now has such a significant role.

And it is a pity because the Senate Budget Committee, much more than its House counterpart, had until this year a sturdy record of resisting incursions against the integrity of the process. It was a record that had been made in a warm atmosphere of bipartisanship, by former Senators Henry Bellmon of Oklahoma, the committee's ranking Republican, and Edmund S. Muskie of Maine, its former chairman.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Democratic leader.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that there is no limit to the mischief that can be

worked if this approach is allowed to go unchecked.

I understand that the Parliamentarian would advise the Chair that unless such nonbudgetary provisions within the reconciliation bill made up a preponderance of the thrust of that bill, no point of order would lie against the bill.

In other words, if the preponderance of the reconciliation measure consisted of provisions that had a budgetary impact, then the mere fact that some other provisions within the reconciliation bill had a nonbudgetary impact—no matter how far reaching they might be—a point of order would not lie.

So it is conceivable if we go a little way today, we will go further tomorrow and then further the next day, and then further the next day. Eventually we could crank into the reconciliation bill the death penalty, which I favor under certain circumstances but, nevertheless, I do not favor going about its enactment in this way.

I think legislation of that kind should be adequately debated on the floor. If there are enough Senators who can hold out and avoid cloture, fine. That is the process.

But I would not want to see the day come when very controversial legislation of that kind can be cranked into the reconciliation bill, and passed in this Senate within a maximum time of 20 hours. The amendments would be limited, no nongermane amendments would be in order.

The majority can do anything it wants to do. It can run roughshod over the minority, and the minority is helpless because that legislation is so written that there are no loopholes. There are just no places left where one might raise the flag of warning, where one might be able to delay the whole process from beginning to end. The first concurrent budget resolution, the second concurrent budget resolution, the reconciliation resolution, the reconciliation bill, and the conference reports on all these are all covered by airtight, watertight, parliamentarily ironclad, provisions that leave no room whatsoever to get at them and open them up for extended debate unless a majority of votes can be secured to waive the automatic time limitations.

I say this is an extremely dangerous approach.

Mr. PROXMIRE. Mr. President, I hope the Senator will yield on this because I think he, more than anybody else, recognizes this, because he has done more than anybody in the Senate to proceed expeditiously while, at the same time, honoring an unlimited degree of debate. He has fought harder than anybody else to accomplish that. But it has been painstakingly, thoroughly debated and there have been long hearings on it, and we should proceed only with great caution and care.

Now, if we proceed right away without any thought at all because we find some kind of a loophole—inadvertent according to the author of the bill, who is the Senator from West Virginia, completely inadvertent—and able to push through all of this substantive legislation and avoid the kind of debate and amend-

ments which have given this body its unique character, we do this at our peril.

Mr. ROBERT C. BYRD. Why, Mr. President, the death penalty could be included, the Office of Civil Rights could be abolished, the campaign financing laws could be rewritten—there is just no limitation as to what can be done using this approach as long as the majority, whatever party is in the majority at the time, wishes to proceed in that way, and if the majority has the votes, the minority can be absolutely crushed.

There would be strictly limited time for debate on very controversial legislation, strictly limited opportunity to amend. The Chair can be overruled—or sustained—if the majority has the votes. So, wrong would prevail if the majority of votes are on the side of wrong.

I am happy to state to the distinguished Senator that in my conversations with Senator BAKER there is the realization on both sides of the potentially destructive effect that this approach might have, on the budget reform process, and there is concern, and rightly so, on the side of the majority—because it is recognized that the majority today may not be the majority tomorrow as we look down the road, and what the majority can do today to the minority, the majority of today can have done to it tomorrow if the majority again switches to this side of the aisle.

This is not good for the budget reform process, and is not good for the Nation.

Mr. PROXMIRE. I am sure the Senator realizes we often consider the majority as a political majority, Democrat or Republican.

But they can be regional and ideological majorities. The distinguished Senator from North Carolina was in a minority in a lot of ways, politically and ideologically, and he did a wonderful job in the Senate.

He has rallied great national support because we have the kind of rules that enable Senator JESSE HELMS to stand up on the floor and speak his mind, and he may be the only one doing so, and he served a great purpose doing it that way.

We do not want to wipe out that kind of opportunity for JESSE HELMS or somebody who takes the opposite view of what we take, but that is, I am afraid, what we are doing if we take the position that the reconciliation process can be used to push through controversial issues.

Mr. ROBERT C. BYRD. The Budget Committee is helpless because it cannot eliminate one sentence from the bills sent to the Budget Committee by the authorizing committees for inclusion in the reconciliation bill. It has to include everything they send. If they send the death penalty, which I support, if they send antibusing legislation, which I support, or anything else they send, as long as the nonbudgetary legislation does not make up the preponderance of the reconciliation bill, no point of order would lie against it, according to the Chair, and if the majority in a given situation has the votes, the Chair can be overruled even if the Chair would rule that a point of order would lie.

So it is a very dangerous process. I say that those of us who may favor these pieces of legislation I have enumerated

would certainly be ill-served if we allowed this process to go unchecked because it would mean that legislation we do not favor could also be enacted, and we would then be gagged and bound, and we could not even kick and scream.

Mr. HELMS. Mr. President, will the Senator yield? I guess it is fair to say, Mr. President, the more things change, the more they remain the same.

We have had the situation in the past, and I certainly agree with the Senator that every Senator's rights ought to be protected. I thank him for his generous comments about me.

Mr. PROXMIRE. I thank the distinguished Senator from North Carolina.

THE FAMILIES OF MAN

Mr. PROXMIRE. Mr. President, on June 15, 1981, the International Holocaust Association will commemorate those trouble years with a world gathering of Jewish holocaust survivors. The organizers anticipate that over 10,000 victims of Hitler's programs will congregate in Jerusalem to share their memories of that attempt to destroy the Jewish people. Yet the association hopes that it will not be a "memorial service," but rather a "celebration of life," looking to the future with joy and optimism.

Mr. President, I too would like to look to the future with hope and optimism. I feel that the way to best express that optimism is to take positive measures to insure that no such tragedy could ever happen again. Preventing the unspeakable nightmare of genocide is clearly less difficult than attempting to halt or remedy them once such madness has begun to run its course. And such crimes do continue—whether in Uganda or Cambodia. Not mere murders these, but conscious attempts to destroy the roots of whole cultures.

The Genocide Convention marks a small but real step toward making such episodes a little less possible. While some may challenge it as mere symbolism, such symbolism has an intrinsic value which cannot be ignored. For the first time the international community has acknowledged the rights not only of individuals, but of the family and community of men.

The United States historically has recognized the value of pluralism—each group offering its unique institutions and traditions, culture, and heritage. It is this group existence which the Genocide Convention tries to protect.

Mr. President, I therefore ask my colleagues to ratify the Genocide Convention, as a memorial to the holocaust, and more, as a living testimony to our respect for the irreplaceable value of all the world's varied cultures.

RECOGNITION OF SENATOR LEVIN

The PRESIDING OFFICER (Mr. EAST). Under the previous order, the Senator from Michigan is recognized.

THE ISRAELI ACTION IN IRAQ

Mr. LEVIN. Mr. President, more than a week has passed since Israeli planes

struck the Osirac nuclear reactor in Iraq. During that time, I have carefully studied the events surrounding the attack and evaluated the conflicting claims that were being made about its necessity, legality, and morality.

I have also been engaged in a series of briefings. While there are still a host of unanswered questions surrounding the events of last week, I believe that I understand enough to allow me to reach some conclusions and share my views with my colleagues.

The development of those views has been guided by one central question: Did Israel reasonably believe that it was acting in its own self defense when it attacked the Iraqi nuclear reactor? The answer to that question, it seems to me, will allow us to make some fairly reasonable judgments about the legality of that action and its appropriateness.

Additionally, Mr. President, I believe that we can approach an answer to that question only by placing the events of the last 10 days in perspective. That perspective has to begin with an analysis of the political climate which has existed in the Middle East for the past 33 years. That climate is relatively easy to characterize: The simple fact is that the entire nature of the region is defined by hate. With the exception of Egypt, no Arab State has been willing to even grant Israel the right to exist. All of her other neighbors persist in their refusal to recognize her being and all remain in a state of war with her and avowedly dedicated to her destruction and elimination.

That underlying reality—which is, paradoxically, the denial of reality—forms the core of Middle Eastern politics and policies. We can never solve the complex and difficult issues bedeviling this region of the world because the Arab states refuse to recognize Israel's existence and Israel understandably declines to enter the give and take of negotiations with parties whose unabashed goal is to take Israel off the map and give the sea a new gift of human life.

Because we are a people surrounded by oceans, we find it hard to understand what life is like for a people surrounded by enemies. Because we are a nation which has always found some way to negotiate, we find it hard to understand the problems of a nation which cannot negotiate because no one will even recognize its right to sit at a peace table. Because we are a country blessed with the resources which allow us to plan for the future, we find it hard to understand the psychology of a country which must worry about the present.

As a result, we sometimes find it hard to understand what Israel finds it must live with.

Yet unless we are able to internalize Israel's condition and share her legitimate fears, we can never understand her conduct.

I would submit, Mr. President, that it is precisely this inability to comprehend the reality of Israel's position which has led to much of the criticism surrounding her actions of last week.

If we understand the depth of hatred which surrounds Israel; if we sense the nature of the threat she faces daily; if

we feel the pain that the deaths of Israelis have suffered for 33 years have seared into souls already scarred beyond endurance by the loss of 6 million in the holocaust; then, Mr. President, I submit that we would understand why Israel concluded that its strike against the Iraqi reactor was, in fact, both defensive and defensible.

In the next few minutes, I want to try and retrace some of the factors which could lead Israel reasonably to conclude that she had no option but to take out the reactor and I also want to consider some of the broad policy implications of their decision.

We have to begin any analysis of Israel's motives by recognizing one central fact: Iraq remains at war with Israel and Iraq remains avowedly determined to exterminate her. This state of war is not a function of Israeli desire; rather it is a result of Iraq's refusal to recognize Israel's right to exist. Similarly, while Iraq remains publicly committed to the total destruction through either terrorism of overt war, of what it calls the "Zionist entity," Israel has never publicly or privately indicated a desire to eliminate Iraq or any of its other Arab neighbors.

But Iraq's past activities pall before the threat she would pose if she had atomic weapons. Her insistence that France supply her with the kind of enriched uranium which is usable in atomic weapons, as opposed to other fuels which would have served legitimate research purposes without creating a nuclear capability, is persuasive evidence of her intent.

Iraq, however, takes the position that her participation in non-proliferation inspection agreements, and the finding of the International Atomic Energy Agency that no diversion of fuel has yet occurred, absolves her actions of any threatening implications. There is, perhaps, at first glance, a certain legitimacy to that position. But a second look demonstrates the hollowness of it. Under the worst case scenarios, Iraq would not need to divert any enriched uranium for some time to come—so the fact that it can account for all of it now means very little. Similarly, her agreement to allow for inspections prior to the reactor going "hot" carries little weight. The critical question is what the Iraqis would have done after the reactor was on line. Additionally, Mr. President, we have to recognize that nothing bound Iraq to continue to participate in the non-proliferation agreement. She had the ability to pull out of even the modest protection that agreement provides at any time that suited her interests.

We cannot say what Iraq might or might not have done. But that is precisely the motive behind the Israeli attack. By the time that Israel confirmed Iraq's diversion of nuclear materials, it would have been too late. No strike against the reactor would have been possible once it was operational. The human consequences of a strike at that time are so great that Prime Minister Begin specifically ruled it out as a possibility, according to his interview with the American press this past Sunday. For

Israel, the choice was to act now or face an unanswerable threat later.

In that context, it is important to recognize that Israel did not come to this crisis for the first time 10 days ago. Ever since the announcement that Iraq was developing this reactor, Israel has attempted—through all appropriate and possible diplomatic channels—to prevent the kind of crisis that developed. For example, Israel communicated her concern to the United States and enlisted the assistance of President Ford and President Carter. Their efforts to dissuade the Iraqis failed. Similarly approaches were made to France and other countries involved in the export of nuclear materials and expertise to Iraq. Those efforts failed. Finally, Israel made it clear that she regarded the Iraqi reactor as a direct threat to her security and indicated that appropriate action would be taken if its development was continued. That announcement failed to halt either construction or planning of the reactor.

And as these efforts failed, the need for action grew. In the face of persistent threats by Iraq—threats which span many years and take many forms—Israel reasonably concluded that Iraq would use the reactor to develop nuclear weapons which, in turn, she would be willing to use against Israel.

Still, Israel waited. She did not launch immediate attacks. Prime Minister Begin reports that he waited 2 full years after discovering that Iraq was firmly on the path of nuclear development prior to authorizing the strike. In those years, as I have said, diplomatic efforts were undertaken. But with their failure, Israel really had only two courses of action: she could do nothing and hope that when the bomb was developed, public opinion would somehow shield her children from its radiation or she could move to protect those children herself. Given what we know of the "power" of public opinion and given the inevitability of Iraq's development, she was reasonable in concluding that her legitimate self-defense needs required action.

That action was taken. It was taken carefully to minimize human suffering.

It is important to recognize that this was not an action taken against legitimate nuclear research undertaken by an Arab State. Israel has not moved against those nuclear reactors which exist or are planned in other Arab States. This was a strike directed against a specific nuclear plant in a specific country—a plant which, according to a number of reliable reports I have seen, had no other apparent purpose but, at some point, to produce nuclear weapons.

Mr. President, critical to the legitimacy of Israel's action, is the question of motives: Iraq's motives and Israel's motives. I have spelled out my reasons for believing that Iraq's motives were clearly directed to the development of nuclear weapons to be directed in turn against Israel.

But equally important, Mr. President, is the question of Israeli motivation. As we all know, the arms sale agreement we signed with Israel requires that the weapons we supply be used for only specified purposes. Any offensive use of the

weapons is strictly prohibited. Thus the question of "legitimate self-defense" is critical to a final judgment about the legality—as opposed to the necessity—of Israel's action.

In that regard, Mr. President, a good deal of discussion about Israel's actions has focused on the meaning of the term "self defense." While I do not view the dictionary as a definitive source of information, I think it is instructive to look at its explanation of the term "self defense." My standard Senate-issued dictionary defines it in this way: "the right to protect oneself against violence or threatened violence with whatever force or means are reasonably necessary."

I specifically call the attention of my colleagues to the phrase "threatened violence." In my mind, too much of the discussion about the attack has focused on the claim that there was no existing danger; that the strike took out a potential danger rather than a current one. But that distinction is not, Mr. President, one that exists in either the relevant law or in the way that people commonly use the terms contained in that law. "Self defense" clearly involves the right to act in ways which will prevent a threatened attack as well as in ways which will respond to a direct attack.

But this notion of a preemptive strike has raised some real questions in some quarters about the precedent that Israel may have created. Some people appear to feel that Israel, if not punished in some way, will have established a new rule of international behavior: one which allows any nation to decide unilaterally to attack any other nation which behaves in ways which it perceives to be potentially threatening.

Such an interpretation of Israeli action would be an unjustifiable extension of their behavior. Israel did not act in a theoretical world with a goal of enunciating a new policy. Israel acted in a real world with the goal of protecting their legitimate national security interests. Her action, and any precedent it sets, must be understood in that context.

Thus, in my mind, the only way to generalize from this Israeli "doctrine" is by suggesting that if another country remains in a state of war against you, and that country has publicly and consistently called for your extermination, and that country has never recognized your right to exist, and that country is developing the capability to produce weapons able to kill, at a single blow, much of your population, then you are entitled to attack the facility producing that weapons capability provided, of course, that you do so in a way which is designed to minimize any damage to the civilian population and gain no territory or material advantage in the process.

Some questions have been raised about the raid that cannot be definitely answered yet including questions about the timing of the attack. Those are important questions and they deserve to be answered. I hope that they will be addressed in the hearings now scheduled in both the House and the Senate. But, no matter what the final answer is on that issue it does not impact on the ulti-

mate necessity or legality of the act itself.

Let me conclude these remarks, Mr. President, by expressing some of the concerns I have about the direction of current American policy in the wake of the Israeli strike. I do not believe that the United States would be warranted in cutting off military aid to Israel. Such a cutoff would be in direct conflict with America's strategic interests in the region and, as a result, not something we would be required to do or well served by doing.

Similarly, I do not believe that the temporary suspension of scheduled delivery of planes to Israel was warranted. Such action, in my mind, prejudices an ultimate conclusion about the nature of their action and, in addition, reaches the wrong judgment. That sale was in our national self interest when it was agreed to and it remains in our national interest now. Instead of taking punitive actions against Israel, this is the time Mr. President, for us to renew and expand our efforts to bring peace to this critical but troubled region of the globe. Israel's determination to respond to real threats to her existence will not change. Our efforts have to be directed at minimizing those threats and moving ahead in our efforts to facilitate a framework for peace. In that regard, Mr. Habib's mission to Syria deserves continued support. And certainly American efforts to develop an enforceable non-proliferation policy need to be strengthened.

I need not detail for my colleagues the important strategic role that Israel plays in the Middle East as America's strongest ally. But some of those who have generally supported attempts to strengthen Israel have reacted to this strike by moderating the warmth of their support. I fear that in this domestic and international climate, the United States may over-react to the immediate concerns of some and make long term commitments which, in the final analysis, will work to our disadvantage. The specter of the proposed sale of F-15 enhancement equipment and AWACS to Saudi Arabia looms large as a hidden factor in our discussions of what action America might now take. Other issues of similar magnitude may confront the Congress in the weeks ahead. I call on the President and the Congress to consider carefully the implications of any such action and allow time to help us place Israel's strike against the Iraqi reactor in perspective.

As time reduces the passions which still flame too brightly now, I believe that America will come to realize that Israel acted reasonably in preventing that reactor from coming on line. Additionally, the passage of time will also allow us to see even more clearly how great a threat a nuclear Iraq would be to Israel and to American interests in the Middle East.

This, then, is a time for thought and reflection. And most of all, it is a time to realize that the policies we have followed in the Middle East are a result of our own values and our national self-interest. If our policies continue to be shaped by those twin concerns, then I am sure that our response to Israel's

action will be measured and moderate. Such a response, I believe, represents both a realistic analysis of Israel's motives and a rational attempt to protect American interests.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for a period not to exceed 30 minutes, during which Senators may speak for up to 5 minutes each.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, unfortunately, I could not be here last Monday when the Senate paid tribute to Senator JOHN TOWER's 20th year in this body. I would like to present a few remarks today to express my feelings about this very unique individual.

JOHN TOWER—SENATORIAL SUPERMAN

Mr. COHEN. Mr. President, one of the most vivid Senatorial images ever etched into the minds of Americans is that of JOHN TOWER dressed as Superman. The photographer who snapped that picture captured the verve, ebullience, and good humor of the man who has become a true giant of the Senate in his 20 years in this body. He also captured the essence of the performance of JOHN TOWER in his role as chairman of the Senate Armed Services Committee.

The quality of leadership which Chairman Tower has exercised in these early months of the 97th Congress should serve as an example to all students of the legislative process. The steady, forceful hand Chairman Tower has displayed at the helm of the committee is worthy of his Navy background.

No other committee in the Senate has accomplished as much as the Senate Armed Services Committee this year. Under Chairman Tower's leadership, action has been completed in near record time on the fiscal year 1982 defense authorization bill. More important, the committee has shown its willingness to question administration proposals, to make spending reductions where necessary, and to direct increased funding in areas not adequately addressed. Committee action on the Trident, the *Oriskany*, the CX and other issues reflects the independent, thoughtful approach taken by Chairman Tower.

What has meant most to me personally is the friendship and guidance which JOHN TOWER has so graciously and consistently given me in the 2½ years I have been in the Senate. When I came to the Senate and joined the Armed Services Committee, I had not had the benefit of service on the parallel committee in the House. Early in my time in the Senate, I was faced with making major policy decisions on issues such as strategic arms limitation. For someone still wrestling with the multitude of acronyms the Pentagon employs with enthusiasm it was a challenge—albeit an exciting one—to be-

come involved so actively in the SALT debate. For me, and other junior members of the Armed Services Committee, JOHN TOWER's advice and counsel were invaluable.

His counsel and his support have been the linchpin essential to the legislative success of the Armed Services Committee in this Congress. Speaking as one of four members of the committee who were not in this body 3 years ago, but who now serve as subcommittee chairman, I cannot say enough about the backing and the direction provided by Chairman Tower. He has provided support in every possible way and has stood with us as we have made our legislative recommendations.

What has characterized JOHN TOWER's leadership most has been the way in which he has sought to make all legislative efforts be bipartisan initiatives. The members and staff of the Armed Services Committee have always worked well together, and political considerations have always been secondary to the defense of the Nation. Under Chairman Tower, this has been especially so.

In closing, Mr. President, I would like to insert an article written by Judith Miller of the New York Times in January, as the 97th Congress was convening. In that article, she spoke of the ambitious schedule Chairman Tower had set for the Armed Services Committee. JOHN TOWER made that "ambitious" pace look easy. When one considers the potential pitfalls inherent in the legislative process here in the Senate, that accomplishment alone should make JOHN TOWER, rather than Christopher Reeves, a candidate for the starring role when the motion picture industry considers filming "Superman III."

Mr. President, I ask unanimous consent that the article to which I have referred be printed in the RECORD at this point.

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

SENATOR TOWER GETS POWERFUL NEW POST (By Judith Miller)

WASHINGTON, January 19.—In Senator John G. Tower's office, there is a plaque, a gift from a military officer. "Enlisted men are stupid," it reads, "but extremely cunning and sly and bear considerable watching."

None of his colleagues on the Senate Armed Services Committee question the Texas Republican's intelligence. But in all other respects Mr. Tower, the new chairman of the armed services panel and the Senate's only enlisted reservist, has succeeded in living up to the plaque's motto.

Interviews with Senate committee members and staff aides indicate that the committee's influence, always considerable, is likely to be substantially enhanced under Mr. Tower's leadership and that the panel's policy initiatives in the national security arena will be afforded considerable weight by the Reagan administration.

Longtime Capitol Hill analysts predict that the committee's new assertiveness in foreign and national security affairs is likely to threaten the Senate Foreign Relations Committee's historic pre-eminence in overseeing the administration's foreign policy.

HE'S VIRTUALLY UNSTOPPABLE

"With no disrespect to Senator John Stennis, our former chairman," said Senator John W. Warner, Republican of Virginia, "John

Tower will provide a more vigorous thrust to the committee."

"In his present position, he's virtually unstoppable," said Senator William S. Cohen, Republican of Maine, who is a close friend of Mr. Tower.

John Goodwin Tower, 56 years old, has come a long way from his modest origins in east Texas as the son of a Methodist minister. The Senate's second most senior Republican, "Tex Tower" as he was known in his stint as a disk jockey, favors British cigarettes and hand-tailored, Saville Row suits, byproducts of his graduate work at the University of London. A former college professor of government in Wichita Falls, he is given to reciting long passages of poetry as well as the commercial jingles he used to read over the airwaves.

As he sits in his spacious Senate office behind a desk that is longer than he is tall, Mr. Tower now has little time for casual banter. He asserts that he is well prepared for the task facing his committee and seems aware that, as for most of the Senate's conservatives, the political tide is flowing his way.

REJECTION AS DEFENSE SECRETARY

Even Mr. Tower's most bitter defeats seem to have played into his hands. Although senior Republican advisers never considered him as a serious candidate for Secretary of Defense, a post he deeply coveted, his rejection seems to have made the administration more beholden to his personnel and policy recommendations.

When asked, for example, how much of an increase the administration was contemplating in the military budget for the fiscal year 1982, Defense Secretary-designate Caspar W. Weinberger said at a luncheon last week that "Tower feels that a substantial increase in 1982 will be required."

In a private session recently Mr. Tower warned Frank C. Carlucci, the incoming Deputy Secretary of Defense, that the Defense Department needed to recruit more individuals with expertise in defense, according to Capitol Hill aides. Specifically, Mr. Tower deplored press reports that the administration was planning to fill the post of Secretary of the Navy with a political appointee. He vigorously endorsed the nomination of John F. Lehman, Jr., a conservative military analyst with close ties to him and other committee members. Although there has not yet been a public announcement, Mr. Lehman has been offered the job, transition officials confirmed.

Senator Tower declined to comment on the tense, private session, stating only: "I have made some recommendations."

PRAISE FOR REORGANIZATION

Democratic and Republican committee members have praised Mr. Tower's reorganization of the panel's subcommittees according to military missions. Senator Gary Hart, Democrat of Colorado, for one, called the restructuring a "good reform that was long overdue." Most members also expect that the new subcommittees will be more visible and independent than subcommittees were under Mr. Stennis's direction.

Not everyone is a Tower enthusiast. Some say that he has insufficient patience with the "nuts and bolts" of the committee's activities, that he can be arrogant and that he has a deep-seated mean streak.

"John's reputation for meanness is based on surface appearances," said Senator Cohen, "and not on fact. He's tough-minded, but fair."

This reputed toughness is reflected in the committee's new assertiveness. Political analysts expect the committee to play a more active role in overseeing weapons sales, technology transfer and security assistance, areas dominated in the past by the Senate Foreign Relations Committee. Mr. Tower said that the committee "expects to review

matters that impact on military balance that are not directly within our legislative jurisdiction." Even Democrats such as Mr. Hart have called for "a joint deliberation venture" by the two panels on strategic arms negotiations, arms sales and other issues.

MANEUVERING FOR JURISDICTION

"Mr. Tower certainly does not intend to let us lose any more jurisdiction," concluded Rhett Dawson, the committee's majority staff director, referring to the panel's loss of oversight authority on intelligence affairs in Mr. Stennis's tenure as chairman.

Moreover, the armed services panel's influence is likely to be strengthened by the new administration's skepticism about Senator Charles H. Percy, Republican of Illinois, who is chairman of the Foreign Relations Committee. Senior administration officials, for example, have been privately critical of Mr. Percy's recent visit to the Soviet Union and his statements conveying what they termed a "false perception" that the United States was eager to begin a new round of negotiations on a strategic arms limitation treaty.

Finally, the armed services panel is not marked by the partisan ideological differences that characterize the foreign relations panel.

Mr. Tower has set an ambitious schedule for the panel that will require the completion of a military budget authorization by the end of March. He declined to discuss the size of the increase the committee would recommend over President Carter's request of \$180 billion for the fiscal year 1982, but knowledgeable Capitol Hill aides said that Mr. Tower would seek an increase of \$20 billion to \$30 billion increase.

Mr. COHEN. Mr. President, I ask unanimous consent that if there is printed a bound volume of the testimonials which were given in the Senate last Monday regarding Senator JOHN TOWER, my remarks be included.

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

ACTIVITIES OF THE KU KLUX KLAN

Mr. GRASSLEY. Mr. President, as I noted recently during a speech on the Senate floor, an alarming upsurge of harassment and terrorism by the Ku Klux Klan has physically and psychologically brutalized blacks, Jews, and Vietnamese immigrants in communities from coast to coast.

One of my constituents recently called my attention to another aspect of Klan activism which also merits the attention of this body, and of the American people.

As outlined in the June 1981 National Education Association Reporter, and documented by other publications, as well, the Klan is now recruiting children into a new KKK "Youth Corps," shaping impressionable young minds with propaganda based on bigotry and hatred.

The intellectual climate in which our children are nurtured today will have consequences for the world of tomorrow, as those children themselves become the leaders who shape our laws and enforce public policy. For that reason, I encourage thoughtful analysis by my colleagues of the following material, from the June 1981 NEA Reporter, which I ask unanimous consent to have printed in the RECORD:

First, "Newly Resurgent Ku Klux Klan Exploits Racial Tensions in America's Schools."

Second, "We're the Future Klan."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NEWLY RESURGENT KU KLUX KLAN EXPLOITS RACIAL TENSIONS IN AMERICA'S SCHOOLS

The Ku Klux Klan is back. In nearly every part of the country, Klansmen are burning crosses, hiding under sheets—and targeting youngsters as young as age 10 for a new KKK "Youth Corps."

Your students could be among the next recruits.

Klan youngsters wear "White Power" T-shirts instead of robes, learn to handle guns for what they're told is a forthcoming "civil race war," and prepare to join the Klan when they become 18.

The resurgence of the Klan over the last 10 years has tripled the estimated national membership of the various splinter groups that claim to be the true KKK. There are now about 11,500 Klan members active in at least a score of states: Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas and Virginia.

Add Connecticut to the list. Last September, Klan members conducted a cross burning in a private field outside the eastern town of Scotland. "In the South, yes, but in Connecticut?" was the outraged reaction of Dimples Armstrong, a ninth grade physical science teacher in Danbury.

"The kids were asking questions," says Armstrong, who chairs the Minority Affairs Commission of the Connecticut Education Association (CEA/NEA). "Teachers started calling CEA after they realized they didn't have adequate information about the Klan to pass on to their students."

One 15-year-old black student was overheard asking his classmates a few days after the Klan rally, "If the Klan comes after me, where can I hide?"

The number of children who have joined the Klan Youth Corps is hard to determine—the Klan has a vested interest in maintaining secrecy and exaggerating its strength—but these incidents have been reported over the past few years:

Claiming membership in two Klan youth groups, Oklahoma City high school students attacked a gay bar with baseball bats.

Decatur, Alabama, children wearing Klan T-shirts burned a school bus during an anti-busing rally.

The Boy Scouts of America turned down a charter request from a group of 10 boys, ages 13 to 20, and their Klan sponsor, who was training them in firearms, hand-to-hand combat, and racist ideology at a KKK paramilitary camp outside Houston. The youths were being taught to decapitate enemies with a machete. One mother reported that her sons were told "they might go on a Mexican border mission to watch for illegal aliens."

At a number of schools, children have been recruited to join the Klan with specially targeted flyers, like one that asks: "Uptight about schools . . . or just about niggers? . . . Are you 'fed up' with special privileges accorded blacks by the school administration, simply on account of their race? . . . Conditions in school have become so rotten that trying to get an education has become a laugh. Who can learn anything caged up with a bunch of cannibals?"

Propaganda like this is sparking a wide-ranging program of NEA and affiliate action. NEA's Special Committee on Student Behavior Reflecting Racial and Ethnic Prejudice has been closely monitoring KKK activities, and the Representative Assembly—the Association's highest governing body—has committed funds "to train, inform, and assist teachers in developing skills and attitudes

necessary to combat negative student behavior which reflects prejudice and discrimination of any kind, including that demonstrated by the resurgence of the Ku Klux Klan and neo-Nazi and other extremist groups."

NEA's Teacher Rights and Instruction and Professional Development units are both working to carry out this mandate. IPD recently awarded an anti-violence grant to the Connecticut Education Association to help develop anti-Klan curriculum materials.

Connecticut teachers surged into action after last fall's KKK demonstration in Scotland. Convinced that there was a need as well as a commitment to deal with the Klan issue, CEA President Bob Chase appointed a task force. With the help of NEA and the Council on Interracial Books for Children, this 15-member group is developing lesson plans that can be used in kindergarten through senior high.

The CEA task force decided to allow students to reach their own conclusions on the Klan. "We adopted an inquiring attitude," says Task Force Chair Dimples Armstrong. "We let the facts speak for themselves."

The new CEA/NEA curriculum guide developed by the task force concentrates on 115 years of Klan history. It traces the growth of the Klan from its inception in the Reconstruction Era through its heyday after World War I when membership swelled to nearly 3½ million. The guide also chronicles the Klan's forced retreat underground in the 1960's with the passage of civil rights legislation, as well as its resurgence during the last decade as bitter school busing battles and a worsening economy have spurred new KKK membership gains in the North.

The lesson plans encourage class discussions on the broader issues raised by the Klans' existence—separatism, white supremacy, and racism.

A limited number of the curriculum guides will be distributed at July's NEA Representative Assembly in Minneapolis. Watch this newspaper and other NEA publications for information on when the anti-Klan guide will be available to you.

In Maryland, Association activists won extensive press coverage earlier this year when they denounced the "insidious tactics" of the Klan and set up a monitoring system, encouraging teachers to report racist incidents.

"Some of the incidents reported," says Maryland State Teachers Association President Rufus Abernethy, "include attempts by the Klan to enroll students in its youth movement, the distribution of racist literature, the wearing of Klan paraphernalia, cross burnings, an increase of signs urging people to join the Klan, and the circulation of Klan membership applications on the windshields of cars in parking lots."

On the local level, members of the Harford County (Md.) Education Association started to mobilize against the Klan after several crosses were burned; one on the lawn of the local president of the National Association for the Advancement of Colored People.

The teachers convinced both the school board and the county council to pass resolutions opposing racist actions by the Klan in Harford County.

NEA activists who have been involved with the fight against the Klan have tried hard not to overreact to reports of KKK youth recruiting. But the Klan, although still small in numbers, represents a threat that can't be ignored. It would take only a few fanatics to set off sparks where tensions exist.

Advises Klanwatch, an organization sponsored by civil rights activist Jullan Bond and his Southern Poverty Law Center, "That's why these groups have to be kept small, and why better efforts must continually be made to foster in our schools, cities, and families the sort of racial understanding and brotherhood that will make the idea of a youth corps

as repugnant to impressionable children as it is to thinking adults."

'WE'RE THE FUTURE KLAN'

Randy, 13, and an unnamed 11-year-old girl were interviewed last summer by "30 Minutes," a CBS-TV program for children, at a Klan Youth Corps camp near Warrior, Alabama, where they were learning to handle guns—and being taught an unusual version of post-Civil War history by Bill Wilkinson, leader of the Invisible Empire of the Ku Klux Klan. The Klan was formed, he said, to protect whites from marauding ex-slaves who killed white men, raped white women, and took over their homes until they ran out of food, when they went on to the next farmhouse.

CBS. Randy, there are a lot of young people out there who probably don't know too much about the Klan. I wonder if you could tell us, what does it mean to you?

RANDY. It stands for white supremacy. You know, to fight the communists, to fight the niggers, and the Jews, and the Vietnamese, and everybody, you know, the Jews and communists in America, and it means white supremacy.

CBS. How do you feel about blacks and other minority people, yourself?

GIRL. Myself? I realize that I didn't like blacks.

RANDY. They're not as intelligent.

CBS. Do you know that for a fact?

RANDY. I know that for a fact.

CBS. How do you know that?

RANDY. Well, at school, walking down the halls, they're putting their arms around white girls. That's the mixture of races, and that's not intelligent.

GIRL. I think we should send them back to Africa, the Iranians back, the Cubans back.

CBS. Do you hate them?

RANDY. Yah!

CBS. Do you think it's right for a young person to be taught to think about killing another human being?

RANDY. Well, we're not taught to kill another human being. We're out there because the civil war's coming, you know, there's another war coming. It's going to break out, and it's not going to stop until the last person's dead, and the kids are going to have to be tough, because we're the future Klan.

SENATOR CHILES COSPONSORED AMENDMENT RESTORING MONEY FOR THE AVIATION OFFICERS CONTINUATION PAY

Mr. HOLLINGS. Mr. President, on May 20, during consideration of the fiscal year 1981 rescission and supplemental appropriations bill (H.R. 3512), the Senate passed an amendment (UP No. 114) offered by myself and others which restored money for the aviation officers continuation pay.

Unfortunately, Senator CHILES was excluded from the RECORD as an original cosponsor of this amendment. I ask unanimous consent that the RECORD reflect Senator CHILES as an original cosponsor of the amendment to restore funding for aviation officer continuation pay.

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

THE BALTIC STATES

Mr. PERCY. Mr. President, each year at this time, we recall the tragic events of June 1940, when the Baltic States

were occupied by Soviet troops and forcibly incorporated into the Soviet Union.

The political sovereignty of these nations was crushed and the peoples subjected to foreign domination. Large numbers of citizens were deported, and all sources of national pride trampled.

Mr. President, we and the Baltic Americans who recall this tragedy will not be silent. We will never forget the plight of the peoples of Latvia, Lithuania, and Estonia.

THE ISRAELI BOMBING OF AN IRAQI NUCLEAR FACILITY

Mr. DeCONCINI. Mr. President, on June 7, 1981, the Israeli Air Force bombed and destroyed an Iraqi atomic reactor which would have enabled Iraq to manufacture nuclear weapons. The attack was staged on a Sunday to minimize the possibility of injuring foreign experts employed at the reactor; and although Israel and Iraq have been technically at war for some time now, the attack was surgically executed to destroy just the reactor.

As we all know, governments throughout the world—including our own—condemned the bombing. The United Nations Security Council is considering imposing sanctions on Israel, and, as usual in that august body, the anti-Israel rhetoric flows loud and long.

However, Mr. President, what truly astonishes me is that precious little has been said about the Iraqi Government, which was without doubt developing this facility to construct nuclear weapons. I, for one, Mr. President, would sleep poorly at night knowing that the Iraqi Government—whose track record in international politics is well known, had the means to initiate a nuclear holocaust. Even less is being said about our supposedly peace-loving allies, France and Italy, who were diligently aiding and abetting the Iraqis in developing this weapon, or about the Soviets, who had already provided Iraq with a delivery system for the nuclear bombs that Iraq would have had in approximately 3 years. Furthermore, Mr. President, we seem to have forgotten entirely that the Iraqi reactor had been the target of an unsuccessful attack by another Middle Eastern nation—Iran.

It amazes me that we so quickly condemn our allies for using force when faced with force. True, in a perfect world there would be no need for air strikes, but in a perfect world there would be no production of nuclear weapons, and by the way, there would be no need for the use of naval blockades such as the one the U.S. imposed during the Cuban missile crisis of not so many years past. We sold and will continue to sell Israel weapons to defend itself, yet when they use those weapons to accomplish that intended goal—and do the world a favor in the bargain—we condemn them.

Mr. President, I believe it is about time we begin to get a little more realistic about our arms sales policy to Israel and to the Middle East in general. Albeit the Camp David accords were a remarkable step forward to peace between Israel and

Egypt, the area as a whole is a hotbed of controversy and strife with the leadership of many nations either extremists along the lines of the Khomeini model or under the control of the Soviet Union.

If we are going to sell weaponry to Israel, we must begin to trust Israel in its use of these weapons, because we cannot accurately second guess when or how this weaponry should or should not be employed; and to be perfectly frank, when push comes to shove, they will indeed use it in the way that they feel will best insure their security. This is the way any nation with rational leaders reacts when its interests are at stake.

In sum, Mr. President, I hope that the nations of the world can learn from the Israeli action and take it upon themselves to join together to prevent the spread of nuclear weapons. And, Mr. President, since this hope is a wan one, I must be grateful to Israel now for eliminating a threat to world peace.

I ask unanimous consent that a column by J. Emmett Tyrell which appeared in the June 15, 1981, issue of the Washington Post be printed in the RECORD.

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

BOUQUETS TO THE ISRAELIS

Why all the rending of garments over last week's Israeli air strike? The Iraqis tried to bomb the very same Iraqi nuclear plant last September, and I noted no uproar. Why the anguished chorus over the Israeli attack? Is it because the Israelis were successful and the Iraqis missed? Had Allah smiled on the Iranian bombers, would the United Nations have convened another of its hot-air confabulations? Imagine Iraq's president, Saddam Hussein, in possession of atomic bombs. Would the Saudis sleep as comfortably then as they do now? Would Jordan's King Hussein? Would the Syrian Machiavel, Hafez Assad, or anyone else in that enormously volatile area?

The nations of the Middle East and, for that matter, all the peace-loving nations of the world ought to be sending the Israelis bouquets. And let us be spared any more of the Arabs' emotional sonorities about international law. The Iraqis are at war with Israel. They want to be at war with Israel. They like to be at war with Israel. In fact, Saddam Hussein seems to relish war as fondly as the late Benito Mussolini did, though Hussein butchered a lot more of his countrymen in pursuing high office than did Mussolini.

Many of those now ardently criticizing Israel apparently are ignorant of the vicious and mercurial nature of Israel's enemies. They seem to doubt that any foreign peoples would ever be ruthless or unreasonable. Thus they favor ceaseless dialogue and public relations as instruments of diplomacy. Such people are simply ignoring the nature of international politics.

The goal of all serious political activity is control, generally control of one's enemies. If one is insufficiently powerful to subjugate one's enemies, one scales down one's ambitions. The difference is between choosing an offensive or a defensive policy. The third option is taking no action at all.

The Israelis will never be powerful enough to subjugate their enemies, and they cannot opt out of their political situation. Hence they are condemned to a defensive strategy, and their air strike last week was a masterful show of defense. Their critics wish they had exercised the third option and done nothing.

This is the option with which the West has been most comfortable with over the past 35 years. Those who prescribe it essentially see foreign affairs as apolitical. They refuse to accept that there are struggles for influence going on in the world. They deny that there are malevolent forces. They believe all disagreements are reasonable disagreements. Always they counsel restraint.

By practicing restraint, the West has prospered. Every year more and more fashionably dressed people parade along the Champs Elysees, the Via Veneto and Central Park South. Life is sweet; all is well.

But the grim truth is that, in an increasing number of countries around the world, life has become hellish. And as the Western powers withdraw their influence, allowing the liberal order in international relations to be extinguished, the future of world peace itself is increasingly left in the nervous hands of men like Saddam Hussein. I for one do not like the drift of things. As the citizenry of the West continues to cut deals abroad and live the high life at home, more and more woebegone immigrants from foreign barbarism drop themselves to Western shores. It is an ominous sign.

The countries of the West abound with Africans, Asians and Latin Americans who have lost the struggle for political control in their countries. The Israelis understand the meaning of these signs. The outcome of the war in Southeast Asia should constitute the great political lesson of the late 20th century. The Israelis appreciate this. They do not want to become the next wave of boat people.

For over three decades the Israelis have steadfastly accepted the imperatives of their political condition. A nation of under 4 million, it has endured in an ocean of 134 million hostile faces. During this time, dozens of peoples have had their cultures snuffed out. Yet the irony is that by accepting the imperatives of their political condition, the Israelis have actually gained a degree of acceptance in that hostile ocean that their present critics would never have prophesied. More Arabs today view the Israelis as tolerable than ever before. In that turbulent and bloody-minded area, the Israelis have been the only truly effective peace-keeping force. The Lebanese understand this. The Egyptians understand it. Do the diplomats of the West understand?

SUNSHINE AND OPEN GOVERNMENT: A THOUGHTFUL REAPPRAISAL

Mr. PERCY. Mr. President, in the mid-1970's, Congress passed two pieces of legislation which have changed the way our Government operates. The Government in the Sunshine Act and amendments to the Freedom of Information Act have opened the doors of decisionmaking to all who care to view the process. Like no other government in the world, the American Government bares its soul to the people it is meant to serve.

Yet this legislation has had some unexpected effects that need to be closely looked at. Like anything, sunshine and openness have associated costs.

A former counselor of mine, Stuart M. Statler, has written an excellent article describing those costs. The article appeared in the May issue of the American Bar Association Journal. Mr. Statler served for 8 years as chief minority counsel to the Senate Permanent Subcommittee on Investigations. Now, as a Commissioner at the Consumer Product Safety Commission and having just completed

a stint as the agency's acting chairman, he examines both the positive and negative points of the openness issue, providing a thoughtful study of the practical consequences of openness in Government. I commend it to all those interested in the way our Government works and as a starting point to considering, through legislation and through oversight hearings, how the Congress can improve the administration of those two acts.

I ask unanimous consent that the article be printed at this point in the RECORD.

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

[From the American Bar Association Journal, May 1981]

LET THE SUNSHINE IN?

(By Stuart M. Statler)

"Agency Hailed for Openness Now Closing Some Meetings" blared the headline in the Washington Post of November 30, 1980. Back to business as usual. Behind closed doors, that is. Fat-cat lobbyists seducing regulators. The public be damned.

This scenario makes for saucy stories of intrigue and a few splashes of journalistic ink, but it simply doesn't ring true. To its proponents, openness in government is as American as motherhood and apple pie. But the fact is that openness is neither a panacea nor an end unto itself. It entails unanticipated side effects that can work against the purposes it is meant to promote. For all its virtues—and they are considerable—openness in government is not an unmitigated good.

A backlash against the perceived excesses of closed decision making led to the enactment of two landmark pieces of legislation in the mid-1970s: the Government in the Sunshine Act and an amended Freedom of Information Act. These laws dramatically expanded the public's ability to delve into the processes and inner sanctums of governmental decision making.

There can be little doubt about the legislation's goals. If one accepts the premises that all who have a legitimate interest in a decision should have equal access to the decision makers and that all who would subvert the process deserve to be discovered, what possible reason could there be for curtailing public scrutiny?

But experience has not borne out all of the well-intentioned expectations of the proponents of this legislation. Openness in government has left much to be desired. Its constraints frequently force decision makers to choose between competing, sometimes mutually exclusive, public policy goals.

Distinguishing among these goals is critically important. It is simply naive to believe that they can be achieved equally. To many, even suggesting a re-evaluation of the role of openness raises the specter of closed, anti-democratic decision making. However, we must do just that. Without knowing the relative costs and benefits, we cannot ascertain the over-all value of openness in government. We need to examine its practical consequences.

The experience of one agency—the Consumer Product Safety Commission—provides a useful example from which broader conclusions can be drawn about open government.

Created by Congress in 1972 at the height of public distrust in government, the commission is the sole independent federal agency responsible for regulating the safety of some 15,000 consumer products. Consumer advocates and public interest groups hailed

the passage of the Consumer Product Safety Act as a great victory.

The original commission attempted to do more than simply protect the consumer. It wanted to achieve this goal while acting in the most open manner possible. The commissioners believed the agency should go beyond the legal obligations to expose its decision making to complete public scrutiny.

Instead of weighing the competing values of consumer protection and open decision making, the commission simply assumed that total openness could be obtained without detracting from its safety mandate. It was felt that openness could only enhance the quality of decisions affecting consumer health and safety.

A few examples illuminate the lengths to which the agency went in self-revelation:

Records must be kept of all telephone conversations by commissioners and staff with outside parties unless the matter discussed is "trivial." The logs are available to anyone.

Almost all meetings between agency staff and outside parties must be publicly announced at least seven days in advance.

Representatives of industry and the media may enter any meeting between staff and outsiders unless specifically excluded.

To close such a meeting, a majority of the commissioners must determine that extraordinary circumstances exist, with reasons set forth in a public calendar.

The inflexibility of the policy has led the commission to circumvent the spirit of its own openness strictures. For instance, special assistants are used as conduits to relay information among commissioners' offices, since the commissioners themselves cannot meet as a group in closed session unless specific exemptions apply. Closed meetings among commissioners' staffs become trial runs for the formal meetings. Delegating policy development to staff—in the interest of serving some obtuse notion of openness—vitiates the principle of shared decision making at the top through a face-to-face interchange of ideas.

A philosophy of total openness has had certain adverse effects on the commission's substantive operations and on its record of accomplishments. By examining specific examples, we can gauge this impact and its associated costs.

1. Efforts to improve the safety of chainsaws. Almost since its inception, the C.P.S.C. has been aware that tens of thousands of people are injured every year in accidents involving chainsaws. After considerable study, the agency determined that "kickback"—an unexpected rearing up of the saw toward the operator—caused a major share of chainsaw accidents. The staff began seeking ways, through design changes, to reduce kickback.

In June, 1978, the C.P.S.C. began a co-operative venture with the industry's trade group, the Chain Saw Manufacturers Association. The two groups hoped to develop a voluntary safety standard. Over the next 18 months, every meeting C.P.S.C. staffers held with the industry individual firms, interested consumers, foreign manufacturers, technical experts, and other government officials was open and held in a "fishbowl" environment: a meeting between two or three people being observed by a dozen or more.

Whatever action the commission ultimately takes on chainsaws will have a huge impact on both industry and consumers, affecting millions of dollars and thousands of lives. With so much at stake, fairness dictates that anyone with a legitimate interest in the final decision have an opportunity to participate. Different manufacturers have large investments in diverse safety devices: each should be able to describe its approach to the commission, outline its effectiveness, and defend it against the snipings of others. The commission could thus derive a clear

sense of the relative merits of the various devices.

Unfortunately, however, the joint effort ended in frustration. One common criticism—voiced by industry members and agency staff alike—was that the glacial pace of the effort stemmed from its total openness. There was much public posturing and little candor. Exchanges were stilted, causing distrust on both sides. Manufacturers' motives were questioned. They were wary about disclosing marketing plans or technological advances to competitors in attendance. Breakthroughs by certain firms could not be discussed lest a competitive advantage be lost. Deserved criticism of fellow industry members who were dragging their feet went unstated. Key sales and economic data were withheld.

In short, what might have been said and accomplished in the privacy of a closed meeting was never said or discussed. The lack of a complete and candid exchange and the consequent two-year delay carried heavy costs for American consumers. Every day's delay translated into preventable human pain and suffering.

The issue is not open versus closed meetings but whether the process must be totally open, at all stages, regardless of the result. In view of the safety mandate of the commission, the tradeoffs become clear. On the one hand, limiting access to the agency can have substantial economic consequences for a chainsaw manufacturer; on the other, delays in promoting safety because of openness constraints may have even more significant—and tragic—repercussions.

2. Efforts to deal with formaldehyde. Early in 1980 the C.P.S.C. staff received information indicating that formaldehyde, a substance already under review, may be carcinogenic in rats. Although the data were sketchy, staff acknowledged the news with no small degree of alarm because of formaldehyde's importance as a basic building block in industry. Some nine million pounds are produced yearly, the bulk of it used in plywood, particle board, and home insulation. It is also found in permanent press shirts and certain shampoos and toothpastes.

Instead of meeting immediately with staff scientists to evaluate the data, commissioners opted to wait almost two weeks until an open public meeting could be scheduled. In the interim the industry issued a press release downplaying the potential risk. The commission—instead of informing itself immediately so that it could, if necessary, alert the American public to the risk—waited to meet, only to find itself reacting to distorted industry accounts.

This is not to say that the agency should have met hastily and reached a regulatory decision based on preliminary data. But, at a minimum, the agency should have taken immediate steps to learn about the new data. Waiting until all procedural niceties could be observed only served to confuse the American public. It is ironic that when the commission finally did conduct its open meetings, not a single member of the public attended.

3. Matters involving adjudication. In addition to rule making, the C.P.S.C. also adjudicates hazard matters involving specific firms whose conduct violates the law. Especially in cases involving recalls of products that present "substantial product hazards" under 15 U.S.C. § 2064, the commission seeks prompt redress. Yet the agency's handling of one case in 1980 points up the impediments to consumer safety when these matters are dealt with too openly. The case involved an electric fan associated with numerous fires. The agency sought to remove it from the marketplace.

At deliberations open to the public, staff urged a particular regulatory approach and various commissioners challenged its wisdom. This put the manufacturer on notice

that the commission itself was not completely persuaded by the merits of the case, and the firm learned what elements of the proposed corrective action plan the commission questioned. As any skilled negotiator can attest, telegraphing which elements of a position are firm and which are not is tantamount to conceding the latter.

Although the commission eventually worked out a voluntary recall plan with the company, a more far-reaching agreement might have been achieved. Able to assess the C.P.S.C.'s perception of the strengths and weaknesses of the case, the offending firm gained an enormous advantage. Openness enabled it to opt for a lesser recall at the expense of the larger public interest.

By contrast, a contemporaneous case involving baby cribs reportedly tied to several infant deaths exemplifies the advantage of limiting access when debating strategy. Preventing additional deaths and injuries required a massive recall effort. Toward that end, the C.P.S.C. needed as much leverage as possible in negotiating with the manufacturer. Since the firm failed to report promptly its awareness of the hazard, the C.P.S.C. could assess a tidy civil fine. The commission needed to balance carefully the trade-off between a reporting penalty and a comprehensive corrective action plan. It was vital to have a frank, free-flowing discussion of all the options, without tipping the agency's hand.

The commission availed itself of an exemption to the Sunshine Act designed to protect potential litigation strategy and it met behind closed doors. All options and tradeoffs were candidly reviewed. As a result, the agency secured one of the most wide-ranging innovative recalls in its history and a large civil fine to boot. But had those strategy meetings been held in the open, the scope of the discussion would have been sharply curtailed and the ensuing recall far less advantageous to consumers.

4. Public disclosure of product information. The C.P.S.C.'s commitment to openness also embraces the Freedom of Information Act, which is meant to provide public access to government records. Commission policy provides extraordinary access, making disclosure the rule and withholding the exception. Unlike most other agencies, only rarely does the commission invoke the act's discretionary exemptions.

In theory, widespread disclosure of information increases public understanding of an involvement in agency decision making. But in practice, the agency's mandate to protect consumers has been compromised. For example, in May of 1980 the commission voted three-to-two to release laboratory results of certain cellulose insulation tests. Disclosure identified levels of noncompliance that trigger enforcement action. Because it has a small staff and limited resources, the C.P.S.C. must use discretion in enforcing its standards. Industry's awareness of our enforcement strategy undercuts future enforcement activity, as well as the credibility of the standard itself.

Another conflict between F.O.I.A. openness and other important policy goals is pointed up by a decision of the United States Supreme Court in *C.P.S.C. v. G.T.E. Sylvania*, 100 S.Ct. 2051 (1980). The television industry sought to enjoin the C.P.S.C. from releasing, in response to F.O.I.A. requests, accident reports identifying specific brands and models of television receivers. A unanimous Court told the commission it could not disclose the information without adequate safeguards. Policy concerns other than openness were overriding. The language, legislative history, and public policy consequences of the Consumer Product Safety Act led the Court to conclude that the commission must take steps to assure that any information disclosed is "accurate" and "fair in the circumstances." In other words, fairness to the TV

firms that submitted the data was the paramount policy concern, instead of unqualified public disclosure.

While the ruling will place an enormous burden on the C.P.S.C. to assure the accuracy of information prior to release, there may be a hidden benefit. Firms and industries are more likely to submit sensitive data when they understand that it will be adequately protected from misleading disclosure. Armed with more complete information, the agency should be able to reach more informed decisions on product hazards.

Openness serves two principal purposes. First, it reduces the possibility of any impropriety or the appearance of it. Second, open access permits anyone who shares a stake in the decision to present a point of view. But accomplishing these two aims is not sufficient. They only help achieve the other policy goals on which agency performance is judged. But it is these goals—in the case of the C.P.S.C., preventing accidental injury and death—that are paramount. When agencies substitute process for purpose, they ignore the very reason for their existence.

It is important to ask, moreover, who benefits from the constraints imposed by openness. Theoretically, "the public" does. In practice, however, openness too often serves the narrow purposes of special interests. Do the news media flock to our meetings? Do the public interest groups vie for seats in packed hearing rooms? Do interested consumers wait in line to hear debates on the hazards they face? Hardly.

But, without fail, you'll find lawyers and lobbyists galore, all representing special interests. Those attending our meetings and burying us with F.O.I.A. requests are the very ones against whom the commission is considering action. They are paid to do just that.

In enacting the Sunshine and F.O.I.A. legislation, Congress wanted to give specific powers and tools to the public to guard against undue influence by special interests. Yet the very interests meant to be watched over have become the watchdogs. They, not the public, most often reap the benefits of openness, and at very high cost to the ability of government agencies to do what is expected of them.

Balancing competing considerations within a governmental agency is no easy task. But regulatory agencies must accord top priority to their substantive mandates, to what Congress originally asked of them, to their *raison d'être*. Adding other laudable aims to their task—openness, among them—has taken its toll. At times the added burdens have impaired the ability of these agencies to accomplish their primary mandates. Even praiseworthy means, such as open decisions openly arrived at, do not justify poor regulatory results.

When a formal regulatory decision is at hand, openness should be preserved to the extent possible. Those decisions may have major financial or social ramifications. They can affect so many persons in so many significant ways that it is important for all affected parties to observe and participate in the process. But when an agency is simply exploring issues devoid of any immediate regulatory impact—and especially at an early or preliminary stage—unfettered discussion should be encouraged. If candid dialogue is inhibited by openness and the overriding public interest does not suffer from any one person's exclusion, then preserving openness in those circumstances may be unwarranted.

We need first to identify those areas that must be open and those in which it is less important. It is time to reassess the true benefits and costs of openness in government decision making. By all means, let the sunshine in—remembering always, however, that too much of a good thing can be harmful.

ARMS SALES TO CHINA

Mr. PELL. Mr. President, yesterday, Secretary of State Haig, during a press conference, announced from Beijing that he had conveyed to China President Reagan's " * * * desire to inject new momentum into * * * " United States-People's Republic of China relations. I strongly endorse efforts to improve U.S. political and economic relations with the People's Republic and fully support Secretary Haig's attempts " * * * to promote the evolution of our bilateral relations with China on the basis of principles embodied in the Joint Communiqué on Normalization." For too long we, in the United States, pretended as if China's nearly 1 billion people did not exist or were of no consequence. It was not true then, and it is certainly not true today. It is very much in our interest and the interest of our allies to maintain and improve relations with China.

Having said this, I must admit that the specific arms sales proposals Secretary Haig discussed with the Chinese greatly disturbs me. Three previous administrations decided that it was not in American interests to provide China with lethal military equipment or technology. But, the United States has now indicated to the People's Republic of China that we are prepared to lift our munition list restrictions and have agreed in principle to consider selling Beijing both lethal and nonlethal arms on a case-by-case basis.

Whether one supports or opposes this change in U.S. policy, I believe such a significant change should not have occurred until the question had been publicly aired and debated. This is too important an issue to be decided without such a debate and close consultations with the Congress. At this point, however, the Chinese leadership knows more about our U.S. arms sales policy than we do here in the United States.

Mr. President, I ask unanimous consent that the opening statement from Secretary Haig's press conference yesterday be printed at this point in the RECORD.

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

STATEMENT FROM SECRETARY HAIG

I came to China to clear the air, dispel some misapprehensions, and convey the President's desire to inject new momentum into our bilateral relationship with China. Specifically, I came to discuss with leaders of China major developments in the global strategic environment, regional issues of mutual concern, and some bilateral questions.

My discussions over the past three days have been unusually productive. They confirmed the importance we attach to high level contact with the leaders of the People's Republic. They also bore out my expectation that we face important opportunities for moving our cooperative ties with China on to a new plateau.

With regard to international issues, it is apparent that the strategic realities which prompted reconciliation between the United States and China more than a decade ago are more pressing than ever. U.S. and Chinese perceptions of the international situation

have never been closer. Our common resolve to coordinate our independent policies in order to limit the Soviet Union's opportunities for exploiting its military power has likewise grown stronger. It is clear that China appreciates the steps taken by President Reagan to restore our military power, reinvigorate our alliances and ties to friendly nations, develop equitable relations with third world countries, and place our economy on a sound footing.

With respect to regional issues, we found that we shared objectives on virtually all issues. Even though our tactical approaches may differ on some. Naturally, much of our discussion focused upon the challenges posed by the Soviet Union and its proxies in Afghanistan and in Indochina. We shared a common determination to prevent the pressure of other events from deflecting attention away from this twin strategic challenge. Our objectives in both areas coincide—above all, in our resolve to press for the complete withdrawal of foreign military forces from Afghanistan and Cambodia.

On other issues, where our approaches differ to some extent, as in the Middle East and southern Africa, the discussions were useful in narrowing the range of disagreement.

On bilateral issues we made genuine progress. Regarding Taiwan, I explained that the unofficial relationship which has characterized the contacts between the people of the U.S. and the people of Taiwan since normalization of relations with the People's Republic of China will be continued, and this was understood.

I underscored our intent to promote the evolution of our bilateral relations with China on the basis of principles embodied in the joint communiqué on normalization. We discussed a number of specific ways in which cooperation can be expanded to our mutual benefit.

I conveyed the President's intent to treat the People's Republic as a friendly nation with which the United States is not allied but with which it shares many interests.

I informed them of the administration's intent to introduce legislation amending U.S. laws which lump the PRC with the Soviet bloc.

I outlined some changes in export control procedures which we hope will facilitate expanded trade with China.

There were a number of other specific results of these discussions.

I extended on behalf of President Reagan an invitation to Premier Zhao Ziyang to visit the United States. Premier Zhao accepted the invitation and will visit our country sometime next year. Premier Zhao also reconfirmed his invitation to President Reagan to visit the People's Republic.

As you may know, some of our oil companies have been concerned about possible problems of double taxation because of the way the Chinese tax code is written. I raised these concerns and Bo Yibo welcomed my suggestion that U.S. tax experts visit China to discuss the matter, which is of potentially great significance to future foreign investment in oil exploration.

With respect to economic cooperation, the Chinese and we agreed to hold the second joint economic committee meeting headed by Treasury Secretary Regan and Vice Premier Bo Yibo in China this autumn.

Bo Yibo also responded positively to the suggestion that a separate joint U.S.-P.R.C. Commission on Commerce and Trade be established, and agreed to consider a specific proposal at an early date.

I said in Hong Kong that I was not coming to China on an arms selling mission. But we did agree that exchanges between our respective defense establishments would con-

tinue to expand. And Vice Chief of the PLA Liu Huaqing Qy-Oh-Wa-Ching will bring a delegation to the U.S. in August.

With regard to consular matters, we reached agreement on an exchange of notes that will enable the PRC to open an additional consulate in New York and the U.S. to open one in Shehyang.

Because of our heavy schedule of official discussions, my colleagues and I had no opportunity to explore the world-famed classical attractions of Beijing. That extremely pleasant experience fell to my wife, who visited the palace museum, Great Wall, king tombs, summer palace and an experimental elementary school. She was also particularly pleased to have had an opportunity to meet with Madame Kang Keoling, vice chairman of the National People's Congress and vice chairman of the All-China Women's Federation.

I would also like to pay tribute to the many Chinese friends and American colleagues who worked so hard and so effectively to assure the success of this visit. I believe it was unusually significant and successful. It foreshadows the prospects that President Reagan's administration will be marked by a major expansion of Sino-American friendship and cooperation.

CONCLUSION OF MORNING BUSINESS

Mr. STEVENS. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the Department of Justice authorization bill. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Connecticut is recognized.

AMENDMENT NO. 70 TO AMENDMENT NO. 69

Mr. WEICKER. Mr. President, for the information of my colleagues I will review the parliamentary situation with regard to the pending measure, S. 951, the Department of Justice authorization bill for fiscal year 1982.

When the first committee amendment to the bill was reported yesterday, the Senator from North Carolina (Mr. HELMS) offered an amendment to the committee amendment to add the following new language:

No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain

any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped."

I spoke then, as I do today, in strong opposition to this amendment, as an amendment that is anti civil rights, as an amendment that is anti the Constitution of the United States. I indicated that this antibusing language was offered in a very deliberate way to incite passions to the point where passion rules, and logic, the rule of law, and adherence to the Constitution disappear.

I stated my position, that I suspect that we are going to have much of this kind of nonsense in the months ahead; and for that reason, I chose this moment and this amendment to draw the line. Nothing of this nature—in other words, nothing that is directed against the civil rights of all Americans, nothing that smacks of being unconstitutional—is going to be achieved easily in this session of the U.S. Senate.

I am not saying that I expect victory today, because, clearly, the votes are not here. But I am saying that the protagonists will have to go back to the locker room and get bandaged up and take a few jacuzzis and have a little rest before they will be ready to come back on the field.

I look toward the election of 1982 as being that moment in time when the American people express themselves very specifically on a type of issue which confronts the United States today.

This morning, when I came to the Senate with my stepdaughter, I had breakfast with her in the cafeteria, around 7:30. She asked me what this debate was all about. She asked me as to whether it was a matter of busing, whether that was what Senator HELMS and I were arguing about.

I allowed as to how, certainly, Senator HELMS felt this was a busing matter; but that, in truth, the argument related to civil rights. I told her that civil rights is something that goes far beyond busing, far beyond the relationships among blacks and whites and Hispanics—indeed, civil rights is an issue and is a matter of existence for every American.

Did she know that the rights of her younger brother, who is retarded, fell into the category of civil rights, his education coming, as it does, on the basis of Public Law 94-142; that this law was put on the books by those who were concerned with the civil rights of those who were disabled in mind and body—a law intended to see that the equality of opportunity which should belong to all of us as Americans was also available to this category of citizen?

Did she know that the rights of women fall into the category of civil rights? We have seen, from the statistics I quoted yesterday, aside from those who argue that everything is equal, that both in terms of job opportunity and equal pay for equal work, there is no equality between the sexes in this Nation today; that this is a matter of civil rights.

Did she know that the discrimination practiced against our senior citizens, the elderly, and the court actions that have

taken place on the basis of that discrimination, and the fines levied on account of such discrimination, were matters of civil rights as it pertained to the elderly in this Nation?

Civil rights is really another term for the rights that are bestowed on each of us as Americans by the Constitution of the United States. It is not something that passes with each session of Congress or something that is bestowed by a particular party or a particular philosophy.

If, indeed, the Senate could restrict the ability of the Justice Department and the courts of this Nation to enforce the laws of the Nation and the Constitution of the United States in the instance of education and of desegregation of our schools—if that could be achieved by the Senate of the United States, why, then, as a matter of principle, could not the Senate of the United States, depending on its whim, its philosophy, or its partisanship, say what it is a court could or could not do vis-a-vis the elderly, vis-a-vis women, vis-a-vis the disabled and retarded?

That is why this fight has to take place.

It is not a matter, in other words, of the desegregation of the few schools. It is the principle, that if accepted as a matter of legislation and of constitutional process, would take the independent judiciary and politicize it to the extreme.

There are many court decisions that I disagree with. There are many actions of the Justice Department that I disagree with. But I know that above all it is terribly important that this Senator, indeed this individual, LOWELL WEICKER, not interfere with the judicial process, with the process of justice of this country.

That is the issue that is presented to us today.

Now, the amendment which we are actually passing upon, in the first instance, is not the Helms amendment. What is it that I choose to have come to pass as modifying the concept advocated by the distinguished Senator from North Carolina? The amendment before this Chamber states the following:

Except that nothing in this act shall be interpreted to limit in any manner the Department of Justice in enforcing the Constitution of the United States, nor shall anything in this act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States.

I have to ask my colleagues, my constituents, those present in the Chamber today, is there anything in that language that would make you afraid as a citizen of this country? Is there anything in there to be ashamed of? Or regardless of your philosophy and regardless of what section of the country you come from, or your state in life, is it what you would hope would always be the case? Do you agree or disagree that the Department of Justice shall enforce the Constitution of the United States and the courts of the country will enforce the Constitution of the United States? Do you want anything less than that? Believe me sooner or later, every one of you will enjoy your lesser state and there will be no documents, there

will be no humanity, and no principle to speak up for you.

I urge my colleagues to get to the very important business of this country, among which business clearly is a rededication to the cause of equality of opportunity right across the board for all citizens.

I think it is terribly important that, understanding the origins of our greatness, we rededicate ourselves to seeking out even the one wrong, because in doing that we give to ourselves the spirit that can surmount all obstacles and without that dedication we fast lose our way.

I suppose one of the difficulties that I find with the present national mood is the business of putting everything on the basis of numbers and a numbers game. On that basis, was there ever any reason whatsoever, and now I go back to our earliest days, to advocate a correction of the conditions as they apply to the poor? Certainly, in terms of initial numbers, in terms of political strength, they were not a majority in the United States. Yet their civil rights were being severely restricted.

It is one thing to be a resident of our country. But without an education where is the opportunity? And that education was denied the poor or given in such quality that it did them little good when they did obtain their diplomas.

No. We made a conscious determination that education was important to every one of us, that with it, the horizons were unlimited. So we talked not just about education but an excellence of education to the point where today as I stand here, the quality given from our public educational system is fully the equivalent of that in the private. Yet within my lifetime that was not the case. A good education could only be obtained through the private sector.

So, first, we made the determination to educate and then, second, that excellence would be the essential part of that educational system.

Then we looked around and discovered that indeed there were particular circumstances that attended other members of our society, where they were a minority within a minority. A good example of that was what I referred to earlier, Public Law 94-142 which dealt with the disabled and with the retarded. And we found that the opportunity afforded them was very limited, again understanding that their future very much depended on educational opportunity for them being equal to that of normal children.

It was going to be expensive. It was going to be expensive, but if indeed we were talking about equality then the cost had to be paid.

So today, as I stand discussing this matter, I know that both the lot in life and the prospect that life holds for our retarded and disabled is truly unlimited. That was not the case 5 or 6 years ago.

And believe me I am not about ready to retreat on that commitment or see us go back to the dark ages as to how we view these very special members of our society.

Is there anybody who would deny that we realized early on that there was a very special problem when it came to

those in our society, citizens of this Nation, who because of the color of their skin were receiving an education far inferior to that of the majority? It took a while to both recognize the problem and have the willingness to address it. But finally we did.

It took great assistance from the judicial branch of Government to accomplish this fact. The legislative branch had not tackled the problem and proffered the solution, but with the prodding of the judicial branch, the legislative branch came into the program and we moved into the matter of educational opportunity for all Americans, most particularly in this instance those who were black, those who had either had no education or inferior education for nigh on to 200 years.

There are those who are going to say, as they do in this amendment, "Well, the actions we took have not achieved the hoped-for end." What I have seen done in just a matter of 20 years sure beats the dickens out of what was done for the preceding 180 years.

I saw the States handle the matter, as did everyone else. We saw the private sector handle the matter, as did everyone else. What was required of us as a people to live up to the words we have in our Constitution was indeed expensive in terms of lifestyle and money.

But why is it then today, some 20 years later, there are blacks in positions of authority, in business, in the law, in medicine, in government? Why, if all this was a failure, is the complexion of America so different in terms of those who are in the leadership of this Nation?

The fact is on the basis of results, not speculation. What this Congress and the courts devised was not a failure. What we are being asked here today is to return to that time of doing nothing, and again clearly that bottom line result speaks for the failure of that approach.

Mr. President, I wonder if I might have order?

The PRESIDING OFFICER (Mr. GORTON). The Senate will be in order.

The Senator from Connecticut may proceed.

Mr. WEICKER. On what basis does this body presume to inject itself into the justice process? Certainly, we have the right to make the laws, certainly the right, especially in the Senate, as a matter of advise and consent, to play a role in the appointment of judges.

What we are saying here today is even though we have a role to play in the appointment of judges, even though we are going to make the laws, in other words, we are going to have the players on the field, we are going to make the rules of the game, but then if the game does not go the way we want it to go, we want to be able to cancel out everything we have done.

What I am saying here today basically to all of that is "No, no." We started it, and we are going to now have to see what the finish holds for all of us as citizens of this country, whether we are Senators or whether we are a part of those whom we serve, the citizenry of the Nation. We are not going to get more than one swing at the pitch of justice in this country.

I saw the same process take place with

many of our regulatory agencies, where Congress, having set up the agency in hopes of remedying a particular problem or advancing a particular opportunity in this country, then did not like what the agency did, so they said, "We are now going to go ahead and control it by keeping a hand on funding."

There are tough decisions to be made in this country, very tough decisions. But if we choose to follow the route of assigning them either to an agency or to a court, then we have to accept the consequences of that buck-passing.

I want to cite again the example of what happened right here on the floor of the Senate in the past session of Congress when the exact same language, the exact same scenario, took place: Senator HELMS coming forth with his "antibus-ing," anti-civil-rights language; Senator WEICKER adding his amendment, reaffirming the role of the courts of this country and reaffirming the provisions of the Constitution. I wish I could read you the rollcall of Senators coming up to me on the floor and saying, "LOWELL, you are absolutely right, but this is a political hot potato and, quite frankly, the President can go ahead and handle it. So even if we pass the bill on the floor of the U.S. Senate the President will veto it. It is unconstitutional, LOWELL."

Can you imagine recognizing you are voting for something you perceive as unconstitutional? What kind of an exercise in leadership is that?

Then, having passed on the floor—or rather—the Weicker amendment having lost, the press obviously immediately contacted the White House and the word was sent back. Fortunately, it was not a word that was to hold: President Carter lived up to the title of being President of the United States in this instance. He made the tough decision. But in any event, the initial word out of the White House was, "This is a hot potato and it is more probable than not that the President will let this slide off and let the Supreme Court make the decision as to whether it is constitutional or not."

Just in that time, those few hours, you had a microscopic view of the problem that we find ourselves in today as a Senate complaining about that which "we have no control over either in the judicial or the regulatory sense."

If you choose to have others make the decision, then you are stuck with the decision they make, and that is what people in this Chamber do not like, and if they do not like it, I would suggest to them that they make the decision themselves.

Now there is a solution other than bus-ing to the educational problems which confront this country. But, believe me, my colleagues, Mr. President, it costs money and it is big bucks. The minute you talk that kind of big bucks, you had better start talking taxes, to go ahead and raise them, and nobody wants to talk spending big money and nobody wants to talk taxes. So we would prefer to have somebody else handle it, feeling that would be the cheaper way politically.

Now we are learning it is not so cheap; that in order to go the other route while

achieving a political end here, it is necessary for us to disregard our oath of office to the Constitution of the United States or, rather, even to totally disregard that document itself.

If you want equality of educational opportunity, you want the same physical plant, the best there can be in every school district, the highest quality of teacher you can find, the best programs in every school, absolutely equality, you will have equality of educational opportunity. You will have people attracted to those schools. But that is not the way it works.

The costs will be monumental. I am perfectly willing to vote for that also. I am perfectly willing to vote for that money and those taxes and not have the court decide how we are going to achieve the equality.

I suppose what I am saying to my colleagues in the Senate is that you cannot have your pocketbooks and your prejudices intact. It does not work.

Two hundred years of doing the wrong thing is going to cost. You are going to have to pay for it in dollars, you are going to have to pay for it in lifestyle. The last alternative is you do not have to pay as long as you cheapen or diminish the goal. Then it does not cost as much in lifestyle or money.

You can say to yourself, "Well, that is a great idea, the equality of opportunity. But in this case, we just got to pull it down to a little bit lower level." That is the third way out and that is what I will have no part of; no part of.

We can go ahead and give opportunity to all of those that are disabled and retarded in this country if we go ahead and pay for it in terms of money or in lifestyle, or we can all of a sudden make a new determination at this time in our political history, that, no, really, the retarded and the disabled do not deserve that chance at equality; let somebody else take care of it. We will just go ahead and lower what it is that we dream for them, that we hope for them. We will make life a little bit better, but not quite equal.

As far as our elderly are concerned, something a little bit less than equality; something a little bit less than that which each one of us hope for with all of our strengths and all of our abilities; something a little bit less for the elderly of this Nation.

Do you know what happens eventually? Slowly but surely the whole Nation just comes down a few notches. It is no longer the best. It is no longer what we demanded for ourselves—the best. It is second best. And once you start to think like that, it becomes third best and fourth best and our place on the stage of history as a great nation will have been one of the shortest on record for any nation.

Two hundred years old. Small in population. Not all that big in land mass. Preeminent in the world. And probably more so than any other reason it was that we never settled for second best.

But the dreams as they were pursued—and they were that, they were dreams—as they were pursued they came into a reality that was nothing short of the

dream itself. I do not want to stand on this floor speaking for any part of our society and wish for anything less than what has been given to me, what I have and what I hope for.

Now I realize that society is going to shape its priorities in terms of general policy from time to time and that it is going to shift. That is to be expected in this political process. But there are certain touchstones, certain markings, certain buoys that have to remain constant.

One of those is this Constitution. What is being done out here, in an invasion of judicial and executive independence we cannot in effect amend the Constitution of the United States except as is called for in the Constitution of the United States. You cannot do this by the end-around that is being proposed here by the Senator from North Carolina and the Representative from Texas.

If there are to be different classes of the citizenry, if there is to be different treatment accorded to different classes of the citizenry, then go ahead and pass a constitutional amendment, say so in the Constitution of the United States. But do not go ahead and try to use the authorizing function here to intrude upon the judiciary and the executive branch of the Government in a way that diminishes the civil rights of every American.

Do you think you could pass a constitutional amendment that says the Senate of the United States can tell the Justice Department when it should or should not appear in court on behalf of any one of us? Do you think you could pass a constitutional amendment in this country that says the Senate of the United States shall tell the courts of the United States what they can or cannot adjudicate?

Why, you know that that would not get 1 percent of the votes out there. Not 1 percent. If it be known—I say this not very willingly as a Member of this body, believe me—if you want to put it on a popularity scale, the people of this country far more believe in the judges than they do the Senators. And maybe that has something to do with the perception of integrity and I am now talking about intellectual integrity. Maybe it has something to do with the perception of who it is that is playing politics and who it is that has a commitment to the Constitution of the United States.

I would not let this go up to a constitutional amendment. I think we would fare very badly with this kind of legislation, were the American people to ultimately decide what should or should not be done.

Do you want to know how this divides? Do you want to get into this business of setting one of us against the other? Listen to the amendment proposed by the Senator from North Carolina. Listen to it very carefully:

(D) No part of any sum authorized to be appropriated by this Act shall be used by the Department of Justice to bring or maintain any sort of action to require directly or indirectly the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education as a result of being mentally or physically handicapped.

See what happens? I am supposed to feel grateful as a parent of a retarded child to see I am going to be off the hook. They are not going to do this to my child.

Do you see how this dividing process starts? White and black, those who are whole, those who are somewhat disabled, those who are rich, those who are poor.

No, no. That is exactly what this document makes sure will not happen. That is why there is the Constitution of the United States, because if we were all to become black, if there is only one white, that person would be just as important as all those who are black. We can all be termed normal, and that one normal is just as important. That is what this is all about. It does not play a numbers game. It does not understand numbers. It does not understand majorities.

It says that each one of us is as important as the other.

That is what you want to go ahead and dilute, modify? That is what you are going to adjust downward?

This is great, this is great stuff, this Constitution.

This business of the amendment which says what it is that Justice can do in this country is rot, spelled r-o-t.

I think the job, really, which confronts all of us as citizens is what is left to be done, not to look back and say what is it we have done but what is left to be done.

There is more work out there for our generation on what is left to be done in terms of humanity than any of us will be able to achieve if we spent full time at it in the course of our lifetime. It takes no great advocate, it take no U.S. Senator, no special genius to go ahead and see clearly that education is not equal for all of our citizens. It also take no special genius to understand that really nothing can move forward unless that education is in place for every one of our citizens.

I find it interesting that those who want to cut down on the cost of Government, those who complain about the high cost of welfare, who turn their heads at the enormous unemployment that exists among young people, among minorities, are the same ones who also want to cut back on the education when, indeed, the investment made there takes care of the subsequent problems.

I would hope that the Justice Department, under the Attorney General and under the President, would vigorously pursue in every way the dream of quality of educational opportunities for all Americans, and where somebody is violating the law they not only be told that they are violating the law but they be ordered to straighten out their act. Discrimination is illegal. Segregation is illegal. Separate but equal is illegal. Illegal.

None of these matters being complained about in terms of remedy even come to pass until that first determination has been made, that is that an illegality exists. But apparently now we have a new concept of justice. As long as a majority support the illegality in political terms we say nothing about it. Law and order. Law and order.

Advocates of this legislation before us want law and order. Yes, there is law

and order. This is law and order that I am talking about right now.

An illegality is determined; so what are you going to do about it? Everybody is concerned about somebody running around the inner city doing bodily harm to a victim, and we should rightfully be concerned. But what about the harm that is done by those sworn to uphold the Constitution when they want to ignore the Constitution and ignore the law? Because it is more sophisticated, is it any the less the crime?

It is far more the crime. We are supposed to know better. We have been placed in that situation where, by virtue of economics and education, we, above all, should understand both the consequences of wrongdoing and that which is required to end the wrongdoing.

Because enough people do not agree with the verdict, the judgment, are we saying as a nation that we are not going to obey? Is that what we are saying? Are we going to lead the lawbreakers here on the Senate floor in terms of how we view the Constitution, because we do not like what the Supreme Court does, because we do not like what the Justice Department does? All of a sudden it is no longer what is legal or not, but what we like.

Well, fine, let everybody, 250 million of us, go out and figure out our own set of laws. It is not a matter of what we like. It is not a matter of what brings us the most votes at election time. It is a matter of what law is about. In the separation of powers, when it comes to the Constitution, and when it comes to the right to declare a remedy on an illegality, it is all a matter of law, not what we like or what we think is right or what we think is wrong. It is a matter of the law.

This is a government of laws, not of men, and yet it is slowly being turned around into just that which brought us into being as a nation in the first instance.

It used to be before there was a United States of America that if individuals high enough up did not like the law, they could ignore it or in some instances disobey it. Because that became too common a practice, more than just a few said, "I have had it." And that few came over here and they decided that, at least for them, there was going to be a government of laws, and the epitome of that is embodied in the Constitution of the United States.

Mr. BIDEN. Mr. President, will the Senator yield for a question without losing his right to the floor?

Mr. WEICKER. Of course I yield for a question.

Mr. BIDEN. Is the Senator suggesting that the U.S. Senate and Congress do not have a right to speak to what remedy the Court can use after they have determined there has been a constitutional violation?

Mr. WEICKER. I am saying to the Senator that, if he wants to write the law, which includes the remedy, I suggest he please do so.

Mr. BIDEN. Well, the law is there. The Constitution says and the courts interpreted that separate but equal is not

equal and if the Court finds such a system exists, it can declare it unconstitutional.

Mr. WEICKER. No, it declares it illegal.

Mr. BIDEN. Also illegal, but it declares it unconstitutional. But then it has a number of remedies available to it. One of those remedies, as the law exists now, is busing. One of those remedies is the re-drawing of school district lines. Another of those remedies is to realign the grade structure of the schools; still another remedy is to close certain schools.

So there is a whole array of remedies available to the court just as when someone murders someone else, there are a number of remedies the court has available when it adjudicates guilt. They can send someone to prison for a fixed period of time, or for life, or even put someone to death, in some instances. I always felt that Congress and the legislative branch had the responsibility to speak to those remedies, just as we set sentences for certain offenses.

Mr. WEICKER. Agreed; I say to the Senator he has made my point. He has not spoken—I say he—we as a body have not spoken.

Mr. BIDEN. As I understand the situation here, the Senator is saying that we are proscribing one remedy that should not be used.

Mr. WEICKER. We are saying, one we do not like.

Mr. BIDEN. That is right.

Mr. WEICKER. I suggest that if we want to tackle this problem, we should set forth what the law is and what the remedies are to the courts and the Justice Department. But we should not come in after the fact and say what we do not like when, indeed, we have forfeited our right to say what the remedy shall be.

The Senator is making exactly the point. We chose not to speak on this issue. Now that someone else has spoken, we want to get in. We do not like that.

We should have stood up and spoken in the first instance. We could have spoken in the way, I say the Senator, which is the most meaningful, which was to go ahead and appropriate the moneys necessary to get around this problem. We do not want to do that, either.

What remedies would the Senator suggest are appropriate? I should like to hear his answer. This is a great opportunity for the Senator to lay on the record those remedies which are going to address themselves to declared illegalities in terms of school segregation.

Mr. BIDEN. Mr. President, I should be delighted to do that. Let me make clear for the record that this is not my amendment. I do not think it is the best route in which to go. I think it is fraught with difficulties, but let me respond to the Senator's question.

I remind the Senator that this Senator, from Delaware, rose on the floor of the Senate in 1975 and suggested that busing did not work and that busing was not an appropriate means to deal with the problems facing our society with regard to racially imposed segregation. I remember at that time suggesting that we should, in this body, have a comprehensive approach which would embody

the following measures: We should appropriate large sums of money to be targeted to inner cities primarily, and to poor rural school districts, to deal with the problems of inferior schools. We should also put forward legislation that encompassed some of the following proposals, including the establishment of magnet schools, the establishment of gifted and talented programs in districts that would attract the best and the brightest students on a voluntary basis.

And I remember at that time, some of my colleagues criticizing me by suggesting that I should not be jerry-rigging the whole school system and that what I was attempting to do, notwithstanding my commitment—to spend all that money—that my proposal was not within the prerogative of the Senator and this body. Although I had the right to do it, it was not good policy.

Now here we are, Mr. President, further down the road. I think with the single exception of this busing issue, the Senator's views and my views parallel on civil rights and civil liberties. No one in this body, in the 9 years I have been here, has accused me of not being a staunch advocate of civil liberties and civil rights.

Mr. WEICKER. The U.S. Commission on Civil Rights does, but aside from that—

Mr. BIDEN. The U.S. Commission on Civil Rights does because they do not like my position on busing, one single issue. I am a cosponsor of the Voting Rights Act. As the ranking member of the Judiciary Committee and a member of the committee, I have been associated with every civil rights bill that has come down. I have voted for them, made a contribution to them, and/or initiated them.

The Senator from Delaware has said the single worst thing we can do for the civil rights movement is continue to push a remedy that is extremely counterproductive. It is counterproductive because it undermines the basic support among the majority of American citizens that we need to get in order to pass major civil rights legislation. It is counterproductive even in terms of the goals that it sets out to accomplish; that is, to better the educational opportunities of disadvantaged students in this country. And, most of all, it is counterproductive because it is extremely unrealistic.

What the Senator is suggesting is what many 1960's liberals—and I am not categorizing the Senator as a 1960's liberal—though it seemed to make sense at the time. We decided that we were going to handle the problems relating to segregation in this country, most of which stemmed from housing patterns and employment patterns, by requiring the educational system to solve all of the problems relating to civil rights in this country, notwithstanding the fact that there might not have been an intentional attempt to discriminate within the school system.

If the Senator will recall, and this made some sense—at the time, we were dealing with the outgrowth, as the Senator knows, of busing.

But busing as a remedy did not come early, it came late. The reason it came late is the court got frustrated. The

court said, "Separate but equal is not equal, so we want to do away with dual school systems," and ordered everybody to do that. We had some creative local school systems in States in the South and I categorize my State as part of that. We were segregated by law, something I am not at all proud of.

What happened was that we found that very enterprising local authorities decided, by many different methods, including gerrymandering school districts, a way by which they could avoid the court order. So the court began to evolve a process whereby they would break that down to stop people in those jurisdictions from being able to continue to maintain those segregated school districts.

Mr. WEICKER. If the Senator will yield, I want to make sure the record is clear that the Senator is asking a question.

Mr. BIDEN. Yes, this is a long question.

Mr. WEICKER. Oh, this is a long question.

Mr. BIDEN. That is true, this is a long question.

I shall ask the Senator at the conclusion of this long question if he would like to respond to keep it in the form of an interrogatory. What happened, it seems, is that as we dealt with the problem of doing away with segregatory practices in the South, we had a situation—and I am probably oversimplifying in the interest of time, but I think I am not being inaccurate—wherein black and white people lived together in the same neighborhoods.

But the way living patterns developed in the North was very different. They were somewhat analogous to all other migratory patterns that occurred. When the Italians came, when my Irish ancestors came, when the Poles came, they tended to go to the Irish, Polish, and Italian ghettos, and they tended to live together.

Well, as blacks moved North, they tended, as a consequence of laws being imposed upon them because of where they could and could not live, to live in areas that were not integrated.

If you ride through a small town in most Southern States you will often find a black family and a white family living on the same block. You do not find that very often in the North. So when busing came along as a remedy to solve segregation in the South, it made some sense, because essentially what you had was a black family and a white family living on the same block, but going to separate schools, white to the white school and blacks to a black school. Authorities drew district lines that would literally go between the houses and the yards and down the middle of streets. Consequently, all the blacks would end up in one school and all the whites in another school, even though they lived in the same area.

The courts said, "Look, we look at this imaginary town of Smithville, with a population of 40 percent black and 60 percent white, but, coincidentally, the two schools in Smithville, one is 100 percent black and one is 100 percent white. Something is rotten in Smithville. So we

will tell you what we are going to do, Smithville. We are going to require you to prove you are not segregated by putting in a racial balance test. We are going to apply numbers. The schools had better reflect a 60-to-40 white-black ratio because we know that in Smithville, 60 percent to 40 percent of the population is the white-black breakdown and it is an integrated breakdown."

But when they got up North, in New York, Connecticut, Michigan, and other places—and I am not suggesting that northerners are any less prejudiced, any more good spirited, any better than southerners; but because of the way the living patterns developed, you found in Smithville, Pa., the blacks all lived in one corner of Smithville and the whites were interspersed in the rest of Smithville. There was no integration in the living pattern, so you had a reverse dilemma.

In the South, you had integrated living patterns and segregated facilities, whether it be the schoolbus, the park fountain, or the local transit authority. In the North, you had, by and large, integrated facilities but segregated neighborhoods.

So the court came along, and, understandably, out of the evolution of their frustration, applied the same method designed to solve the Southern dilemma in the North.

But guess what that meant. That meant a very preposterous arrangement, whereby they had to attempt, through the school system, to rearrange a living pattern that had developed, some of it by happenstance but much of it as a matter of law.

Instead of going in and bringing actions against developers, housing complexes, and individuals based on the fact that they had restrictive covenants as to where people could live, instead of demanding, as I have suggested over the last 8 years, that when we build Federal housing, you had better have some blacks living in that housing project instead of suggesting that you had better have low-income housing interspersed with middle income housing; instead of attacking the problem, which was housing, they went to the schools and said, "Now, look, you education folks in the schools, you take care of all our social problems. You may not be able to adequately teach kids how to read, write, add, and subtract; but, in addition to not being able to teach kids how to read, write, add, and subtract, we want you to teach them to be sexually well adjusted, to be good citizens, and solve the problems that relate to segregation in America."

Some school officials said that does not make a lot of sense, but because many school district authorities were mean spirited, and had participated in actions that were racist or had racist intent, those of us who are considered liberals and moderates kept our mouths shut because we did not want to be seen as supportive of George Wallace who was standing in front of the school door. We did not want to be associated with that. So we did not look very closely at what was happening. It was just very fashionable to say, "Hey, guess what? This is

civil rights. Therefore, I'm for it." And busing became defined as civil rights.

My question is almost over.

[Laughter.]

So what happens is that now some of us who have been associated with the civil rights movement—and I believe I have some credentials in this area. When I was in high school and college—I do not know where the Senator was then, since I got elected a little after he did—I was riding buses, sitting in on Route 40, integrating restaurants, and all that kind of thing.

I was a criminal defense lawyer, who represented the Black Panthers of my city at one time.

But even some of us guys said, "Hey, look, busing is not working. It's dividing the country. It's moving the civil rights movement backward, not forward. It's not helping education very much. It's not the way to attack the problem."

If you have a problem in housing, go to housing. If you have a problem in education, go to education. If, in fact—and I am sure the Senator agrees—the school district was intentionally designed to keep blacks out or anybody out, then we should use whatever methods are available to eliminate that segregation even if it means redrawing the whole school district line.

But that is not what is happening now. We have Federal judges, well-intentioned men and women, who sit and say, "You know what, it looks like Wilmington, Delaware, and New Castle County are 21 percent black. Therefore, it seems like a good idea that every school district in the area and every school be 21 percent black."

The fact that blacks do not live in the same neighborhoods that whites live in and the fact that there is no evidence that the people up in that school district did anything to keep blacks from going to the school, does not matter, because we have an objective. The objective is to integrate society.

That may be a laudable social objective, but it is not a constitutional imperative. There is a distinction between integration and eliminating segregation.

Now, here is my question: Will the Senator acknowledge that there could be a school that was absolutely 100 percent black and not be segregated? Does the Senator think such a circumstance could exist? A 100-percent black school, not one white person, and that school not be segregated. Is that possible?

Mr. WEICKER. That is possible.

Mr. BIDEN. I yield the floor.

Mr. WEICKER. I say to the Senator that, as he knows—

Mr. BIDEN. Not that I have had it.

Mr. WEICKER. The Senator cannot get off the hook that easily.

Mr. BIDEN. If the Senator asks me a question, I have the floor, and then he is in trouble. [Laughter.]

Mr. WEICKER. I will be glad to try to elicit from the Senator a response.

Let me put it this way: Will the Senator deny his previous act? The amendment now before the Senate is an amendment that says: "except that nothing in this Act shall be interpreted to limit in any manner the Department of Jus-

tice in enforcing the Constitution of the United States nor shall anything in this Act be interpreted to modify or diminish the authority of the courts of the United States to enforce fully the Constitution of the United States."

After that very fine and articulate presentation as to the Senator's commitment to civil rights, this amendment does not mention the word "busing," has nothing to do with busing whatsoever. It merely is an affirmation of the right of the Justice Department to enforce the Constitution and the courts to enforce the Constitution.

Does the Senator intend to vote for that amendment?

Mr. BIDEN. I intend to support the right of the Justice Department to enforce the Constitution, but I would be very happy to vote for that amendment if we had a little dialog here and the Senator acknowledges that the intent of that language is in no way to diminish the intent of the original amendment of Senator HELMS, which is to get the Justice Department out of the busing business.

Mr. WEICKER. Let me put it this way: The Senator knows a lot better than I do that he already has voted against this amendment once before, last year.

Mr. BIDEN. That is right.

Mr. WEICKER. The Senator was not voting against busing. He was voting against the rights of the Justice Department and the courts to enforce the Constitution. That is what he voted against.

Mr. BIDEN. That is not correct.

Mr. WEICKER. That is correct. That is all the amendment said. Now the Senator is saying, "I will be glad to vote for it as long as that enforcement role is one which I agree with."

Come on. The Senator knows our Constitution just as well as I do. He knows the whole intent of the three separate branches of Government is that we maintain the independence of each and we do not make an incursion on each other's responsibility which in effect detracts from the independence of each one of those branches.

I know what is going on here and so does the Senator from Delaware.

I stated at the outset, No. 1, this is not even a busing argument. It is a constitutional argument. It is a civil rights argument. Busing is a nifty political buzz word and one that might incite passion and get votes or turn off votes, whatever.

We find we have to make a choice now in picking against a constituency and reelection and defending this Constitution.

I do not think busing is such a hot idea as far as the State of Connecticut is concerned. I know I am not going to tell the courts and I am certainly not going to go ahead and tell the Justice Department what it can or cannot do to protect the rights of all the citizens of my State.

That is what is at issue.

So I repeat as I stated at the outset of this argument. Busing is a very convenient way to take attention away from the

principal issue which is: If this type of legislation passes, then every time the justice and the court system does something that we do not like, we move in, but otherwise they can handle all the dirty problems that we shove out of our Chamber.

Last, the Senator mentioned the additional funding for education, that he voted for that every time.

I have not taken a look to see exactly what the rollover was.

I also proposed an amendment which proposed a tax to go ahead and raise the money. I had no support in the Chamber.

It is fine to say we are going to vote a little money here to go ahead and take care of this problem. But what about the taxes to pay for that?

Mr. BIDEN. I support the Senator on that.

Mr. WEICKER. I do not think the Senator did that. I do not think I had a vote in the Chamber. It is easy to figure out where everyone is.

Mr. BIDEN. I am not sure of the interpretation of the Senator's amendment.

Mr. WEICKER. I think that the Senator has every right to go ahead and pronounce his judgment on the educational system of this country and how it is that we have or have not succeeded in desegregation efforts.

I said here at the outset and repeat, as I do not think the Senator was in the Chamber when I said it before, I have no hair shirt on about what the public education system of the United States accomplished.

Maybe again the Senator is sensitive to these little articles that appear that SAT scores have gone down and some people cannot read and write.

When I see what has been achieved, it has been an enormous success. With whatever shortcomings it has, like anything else where one tries, one is going to stumble to some degree, but the public education system of this Nation has nothing to apologize for.

No. 2, for whatever disagreeableness and failures might have occurred in the desegregation effort, the fact is desegregation has occurred, but it only occurred not only as a matter of law but as a matter of total commitment by the leadership of the political constituency, whether that happens to be national, local, or State.

That probably is more important than any law that has been written.

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

Mr. WEICKER. I yield, but I wish to protect my right to the floor at this juncture. I am more than willing to accommodate the leadership in whatever the leadership wishes to do. I want to protect my right to the floor.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate disposes of S. 1193 and resumes consideration of S. 951 that the Senator from Connecticut (Mr. WEICKER) is recognized.

The PRESIDING OFFICER (Mr.

COHEN). Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF STATE AUTHORIZATIONS, 1982 AND 1983

Mr. STEVENS. Mr. President, I ask unanimous consent, pursuant to the order previously entered, that the Senate now turn to the consideration of Calendar Order No. 96, S. 1193, the Department of State authorization bill.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. PERCY. Mr. President, today the Senate will consider S. 1193, a bill authorizing appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, the Board for International Broadcasting, the Arms Control and Disarmament Agency and the Inter-American Foundation.

The total amounts authorized by this legislation for fiscal years 1982 and 1983 are \$3,124,105,000 and \$2,837,034,000 respectively. This represents a cut of \$26,250,000 from the administration's fiscal year 1982 request and \$32,250,000 from the administration's fiscal year 1983 request. Despite these reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

I ask unanimous consent that the following table which compares the administration's requests with the committee's recommendations be printed in the RECORD:

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

ADMINISTRATION FUNDING REQUESTS—FISCAL YEARS 1982 AND 1983

[In thousands of dollars, fiscal years]

	1981 authorization	1981 appropriation (CR)	Revised 1982 request	Revised 1983 request	Committee 1982 recommendations	Committee 1983 recommendations
Department of State:						
Administration of foreign affairs.....	1,009,895	948,139	1,318,754	1,248,059	1,318,754	1,248,059
International organizations and conferences.....	525,082	516,941	563,806	554,436	523,806	514,436
International commissions.....	26,081	24,713	22,508	22,432	22,508	22,432
U.S. bilateral science and technology agreements.....	1,400	1,400	3,700	3,700	3,700	3,700
Migration and refugee assistance.....	517,298	456,241	553,100	460,000	560,850	467,750
Total.....	2,079,756	1,947,434	2,461,868	2,288,627	2,429,618	2,256,377
International Communication Agency.....	465,944	447,915	561,402	482,340	561,402	482,340
Board for International Broadcasting.....	86,787	99,700	98,317	98,317	98,317	98,317
Inter-American Foundation.....	15,964	15,964	12,000	(¹)	12,000	0
Arms Control and Disarmament Agency.....	20,645	17,000	16,768	(¹)	18,268	(¹)
Asia Foundation.....	4,100	4,100	0	0	4,500	0
Total.....	2,673,196	2,532,113	3,150,355	2,869,284	3,124,105	2,837,034

¹ Such sums as may be necessary.

Mr. PERCY. In addition to authorizing funds for the above-mentioned agencies, other sections of this legislation: Earmark \$18,750,000 for the resettlement of Soviet and Eastern Europe refugees in Israel; earmark \$2,085,000 for the reopening of consulates in Turin, Italy; Salzburg, Austria; Goteborg, Sweden; Bremen, Germany; Nice, France; Mandalay, Burma; and Brisbane, Australia; earmark \$45,800,000 in fiscal year 1982 and fiscal year 1983 for the Organization of American States; earmark \$1,500,000 for the International Committee of the Red Cross for its prison visitation program; require that the fiscal year 1982 and 1983 assessed contributions to the United Nations be an amount equal to the assessment minus 25 percent of the budget of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Special Unit on Palestinian Rights; provide for an ex gratia payment of \$81,000 to the Government of Yugoslavia as an expression of concern for the injuries sustained by a Yugoslav national as a result of an attack on him in New York City; grant authority to the Secretary of State to extend the duration of passports and to raise the passport fee; provide the legal authority to pay arrearages in the U.S. assessments for the International Institute for the Unification of Private Law and the Hague Conference on Private International Law; remove the legislative ceilings on the assessments to the Pan American Railway Congress and Institute of Geography and History; establish the position of the U.S. Representative to the International Organizations in Vienna; authorize the Department of State to lease living quarters for the U.S. staff at the U.N.; establish a Buying Power Maintenance Fund in the Department of State; authorized \$4,500,000 for the Asia Foundation in fiscal year 1982; authorize \$12,000,000 for the Inter-American Foundation in fiscal year 1982; provide an additional educational round trip for dependents of Foreign Service personnel; provide various changes in the administrative authorities of the International Communication Agency (ICA); mandate the threefold increase of ICA's exchange-of-persons programs over the next 4 years; merge the Board for International Broadcasting with the Board of Directors of RFE/RL, Inc.; modify ACDA's security

clearance requirements to facilitate the prompt assignment and assumption of duties of former military and Foreign Service officers; authorize research by ACDA in all aspects of anti-satellite activities; and repeal various obsolete provisions of foreign affairs law.

In conclusion, Mr. President, I wish to commend the Foreign Relations Committee for taking the administration's funding requests, which had already been severely pared by the Office of Management and Budget, and finding other areas of savings to bring this bill to the floor below the President's budget.

Mr. President, I certainly commend the staff director of the majority, Mr. Ed Sanders and also Mr. Christenson, the staff director of the minority, because of the fine way they have worked with staffs and with the Senators to bring about this budget.

I hope my colleagues will keep this in mind in considering this legislation and support the bill as reported by the committee.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, this bill, the Foreign Relations Authorization Act for fiscal years 1982 and 1983, provides the authority to run the Department of State, the International Communication Agency (ICA), the Board for International Broadcasting (BIB), and the Arms Control and Disarmament Agency (ACDA). These agencies are the principal instruments for advancing American foreign policy interests around the world and, as such, play a role as important as that of the Defense Department in enhancing America's security.

I am pleased to report that, thanks to a proposal offered by Senator GLENN, the committee was able to come in with a budget lower than that of the administration. The Glenn proposal—which simply accelerated the administration's deferral program for contributions to 15 international organizations—saved \$40,000,000. This increase allowed the committee to better support certain deserving programs, notably in the area of humanitarian assistance, and still make substantial savings.

This bill provides a barebones authorization for our foreign policy agencies and it is certainly in line with the reductions being made across the board in

Government programs. In the long run, however, I am deeply concerned about the erosion of support for our foreign policy agencies.

For example, since 1960, the number of Foreign Service officers has declined from 3,717 to 3,564. In exactly the same period, the workload for these men and women has increased considerably. The number of embassies, consulates, liaison officers, and missions to international organizations has increased from 165 to 224, while consular work has increased 900 percent and Washington's demand for reporting cables has increased 400 percent.

In the area of our public diplomacy there has been a similar decline—the number of Fulbright participants is now 5,500, down from 9,000 in 1966. The international visitors program has declined from over 2,000 in 1966 to less than 1,600 today.

We must recognize that effective public and private diplomacy is a critical component of our national security. Diplomacy is also cost effective.

This bill contains several modest proposals—notably amendments to reopen seven consulates closed during the previous administration, and to increase our exchange programs—which will enhance the U.S. presence worldwide. I hope it will be the beginning of a process of strengthening our vitally important diplomatic arm.

I would add that this bill was arrived at in a consensual way with cooperation between the majority and minority staffs.

UP AMENDMENT NO. 156

(Purpose: Technical Amendment)

Mr. PERCY. Mr. President, before recognizing the distinguished Senator from Florida, I would just like to take a moment to send to the desk an unprinted technical amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 156.

On page 11, line 17, strike the words "no less than".

Mr. PERCY. Mr. President, this amendment is technical in nature and is designed to eliminate ambiguity with respect to section 113. The current language could be interpreted to imply that

no less than \$20 million of the buying power maintenance fund must be used every time there is an adverse fluctuation in the currency rate. This is not the intent of the committee and I wish to delete the words "no less than" found on page 11, line 17 of S. 1193.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY).

The amendment (UP No. 156) was agreed to.

Mr. PERCY. Mr. President, I believe the Senator from Florida would care to seek recognition for her amendment.

Mrs. HAWKINS addressed the Chair. The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 68

(Purpose: To provide for distribution within the United States of the film entitled "In Their Own Words")

Mrs. HAWKINS. Mr. President, I call up my amendment No. 68 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida (Mrs. HAWKINS) proposes an amendment numbered 68.

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

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

The amendment is as follows:

On page 23, between lines 5 and 6, insert the following:

DISTRIBUTION WITHIN THE UNITED STATES OF THE FILM ENTITLED "IN THEIR OWN WORDS"

SEC. 203. (a) Notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431)—

(1) the Director of the International Communication Agency shall make available to the Administrator of General Services a master copy of the film entitled "In Their Own Words"; and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to the applicable appropriation of the International Communication Agency.

Mrs. HAWKINS. Mr. President, this amendment permits the International Communications Agency to release one of its films for public viewing in the United States. First, I would like to mention and commend the Cuban-American National Foundation, and Of Human Rights, two nonprofit organizations that are faithfully informing the American people about Caribbean politics. Let me explain the background.

This film, "In Their Own Words," is a pictorial essay of the economic and social failure of the Communist government of Cuba. The conditions described by many of the Cuban refugees in the

film account for the massive exodus from Cuba a year ago. The film tells of a crippled economy and an oppressive regime, but more importantly it puts a human face on the countless refugees who risked their lives to begin anew in the land of the free and the home of the brave. For most of us the Cuban refugees are merely statistics on the front pages of our newspapers. This film reminds us that the refugees are people—desperate and brave people. They are people who want to live in freedom and who want an opportunity to better themselves and the lot of their children.

As a Senator from Florida, I am especially concerned about the activities of Fidel Castro and the Cuban regime in the Caribbean. Cuban involvement in Nicaragua and El Salvador, and the failure of the Cuban economy resulting in the huge Mariel boatlift have sent shock waves throughout my State. For most Americans these concerns are abstract foreign policy problems, but for the people of the State I represent they have a real, everyday impact on their lives. I believe that Cuban interventionism and mischief in the region must be brought to an abrupt halt. I also believe that this administration is well prepared to stand up to the Cuban interventionism in the Caribbean. But more than this can be done.

For almost two decades Castro has taken every opportunity to spread his revolution—both by words and by bullets. But what of Castro's revolution? Nothing has shown the world more eloquently the hypocrisy of the Cuban revolution than the pictures of thousands of Cubans boarding anything that floats in the hope of escaping Castro's island paradise. Is this what Castro wants to export? Many people are ignorant of the dismal record of the Cuban economy which is subsidized by the Soviet Union to the tune of \$45 million per day. They are also unaware that freedom and justice are nonexistent in Castro's island domain.

For this reason, I am offering this amendment that will permit the International Communications Agency to release the film "In Their Own Words." As the title suggests, this film allows the Cuban refugees themselves to tell of the oppressive conditions in Cuba. The film provides an explanation for the massive boatlift that inundated Florida last year.

As most of my distinguished colleagues are, I am sure, aware, International Communications Agency films may not be released to be shown inside the United States except by the approval of both Houses of Congress. The House of Representatives has already passed this amendment, in the form of H.R. 2884, by an overwhelming voice vote. By acting in this fashion we will greatly facilitate the speedy release of this film.

This is not an unusual request. The Congress has acted on a number of occasions to grant permission for the viewing of International Communications Agency films inside the United States. Since 1965, Congress has exempted over 35 ICA films, and the Agency has indicated to me that they

have no objection to the release of this film. I believe that this film will dispel much of the ignorance that surrounds Cuba, and I have indications from my constituents that if the ICA releases this film that it will be aired in Florida.

Florida has been made to bear the responsibility for the massive exodus from Cuba last year resulting from failed economic and social policies under Castro. America opened wide her arms for the Cuban refugees and then left the people of Florida to bear the burden. Floridians are a generous and giving people, but they have been called upon to give too much. The rest of the Nation has turned its back on the Cuban refugee problem. For example, last week the Senate Labor and Human Resources Committee denied a national responsibility in finding solutions to the Caribbean refugee problem by cutting by more than one half the funding for Cuban/Haitian refugee assistance. I believe that we must develop a national policy to prevent a recurrence of the Cuban boatlift—the people of Florida can be asked to bear no more.

Clearly, the blame for the plight of refugees lies with the disastrous socialist policies of the Cuban regime, but the immediate problems stem from decisions made by other administrations. The innocent ones in this situation are the stalwart people of Florida, and the refugees themselves. Certainly no one can condemn the Cuban refugees for seeking a better life across the water as did almost all of our forebears.

Except for the criminals that Castro sent over with the refugees, who should be treated as such, the refugees are victims of a stagnant, oppressive Cuban regime. This amendment which I am proposing will make the Cuban refugees more real and human to those who view the film, and I urge my distinguished colleagues to give their full support to this amendment.

Mr. President, I move the adoption of the amendment.

Mr. PERCY. Mr. President, with respect to the amendment offered by our distinguished colleague from Florida, I ask unanimous consent to have printed in the RECORD at this point a letter and accompanying materials dated April 15, 1981, which I received from Thomas Houser.

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

THOMAS J. HOUSER,
Alexandria, Va., April 15, 1981.

HON. CHARLES H. PERCY,
Dirksen Senate Office Building,
Washington, D.C.

DEAR CHUCK: You recently received a letter from Marcelino Miyares who was helpful to us in our early campaigns in the 60's. Marcelino is asking you to introduce a bill in the Senate that has already been introduced in the House—H.R. 2636. In the interest of fair representation with what has happened with respect to the Cuban refugees, it would seem that the bill has considerable merit.

I am curious as to why a law exists prohibiting the International Communication Agency (ICA) from distributing its materials within the U.S. It seems to me that this law would have a tendency to protect the distribution of inaccurate facts as they may be distributed in foreign countries.

Because of your very busy schedule, you

may choose not to introduce this bill yourself but have one of your colleagues on the Senate Foreign Relations Committee introduce the bill on the Senate side.

Trust all is well.

All best wishes,

THOMAS J. HOUSER.

OMAR.

Chicago, Ill., April 9, 1981.

Hon. CHARLES H. PERCY,
U.S. Senate,
Dirksen Building,
Washington, D.C.

DEAR SENATOR PERCY: The purpose of this letter is to ask you to introduce a bill in the Senate similar to the House Bill H.R. 2636 introduced by Congressman Benjamin A. Gilman.

The bill was introduced to make it possible for the film, *In Their Own Words*, produced by the International Communications Agency (ICA) to be distributed in the United States. Present law prohibits ICA to distribute its material within the U.S.A. Precedents do exist in the form of amendments as in the case of films about George Meany, Margaret Mead, John Kennedy, etc.

Distribution in the U.S. of this film is important because it presents the reality of many of the new Cuban refugees. It shows clearly that many endured unspeakable hardships to come and to escape, not only the economic situation, but artistic repression and the absence of basic freedoms. Just as important is that the overemphasis placed by the press on the negative aspects and difficulties encountered in the arrival and resettlement process—already one year long—may be offset by the reality of "Their own words" to provide a more balanced presentation.

It is also relevant to note that Castro's government has produced two films about the exodus which predictably portray the refugees as undesirables and which are being distributed in the U.S.

I trust you will do everything in your power to make it possible for a part of the truth to be communicated to the people of the United States.

Cordialmente,

M. MIYARES.

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the International Communication Agency shall, upon receipt of reimbursement for any expenses involved, make available to the Administration of General Services, for deposit in the National Archives of the United States, a master copy of the film entitled "In Their Own Words", and the Administrator shall make copies of such film available for purchase and public viewing within the United States.

Mr. PERCY. Thomas Houser was a prominent Chicago attorney with the Burlington Railroad. He took leave of absence from that post in order to become a campaign manager for me when I ran for office early in my political career. He subsequently has served as Deputy Director of the Peace Corps, as a Commissioner of the Federal Communications Commission, and is presently general counsel for the National Association of Manufacturers.

Even though Florida is my own native State, I spent only 6 months there. When I received a letter dated May 6 from my distinguished colleague, Senator PAULA HAWKINS, I felt it more appropri-

ate that she introduce and call up this measure than myself.

I would be very honored to be a cosponsor and ask unanimous consent that I be added as a cosponsor.

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

Mr. PERCY. Mr. President, I know of no objection on this side of the aisle. I turn to my distinguished colleague, the minority manager of this bill for his reaction.

Mr. PELL. I think it is a fine amendment and we are glad to support it and recommend its adoption.

Mr. PERCY. I fully support it. We have no objection. We ask that it be accepted by the Senate.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 68) was agreed to.

Mr. PERCY. I thank my distinguished colleague.

I yield to my distinguished colleague from Indiana.

UP AMENDMENT NO. 157

(Purpose: To oppose efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press)

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

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. QUAYLE for himself and Mr. MOYNIHAN) proposes an unprinted amendment numbered 157.

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

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

The amendment is as follows:

At the bottom of page 28, add the following:

UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION

SEC. 502. (a) The Congress finds that—

(1) the First Amendment of the Constitution of the United States upholds the principle of freedom of the press;

(2) Article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers";

(3) the signatories to the Final Act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds", and to support "the improvement of the circulation of, access to, and exchange of information";

(4) the Constitution of the United Nations Educational, Scientific, and Cultural Organization itself is committed to "promote the free flow of ideas by word and image"; and

(5) a free press is vital to the functioning of free governments.

(b) The Congress hereby expresses its opposition to—

(1) efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press; and

(2) efforts by some countries further to control access to and dissemination of news.

Mr. QUAYLE. Mr. President, let me briefly outline what this amendment does.

This amendment incorporates a resolution that I introduced on June 9, 1981, which, in effect, shows our opposition to UNESCO's attempt, and that of many members of UNESCO, to establish what they call a "new world information order."

Mr. President, this amendment says, as the resolution says, that the Congress hereby expresses its opposition to:

(1) efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press; and,

(2) efforts by some countries to further control access to and dissemination of news.

Mr. President, this is not a new issue. This issue has been around for a number of years. Since 1976 in particular, the issue of controlling the flow of information has been debated. At the request of some Western nations, including the United States, it has been postponed. It has been postponed for a while, but it is going to be back on the calendar. I feel adoption of this amendment will send a very clear and vital message to UNESCO, and to those who would like to have control of the news media on an international basis—the United States will have no part of it.

Freedom of the press is very fundamental. It is inherent in our Constitution. It is one of the principles that has made this country what it is today.

There are those who say that the Western media distorts and slants against their countries. What UNESCO will want to do, if they get their way, is to license journalists. How ridiculous does this have to become before someone stands up and says something?

The licensing of journalists by UNESCO, the licensing of journalists anywhere in a free society, is repugnant to those who believe in inalienable human rights.

Make no doubts about it, Mr. President, that if we, as Members of the Senate, do nothing, and if we say nothing, this movement will continue to grow. It will grow like a cancer on the human soul and the human spirit.

We have the club, if you want to call it that, which is funding UNESCO, about 25 percent, or \$45 million a year. That is a club we do not want to use, but I, as one Member of the Senate, would not hesitate to use it if they continue to go forward.

Mr. President, this amendment is very simple, very direct. It says that we are against the regulation of the news content; that we are against any type of attempt to control the free flow of information; that we feel that the best way to have progress internationally is to have the competition of ideas, to have a free press, to have free access. If we begin to "license journalists," this action, I feel, will have far greater repercussions than anything that has come before this body.

Mr. President, I hope this amendment is agreed to. I hope the Senate will go

on record at this time to oppose efforts to curb the free flow of information by seeing the so-called new world information order for what it actually is.

It is not 1984 yet, but George Orwell was not too far off when he was talking about how Government is going to control everything.

Well, government—international government, domestic government—should not even think about controlling the press and inhibiting a free press' access to facts and information. It is through facts and information and the competition of ideas that, as a country in a very interdependent world, we shall have progress.

I thank the Chair.

Mr. President, I ask unanimous consent that a document entitled "Chronology of Events" relating to UNESCO and also the text of Senate Resolution 150 be printed in the RECORD.

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

CHRONOLOGY OF EVENTS

1972—UNESCO identifies the Western news services as instruments for "the domination of the world public opinion . . . a source of moral and cultural pollution".

1974—Soviet representatives to UNESCO introduce a "draft declaration of fundamental principles governing use of the mass media in strengthening peace and international understanding and in combatting war propaganda, racism and apartheid." The resolution asserts the right of governmental control over the mass media.

1976—The West's opposition to the draft declaration forces the vote on the declaration to be postponed for two years. The trade-off for postponement is an agreement to establish a commission to study international communications problems.

1978—UNESCO's conference produces a draft which eliminates all references to governmental control over the media. Western representatives note, however, the "predilection toward state control of the media" within the UNESCO Secretariat.

1980—The so-called Mac Bride Commission issues its report. Western observers find in the report a constant advocacy of pressuring, if not requiring, news media to promote government-established "social, cultural, economic and political goals."

At the 1980 meeting, the West resists more Soviet-backed resolutions to legitimize restrictions on the freedom of the press. The trade-off this time is a commitment to a new body within UNESCO to assist Third World countries in building up their own communications facilities. The West supports the formation of this new body, but the suspicion lingers that UNESCO is oriented toward greater governmental control over the use and flow of information.

1981—In February, the UNESCO Secretariat holds a meeting in Paris to discuss proposals to license and protect journalists and to ensure that they comply with the "generally accepted" ethics of their profession. Only intense pressure from Western delegates and media representatives succeed in opening the meeting and blocking the proposals. The proposals remain, however, on the UNESCO agenda for its next General Conference in 1983.

S. RES. 150

Whereas the first amendment to the Constitution of the United States upholds the principle of freedom of the press;

Whereas article 19 of the Universal Declaration of Human Rights states that "everyone has the right to freedom of opinion and expression; this right includes the freedom

to hold opinions without interference and to seek, receive, and impart information and ideas through any media regardless of frontiers";

Whereas the signatories to the Final Act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds", and to support "the improvement of the circulation of, access to, and exchange of information";

Whereas the Constitution of the United Nations Educational, Scientific, and Cultural Organization itself is committed to "promote the free flow of ideas by word and image"; and

Whereas a free press is vital to the functioning of free governments: Now, therefore, be it

Resolved, That (a) the Senate of the United States of America strongly opposes efforts by the United Nations Educational, Scientific, and Cultural Organization to attempt to regulate news content and to formulate rules and regulations for the operation of the world press.

(b) The Senate also opposes efforts by some countries to further control access to and dissemination of news.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Secretary General of the United Nations and to the Director General of the United Nations Educational, Scientific, and Cultural Organization.

Mr. PERCY. Mr. President, I ask unanimous consent that I may be added as a cosponsor to the amendment of the distinguished Senator.

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

Mr. PERCY. Mr. President, I point out that I have been very proud indeed that the publishers and editors in my own State of Illinois have taken a leadership position in this area. I know that Clayton Kirkpatrick of the Chicago Tribune, who just retired as chief executive officer of the Tribune Co., has taken a strong position.

I feel the amendment is well taken and should be put in the hands of the Department of State to strengthen our position and the position that they have taken at the United Nations.

Mr. QUAYLE. Mr. President, I thank the very distinguished chairman.

Mr. MOYNIHAN. Mr. President, I have the honor to be a cosponsor of the amendment introduced by the distinguished Senator from Indiana, who is leading the Senate in this matter as the United States ought to lead the world. I am delighted to hear that the distinguished chairman of the Committee on Foreign Relations joins us in this matter.

UP AMENDMENT NO. 158

Mr. President, I send to the desk an unprinted amendment to the amendment before us.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) for himself and Mr. MITCHELL proposes an unprinted amendment numbered 158 to amendment No. 157.

At the end of the amendment, add the following new section:

PROMOTION OF FREE PRESS

(a) None of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by

the United States toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if such payment would cause the total contribution of the United States to the United Nations Educational, Scientific and Cultural Organization to exceed its assessed contribution less 25 percent of the amount made available by the United Nations Educational, Scientific and Cultural Organization for projects or organizational entities the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

(b) The Secretary of State shall prepare and transmit annually to the Congress a report on the implementation of this section.

Mr. MOYNIHAN. Mr. President, the object of this amendment, which the Senator from Indiana, and the distinguished chairman of the Committee on Foreign Relations have joined me in cosponsoring, is to put teeth into the statement Mr. QUAYLE and I have offered.

Mr. President, the freedom of the press is under assault from the United Nations Economic, Scientific and Cultural Organization. It is as ironic a thing as has happened in the long history of this organization. The first head of UNESCO was Julian Huxley, that great expositor of the idea of the liberal exchange of views and of competition in the marketplace of ideas. The charter of UNESCO itself declares that "Since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed." It goes on to pledge "unrestricted pursuit of objective truth, and the free exchange of ideas and knowledge".

This has been steadily perverted across the spectrum of UNESCO activities, but in no area has it been more alarming than this, the planned creation of a New World Information Order.

The evaluation of this proposal, it should be known, began in 1975, when the Soviet Union introduced in the general conference of UNESCO a "draft declaration on fundamental principles governing the use of the media in strengthening peace and international understanding and combating war, propaganda, racism, and apartheid."

The objective of the Soviet Union, then as now, was to bring about an alliance of the developing nations and the totalitarian nations to control the movement of information in the way it is controlled in their own countries. The proposal as it comes to us from UNESCO, in the context of its work plan for 1981 through 1983, talks about the "promotion of a free flow and a wider and better balanced exchange of information." We should view this through Orwellian lenses and understand that what this actually means is the promotion of an unfree flow and a narrow and worse and more restricted exchange of misinformation.

Mr. President, the United States has been understanding of the complaints of the developing countries, as have the other countries of the democratic world. In 1976, we met in Nairobi and asked, "Must we go forward with this?" and we agreed to a commission. A commission was appointed, headed by a winner of the

Lenin Peace Prize. May I say, Mr. President, you do not get a Lenin Peace Prize unless you have deserved it.

The PRESIDING OFFICER. May we have order in the Senate? The Senator is making an important point.

Mr. MOYNIHAN. The predictable proposal from a commission headed by a recipient of the Lenin Peace Prize, to legitimize state power over journalists, was presented to the general conference at Paris. The West said, "We cannot have the licensing of journalists. If government gives you the right to be a journalist, it may also deny you that right."

We said, "Can we not help with the technology of information flow?" It is a complex technology. It depends very much on sophisticated and expensive things like satellites. The new nations have a legitimate claim to share the benefits of this technology. We have offered to do so. It is not what they want. They want government control of the press. They want a world press which reflects the press they have, in the main, in their own nations.

In 1980, at the Belgrade Conference, the McBride Commission again came forward. We said, "This is not acceptable to countries with a tradition of a free press. Can we not help you with the technology? Can we not offer our resources in funds and in knowledge?"

A council of 35 members, the International Program for the Development of Communications, was established to oversee the transfer of media technology to the developing world. It was agreed then, at Belgrade in November 1980, that the council would work by consensus, that it would be necessary to have the cooperation of the minority of states which value a free press, for the IPDC to operate. Then, lo and behold, the rules were presented saying decisions would be taken by majority vote, in the same way as they are done in the General Assembly and other UN forums. This should not have come as a surprise. The members of the United Nations, and UNESCO, have long since ceased to respect the obligations of the majority toward a minority. It should similarly not be a surprise when the IPDC, the proposal of the democratic states, does not work.

Mr. President, the views of one Member of this body might not seem to carry very much weight in our deliberation. Allow me to point out that I am joined in this view by others, in addition to my able colleagues who are cosponsors of this amendment. Exactly one month ago, on May 17, in the French village of Talloires, near Geneva, a group of distinguished leaders of news organizations from 20 nations assembled under the auspices of the Fletcher School of Law and Diplomacy of Tufts University. They adopted a statement of principle and purpose in defense of a free press that is called the Declaration of Talloires.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that my amendment be modified by adding eight words at the beginning, as follows: "it is the sense of the Congress".

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment, as modified, is as follows:

At the end of the amendment, insert the following new section:

PROMOTION OF FREE PRESS

SEC. 503. It is the sense of the Congress that (a) none of the funds authorized to be appropriated under paragraph (2) of section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations Educational, Scientific and Cultural Organization if such payment would cause the total contribution of the United States to the United Nations Educational, Scientific and Cultural Organization to exceed its assessed contribution less 25 percent of the amount made available by the United Nations Educational, Scientific and Cultural Organization for projects or organizational entities, the effect of which is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

(b) The Secretary of State shall prepare and transmit annually to the Congress a report on the implementation of this section.

Mr. PERCY. Mr. President, may we have the yeas and nays?

Mr. MOYNIHAN. I ask for the yeas and nays, Mr. President.

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

The yeas and nays were ordered.

Mr. MOYNIHAN. Mr. President, I shall not delay the Senate more than another minute. I would like to advise the Senate of the type of people that met at Talloires to deplore this slide toward an international accord on the harnessing of the free press, which currently preoccupies UNESCO: Mr. Harold Andersen of the Omaha World-Herald, a member of the World Press Freedom Committee; Mr. V. O. Adefela, News Agency of Nigeria; Mr. Maribel Bahia of the International Federation of Newspaper Publishers; Mr. George Beebe of the Miami Herald; representatives of United Press International and the Associated Press. I particularly call to this body's attention, the participation at Talloires of Mr. Peter Gallines, of the International Press Institute, which has kept the conscience of the world in this matter. Also attending were Mr. Murray Gart, editor of the Washington Star and Mr. Georges-Henri Martin, the publisher of Tribune de Geneve, both men of impeccable standards.

All of these individuals rose together at Talloires and said to UNESCO, "No more."

So, too, Mr. President, should the Congress of the United States. As our distinguished Assistant Secretary of State for International Organizational Affairs, Mr. Elliott Abrams, has said the ques-

tion is not the future of the free press. The question is the future of UNESCO. It is time the people at UNESCO were awakened to that fact.

The amendment before us says that it is the sense of Congress that the United States should withhold from its contribution to UNESCO our share of the money UNESCO chooses to spend implementing its misguided New World Information Order. Because we provide 25 percent of UNESCO's operating budget, we should withhold 25 percent of the amount spent on activities whose effect, in the words of the amendment: "is to license journalists or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalist practice or ethics."

I urge my colleagues to adopt this amendment, which will send the message to UNESCO that we are serious about defending that most precious right of a free people, the right of opinion and expression that is both epitomized and guaranteed by a free press.

I ask unanimous consent that the Declaration of Talloires as well as the names of the distinguished signatories be printed in the RECORD.

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

TEXT OF DECLARATION BY INDEPENDENT NEWS ORGANIZATIONS ON FREEDOM OF PRESS

TALLOIRES, FRANCE, May 17.—Following is the text of the Declaration of Talloires, adopted by the leaders of independent news organizations from 20 countries at the Voices of Freedom conference:

We journalists from many parts of the world, reporters, editors, photographers, publishers and broadcasters, linked by our mutual dedication to a free press,

Meeting in Talloires, France, from May 15 to 17, 1981, to consider means of improving the free flow of information worldwide, and to demonstrate our resolve to resist any encroachment on this free flow.

Determined to uphold the objectives of the Universal Declaration of Human Rights, which in Article 19 states, "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers."

Mindful of the commitment of the Constitution of the United Nations Educational, Scientific and Cultural Organization to "promote the free flow of ideas by word and image."

Conscious also that we share a common faith, as stated in the charter of the United Nations, "in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small,"

Recalling moreover that the signatories of the final act of the Conference on Security and Cooperation in Europe concluded in 1975 in Helsinki, Finland, pledged themselves to foster "freer flow and wider dissemination of information of all kinds, to encourage cooperation in the field of information and the exchange of information with other countries, and to improve conditions under which journalists from one participating state exercise their profession in another participating state" and expressed their intention in particular to support "the improvement of the circulation of, access to, and exchange of information."

Declare that:

(1)

We affirm our commitment to these principles and call upon all international bodies and nations to adhere faithfully to them.

(2)

We believe that the free flow of information and ideas is essential for mutual understanding and world peace. We consider restraints on the movement of news and information to be contrary to the interests of international understanding, in violation of the Universal Declaration of Human Rights, the constitution of Unesco, and the final act of the Conference on Security and Cooperation in Europe; and inconsistent with the charter of the United Nations.

(3)

We support the universal human right to be fully informed, which right requires the free circulation of news and opinion. We vigorously oppose any interference with this fundamental right.

(4)

We insist that free access, by the people and the press, to all sources of information, both official and unofficial, must be assured and reinforced. Denying freedom of the press denies all freedom of the individual.

(5)

We are aware that governments, in developed and developing countries alike, frequently constrain or otherwise discourage the reporting of information they consider detrimental or embarrassing, and that governments usually invoke the national interest to justify these constraints. We believe, however, that the people's interests, and therefore the interests of the nation, are better served by free and open reporting. From robust public debate grows better understanding of the issues facing a nation and its peoples; and out of understanding greater chances for solutions.

(6)

We believe in any society that public interest is best served by a variety of independent news media. It is often suggested that some countries cannot support a multiplicity of print journals, radio and television stations because there is said to be a lack of an economic base. Where a variety of independent media is not available for any reason, existing information channels should reflect different points of view.

(7)

We acknowledge the importance of advertising as a consumer service and in providing financial support for a strong and self-sustaining press. Without financial independence, the press cannot be independent.

(8)

We recognize that new technologies have greatly facilitated the international flow of information and that the news media in many countries have not sufficiently benefited from this progress. We support all efforts by international organizations and other public and private bodies to correct this imbalance and to make this technology available to promote the worldwide advancement of the press and broadcast media and the journalistic profession.

(9)

We believe that the debate on news and information in modern society that has taken place in Unesco and other international bodies should now be put to constructive purposes. We reaffirm our views on several specific questions that have arisen in the course of this debate, being convinced that:

Censorship and other forms of arbitrary control of information and opinion should be eliminated; the people's right to news and information must not be abridged.

Access by journalists to diverse sources of news and opinion, official or unofficial,

should be without restriction. Such access is inseparable from access of the people to information.

There can be no international code of journalistic ethics; the plurality of views makes this impossible. Codes of journalistic ethics, if adopted within a country, should be formulated by the press itself and should be voluntary in their application. They cannot be formulated, imposed or monitored by governments without becoming an instrument of official control of the press and therefore a denial of press freedom.

Members of the press should enjoy the full protection of national and international law. We seek no special protection nor any special status and oppose any proposals that would control journalists in the name of protecting them.

There should be no restriction on any person's freedom to practice journalism. Journalists should be free to form organizations to protect their professional interests.

Licensing of journalists by national or international bodies should not be sanctioned, nor should special requirements be demanded of journalists in lieu of licensing them. Such measures submit journalists to controls and pressures inconsistent with a free press.

The press's professional responsibility is the pursuit of truth. To legislate or otherwise mandate responsibilities for the press is to destroy its independence. The ultimate guarantor of journalistic responsibility is the free exchange of ideas.

All journalistic freedoms should apply equally to the print and broadcast media. Since the broadcast media are the primary purveyors of news and information in many countries, there is particular need for nations to keep their broadcast channels open to the free transmission of news and opinion.

(10)

We pledge cooperation in all genuine efforts to expand the free flow of information worldwide. We believe the time has come within Unesco and other intergovernmental bodies to abandon attempts to regulate news content and formulate rules for the press. Efforts should be directed instead to finding practical solutions to the problems before us, such as improving technological progress, increasing professional interchanges and equipment transfers, reducing communication tariffs, producing cheaper newsprint and eliminating other barriers to the development of news media capabilities.

Our interests as members of the press, whether from the developed or developing countries, are essentially the same; ours is a joint dedication to the freest, most accurate and impartial information that is within our professional capability to produce and distribute. We reject the view of press theoreticians and those national or international officials who claim that while people in some countries are ready for a free press, those in other countries are insufficiently developed to enjoy that freedom.

We are deeply concerned by a growing tendency in many countries and in international bodies to put government interests above those of the individual, particularly in regard to information. We believe that the state exists for the individual and has a duty to uphold individual rights. We believe that the ultimate definition of a free press lies not in the actions of governments or international bodies, but rather in the professionalism, vigor and courage of individual journalists.

Press freedom is a basic human right. We pledge ourselves to concerted action to uphold this right.

SIGNATURES

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Hector Wynter, The Daily Gleaner, PO Box 40, Kingston, Jamaica.

Mr. MOYNIHAN. Mr. President, I see that the distinguished Senator from Indiana is on his feet.

Mr. QUAYLE. Mr. President, I should like the record to show that the Senator from New York was a leader in this effort; that he and I had similar amendments coming in today; that this is a joint effort of the Senator from Indiana and the Senator from New York in bringing this matter to the attention of the Senate. The Senator from New York has described it as an international assault on the freedom of the press. I want the record to show that clearly.

The distinguished chairman of the committee is now a cosponsor of this amendment. The Senator from Delaware (Mr. ROHR) wishes to have his name added as a cosponsor, and I ask unanimous consent that that be done.

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

Mr. QUAYLE. I again thank the Senator from New York for his leadership and for his cooperation.

Mr. MOYNIHAN. I thank my learned and gallant friend.

Mr. PERCY. Mr. President, today, by adopting this amendment that I am proud to cosponsor, together with my distinguished colleagues the Senator from Indiana, (Mr. QUAYLE) and the Senator from New York, Senator MOYNIHAN, we make it clear that the Senate of the United States is adamantly opposed to the efforts at UNESCO to regulate news content and to formulate rules and regulations for the operation of the world press.

Press freedom is one of the unique achievements of free societies. As representatives of the greatest free society on Earth, it is right that we express ourselves clearly and strongly on this point. We refuse to stand idly by while others seek to erode freedom of the press.

This amendment expresses the sense of the Senate that U.S. payment to UNESCO will be reduced if UNESCO sponsors efforts to license journalists, or their publications, to censor or otherwise restrict the free flow of information within or between countries, or to impose mandatory codes of journalistic practice or ethics.

I support this amendment with concern for the rights of people throughout the Earth to have access to accurate, objective and comprehensive news, just as we enacted into law a few years ago the Charter of the Voice of America, requiring VOA to establish high standards of journalistic reporting and broadcasting based on press freedom.

I am proud of what we are doing with this amendment. It reflects our national pride in the press freedom we enjoy and which we desire for all peoples everywhere.

Mr. President, I know of no other

Members who wish to speak on this matter, and we are ready to vote. The yeas and nays have been ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York (UP No. 158, as modified). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. PRESSLER) is necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators who have not voted?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—99

Abdnor	Garn	Mitchell
Andrews	Glenn	Moynihan
Armstrong	Goldwater	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hart	Packwood
Biden	Hatch	Pell
Boren	Hatfield	Percy
Boschwitz	Hawkins	Proxmire
Bradley	Hayakawa	Fryor
Bumpers	Healin	Quayle
Eurdict	Heinz	Randolph
Byrd,	Helms	Riegle
Harry F., Jr.	Hollings	Roth
Byrd, Robert C.	Huddleston	Rudman
Cannon	Humphrey	Sarbanes
Chafee	Inouye	Sasser
Chiles	Jackson	Schmitt
Cochran	Jepson	Simpson
Cohen	Johnston	Specter
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
DeConcini	Laxalt	Symms
Denton	Leahy	Thurmond
Dixon	Levin	Tower
Dodd	Long	Tsongas
Dole	Lugar	Wallop
Domenici	Mathias	Warner
Durenberger	Matsunaga	Weicker
Eagleton	Mattingly	Williams
East	McClure	Zorinsky
Exon	Melcher	
Ford	Metzenbaum	

NOT VOTING—1

Pressler

So Mr. MOYNIHAN's amendment (UP No. 158), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. QUAYLE. The vote was on the amendment to the Quayle amendment. Have we voted on the Quayle amendment as amended?

The PRESIDING OFFICER. The Quayle amendment has not been agreed to as yet.

Mr. QUAYLE. All right. I move for its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana, as amended. (Putting the question.)

The amendment (UP No. 157), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEAHY addressed the Chair.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. DOLE. The Senator from Kansas will yield without losing his right to the floor.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that the Senator from Vermont was repeatedly seeking recognition. I would hope that the Chair would recognize Members on this side of the aisle when they clearly seek recognition. Under the rule the first Senator to seek recognition is to be recognized. Of course, it is within the discretion of the Chair and there is no appeal from the Chair's decision. I hope the Chair will be fair in the recognition of all Senators.

I thank the distinguished Senator from Kansas for yielding.

Mr. DOLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. DOLE. Mr. President, I appreciate the comments of the distinguished Senator from West Virginia. But I do believe that we in past months and years have recognized—

Mr. LEAHY. Mr. President, can we have order? The lack of order was the reason why the Chair was unable to hear me, because I was on my feet ahead of the Senator from Kansas. At least if we can have order we can hear now.

Mr. DOLE. Mr. President, I do not think this is unprecedented for the Chair to recognize whomever he may see seeking recognition.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield on that point?

Mr. DOLE. I have been here for 12 years—

Mr. ROBERT C. BYRD. I have been the foremost defender of the minority in the matter of fairness and being recognized by the Chair.

I say it will cause division and strife and great difficulty in this body if the minority feel that the Chair is not being fair in recognizing members of the minority.

I thank the Senator for yielding.

Mr. DOLE. Mr. President, I do not have any quarrel with the distinguished Senator from West Virginia, and I do not think I have much of a quarrel with the Senator from Vermont. I just suggest that we may be able to resolve any differences we have before we do anything on an amendment that is about to be called up by either the Senator from Vermont or the Senator from Kansas, and I would be very willing to discuss that with the Senator from Vermont, and maybe we can work out some approach to this that is not strictly partisan.

It has been my understanding around here for some time that we had a bipartisan policy on nutrition issues. I stood here on the floor a week ago with the Senator from Vermont shoulder to

shoulder on a number of nutrition issues, and I hope we can have the same consideration today.

This involves infant formula, and I think there are some who see a chance for a little—a chance to nick the administration a bit. If that is what the Senator from Vermont has in mind, the Senator from Kansas does not consider that to be a bipartisan approach. The Senator from Kansas is going to do something else, but if we want to work it out so that we take out the language critical of the administration and approach this in a way that I think we should, then we can proceed to dispose of this very quickly.

I would like to ask the distinguished Senator from Vermont if he thinks that is a possibility.

Mr. LEAHY. The Senator from Kansas, Mr. President, will recall that the Senator from Vermont spent a number of hours on the floor last week defending the position of the Senator from Kansas while the Senator from Kansas was necessarily required to be in the Committee on Finance on very significant matters in his capacity as chairman of the Committee on Finance.

And the Senator from Vermont rather arduously argued for and defended and promoted positions taken by the Senator from Kansas and reiterated over and over again the great respect the Senator from Vermont has for the Senator from Kansas' position on nutrition matters.

I would assume that is what the Senator from Kansas—if I might have his attention just for a moment—I assume that that is what the Senator from Kansas refers to as a bipartisan effort. Certainly the Senator from Vermont felt it was.

Now, Mr. President, we may be discussing a moot point. We seem to be in a debate on an amendment or on a resolution which is not before the Senate yet.

The Senator from Vermont would remind his colleagues, including the Senator from Kansas, that the Senator from Vermont has consistently for years, both in Republican and Democratic administrations, taken precisely the same position on the issue of infant formula that he intends to take on the floor today.

The Senator from Kansas served with me on the Presidential Commission on World Hunger. The position that I took there—a position that, as I recall, the Senator from Kansas agreed with in the Presidential Commission on World Hunger under President Carter—is precisely the same position that I would hope to urge here today. It is not a partisan position. I think it is reflected, basically, in the resolution adopted in the House of Representatives yesterday by an overwhelming bipartisan coalition.

It is a case, incidentally, where the resolution that the Senator from Vermont would hope to have before us that would say, among other things, that the Congress would reaffirm the dedication of the United States in the protection of lives to all the world's children and the support of the United States for efforts to improve world health.

Now, if that is not a blessing of not only our country, our Congress, our positions in the administration, I do not know what is.

I realize I am speaking on the time of the Senator from Kansas and, naturally, I yield back to him.

Mr. DOLE. I was just asking a question. I guess the question I asked the Senator from Vermont, if there is an opportunity to let somebody else have the floor and the two of us go back and see if we can agree on some common language. I know the Senator from Virginia would like to be recognized.

Mr. LEAHY. The Senator from New York does also.

Might I suggest to the Senator from Kansas that—

Mr. DOLE. I do not need to be lectured by the Senator from Vermont. If he would like to discuss it, we will discuss it. If not, I will offer the resolution.

Mr. LEAHY. Mr. President, I was seeking to answer the question of the Senator from Kansas. I was not seeking to respond either to his lecture or to make a lecture. I would be perfectly willing to discuss the matter with him and follow his suggestion that we yield to the Senator from New York and the Senator from Virginia and, in the meantime, take up matters which I understand are either speeches or things that are just going to be accepted anyway, and then he may want to suggest that we then come back to this issue.

Mr. DOLE. Mr. President, I think the Senator from Vermont has a resolution, as I understand it, an amendment, and the Senator from Kansas and the Senator from Minnesota have an amendment. There really is not that much difference in the two approaches. I think perhaps in 5 minutes we can work out some language that might be satisfactory to the managers of the bill, the Senator from Vermont, the Senator from Kansas, and the Senator from Minnesota and others who have an interest in this.

And I say this, I hope, in the proper spirit. We do work closely together on the nutrition issues and I do not want that partnership, if that is not an overstatement, to be destroyed in some partisan effort, either by this Senator or any other Senator. So I am certainly willing to accommodate the wishes of the Senator from Vermont and, hopefully, the manager of the bill.

Mr. PERCY. Mr. President, will the Senator yield? I feel compelled to give a sequence of events here that I had agreed to. Senator BYRD approached me and asked if he could speak on a subject pertaining to the last amendment. I assured him that if I went to the Senator from Vermont, who had already indicated that he would ask and seek recognition immediately following the last vote, that he would yield to him. The Senator from Vermont agreed to that procedure. I was seeking recognition so that I might yield to the Senator from Virginia when, at the same time, recognition was sought by other Senators.

I feel that if this matter could be worked out in comity it would be far better. I would suggest we set aside this amendment until such time as it can be

thoroughly discussed. If it is possible to reach an agreement, fine. If not, then let us take them up separately in whatever sequence is determined best.

But I would, at this time, have the Senator from Virginia, Senator BYRD, recognized, which would give us enough time to work out an agreement on this amendment. The Senator from New York has an amendment that he could dispose of rather quickly. It would be logical to take that one up next.

Mr. DOLE. Mr. President I yield to the Senator from Vermont.

Mr. LEAHY. Mr. President, I certainly will advise the distinguished chairman of the Foreign Relations Committee that I have no objection to that.

A few minutes ago, when I thought this was going to be a relatively non-controversial thing, especially considering the vote in the House yesterday, my thought was to bring up my amendment, yield to the distinguished Senator from New York, who has a relatively quick matter, then to the distinguished Senator from Virginia, who said that he wanted to make a few remarks about one of the earlier votes. And then, if we did not go immediately to a vote on my amendment, to ask to have it set aside so that the distinguished Senator from California could bring up a matter that he had on the Peace Corps.

It seems to have broken down into considerably more than that. Maybe it might be good to go to the distinguished Senators from New York, Virginia, and California, and speak with the distinguished chairman of the Finance Committee and find out if, indeed, our views have spread that much apart since last year.

Mr. DOLE. Mr. President, there is no amendment pending, so I agree with the Senator from Vermont. We will, along with the Senator from Minnesota and others who have a direct interest in this, adjourn to some quiet place and maybe we can work it out. If anybody has been offended in the last few minutes, let the record show that it was not intended.

Mr. PERCY. Mr. President, I would ask, in the form of a unanimous-consent request, that the Senator from Virginia be recognized for such time as is required for him to comment on the last amendment; following his recognition, that the Senator from New York be recognized to offer an amendment; following that, that the Senator from California be recognized; and following the disposition of that amendment, the Senator from Kansas be recognized for the purpose of reporting to the Senate whether or not an agreement has been reached on the infant formula amendment.

The PRESIDING OFFICER. Is the Senator making that request?

Mr. PERCY. I am making such a unanimous-consent request.

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

The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I yield temporarily to the Senator from New York.

UN AMENDMENT NO. 159

(Purpose: To restrict the payment of funds by the Department of State to international organizations for projects that would promote the Palestine Liberation Organization.)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an unprinted amendment numbered 159.

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

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

The amendment is as follows:

Page 4, immediately after line 11, add the following new section:

Sec. 104(a). None of the funds authorized to be appropriated under paragraph (2) of Section 102 of this Act may be used for payment by the United States toward the assessed budget of the United Nations, or any of its specialized agencies, which would cause the total contribution of the United States to exceed its assessed contribution less 25 percent of the amount budgeted by such agency for projects of which the primary purpose is to provide political benefits to the Palestine Liberation Organization or entities associated with it.

(b) The President shall annually review the budget of the United Nations, and of its specialized agencies, to determine which programs have the primary purpose of providing political benefit to the Palestine Liberation Organization and shall report to Congress the programs and amounts for which the United States assessment is withheld.

(c) This section shall not be construed as limiting United States contributions to the United Nations, or its specialized agencies for programs for which the primary purpose is to provide humanitarian, educational, developmental and other non-political benefits to the Palestinian people.

Mr. MOYNIHAN. Mr. President, this is an amendment that is supported by both of the distinguished managers of the legislation. It reenacts and somewhat extends two amendments adopted in the last 2 years by which the Department of State was instructed to reduce where appropriate any funds appropriated by the United Nations for the political advantage of the Palestine Liberation Organization.

I believe it has unanimous support on both sides of the aisle. If there is no further debate, I would move its adoption, Mr. President.

Mr. PERCY. Mr. President, there is no objection on this side that I know of.

Mr. PELL. Mr. President, there is no objection on this side.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York (Mr. MOYNIHAN).

The amendment (UP No. 159) was agreed to.

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

Mr. HARRY F. BYRD, JR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Virginia.

THE QUAYLE-MOYNIHAN AMENDMENTS ON FREEDOM OF THE PRESS

Mr. HARRY F. BYRD, JR. Mr. President, I wish to commend the able Senator from New York (Mr. MOYNIHAN), and the able Senator from Indiana (Mr. QUAYLE), for the amendment which was just adopted by the Senate. It is an important piece of legislation. What it does is to send a message to the United Nations that the U.S. Senate believes in freedom of the press; that the U.S. Senate does not favor licensing of the press, and it does not favor regulation by the United Nations of the press in any of the nations of the world.

I think it is an important piece of legislation for the Congress to have considered and the Senate to have enacted. I congratulate both Senator MOYNIHAN and Senator QUAYLE.

DEATH OF JOHN S. KNIGHT

That ties in, Mr. President, with another item, one of sadness. That is the death yesterday of one of the Nation's outstanding newspapermen, John S. Knight.

John S. Knight began his newspaper career some 60 years ago on the Akron, Ohio, Beacon News. As the years went by, he acquired the Chicago Daily News, the Philadelphia Inquirer, the Philadelphia Daily News, the Miami Herald. More recently, he was in the forefront of those who put together the Knight-Ridder organization combining the Knight chain of newspapers with the Ridder chain of newspapers.

Jack Knight was an all-round newspaperman: a writer, an editor, a publisher, a businessman of unusual acumen, one who knew every aspect of the newspaper business.

I think it is typical of Jack Knight that he considered himself first and foremost an editor, and his weekly column, the Editor's Notebook, was one of the best read columns in the United States.

I had the opportunity to serve with Jack Knight on the board of directors of the Associated Press.

Incidentally, I also had the opportunity to serve on the board of directors of the Associated Press with the grandfather of the distinguished Senator from Indiana (Mr. QUAYLE). I am referring to Eugene Pulliam. He was a delightful individual, one of the most interesting, one of the most attractive individuals I have had the opportunity to know and a courageous and independent-minded newspaperman.

I am getting a little off my subject here, but I did want to make a few comments in regard to Jack Knight who was a wonderful friend to me through the years. He helped me so much when I became the youngest member of the Associated Press board. He was so helpful to me, and all through the years I valued highly his friendship. The Nation yesterday lost a great newspaperman and an outstanding American—Jack Knight.

Mr. QUAYLE. If the Senator will yield, I thank the distinguished Senator from Virginia. As one Senator to another and as one former newspaperman to another former newspaperman, I thank him for those kind remarks about my grandfather.

I did not know Jack Knight personally, but my family has been in the newspaper business ever since day 1. I would like to be associated with the remarks of the Senator and I would like to say from my knowledge Jack Knight was a newspaperman's newspaperman. He knew the operation. The Knight-Ridder newspapers are very well respected in this country. They get involved in the community. So often there is some criticism. I am one of those critics of the so-called chain newspapers, but I can say that the Knight-Ridder newspapers take community involvement very seriously. I am glad that the distinguished Senator has brought up this matter and I ask that I be associated with his remarks.

Mr. HARRY F. BYRD, JR. I thank my colleague for his comments.

I do believe the Knight-Ridder organization is a wonderful organization.

I thank the Chair.

Mr. CRANSTON addressed the Chair. The PRESIDING OFFICER (Mr. HAYAKAWA). The Senator from California.

UP AMENDMENT NO. 160

(Purpose: To separate the Peace Corps from the ACTION Agency)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself, Mr. MATHIAS, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. SARBANES, and Mr. BRADLEY, proposes an unprinted amendment numbered 160.

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

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

The amendment is as follows:

On page 28, below line 18, insert the following:

TITLE VI—PEACE CORPS AUTONOMY
SHORT TITLE

Sec. 601. This title may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

Sec. 602. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

Sec. 603. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b) (1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with

the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2) (A) The transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(1) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(ii) the effective date of the transfer of such employee,

whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a) (2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a) (2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

Sec. 604. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

SEC. 605. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect

(1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

SEC. 606. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions of this Act, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 3(b) (1) were equitable.

REFERENCES IN LAW

SEC. 607. References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

Mr. CRANSTON. Mr. President, the amendment I have offered contains the text of S. 1015, as reported by the Senate Foreign Relations Committee on May 15. This amendment would provide for the separation of the Peace Corps from the ACTION Agency.

Mr. President, I am offering the text of S. 1015 to this bill because I feel it is urgent that we take action on this matter now. Despite the strong bipartisan support for S. 1015 on the Foreign Relations Committee, we have been unable to schedule action on this legislation. S. 1015 was reported on a 10 to 2 vote and is cosponsored by Senators PELL, MATHIAS, BOSCHWITZ, BIDEN, GLENN, SARBANES, TSONGAS, DODD, BAUCUS, BRADLEY, HART, KENNEDY, and LEVIN. Although identical provisions are contained in S. 1196, the 1982 foreign assistance bill and virtually the same provisions are in the House companion bill, H.R. 3566, it now appears that action on the House bill is likely to be substantially delayed in the House, and there are apparently similar delays in the Senate's consideration of the foreign assistance legislation. I believe it would be most unwise for us to allow the separation legislation, which has such strong support in both authorizing committees, to fall by the wayside.

As my colleagues will recall, much of

the impetus for the separation of the Peace Corps from the ACTION agency arose out of the nomination of an individual with a background in military intelligence work to serve as the director of the ACTION agency. I strongly felt, as did a number of my colleagues, several former directors of the Peace Corps from both parties, and many, many former and present Peace Corps volunteers, that this action would seriously and substantially undermine the effectiveness of the Peace Corps in underdeveloped nations throughout the world and would, for the first time, provide a factual nexus upon which to base attacks upon the Peace Corps' integrity and its historic separation from the intelligence activities of this country.

However, because a solution to the problem posed by the nomination of Thomas Pauken to serve as the Director of the ACTION agency—the total and complete separation of the Peace Corps from the ACTION agency—had been approved by the Senate Foreign Relations Committee and was about to be approved—as it was the next day—by the House Foreign Affairs Committee, I did not seek to block consideration of Mr. Pauken's nomination.

I took that action because I did not wish to unduly delay the Senate's business and because I believed that we would expeditiously be moving toward consideration of the separation legislation. I was also given assurances by the distinguished Senator from Maryland (Mr. MATHIAS) that Mr. Pauken had promised to keep hands off the Peace Corps and agreement was reached that the Senate would proceed immediately after the Pauken nomination to consideration of the nomination of Loret Ruppe to serve as Director of the Peace Corps, thereby avoiding creating a vacuum in the leadership of the Peace Corps itself. In light of the committee's action and these assurances, we agreed to proceed with the consideration of Mr. Pauken's nomination.

Mr. President, as I indicated, much of the impetus for this legislation was generated by the nomination of an individual with a background in military intelligence to serve as the Director of the ACTION agency. This nomination presented a breach of a tradition of strict separation of the Peace Corps from any connection or appearance of connection with intelligence activities—a tradition which has been adhered to by each successive administration—Republican and Democratic alike—over the past 20 years. There has been much discussion and debate about the degree and extent of the nominee's intelligence training and experience, whether his intelligence activities fell within or without the period for automatic disqualification under existing Peace Corps and ACTION agency regulations, and the extent to which he would be actively involved in Peace Corps activities.

Mr. President, those issues, I believe, are largely irrelevant to the basic problem presented by the nomination of Mr. Pauken. The basic problem is how his nomination would be perceived overseas in underdeveloped, not particularly so-

phisticated communities where legal and technical distinctions between professional intelligence and military intelligence are immaterial.

Mr. President, I do not wish to take the time of the Senate to belabor these issues any longer. Mr. Pauken has been confirmed. Those opposing his confirmation withdrew their opposition to the Senate's consideration of his nomination because we felt that an appropriate approach to dealing with the problem would be through the separation of the Peace Corps from the ACTION agency.

Mr. President, although Mr. Pauken's nomination precipitated much of the current support for separation of the Peace Corps from the ACTION agency, it is not the sole reason nor, in the long run, should it be viewed as the primary reason, although I believe it is highly relevant to our timing in acting on the amendment. Indeed, congressional interest and support for this course of action long preceded Mr. Pauken's nomination. During the last Congress, the House of Representatives approved—by a margin of 276 to 116—legislation removing the Peace Corps from the ACTION agency. The House legislation, however, would have placed the Peace Corps within the then newly forming International Development Cooperation Agency—IDCA—a transfer which many Members of the Senate opposed on the grounds that placement of the Peace Corps within IDCA might make it appear to be simply another part of our foreign aid program and thus deprive it of its uniqueness as a people-to-people program, outside the mainstream of Government programs. The House-Senate Conference Committee rejected this transfer, expressing, however, reservations about the continuation of the Peace Corps within the ACTION agency and indicating the intent of the committees to continue to re-evaluate the issue.

Mr. President, the committee report on S. 1015 delineates the various areas that have caused considerable concern over the continued relationship of the Peace Corps to the ACTION agency. I ask unanimous consent that appropriate excerpts from the committee report, with corrections of certain printing errors, be reprinted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 2.)

Mr. CRANSTON. Mr. President, these areas of concern have focused upon the unnecessary bureaucracy, decline in recruitment, lowered staff morale, and general subordination of the Peace Corps to the ACTION agency's domestic programs. Nowhere is the problem more acute than in the area of recruitment and communications. The ACTION agency, not the Peace Corps, is responsible for recruitment activities. Volunteers apply to the ACTION agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION agency can be attributed

at least in part, to the Peace Corps' loss of control over and public identification with its own recruitment activities.

The ACTION agency, not the Peace Corps, controls communication. Hence, various publications, reports, and releases issued by the ACTION agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the ACTION agency.

Finally, Mr. President, very real budgetary and personnel problems have plagued the merger of the Peace Corps and the ACTION agency. The Peace Corps is forced to pay 60 percent of the cost of joint services, irrespective of the proportion of those services actually provided to the Peace Corps. The separate personnel systems—the Peace Corps with its foreign service-based system and the ACTION agency with its general schedule-civil service system—has made it difficult for personnel to be transferred between domestic and international volunteer program activities and has been a constant source of internal tensions.

When it comes to working out some of these problems, it is the ACTION agency, not the Peace Corps, that negotiates with the employee union.

Mr. President, under the current arrangement, the Peace Corps is submerged under unnecessary layers of bureaucracy—a bureaucracy that saps its strength and vitality. Indeed, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of a Government bureaucracy. Yet, submerged within the ACTION agency and subordinate to the domestic volunteer programs, the Peace Corps has lost much of the visibility and strength which it enjoyed in its early days.

Mr. President, the amendment I am offering, and the approach approved overwhelmingly by both the Senate Foreign Relations Committee and the House Foreign Affairs Committee, would restore the Peace Corps to the kind of operational independence it enjoyed during its first 10 years. It would become an independent Federal agency, free from any entanglements with any other Federal agencies. The amendment would retain, however, the existing relationship between the Peace Corps and the Secretary of State—a relationship which has existed since the enactment of the Peace Corps Act, which provides for the effective integration of the Peace Corps with the overseas programs of other U.S. Government agencies.

Mr. President, finally, let me say that CBO has determined that there would be no budgetary impact resulting from the passage of this legislation. The only impact would be a resolution of the current problems facing the Peace Corps and a restoration of this extraordinary program to the status and the vitality it enjoyed in its early days.

As the Peace Corps prepares to celebrate next week its 20th anniversary, I can think of no more fitting action than for the Senate to approve this legislation to revivify the Peace Corps program and congressional support for its important mission. I urge my colleagues to support this amendment.

EXHIBIT 1

EXCERPTS, WITH TECHNICAL CORRECTIONS,
FROM SENATE REPORT NO. 97-84, TO ACCOMPANY
S. 1015

COMMITTEE ACTION

S. 1015, a bill to separate the Peace Corps from the ACTION agency, was introduced by Senator Cranston (for himself and Senators Pell, Mathias, Biden, Sarbanes, Tsongas, Baucus and Kennedy) on April 27, 1981, and referred to the Committee on Foreign Relations. Additional co-sponsors are: Senators Dodd, Glenn, Bradley, Boschwitz, Levin and Hart. The Committee received testimony on the proposal to separate the Peace Corps from ACTION during the Committee's hearing on April 29, 1981.

The Committee agreed in an open markup session on May 13, 1981, to report S. 1015, as amended, favorably to the Senate and to report identical provisions as part of the Foreign Assistance Act Amendments of 1981. Senators voting in favor were: Perry, Kassebaum, Boschwitz, Pell, Biden, Glenn, Sarbanes, Tsongas, Cranston and Dodd. Senators voting in the negative were Helms and Lugar.

COMMITTEE COMMENTS

S. 1015 would separate the Peace Corps from the ACTION Agency, thereby restoring it to the full Operational autonomy it enjoyed during its early years. Although the Committee's decision was precipitated to a large extent by the controversy surrounding the appointment of an individual with a military intelligence training and field work background to serve as the Director of the ACTION agency and the impact that this nomination might have upon the long-standing policy of the Peace Corps to avoid any involvement or appearance of involvement with any intelligence activities, it is the Committee's view that a number of independent programmatic considerations make separation desirable in order to permit the Peace Corps to carry out its mission effectively.

HISTORY OF PEACE CORPS' STATUS

The Peace Corps Act, enacted September 22, 1961, authorized the President of the United States to carry out the programs authorized under the Act and to exercise the functions vested in him by it through such agency or officer of the United States government as he shall direct. Under Executive Order 11041 of August 6, 1962, the President delegated the basic operational authorities under the Act to the Secretary of State. The Secretary, in turn, delegated those authorities to the Director of the Peace Corps in State Department Delegation 35-11A, dated August 29, 1962. The Peace Corps thus was initially operated as an agency technically within the Department of State, but enjoyed very substantial operational autonomy through the delegation of authorities.

In 1971, pursuant to Executive Order 11603 of July 1, 1971, the Peace Corps was transferred to the ACTION agency, created by Reorganization Plan No. 1 of 1971, and authority to direct the Peace Corps was assigned to the Director of the ACTION agency. A statutory basis for the ACTION agency was established in 1973 in title IV of the Domestic Volunteer Service Act of 1973, Public Law 93-113. Between 1971 and 1979, the Peace Corps was administered by the ACTION agency and its director along with various domestic volunteer programs such as VISTA (Volunteers in Service to America) and the Older American Volunteer programs—R.S.V.P. (Retired Senior Volunteer Program), Senior Companions, and Foster Grandparents.

In May of 1979, President Carter issued Executive Order 12137 which superseded Executive Order 11603. Executive Order 12137 continued the Peace Corps as a program

within the ACTION agency but provided it with certain budgetary and operating autonomy. The memorandum from President Carter accompanying the Executive Order described its effect as follows:

This executive order supersedes Executive Order 11603, issued in 1971. Executive Order 11603 assigned to the ACTION Director the authority to direct the Peace Corps. The attached order delegates that authority to the Peace Corps Director.

The order requires the Peace Corps Director to consult with the Director of ACTION and to coordinate Peace Corps activities with those of ACTION. It provides that the Director of ACTION will be responsible for the general direction of all ACTION functions which jointly serve ACTION's domestic volunteer components and the Peace Corps, and for advising the Peace Corps Director to ensure the carrying out of the functions assigned to the Peace Corps Director.

Under the 1979 Executive Order, the ACTION agency controls the following services provided to the Peace Corps:

1. recruitment of volunteers and processing of applications;
2. general administration—for example, space management, accounting, data processing, procurement, and contracting;
3. internal auditing and inspections;
4. investigation of equal employment opportunity complaints;
5. limited legal services—for example, monitoring staff compliance with the Ethics in Government Act, Freedom of Information and Privacy Acts, and monitoring legal requirements of contracting procedures;
6. communication services;
7. health services to Peace Corps volunteers;
8. supervision of the Peace Corps partnership program;
9. services for former volunteers; and
10. security investigations for Peace Corps staff and some volunteers.

The ACTION agency also is responsible for applying the intelligence separation policy to ACTION agency employees providing services to the Peace Corps.

At the time the Peace Corps was placed in the ACTION agency, the desirability of effecting certain administrative economies, a closer degree of cooperation between domestic and international volunteer service efforts, and more efficient recruitment of volunteers were cited as justifications for the merger.

For the most part, these expectations have not been fulfilled. Instead, the Peace Corps, as an agency within the ACTION agency, has been continually plagued by a variety of managerial, personnel, and budgetary problems. In addition, submerged within the ACTION agency, the Peace Corps lost much of its visibility and acquired an overlay of staff and bureaucracy which did not contribute to its vitality.

These problems led the House of Representatives in April of 1979 to approve—by a margin of 276 to 116—legislation removing the Peace Corps from the ACTION agency. The House legislation, however, would have placed the Peace Corps within the then newly forming International Development Cooperation Agency—IDCA—a transfer which many members of the Senate opposed on the grounds that placement of the Peace Corps within IDCA might make it appear to be simply another part of our foreign aid program and thus deprive it of its uniqueness as a people-to-people program, outside the mainstream of government programs. Additionally, it was hoped that issuance of the 1979 Executive Order would resolve some of the problems confronting the program within the ACTION agency. For these reasons, the committee of conference on the International Development Cooperation Act of 1979 agreed to retain the Peace Corps within the ACTION agency. The conference committee, however,

expressed its strong support for maximum autonomy for the Peace Corps under the new executive order and expressly stated that:

*** cost savings may be an argument for continuing some shared functions, but concern is expressed that in the long run effectiveness in meeting the needs of Peace Corps, particularly in a vital area such as recruitment, should be the dominant consideration. (Conference Report No. 96-397, pages 40-41, to accompany H.R. 3324).

The conference committee also stated the intention of the authorizing committees to review carefully the details relating to implementation of the new executive order and *** to reconsider the action taken by the House *** if implementation of the executive order does not provide sufficient autonomy and alleviate the problems which the Peace Corps has been facing in recent years.

It is the view of this Committee that the implementation of Executive Order 12137 has not effectively alleviated the problems which the Peace Corps has been facing since the merger. In the Committee's view, only full autonomy by the establishment of the Peace Corps as an independent agency will restore it to the visibility and vitality that it enjoyed in its early years.

CONTINUING PROBLEMS WITHIN THE ACTION AGENCY

Concern over the viability of the Peace Corps' placement in the ACTION agency and the effect of that placement on the continued vitality of the Peace Corps' operations has been raised in various studies, including a 1977 report, *The Future of the Peace Corps*, prepared by former Assistant Secretary of State Harlan Cleveland under a contract between the ACTION agency and the Aspen Institute for Humanistic Studies; a 1974 report, *The Peace Corps: Perspectives for the Future*, prepared by the National Academy of Sciences; and a 1977 report, *The Ambitious Task. New Approaches to Peace Corps and Private Voluntary Organization Efforts to Promote Third World Development*, prepared by Warren Wiggan, former Deputy Director of the Peace Corps, released by the Trans-Century Corporation. These reports cited increased bureaucratic entanglements, lowered staff morale, decline in recruitment, and subordination of the Peace Corps to the Agency's domestic programs as some of the adverse consequences of the placement of the Peace Corps in the ACTION agency.

Some areas where specific problems have existed include recruitment, communications, overlapping areas of authority, budget and cost allocation, and conflicting personnel systems.

Recruitment

Under the 1979 Executive Order, the ACTION agency maintains responsibility and control over the recruitment of potential volunteers. The ACTION Agency controls both the recruitment resources and the general recruitment effort. Volunteers apply to the ACTION agency itself, not the Peace Corps. This arrangement substantially dilutes the positive recruitment value that arises from the Peace Corps' strong public image and identity. The decline in the number of Peace Corps volunteers since its merger into the ACTION agency can be attributed, at least in part to the Peace Corps' loss of control over and public identification with its own recruitment activities.

Communications

One of the most serious problems associated with the present status of the Peace Corps with the ACTION agency is its loss of visibility. The ACTION agency, not the Peace Corps, controls communications. Hence, various publications, reports, and releases issued by the ACTION agency continue to portray the Peace Corps as simply one of several volunteer programs operated by the

ACTION agency (including, for example, those in connection with the recent nomination of a new Director and Deputy Director of the ACTION agency). The value of its unique history and mission and its rich heritage—which have distinguished it from simply being a "volunteer" program and from generally operating as another Government bureaucracy—have thus been substantially diminished. The overall focus and image of the ACTION agency rests upon and derives from its domestic programs; the continued submergence of the Peace Corps within the ACTION agency does not serve to enhance the Peace Corps' reputation.

Bureaucracy and overlap authority

Under the present structure, the Peace Corps is encumbered by unnecessary layers of bureaucracy and conflicting channels of communication. The Acting Director of the Peace Corps, William Sykes, in his testimony before the Committee on April 29, 1981, called attention to the problems created by the multiple channels of communication which currently exist, as well as the difficulties that arise when the various support units are required to be responsible to two different masters—the Director of the Peace Corps and the Director of the ACTION agency.

These unnecessary layers of bureaucracy tend to sap the Peace Corps of vitality. Indeed, the very essence of the Peace Corps and its appeal to Americans lies in its being the antithesis of government bureaucracy. A unique program from its inception, the Peace Corps needs to be free to respond creatively to new ideas and the continuously evolving and emerging needs of host countries.

Budgetary problems

The Committee has had a continuing concern about allocation of costs for support services provided by the ACTION agency to the Peace Corps, and the extent to which the Peace Corps pays a disproportionate share of the joint support services. Currently, the Peace Corps pays 60 percent of the costs of all these services irrespective of the amount or cost of the services actually provided to the Peace Corps. According to the recent testimony presented to the Committee by the Acting Director of the Peace Corps, this allocation may be equitable in some areas and inequitable in others.

Personal problems

The Peace Corps operates under a unique foreign service personnel system which requires that its staff appointments generally not exceed 5 years. The ACTION agency, of course, operates under the general civil service system. The separate Peace Corps personnel system has repeatedly been a source of major labor/management controversies and has made it very difficult for personnel to be transferred between domestic and international volunteer program activities. The ACTION agency has also insisted upon serving as the sole management representative with respect to labor/management relations covering all of the Peace Corps' non-professional employees in the United States. As recently as April 23, 1981, the Acting Director of the ACTION agency reiterated that all negotiations with the employee's union must be handled through the ACTION agency's Labor Relations officer.

Cost issues

A preliminary analysis of the cost of operating an independent Peace Corps prepared earlier this year by the Peace Corps budget office indicated that separation would not entail additional costs to the Peace Corps. In testimony before the Committee, the Acting Director of the Peace Corps indicated that the ACTION agency budget office and OMB had reached different conclusions. In an April 2, 1981 letter to Max Friedersdorf, As-

sistant to the President for Legislative Affairs, the chairman requested the administration to provide the Committee with a report on whether the shared support services provided for by the 1979 Executive Order had resulted in any significant savings for the Peace Corps, including a detailed comparison of any such savings with the probable costs that would have been incurred by the Peace Corps had it been a completely independent agency from ACTION. In a letter dated April 3, Mr. Friedersdorf indicated that the administration had no information available with respect to this question but indicated that a request was being made to OMB to review the question. On April 27, 1981 the Committee received a further response from Mr. Friedersdorf estimating at the "outside" an additional cost of \$3 million to operate an independent Peace Corps. The memorandum, which is reprinted as Appendix II, also states that the figure "is likely to be too large."

Based upon the preliminary data available, it is the Committee's view that it is unclear whether cost savings or additional costs would result from separation of the Peace Corps from the ACTION agency. However, the Committee believes that the need to provide the Peace Corps with full autonomy in order to assure its future strength and vitality outweigh the possible minimal additional budgetary costs projected by OMB.

INTELLIGENCE-SEPARATION POLICY

Since its earliest days, the Peace Corps has had a policy of complete and total separation from intelligence agencies and activities. In order to dispel any false charges of any intelligence connection, a companion policy was established barring persons with certain intelligence backgrounds from serving as Peace Corps volunteers or staff. These policies have been strongly supported since 1961 by each successive administration and have been a cornerstone of the Peace Corps' effectiveness.

Although the Committee was sharply divided over whether the nomination of Thomas Pauken (confirmed by the Senate on May 7, 1981) to be Director of the ACTION agency would compromise the intelligence-separation policies (see Executive Report No. 97-6, (April 7, 1981)), this Committee remains staunchly committed to the continued total separation of the Peace Corps from intelligence activities and to the maintenance and strict application of the intelligence policies as described in the March 18, 1981, letter of the new Peace Corps Director, Loret Ruppe, and former Acting Director Sykes, set forth in the hearing record on this legislation.

In the Committee's view, the Peace Corps' autonomy will contribute to this goal of maintaining that separation and strictly enforcing those policies. The kinds of issues that arose with respect to Mr. Pauken's nomination and might arise with respect to other ACTION agency employees would henceforth be eliminated. Moreover, only the Director of the Peace Corps—as distinguished from the head of any other agency—would have any role in the interpretation, application, and enforcement of these internal policies.

In this regard and in order to contribute to the maximum possible effectiveness of the intelligence-separation policies and the perception of them, the Committee notes with approval the following statements by Committee member Senator Charles Mathias during debate on May 7 on Mr. Pauken's nomination.

Mr. MATHIAS. Mr. Pauken gave me his assurances that he would "keep hands off" the Peace Corps if he was confirmed as the Director of the ACTION agency. I understood those assurances to mean that he would delegate whatever responsibilities he might have with respect to the Peace Corps to his Deputy and that is a major reason why I

felt I could vote to confirm his nomination when it was considered in the Foreign Relations Committee. I understand that Mr. Pauken has recently been reported to have stated his intention to delegate his responsibilities with respect to the Peace Corps to the Deputy Director of the ACTION agency and will not be directly involved in any decisions made in regard to the Peace Corps. I very much hope that he will make such a delegation of authority as soon as he takes office and will publicize it widely. (Congressional Record, May 7, 1981, S. 4495 (daily ed.) .)

The Committee very much hopes that Mr. Pauken will act accordingly during the pendency of Congressional consideration of the separation legislation (also approved by the House Foreign Affairs Committee on May 7 as part of its consideration of the proposed International Security and Development Cooperation Act of 1981).

CONTINUING COORDINATION WITH THE DEPARTMENT OF STATE

The Committee's action with respect to the separation of the Peace Corps from the ACTION agency would not in any way alter the existing relationship between the Peace Corps and the Secretary of State. The Secretary of State would continue to have the responsibilities, which the Secretary has had since the enactment of the Peace Corps Act, under section 4(c)(4) and (d) for assuring that Peace Corps programs are effectively integrated with and are not unduly duplicative of the overseas programs of other U.S. government agencies.

TRANSFER OF PERSONNEL, RECORD, UNEXPENDED FUNDS AND RELATED ADMINISTRATIVE MATTERS

The Committee bill provides for all personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds which are employed, held, or used primarily in connection with functions relating to the Peace Corps as determined by the Director of the Office of Management and Budget (OMB) after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION agency, to be transferred from the ACTION agency to the Peace Corps not later than 30 days after the date of enactment, the Director of OMB is required to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs, and the Government Operations Committee, and the Appropriations Committee) and to the Comptroller General a report on the steps taken to implement the separation. This report must include a description of the manner in which the various administrative matters associated with the separation are disposed of, including matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended funds.

The Comptroller General of the United States is also directed to report to the appropriate Committee within 45 days after enactment, as to whether the division is equitable to the agencies, the employees, and parties involved. In the event it becomes necessary, it is the Committee's expectation that the Director of OMB and the Comptroller General will file supplemental reports to fully inform the appropriate Committees on the matters involved.

The Committee bill also provides specific protections for those employees currently employed by the ACTION agency who are to be transferred under the Committee bill to the Peace Corps. The bill provides that the transferred employees shall, to the maximum extent feasible, be assigned to related functions and organizational units in the Peace Corps. Thus, a transferred employee would, if at all possible, be assigned to a position in a unit where his or her duties and the functions of such unit would be comparable to his or her former duties and to the functions of his or her former unit. It also pro-

vides that those employees shall not because of such transfer be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after the later of either of the following dates: the date on which the Director of OMB submits the report required with respect to implementation of the separation, or, with respect to any individual employee who has been transferred, the effective date of such individual's transfer. The Committee bill provides that any collective-bargaining agreement covering and regarding employees transferred or those employed by the Peace Corps that is in effect on the date of enactment shall continue to be recognized by the Peace Corps until the termination date of the agreement or until a mutual modification by the parties otherwise specifies. These protections are similar to those which have been provided to employees in other programs when new or independent agencies have been established, such as under section 9(a) of Public Law 93-644 (former section 601(h) of the Economic Opportunity Act) with respect to the Community Services Administration, under section 3(c) of the Legal Services Corporation Act of 1974 (Public Law 93-355) with respect to the Legal Services Corporation, and under section 502(a) of the Department of Education Organization Act (Public Law 96-88) with respect to the Department of Education.

The Committee bill specifically provides for the transferred employees to be appointed as members of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act and, with respect to the 5-year limitation on Peace Corps Act appointments, under section 7(a)(2)(A) of that Act, provides certain protections for personnel with General Schedule appointments who are transferred to the Peace Corps. These protections are based upon the provisions in section 5 of Public Law 89-134 which provided "grandfather" protection to employees with General Schedule (GS) appointments in 1965 when the unique, unified Peace Corps personnel system derived from Foreign Service Act authorities and the 5-year employment limitation were established by the Public Law 89-134. Thus, under the Committee bill, persons whose career or career-conditional appointments were above grade 8 of the General Schedule (GS-8) would be entitled to retain their existing GS appointments for three years. After 3 years, if they wished to continue their employment with the Peace Corps, they would be required to convert to a comparable appointment in the Foreign Service under authority of section 7(a)(2) of the Peace Corps Act and become subject to the 5-year employment limitation contained in clause (A) of section 7(a)(2). Transferred employees whose career or career-conditional appointments were at GS-8 or below would receive comparable Foreign Service Unlimited appointments and would thus be permanently exempt from the 5-year service limitation in the same manner as were employees at GS-8 and below by virtue of the 1965 amendments. Enactment of the Committee bill would not in any way affect the status of those employees "grandfathered" under that prior section. These new protections should be implemented in a similar fashion to the provisions of Public Law 89-134.

COST ESTIMATE

In accordance with section 252(a) of the Legislative Reorganization Act of 1979 (Public Law 150, 91st Congress), the committee provides the following estimate of the cost of S. 1015, prepared by the Congressional Budget Office. The Committee concurs with the estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 15, 1981.

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1015, a bill to separate the Peace Corps from the ACTION Agency, as ordered reported by the Senate Committee on May 13, 1981.

This legislation authorizes no additional funds to carry-out the separation and is expected to have no budget impact.

Sincerely,

Alice M. Rivlin, Director.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations has made an evaluation of the regulatory impact which would be incurred in carrying out the Committee bill. The results of that evaluation are described below:

A. *Estimates of the numbers of individuals and businesses who would be regulated, and a determination of the groups and classes of such individuals and businesses.*—Inasmuch as the bill provides only for separation of the Peace Corps from the ACTION agency and the establishment of the Peace Corps as an independent agency, its enactment would not result in the regulation of any individuals or businesses.

B. *Determination of the economic impact of such regulations on individuals, consumers and businesses affected.*—Since, as previously indicated, there would be no such regulation, there would be no such impact.

C. *Determination of the impact on the personal privacy of the individual affected.*—The enactment of the Committee bill would not have any impact on the personal privacy of any individuals.

D. *Determination of the amount of additional paperwork that will result from regulations to be promulgated under the bill.*—The only regulations expected to be promulgated directly as a result of the bill would pertain to the transfer of certain personnel, pursuant to the provisions of the bill, from the ACTION agency to the Peace Corps. Those regulations, however, are not expected to increase substantially the paperwork involved in those transfers.

SECTION-BY-SECTION

Section 1.—Would provide that the measure may be referred to as the "Peace Corps Autonomy Act".

Section 2.—Would provide that, effective on the date of enactment, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION agency—as it now is under Executive Order 12137, dated May 16, 1979—or within any other department or agency of the United States.

Section 3: Subsection (a) would transfer to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION agency prior to the date of enactment. This would not, however, in any way limit the President's discretion to withdraw any Peace Corps delegation, under present section 4(b) or other provisions of the Peace Corps Act or under other applicable law, to the Director of the Peace Corps or to any other official.

Paragraph (1) of subsection (b) would provide for the transfer to the Peace Corps of various items, including personnel, assets, liabilities, contracts, property, records, and unexpended balances which are used primarily in connection with functions relating to the Peace Corps, as determined by the

Director of the Office of Management and Budget (OMB), after consultation with the Comptroller General and the Director of the Peace Corps and the Director of the ACTION Agency.

Subparagraph (A) of paragraph (2) of subsection (b) would provide that the transfer pursuant to this section of full-time employees (except experts or consultants or other special government employees) and part-time permanent employees shall not cause such employees to be separated or reduced in rank, class, grade or compensation, or otherwise suffer a loss of employment benefits for one year after the later of (1) the date on which the Director of the Office of Management and Budget submits the report required under section 6(a), or, (2) effective date of a particular individual transfer.

Subparagraph (B) of paragraph (2) of subsection (b) would provide that employees transferred from the ACTION agency to the Peace Corps pursuant to this section shall be assigned, to the maximum extent feasible, to such related functions and organizational units in the Peace Corps as such employees were assigned to immediately before the date of enactment of this Act.

Subparagraph (C) of paragraph (2) of subsection (b) would provide that any collective-bargaining agreement in effect on the date of enactment of this Act covering employees transferred pursuant to this section or employed on that date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of the agreement, or until a mutual modification by the parties otherwise specifies.

Paragraph (3) of subsection (b) would provide, under such regulations as the President may prescribe, that, with two exceptions, each employee who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, upon the effective date of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof. Under the first exception, no transferred employee may be so appointed without his or her consent until three years after that effective date. During this 3-year period, an employee who does not consent to such an appointment may continue to hold his or her career or career-conditional appointment. Under the second exception, each transferred employee holding a career or career-conditional appointment at grade 8 or below of the General Schedule (GS) shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act. Thus, persons at grade GS-8 or below would not be subject to the five-year appointment limitation contained in section 7(a)(2)(A) of the Peace Corps Act. Persons above grade GS-8 would be permitted to continue their employment under their career or career-conditional appointments for 3 years after their transfer to the Peace Corps. After that time, if they wished to continue their Peace Corps employment, they would be required to accept a Peace Corps Act (Foreign Service) appointment to which the 5-year appointment limitation would apply. The basic rate of compensation for persons appointed under these provisions would not be permitted to be reduced below the rate received by such person immediately prior to the effective date of such person's appointment. This paragraph is derived from section 5 of Public Law 89-134, establishing the unique, unified Peace Corps personnel system, and should be implemented in similar fashion.

Section 4.—Would amend section 4(b) of the Peace Corps Act to limit the President's current authority to exercise the functions vested in him under the Peace Corps Act through government agencies and officials of the President's choosing by permitting the President to delegate the authority to perform those functions only to the Director of the Peace Corps.

Section 5.—Would repeal no-longer-applicable provisions of section 3(d), (e), and (f) of the Peace Corps Act, which contain references to the Director of ACTION to the Treasury in fiscal year 1976 to rectify certain imbalances in the Peace Corps readjustment allowance account, the waiver of claims for certain erroneous payments of readjustment allowances to Peace Corps volunteers, and the relieving of ACTION and Peace Corps disbursing officers of liability for certain improper or incorrect payments during that period; and would provide that the repeal of these provisions would not affect the validity of any action taken under the repealed provisions prior to their repeal or the liability of those disbursing officers for such payments.

Section 6.—**Subsection (a)** would require the Director of OMB to submit to the appropriate committees of the Congress (the four authorizing Committees, the Governmental Affairs and Government Operations Committee, and both Appropriations Committees) and to the Comptroller General, within 30 days after the date of enactment, a report on the steps taken to implement the separation of the Peace Corps from the ACTION agency.

Subsection (b) would require the Comptroller General to submit to those same committees, within 45 days after the date of enactment, a report stating whether, in the Comptroller General's judgment, the determinations by OMB were equitable.

Section 7.—Would provide that references in any statute, reorganization plan, executive order, regulation, or other official document or proceeding to the ACTION agency or the Director of the ACTION agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

CHANGES IN EXISTING LAW

In accordance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law (Public Law 87-293, as amended) made by S. 1015 as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PEACE CORPS ACT, AS AMENDED

PUBLIC LAW 87-293

87TH CONGRESS, H.R. 7500

September 22, 1961

An act to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower

TITLE I—THE PEACE CORPS

SEC. 3

[(d) The Director of ACTION shall transfer to the readjustment allowance, ACTION, account at the Treasury Department, no later than December 31, 1975, not to exceed \$315,000 from any sums available to carry out the purposes of this Act in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.

[(e) The Director of ACTION is authorized to waive claims resulting from erroneous

payments of readjustment allowances to Peace Corps Volunteers who terminated their volunteer service between March 1, 1961, and February 28, 1973, notwithstanding the provisions of section 5584 of title 5, United States Code, and notwithstanding the fact that the names of the recipients of such overpayments may be unknown.

[(f) Disbursing and certifying officers of the Peace Corps and ACTION are relieved from liability for improper or incorrect payment of readjustment allowances made to volunteers between March 1, 1961, and February 28, 1973, other than any cases known to have resulted from fraud, notwithstanding the provisions of the first section of the Act entitled "An Act to provide permanent authority for the relief of certain disbursing officers, and for other purposes", approved August 11, 1955 (31 U.S.C. 82a-2), and of section 2 of the Act entitled "An Act to fix the responsibilities of disbursing and certifying officers, and for other purposes", approved December 29, 1941 (31 U.S.C. 82c).]

[(g) (d) In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Corps shall be administered so as to give particular attention to those programs, projects, and activities which tend to integrate women into the national economics of developing countries, thus improving their status and assisting the total development effort.

DIRECTOR OF THE PEACE CORPS AND DELEGATION OF FUNCTIONS

SEC. 4. (a) The President may appoint, by and with the advice and consent of the Senate, a Director of the Peace Corps and a Deputy Director of the Peace Corps.

(b) The President may exercise any functions vested in him by this Act through [such agency or officer of the United States Government as he shall direct. The head of any agency or any such officer] *the Director of the Peace Corps. The Director of the Peace Corps may promulgate such rules and regulations as he may deem necessary or appropriate to carry out such functions, and may delegate to any of his subordinates authority to perform any of such functions*

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll. Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CRANSTON. Mr. President, I send to the desk a substitute for the pending amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair informs the Senator from California that so long as the Senator has the right to modify his amendment, an amendment to his amendment will not be in order.

Mr. CRANSTON. I withdraw the second amendment for the moment, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. CRANSTON. Mr. President, I ask for the yeas and nays on my pending amendment.

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

The yeas and nays were ordered.

UP AMENDMENT NO. 161

(Purpose: To separate the Peace Corps from the ACTION agency)

Mr. CRANSTON. Mr. President, I now call up the amendment at the desk as a substitute for my amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from California (Mr. CRANSTON), for himself and Mr. MATHIAS, Mr. BOSCHWITZ, Mr. HATFIELD, Mr. SARBANES, and Mr. BRADLEY, proposes an unprinted amendment numbered 161.

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

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

The amendment is as follows:

In lieu of the material proposed to be inserted, insert the following:

TITLE VI—PEACE CORPS AUTONOMY

SHORT TITLE

SEC. 601. This title may be cited as the "Peace Corps Autonomy Act".

ESTABLISHMENT AS AN INDEPENDENT AGENCY

SEC. 602. Effective on the date of enactment of this Act, the Peace Corps shall be an independent agency within the executive branch and shall not be an agency within the ACTION Agency or any other department or agency of the United States.

TRANSFER OF FUNCTIONS

SEC. 603. (a) There are transferred to the Director of the Peace Corps all functions relating to the Peace Corps which were vested in the Director of the ACTION Agency on the day before the date of enactment of this Act.

(b) (1) All personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds as are determined by the Director of the Office of Management and Budget, after consultation with the Comptroller General of the United States, the Director of the Peace Corps, and the Director of the ACTION Agency, to be employed, held, or used primarily in connection with any function relating to the Peace Corps before the date of the enactment of this Act are transferred to the Peace Corps. The transfer of unexpended balances pursuant to the preceding sentence shall be subject to section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c).

(2) (A) The transfer pursuant to this section of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any employee to be separated or reduced in rank, class, grade, or compensation, or otherwise suffer a loss of employment benefits for one year after—

(1) the date on which the Director of the Office of Management and Budget submits the report required under section 606, or

(1) the effective date of the transfer of such employee, whichever occurs later.

(B) The personnel transferred pursuant to this section shall, to the maximum extent feasible, be assigned to such related functions and organizational units in the Peace Corps as such personnel were assigned to immediately before the date of enactment of this Act.

(C) Collective-bargaining agreements in effect on the date of enactment of this Act covering personnel transferred pursuant to this section or employed on such date by the Peace Corps shall continue to be recognized by the Peace Corps until the termination date of such agreements or until a mutual modification by the parties otherwise specifies.

(3) Under such regulations as the President may prescribe, each person who does not hold an appointment under section 7(a)(2) of the Peace Corps Act and who is determined under paragraph (1) to be employed primarily in connection with any function relating to the Peace Corps shall, effective on the date of enactment of this Act, be appointed a member of the Foreign Service under the authority of section 7(a)(2) of the Peace Corps Act, and be appointed or assigned to an appropriate class thereof, except that—

(A) no person who holds a career or career-conditional appointment immediately before such date shall, without the consent of such person, be so appointed until three years after such date, during which period such person not consenting to be so appointed may continue to hold such career or career-conditional appointment; and

(B) each person so appointed who, immediately before such date, held a career or career-conditional appointment at grade 8 or below of the General Schedule established by section 5332 of title 5, United States Code, shall be appointed a member of the Foreign Service for the duration of operations under the Peace Corps Act.

Each person appointed under this paragraph shall receive basic compensation at the rate of such person's class determined by the President to be appropriate, except that the rate of basic compensation received by such person immediately before the effective date of such person's appointment under this paragraph shall not be reduced as a result of the provisions of this paragraph.

DIRECTOR OF THE PEACE CORPS

Sec. 604. Section 4(b) of the Peace Corps Act (22 U.S.C. 2503(b)) is amended by striking out "such agency or officer of the United States Government as he shall direct. The head of any such agency or any such officer" and inserting in lieu thereof "the Director of the Peace Corps. The Director of the Peace Corps".

TECHNICAL AMENDMENTS

Sec. 605. (a) Section 3 of the Peace Corps Act (22 U.S.C. 2502) is amended by—

(1) repealing subsections (d), (e), and (f); and

(2) redesignating subsection (g) as subsection (d).

(b) The repeal of provisions of law made by subsection (a) of this section shall not affect (1) the validity of any action taken under the repealed provisions before the date of the enactment of this Act, or (2) the liability of any person for any payment described in such subsection (f).

REPORTS

Sec. 606. (a) Not later than the thirtieth day after the date of enactment of this Act, the Director of the Office of Management and Budget shall submit to the appropriate committees of the Congress and to the Comptroller General a report regarding the steps taken in implementation of the provisions

of this Act, including descriptions of the manner in which various administrative matters are disposed of, such as matters relating to personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, available, or to be made available in connection with functions or activities relating to the Peace Corps.

(b) Not later than the forty-fifth day after the date of the enactment of this Act, the Comptroller General shall submit to such committees a report stating whether, in the judgment of the Comptroller General, determinations made by the Director of the Office of Management and Budget under section 3(b)(1) were equitable.

REFERENCES IN LAW

SEC. 607. References in any law reorganization plan, Executive order, regulation, or other official document or proceeding to the ACTION Agency or the Director of the ACTION Agency with respect to functions or activities relating to the Peace Corps shall be deemed to refer to the Peace Corps or the Director of the Peace Corps, respectively.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 1193 to which are pending two amendments offered by the Senator from California (Mr. CRANSTON).

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. How can the Senator from California have two amendments pending?

The PRESIDING OFFICER. The Senator from California sent up one amendment on which the yeas and nays were ordered. He then sent up a substitute for his first degree amendment.

Mr. HELMS. I see.

Will the Chair state again what is the precise pending business? Which of the amendments is pending?

The PRESIDING OFFICER. The second-degree substitute amendment is the pending question.

Mr. HELMS. I see.

So, in effect, the second amendment submitted by the distinguished Senator from California precludes any further amendment. Is that correct?

The PRESIDING OFFICER. That is not the case.

Mr. HELMS. I thank the Chair.

In any case, shortly I shall move to table the first amendment which would bring down the second amendment.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. If the first amendment is tabled, then the second amendment is brought down with it. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. I thank the Chair.

Now, Mr. President, I have checked my recollection with the White House by telephone just now. The administration is unalterably opposed to this amendment. In the first place, the able Senator from California has submitted a bill in the form of an amendment, and this bill has been reported to the Senate. Therefore, the best that can be said for the amendment is that it ought not to be acted upon on this bill but acted upon as a bill, as a piece of legislation.

The Senator from North Carolina has some thoughts about the proposal to separate the Peace Corps from the ACTION agency. With all due respect to Senators who support this concept, it is, in fact, a slap in the face to a distinguished American, Mr. Pauken, and I do not think we ought to operate that way around here.

If the concern of Senators is that the Peace Corps might be tainted, as some have indicated or implied, by having an affiliation with the U.S. Government or by having a former intelligence officer as head of the Peace Corps' parent organization, which is ACTION, which Mr. Pauken heads, then perhaps the best policy for this Senate to pursue would be to separate the Peace Corps not only from ACTION but from the U.S. Government as well, make a private organization out of it.

In that way there could be no charge raised by anybody that the Peace Corp is, as some have said today, a tool of the CIA or of any other Government agency, and in that way no life of any Peace Corps volunteer would be in jeopardy for reasons of affiliation of the Peace Corps with any agency of the U.S. Government.

I happen to think all of these suggestions are specious and unfounded and, as I said earlier, it is a veiled slap in the face of Mr. Pauken, a distinguished American who served his country well.

The Peace Corps could become a private volunteer organization and seek assistance from the Agency for International Development, AID, and from the general public. Let it stand on its own feet. Maybe it is time to do that.

We can debate that when the Senator's bill comes up. But let us not come in through the back door with a veiled slap against a fine American. Let us not come in through the back door with a piece of legislation which has been converted into an amendment. Let us meet the matter forthrightly and head-on with a full debate on this floor on a substantive question.

If the Peace Corps should become a private volunteer organization, it would then be truly and completely a volunteer organization with volunteers working in foreign countries and with contributions for its activities being voluntary, at least in part, aside from the funds it will receive from AID.

Let me repeat, the administration is correct in its unalterable opposition to this amendment, and for that reason, Mr. President, I move to lay the amendment on the table and I ask for the yeas and nays.

The PRESIDING OFFICER. Will the Senator identify which of the two amendments he is going to move to table.

Mr. HELMS. Well, with all due respect to the Chair—and I do respect the Chair and the Parliamentarian—I do not understand why the tabling of the first amendment submitted would not bring down the second amendment.

The PRESIDING OFFICER. It would.

Mr. HELMS. I thought the Chair stated exactly the opposite just a moment ago. But the Chair now says in any case that if the first amendment is tabled, it brings down the second; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HELMS. In that case I move to table the amendment first submitted, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the amendment of the Senator from California. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Pennsylvania (Mr. HEINZ) and the Senator from South Dakota (Mr. PRESSLER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from New York (Mr. MOYNIHAN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators wishing to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—45

Abdnor	Garn	Packwood
Andrews	Goldwater	Percy
Armstrong	Gorton	Quayle
Baker	Grassley	Roth
Byrd,	Hatch	Rudman
Harry F., Jr.	Hawkins	Schmitt
Cannon	Hayakawa	Simpson
Chafee	Helms	Stevens
Cochran	Jepsen	Symms
Cohen	Kasten	Thurmond
D'Amato	Lavalt	Tower
Denton	Lugar	Wallop
Dole	Mattingly	Warner
Domenech	McClure	Zorinsky
Durenberger	Murkowski	
East	Nickles	

NAYS—52

Baucus	Glenn	Metzenbaum
Bentsen	Hart	Mitchell
Biden	Hatfield	Nunn
Boren	Heflin	Pell
Boschwitz	Hollings	Proxmire
Bradley	Huddleston	Pryor
Bumpers	Humphrey	Randolph
Burdick	Inouye	Riegle
Byrd, Robert C.	Jackson	Sarbanes
Chiles	Johnston	Sasser
Cranston	Kassebaum	Specter
Danforth	Kennedy	Stafford
DeConcini	Leahy	Stennis
Dixon	Levin	Tsongas
Dodd	Long	Weicker
Eagleton	Mathias	Williams
Exon	Matsunaga	
Ford	Meicher	

NOT VOTING—3

Heinz	Moynihan	Pressler
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So the motion to lay on the table UP amendment No. 160 was rejected.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, further debate on this amendment is now in order, is it not?

The PRESIDING OFFICER. The Senator is correct. The amendment is debatable.

Mr. MATHIAS. Mr. President, I support the proposal to separate the Peace Corps from ACTION, primarily because I believe full autonomy for the Peace Corps will increase its ability to meet the objectives the Congress set for it: First, to help people in the poorer nations to improve their skills; second, to promote better understanding of the American people among the peoples of developing countries; and, third, to promote better understanding and awareness of the people of the developing countries among the American people. The Peace Corps will be better able to recruit volunteers, and to work in foreign countries, and to communicate its purposes and results to the American people, if it is a fully autonomous agency.

Mr. President, this is a particularly appropriate time to return the Peace Corps to the independent status it enjoyed during its first 10 years of existence. The Peace Corps is celebrating its 20th anniversary this summer. More than 80,000 Peace Corps volunteers have served in more than 80 countries during the past two decades. The Peace Corps has greatly assisted many countries in their development efforts, and while doing so, has increased the understanding of American ideals and principles.

It is deeply regrettable that some Americans do not even realize the Peace Corps continues to exist today, and are totally unaware of its accomplishments. Full autonomy for the Peace Corps will greatly enhance the visibility of the Peace Corps.

Mr. President, I wish to point out to my colleagues that the Congressional Budget Office has concluded that the proposed separation of the Peace Corps from ACTION "is expected to have no budget impact." The Peace Corps itself made a preliminary analysis of the cost of operating independently from ACTION and concluded there would be no additional costs to the Peace Corps. OMB came to a different conclusion, estimating the cost, on the outside, at \$3 million, although OMB said that figure "is likely to be too large."

The Committee on Foreign Relations concluded, and I concur, that even if there were a small additional administrative cost entailed in separation—and there may not be, based on our own conclusions—an autonomous Peace Corps would be well worth it in terms of efficient realization of the purposes the Peace Corps serves.

Mr. President, I believe one of the best 20th anniversary presents the Congress can give to the Peace Corps and to the American people is approval of this measure to restore full autonomy to the Peace Corps.

Mr. RANDOLPH. Mr. President, will my able colleague from Maryland yield?

Mr. MATHIAS. It will be a privilege

to yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I thank my colleague from Maryland. The arguments he sets forth are all valid. There is no partisanship or should not be in this sort of matter. There are disagreements. That is absolutely, in my opinion, the very heart and essence of what we are doing here this afternoon.

Mr. President, I am privileged to join in the amendment that has been offered by our colleague, the Senator from California (Mr. CRANSTON) who advocates the autonomy of the Peace Corps. I do it not because he is a member of the Democratic Party. I do it not because someone else from the Republican Party opposes his efforts. I feel that it is very, very important, that we, in a sense, return the Peace Corps to its original design and purpose when it was so ably directed by our good friend Sargent Shriver; we must not allow it to be frittered away, as it were.

If I may be pardoned, Mr. President, it was my privilege to address that first Peace Corps group that left the United States to go overseas. I talked with them the night before they left for Katmandu, a long way from the United States of America. I remember that tall, gangling farm lad from Iowa who said to me, "I wonder why I am going so far away from the United States of America." Just a farm boy from the Middle West. I said, "You are answering the question yourself, of course. You are going to try to help people who need to know how to plant, how to cultivate, and how to produce the foodstuffs for the countries, wherever those countries exist. You are going to help people perhaps to build a house, build a road, or build a bridge, where they may have been sheltered in a lean-to. You even will plant a crop and help harvest it or have no way to move to market so that little children will have the nourishing food they need. You are not going to revolutionize the world. That is not the purpose. But you are going to have that commonality of understanding."

Sometime we shall come, hopefully, to the realization that it is not enough to be tolerant of someone else because, in tolerance, you can walk by on the other side. People often say "I am tolerant of this or that," but what the world needs, as I talk here, perhaps too earnestly, is understanding between men and women. That is working for and with people—not for greater armaments, and not certain types of programs that are so sophisticated in the ways of death-dealing devices that we wonder what we should do. There is every reason for practical programs such as the Peace Corps, in which the United States of America will participate with people from other lands, other backgrounds in building, hopefully—and I use these words advisedly—a better world.

Mr. MATHIAS. Mr. President, the Senator from West Virginia is exactly right. He has put his finger on the objectives of the Peace Corps, to build a better world, to work for people and with people. We do that without any aura of personality or any aura of political mo-

tivation. The best way to do that is to have the Peace Corps operating independently so no perception of political motive can creep in. That is why I am supporting this.

The Senator from West Virginia is further right in saying that there are those on both sides of the issue on both sides of the aisle. We are dealing with this as a matter of conscience for the best interests of the United States and of humanity. That is why I favor the amendment.

Mr. President, I yield the floor.

THE TIME TO ENACT THE PEACE CORPS
AUTONOMY ACT IS NOW

Mr. BRADLEY. Mr. President, the time has come to establish the autonomy of the Peace Corps and thereby restore to it the strong identity that motivated its volunteers during its formative years. This can be done by enacting the Peace Corps Autonomy Act, introduced by the distinguished senior Senator from California, Senator CRANSTON. Nothing less will do. Separation of the Peace Corps from the ACTION umbrella has been gaining support among legislators, members of the executive branch, and the Peace Corps family over the past few years. Those closest to the organization have long recognized that autonomy for the Peace Corps will increase its visibility, enhance recruitment, and thus lift up the morale of its personnel. It will renew the sense of purpose and vitality that distinguished this special organization during its early years and I believe it could launch the Peace Corps into a new era of commitment and effectiveness.

In 1961, the Peace Corps was born of a compelling ideal: Dedication to bettering the conditions of the world's poor by sharing America's resources of human talent, skills, and idealism. To establish its special identity, it was made a separate agency within the Department of State. The dynamism and exuberance of the first director of the Peace Corps, Sargent Shriver, a man whose name has become almost synonymous with the Peace Corps, turned the idea into an institution.

For 10 years, the Peace Corps remained a vibrant agency in the State Department. In 1971, it was transferred to the ACTION agency, whose umbrella also extended over VISTA and other domestic volunteer programs. Then in 1979, the House approved legislation which would have removed the Peace Corps from the ACTION agency and placed it within the newly created International Development Cooperation Agency (IDCA). However, this proposal disturbed many supporters of the Peace Corps, including Members of this body, who feared that placing the Corps within IDCA, the proposed umbrella aid agency, would cast it as another foreign aid program. This image would rob it of its unique people-to-people character, which emphasizes the mutual benefit of interaction between Peace Corps volunteers and the people of their host countries. Responding to these concerns, and recognizing the value of Peace Corps independence, President Carter offered a compromise. He issued an Executive order which made the Peace Corps "semiautonomous" within the ACTION agency.

Mr. President, the 1979 Executive order apparently has resolved some of the administrative, personnel, and budgetary problems that concerned Members of Congress. However, being subsumed within ACTION continues to hinder the ability of the Peace Corps to project a strong independent identity, and this, no doubt, has affected the recruitment of Peace Corps volunteers. Remaining under the ACTION umbrella obscures Peace Corps' visibility both at home and abroad. Peace Corps is a unique institution with a special global purpose, and should not be grouped with domestic programs which have a noble, but different purpose. It can best accomplish its mission by standing on its own.

Indeed, Mr. President, its separate identity is intrinsic to accomplishing its mission. Foreign hosts to Peace Corps volunteers must know and believe that the Peace Corps is not just another instrument of U.S. foreign policy, but a unique force for global betterment through people-to-people contacts.

A report entitled the "Future of the Peace Corps," prepared under a contract for the ACTION agency by the Aspen Institute for Humanistic Studies, concluded, in 1977, that "as the 'holding company' for the Peace Corps," ACTION drastically reduced the Peace Corps' visibility, subordinated its recruitment function to several different domestic volunteer groups, kept the number of volunteers low, allowed the unit cost of a volunteer to rise, and, "in general, made the Peace Corps a somewhat more routine, less exciting adjunct to the foreign aid function, rather than a uniquely vibrant expression of 'the best that is in us.'" Revitalizing what can become our best means for broadening international understanding is sufficient reason to take the simple administrative action of separation authorized by S. 1015.

Mr. President, the recent confirmation of ACTION's Peace Corps Director, Thomas Pauken, presents a forceful argument for separating the Peace Corps at this time. Like a number of my colleagues, I opposed Mr. Pauken's nomination not because I questioned his character, ability, or qualifications, but because I feared that his previous service as a military intelligence advisor in Vietnam would be construed by the foreign peoples with whom the Peace Corps works as evidence of a connection between the Peace Corps and the U.S. intelligence community. Such suspicions can compromise irreparably the effectiveness of the Peace Corps. For this reason, the Corps has maintained a policy of complete separation from the intelligence community and its activities. Technically, Mr. Pauken is not barred from serving as Director of ACTION, but many friends of the Peace Corps, including me, strongly feel that Mr. Pauken's assumption of the Directorship of the Peace Corps' parent agency can be used to feed foreign suspicions that the Peace Corps serves U.S. intelligence agencies. Foreign citizens not familiar with our policies or bureaucratic structure are not likely to draw fine distinctions between an umbrella agency and the agencies it embraces, nor

between past intelligence work and current intelligence activity. Merely raising these suspicions would seriously rob the Peace Corps of its effectiveness and endanger the security of its overseas staff and volunteers.

The recent confirmation of Mr. Pauken as Director of ACTION makes it imperative that we pass this bill not next year, or the next year, but now. I hope my colleagues will join with me in reinforcing the credibility of this important institution and reinvigorating its activities. I urge them to once and for all resolve the decade-old problem of submersion that has plagued the Peace Corps, and pass S. 1015, the Peace Corps Autonomy Act.

Mr. President, I yield the floor.

Mr. TSONGAS. Mr. President, I wish to make two points briefly, if I may. There are two of us in this body who were Peace Corps volunteers. I served in Ethiopia in 1962 and 1964 in the first group that went over to that country. I feel very strongly about the Peace Corps, what it was about, what it did, not only for those countries but for the United States. Ironically and appropriately, this weekend in Washington is the 20th anniversary conference of the Peace Corps. There are returned Peace Corps volunteers from all over the Nation convening in the Nation's Capital this weekend to talk about the value of the Peace Corps, where it is going, and so on. This gesture to strengthen the Peace Corps back to its original administrative foundation, I think, is very appropriate and will be appreciated by those who are here this weekend.

The second point I make is that this is a truly bipartisan effort. Let me point out that, last year and 2 years ago and before that, there were a number of us who were involved with the Peace Corps and wanted to separate it. At that time, Sam Brown, who was the head of ACTION, argued with us, "Give me a chance to prove that it can work."

Well, like fools, we agreed to that appeal and gave him a year. The year did not work out well. By the time we got around to resolving the issue, it was too late. So, under the prior Democratic administration, I was in favor of the separation. I am in favor of it now under a Republican administration.

The facts have not changed, Mr. President. The Peace Corps flourished as a separate entity. It will flourish again when it is separated from ACTION. So there is no partisanship to it, having been involved in the struggle for some time.

I believe the Peace Corps has done a great deal for this country and for those who come back. I know it has done a great deal for me.

I urge my colleagues to give us the benefit of the doubt on this issue and let us see where the separation will go.

I yield to the Senator from Connecticut.

Mr. DODD. I thank the Senator for yielding.

Mr. President, I am the other Peace Corps volunteer serving in this body. I served for 2 years in the Dominican Republic, shortly after the revolution in that country in 1965.

I strongly support the amendment of the Senator from California. This amendment should stand on its own. It is an idea whose time has come.

I believe that the Peace Corps, in the last decade, lost much of the luster and the effectiveness it had achieved in the first decade of its existence as a result of incorporating it under the umbrella ACTION.

While there are a number of Government agencies which do not enjoy overwhelming public support in this country, one of the unique qualities of the Peace Corps throughout its 20-year existence has been that, of all the other agencies of the Federal Government, the Peace Corps has been one agency that has enjoyed overwhelming popular support.

They have had difficulty in the last few years in recruiting. I believe that allowing the Peace Corps to stand on its own, to achieve the preeminence, if you will, that it enjoyed years back, in our overall governmental structures, will contribute significantly to the work the Peace Corps has done over the years.

One of the great ironies of the Peace Corps is that the most significant beneficiary of the Peace Corps has not really been the host country which the Peace Corps has served over these 20 years. In fact, I believe most volunteers will admit that our own country, the United States, has been the great beneficiary. The more than 90,000 returned Peace Corps volunteers have made significant contributions to our own society as a result of their experience as Peace Corps volunteers.

I believe the effectiveness of the Peace Corps would be enhanced by restoring it to the full operational autonomy it enjoyed from 1961 to 1971. The Peace Corps is one of the most popular and well respected Government agencies. Unfortunately, its effectiveness had been diminished by its incorporation into the ACTION agency.

I should note that when my distinguished colleague, Senator CRANSTON, introduced this measure as S. 1015 in the Senate Foreign Relations Committee on May 13, it was passed overwhelmingly. I was pleased to be an original cosponsor of this legislation. Because of its importance, I believe it is entirely appropriate that the separation of the Peace Corps from ACTION should be offered as an amendment to the bill being considered today.

Since its incorporation into ACTION in 1971, the Peace Corps has lost much of its visibility and effectiveness in recruiting motivated volunteers. As part of ACTION, the unique international mission of the Peace Corps has been blurred by its association with all the other domestic volunteer programs. Separation from ACTION will restore the strong public image and identity of the Peace Corps and enhance its recruiting efforts, I believe.

Another reason to establish the Peace Corps as an independent agency is to relieve it of the unnecessary layers of bureaucracy. The Peace Corps currently shares various support services with ACTION which are required to report to

two different authorities. The lines of authority and communication under the present structure are confused and often conflicting. The positive image of the Peace Corps is simply not enhanced by the perception of bureaucratic conflict and inefficiencies. The Peace Corps has an international mission. Its submersion in a larger agency with purely domestic responsibilities makes little sense.

Finally, we come to the issue of the Peace Corps' historic policy of complete and total separation from intelligence activities. No one can argue that any association of the Peace Corps with intelligence-gathering activities would seriously endanger the safety of our volunteers serving overseas. Unfortunately, such an association has been made by some because of the nomination of Thomas Pauken as Director of ACTION. Mr. Pauken's previous experience in military intelligence has rightly caused concern that his oversight of the Peace Corps could blur the strict separation of the Peace Corps from intelligence activities. The complete autonomy proposed by this amendment would insure that both the reality and the perception of complete and total separation from intelligence functions could not be called into question.

An independent Peace Corps will be a stronger, more vital, and more effective Peace Corps. I join the millions of others who are striving to achieve an independent Peace Corps, and I urge my colleagues to support this amendment.

Mr. TSONGAS. Mr. President, I will finish with one story.

Yesterday, in the Foreign Relations Committee, Senator PERCY ended the meeting by talking about a speech Senator DODD had delivered recently to a conference of Americans and Mexicans. Senator DODD delivered his speech in Spanish, speaking as one who had served in Latin America. Senator PERCY was present at the speech and was very taken with the impact of the speech by one former Peace Corps volunteer who is now serving in the Senate.

I believe that is an illustration of what the Peace Corps has meant. I suggest we go back to what that has meant.

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

The PRESIDING OFFICER. The Chair informs the Senator that an amendment is not in order. There are two amendments currently pending.

Mr. PELL. Mr. President, a parliamentary inquiry.

Mr. HUMPHREY addressed the Chair. The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, a moment ago, this Senator voted against the tabling motion, for the reason that a year or so ago, I offered an amendment similar to this, to remove the Peace Corps from the ACTION agency.

I have been informed by a little birdie that there is perhaps at least a tiny element of rebuke in the amendment now pending. I doubt that seriously. But just in case this amendment has some tiny element of rebuke, either to the present

Director of the ACTION agency or to the administration, I want to make it clear that I disassociate myself from any such activity. I believe that the fundamental underpinnings of the amendment are very good, and I shall support it, as I did 1 year ago.

Mr. CRANSTON. Mr. President, I thank all Senators who have spoken in favor of this amendment. It was particularly significant to have two former Peace Corps volunteers, Senators DODD and TSONGAS, speak on its behalf.

I ask unanimous consent to have the name of the Senator from West Virginia (Mr. RANDOLPH) added as a cosponsor of both pending amendments.

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

Mr. CRANSTON. Senator RANDOLPH played a key part in the establishment of the Peace Corps, and I am delighted to have him as a cosponsor, and I appreciate very much his very meaningful, most heartfelt remarks about the Peace Corps.

I thank Senators MATHIAS, HATFIELD, BOSCHWITZ, and HUMPHREY and others on the other side of the aisle for their support based on the substance of this matter.

I suggest that we now proceed to a vote, if we may.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the second degree (UP No. 161) by the Senator from California.

The amendment in the second degree was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. CRANSTON. Mr. President, the yeas and nays have been ordered on the underlying amendment. I see no reason to put the Senate through a rollcall vote, since we have decided the issue, and I ask unanimous consent that the order for the yeas and nays on the amendment be vitiated.

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

The question is on agreeing to the amendment, as amended.

The amendment (UP No. 160), as amended, was agreed to.

Mr. CRANSTON. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DURENBERGER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Kansas is to be recognized.

Mr. PERCY. Mr. President, I am very pleased to report that an agreement has been reached. Senator DURENBERGER will offer an amendment on behalf of the distinguished Senator from Kansas and the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Minnesota.

UP AMENDMENT NO. 162

(Subsequently numbered amendment No. 72.)

(Purpose: Amendment to State Department authorization concerning infant nutrition)

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

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. DURENBERGER), for himself, Mr. LEAHY, and Mr. DOLE, proposes an unprinted amendment numbered 162.

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

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

The amendment is as follows:

On page 15, between lines 13 and 14, insert the following:

INFANT NUTRITION

SEC. 117. (a) Congress finds there is overwhelming scientific evidence that breastfeeding has substantial advantages for infant health and growth, that it offers an uncontaminated food supply, an early transfer of antibodies protective against infectious diseases, and a naturally evolved and tested nutritional source, and that it is an important factor in bonding between mother and child.

(b) Congress is concerned that numerous studies, in a wide variety of developed and developing countries, over a long period of time, have shown that improper use of breastmilk substitutes is associated with higher rates of illness and death and, in poor communities, with lessened growth and nutrition. The problem of unrefrigerated breastmilk substitutes prepared with polluted water and placed in contaminated bottles is further complicated by insects and heat in tropical climates.

(c) It is estimated that 100 million of the 125 million children in the world below the age of one are born in developing countries. Congress is concerned that 10 million of these 100 million will probably not live until their first birthday and that diarrhea and other infectious diseases, when combined with the problems of malnutrition, account for more than half of these deaths.

(d) Congress is further concerned that the health of those infants whose mothers are unable to provide them adequate breastmilk—whether for physical, economic, or cultural reasons—also be protected.

(e) Congress is concerned with the negative vote cast by the United States on May 21, 1981, at the 24th World Health Assembly of the World Health Organization on the "International Code of Marketing of Breastmilk Substitutes", and is further concerned that the vote has subjected United States policy to widespread misinterpretation.

(f) Therefore, the Congress:

(1) reaffirms the dedication of the United States to the protection of the lives of all the world's children and the support of the United States for efforts to improve world health;

(2) endorses the work being done by the Agency for International Development (AID), the World Health Organization (WHO) and the United Nations Children's Fund (UNICEF) across the broad front of problems associated with infant and young child nutrition;

(3) encourages the international health organizations, and their member states, to continue combating infant illness by improving sanitation and water quality;

(4) urges the United States Government and the breastmilk substitute industry to support the basic aim of the Code and to cooperate with the governments of all countries in their efforts to develop health standards and programs designed to implement the objectives of the Code.

Mr. DURENBERGER. Mr. President, I express my appreciation to the Senator from Kansas (Mr. DOLE) and the Senator from Vermont (Mr. LEAHY) for the effort they have put into reaching an amicable solution to a proposed amendment that deals with the issue of infant formula.

Mr. President, for many years concerned people have struggled with the issue of the marketing of synthetic infant formula in underdeveloped nations. A number of Minnesotans, many of whom worked overseas on the nutritional needs of those in underdeveloped countries, were among the leaders in bringing this issue to the forefront of public attention. Because of their involvement, I am acutely aware of the controversy and bring forth this amendment today.

Our country's vote at Geneva on the World Health Organization's Infant Formula Marketing Code isolated the United States and left many people with more questions than answers. Unfortunately, the vote served to polarize a discussion that was already marked by extreme positions.

The amendment we offer today is an attempt to address the concerns that many people worldwide have raised about the U.S. vote. The amendment recognizes that synthetic infant formula, when properly used, is a valuable supplement to the diet of many infants and young children and a godsend to mothers who cannot rely upon natural feeding. In our concern for the nutritional needs of infants and children in underdeveloped nations we cannot lose sight of this fact.

Nor can we compromise on the basic guarantees in our own Constitution. As former Senator Sam J. Ervin, Jr., pointed out in a recent news article:

The issue of concern to me is that this code, if adopted, will establish a dangerous precedent of worldwide control over the advertising, labeling, and marketing of infant products.

Senator Ervin's warning is not to be dismissed lightly. However, our amendment—which is in the form of a "Sense of the Congress" resolution rather than binding law—does not infringe on the right of any person or business; rather, it addresses the very real problems of abuse, illness and malnutrition connected with the use of synthetic infant formula.

Mr. President, our concern today is the health of infants throughout the world. As our amendment points out, breastfeeding has significant advantages over the use of synthetic formulas.

Numerous studies have shown that the improper use of breastmilk substitutes is linked with higher rates of illness and death.

If the users of infant formula in these cases were well-educated and living in a modern society with access to appropriate storage facilities and clean supplies of water, there would be little concern. We all know that is not the case.

In fact, one of the specific points addressed in this amendment is the need for international health organizations to continue combating infant illness by improving sanitation and water quality.

In the wake of the U.S. vote at Geneva, our policy has been misinterpreted and used by propagandists who are always looking for avenues of attack on our country. That concerns me and gives me added impetus for this amendment.

But what concerns me even more is the health of infants. If we were dealing only with the symbolism of a vote we could swallow our pride and move on to other matters. But we are dealing with much more than that. The sum of 100 million of the 125 million children in the world under the age of one were born in developing countries. At least 10 million of these infants will not live until their first birthday. Many more millions will be undernourished.

Certainly, not all of this tragedy is related to the use of synthetic formula. But if it is in our power as a compassionate nation to give these infants a better opportunity for a healthy life, then we must take every step available to us to achieve this goal.

Mr. President, in my opinion, this amendment sets the record straight on U.S. policy, and I think it is a very important step in the direction of bringing help to the persons in underdeveloped countries.

● Mr. ANDREWS. Mr. President, I support the amendment offered by Senators DURENBERGER, LEAHY, and DOLE.

We are all aware of the horror stories that surround this issue, and I do not think I need to document the advantages of breastfeeding. But, I do think it is important that the Senate of the United States go on record in support of the World Health Organization's efforts to improve the nutrition of all infants in the world.

I am not in favor of controlling private enterprise, as you well know. But, I do feel that commonsense and decency must come into play when our products are being marketed throughout the world. During my years in the Congress, I have worked to promote our advanced agricultural products and technology around the world in a positive, productive manner.

Products like infant formulas should be provided to underdeveloped countries to promote health and well-being among the mothers and infants, but it must be done with discretion. The instances of malnutrition and suffering we have all heard about in connection with the marketing of infant formula is not the image I believe we want America to have.

Others have already outlined the entire problem, but I did want to add my voice of support.●

Mr. DOLE. The Senator from Kansas will not be available tomorrow, and I want to make a statement in support of

the resolution. I want to thank the distinguished Senator from Vermont and the Senator from Minnesota for working out what I consider to be a positive resolution, and to also thank the members of their staff.

Mr. President, many of us have devoted considerable attention over the past few weeks to the U.S. vote against a proposed international code on breast-milk substitutes. In the course of the debates surrounding America's vote in the world health assembly against the proposed code, little attention has been given to the positive efforts in support of breastfeeding that our country makes in the Third World. The Agency for International Development (AID) is explicitly authorized by the Foreign Assistance Act to promote infant nutrition, including breastfeeding, maternal health and good weaning practices. Pursuant to these statutory authorizations, AID has spent millions of dollars in Third World countries promoting breastfeeding and surveying nutritional practices.

The Reagan administration has announced that the United States voted against the proposed breastmilk substitute code because, if enacted in the United States, the code would have posed numerous constitutional and other legal questions. Some have disputed the wisdom or necessity of the vote. The administration would, for instance, have been equally well served by an abstention coupled with an explanation of the first amendment considerations applicable in this country but nowhere else.

In any event, whatever the vote or the reasons for it, we must now look to the future. I am convinced that AID's and the administration's commitment to breastfeeding is genuine. I believe that, in our development assistance programs, we will strive to advance the spirit of the WHO code, even though the administration could never accept many of its constitutionally questionable provisions.

THE U.S. RECORD ON INFANT NUTRITION

In response to the mandate of the Congress in the Foreign Assistance Act of 1977, the United States expanded its efforts to promote maternal nutrition, breastfeeding, and good weaning practices on the international scene. The United States has been supporting projects in developing countries years before the idea of a code was recommended by the WHO/UNICEF meeting in Geneva in October 1979. We expect this to continue as more and more countries themselves give attention to the problem of maternal and infant malnutrition.

U.S. EFFORTS THROUGH AID

The following is a brief progress report of the maternal and infant nutrition activities currently supported by the United States through the agency for international development.

To assist countries in promoting a broader dialog on policy issues and to insure that policymakers have access to the most current scientific and technical knowledge, AID is supporting a series of workshops and seminars on an international, regional, and national basis. In

the past 18 months, it has supported the following:

A regional symposium in Bangkok, attended by representatives of 10 Asian countries. Held in connection with the Asian pediatric congress, the symposium results were presented to 3,000 participants of that congress.

A regional workshop in Cali, Columbia for pediatric, obstetric, and nutrition professionals from 12 Latin American countries. The printed workshop proceedings were distributed throughout Latin America.

A symposium on breast-feeding promotion in Brazil in conjunction with an international dietetic congress.

A workshop in Fiji for representatives of 10 island nations.

National workshops in the Philippines, Nepal, Indonesia, Panama, Costa Rica, Lesotho, the Gambia, and Sierra Leone.

Several of these activities have been undertaken in cooperation and/or collaboration with the World Health Organization, UNICEF, and private voluntary organizations. The choice of resource leaders and participants is the responsibility of the developing countries and the conclusions and recommendations are their own. The United States does not prejudice or attempt to influence the results.

A clearinghouse is now in operation at the American Public Health Association to provide information on request to developing-country policymakers and project implementers on research findings and on new policy and program developments.

A new newsletter has been created and is now distributed three times a year in English, French, and Spanish to developing country workers. About 7,000 copies are read by about 30,000 persons involved in maternal and infant nutrition.

About 225 midwives received training in a Guatemala course.

A training manual on the management of breastfeeding promotion in health centers was received and tested for use by health auxiliaries, midwives, and nurses in El Salvador.

The center for population activities is training midlevel managers of family planning and women's programs in at least five countries to strengthen their capabilities in promoting breastfeeding, good weaning, and improved maternal nutrition.

Expertise and some funding has been provided to the institute of child health in Tunisia to help them train pediatricians, nurses, and auxiliaries in promoting breastfeeding and other infant nutrition activities.

Seminars have been provided for Burmese medical students.

To assist countries in deciding on and implementing weaning foods strategies and programs, AID is offering several kinds of assistance:

Through an inter-agency agreement with the U.S. Department of Agriculture, we offer help to countries with the food technology to formulate products, to determine their feasibility, to engineer plants, and to plan marketing. In the past 2 years, AID-assisted weaning food

plants have been opened in Sri Lanka, Costa Rica and Guyana.

Under a contract with a group at Harvard and MIT, assistance is given to promote home and village based weaning foods. Under this relatively new project activity, personnel are in the field at the present time providing technical assistance in Senegal and Liberia.

Joint USDA-Harvard-MIT teams are available to help countries design weaning food strategies which may encompass promoting traditional weaning practices in some parts of a country while developing an industrial product to serve other areas.

To assist needy mothers and children in meeting their dietary deficits over the short and medium term, the food for peace program continues to give high priority to providing foods for maternal and child feeding programs. More than half of the donated food commodities—worth about \$173,000,000—are blended and fortified to meet the special needs of pregnancy, lactation, and weaning.

To assist countries in planning and implementing programs to educate and motivate the public in developing countries, AID has provided funds to the international nutrition communication service, a consortium of organizations with expertise in every facet of nutrition education from community development activities to mother-to-mother approaches to school curriculum development to the use of mass media in broad-based education campaigns to the general public. Similar assistance is frequently provided as part of a country specific health or nutrition project. Over this past year-and-a-half technical assistance has been given to over 25 countries in Asia, Africa, Latin America, and the Caribbean.

In order to formulate the most effective policies and programs, there is a great need to improve the quality of data on infant feeding, on the relationship between maternal diet and location, on the relationship between location and family planning, and in a host of other areas. The United States is supported by the WHO, private industry and various universities and research institutes, which should, in time, provide more universally agreed upon information so that policies and programs can be undertaken with increasing confidence. Among AID's current research activities are the following:

Food consumption surveys in a number of countries include data on breastfeeding and weaning practices.

Work is underway to compile 30 country profiles which will summarize published data on such things as prevalence of malnutrition, infant mortality and morbidity rates, prevalence and duration of breastfeeding, maternal nutrition, diet during pregnancy and lactation, and so on. This documentation of published data will provide a ready reference guide for those who design projects, make policy, or have research interest in this area. The first of these profiles is off the press, and all 30 profiles should be ready within a year.

As part of a broad interdisciplinary research effort in Malaysia, breastfeed-

ing patterns and determinants are being examined to identify the extent and length of breastfeeding, and to compile a profile of women who chose to limit or substitute for breastfeeding.

A grant has been given to the population council to conduct a four country study on the determinants of infant feeding practices. Anthropological techniques are being combined with cross-sectional survey methods to identify the nature of trends in breast and bottle feeding as well as their association with factors such as clinic and health center practices, the nature of traditional beliefs, women's work patterns, incomes, infant formula marketing practices, and so on. Three other institutions are affiliated with the population council in this effort and five developing-country organizations are involved. Collection of field data is currently under way in the four participating countries—Indonesia, Thailand, Kenya, and Colombia.

Technical assistance and funds are also being provided: First, to Cameroon to study the causes of high growth failure among weaning age children in the northern province; second, to Tunisia to study breastfeeding and weaning practices in mothers using hospital services; third, to Honduras to study infant feeding practices and associated factors in urban low income families; fourth, to the Congo to document infant feeding practices for designing a national nutrition education program.

Additional studies are being carried out in the Caribbean and in Central America through AID grants to the Caribbean Food and Nutrition Institute (CFNI) and the institute of nutrition for Central America and Panama.

The above-mentioned activities represent a fairly comprehensive but incomplete list of current American funded activities in the general area of maternal and infant nutrition. This may serve to provide an idea of the scope of our activities and to underscore our abiding concern for the problems of maternal and infant nutrition.

Mr. KENNEDY. Mr. President, I am pleased to join in this bipartisan effort to voice America's support for the international code on infant formula adopted at last month's meeting of the World Health Organization in Geneva.

Regrettably, the vote of our Government failed to reflect the humanitarian concerns of the American people. Among the nations of the world, the United States was the only country to cast a "no" vote on the code. We turned our back to the overwhelming majority of the world community on a fundamental issue that is literally a matter of life and death to millions of newborn children.

We could not convince a single other country to join us in voting against the WHO code.

We stood isolated on a vote of 118 against our single vote of "no".

How often, Mr. President, has the United States been so alone on a moral issue at the United Nations?

How often have we voted against a humanitarian initiative?

How often have we placed the profits of the giant international drug firms above saving the lives of dying children?

The answer is never—until this administration's vote in Geneva.

Worse still, Mr. President, our vote was unnecessary even on the principal grounds cited by the administration—that the code would be in violation of American laws.

The WHO code is a voluntary code. It was not designed for use in the United States. It cannot supersede the laws of any nation. And it can become effective only if a particular nation decides to make it effective and acts to implement it.

Yet we voiced our opposition to the cries for help from these nations who want and need the code—the developing nations in the third world where human suffering of unspeakable proportions—from poverty, disease and malnutrition—is a daily reality.

If nothing else, America should have voted for the code to show that we understand the horror and the sickness, the poverty and the frustration of millions—to say to other nations that we are your friends, we grieve with you for your dying infants, and we want to do all we can to help.

Mr. President, I feel a particular sense of disappointment over the administration's negative vote, since it was our Subcommittee on Health that helped initiate our Government's involvement in the infant formula issue. As chairman of the subcommittee I spoke to the world health assembly in Geneva in 1977 and later at Alma Ata. The problem of infant formula deaths was raised repeatedly, and I personally saw the deep concern of delegates from throughout the Third World.

In meetings I had with the director-general of WHO, Dr. Mahler, I urged greater international action to deal with infant formula deaths. And at home I joined with others in a bipartisan effort to secure our Government's support of a voluntary code—one that was developed and modified in close consultation with our Government.

During extensive hearings I conducted in 1978, we heard eloquent testimony that the infant formula code will help save the lives of millions of newborn children. If governments and companies abide by the code's provisions on the advertising, marketing, and promotion of such formulas, millions of infants will escape infant formula deaths.

Every day, countless infants and young children pay with their lives because the formulas they are fed are watered down or prepared with unsanitary water. Daily, mothers who could have provided breast milk to their children are persuaded to be modern to do what advertisements say is the best thing for their children—to give them special infant formulas. But the tragedy is that their own milk is far safer.

Again, Mr. President, we know these facts because over the years we have heard repeated expert testimony from physicians and nurses in the field, who have seen with their own eyes infant formula deaths. We know this from missionaries and health experts who have seen malnourished children languishing in remote lands—so remote that there is

no medicine, but there are cans of infant formula available and sold by international companies.

But our Government has ignored the facts, and it has set America against the rest of the civilized world.

If there is any solace in this self-inflicted wound, it is the certain knowledge that if America's vote had been cast by the American people, the outcome would have been different.

Today's action by the Senate will help give voice to this and express the concern of the American people for the plight of infants around the world who, daily, die infant formula deaths.

Mr. HAYAKAWA. Mr. President, let me just take a very few seconds to include in the RECORD two articles on the subject of baby formula.

One is from the San Francisco Examiner of May 28, 1981, entitled "Infantile Furor Over Baby Formula," and another is from the Washington Post by Harry Levine entitled "Baby Formula: Health Isn't the Issue."

Mr. President, I ask unanimous consent to have printed in the RECORD these two articles to which I have referred.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Francisco Examiner, May 28, 1981]

INFANTILE FUROR OVER BABY FORMULA

(By R. Emmett Tyrrell, Jr.)

Infant formula! What is the conscientious citizen to do about it? More to the point, what is the United States of America going to do about it? Yes, here is the state to which our world-savers have brought us. Now a nation of almost 227 million souls with a budget of nearly \$569 billion and all the interests that go with it must also adopt a position on the marketing and use of baby formula that insures the "protection and promotion of breast-feeding"—the "unique biological and emotional basis for the health of both mother and child."

Let those Americans anxious over the clandestine powers of the world-wide conspiratorial doings of the CIA or the international bankers weigh this sudden development. Apparently, the La Leche League of militant breast-feeders is more powerful than was heretofore imagined.

Last week the world-wide advocates of breast-feeding rose up and got the august World Health Organization (WHO) to adopt a voluntary code that would ban the promotion of infant formula, a modern convenience inimical to serious breast-feeders all over the world. Not only that, but the United States received a very black eye in the process, for our government was one of a very few members of WHO to vote against the breast-feeders.

"There is no doubt," lamented Mr. John Tendrotti, secretary of the Interfaith Center on Corporate Responsibility, "that this will isolate the United States in the international health community." There we will be, all alone, while the USSR, Burundi, Bolivia, and Vietnam forge ever-ahead on the frontiers of world health. There had once been such shining hope for the United States in WHO.

What has put infant formula into such low repute with the experts at WHO is that mothers in the Third World use it rather than mother's milk to nourish their children, and they occasionally mix it improperly either out of ignorance or because such ingredients as clean water are not available. The infants occasionally get sick, some die. According to opponents of infant formula,

Third World mothers often use infant formula because its producers advertise so effectively. That is to say, the producers can effectively educate women to buy this stuff but not to mix it properly.

Several of the major producers of infant formula are American companies, and in the measured words of Dr. Stephen C. Joseph, an opponent of infant formula who quit our government in protest last Wednesday, these companies are turning "baby bottles into lethal weapons." Can we anticipate a drive from the world-savers for the registration of baby bottles?

The United States voted against this infant formula code last week because of concern over WHO's "involvement in commercial codes." Those are the words of Gerald B. Helman, the U.S. representative. After all, it is a very big world out there, complicated by a myriad of conditions, political, economic, developmental, and physical. According to Helman, the United States objects to a "rigid set of rules applicable to companies, health workers, and health care systems in all parts of the world."

Our government, of course, is absolutely correct, and to see it take a stand against the hot-air dispensers of the United Nations and such specialized U.N. agencies as the World Health Organization is very refreshing. This preposterous code is but one more example of the world-savers' yen to reach deeper and deeper into the lives of free people in lieu of carrying out their original goal of promoting peace and freedom around the globe. We live in a world where people are evermore frequently being butchered by terrorists like the IRA, the PLO, and other such international hooligans, and what do the world-savers get up on their hind legs about? Infant formula.

Undoubtedly there are places on this earth where infant formula is a health menace. On the other hand there are places where it is a blessing, for instance where starvation and other natural disasters have made breastfeeding impossible. Every nation on this earth is free to ban infant formula as it sees fit. There is no reason for United Nations organizations to delve into this realm.

[From the Washington Post, May 7, 1981]
BABY FORMULA: HEALTH ISN'T THE ISSUE
(By Harry Levine)

This month, the World Health Assembly meeting in Geneva will vote on a proposed code to regulate the marketing of breast milk substitutes, worldwide.

The Post in its April 23 editorial ["Formula for Trouble"] concedes that, "the proposed code, sanctioning interference in the domestic marketplace to restrict the promotion of a legal product, cuts across the grain of a free-enterprise society." For those who oppose it, the code goes far beyond: It arbitrarily restrains and prohibits legitimate commercial activities in clear violation of U.S. constitutional protection of freedom of expression and freedom of association.

Although the code's proponents argue that the anti-formula campaign is a "health issue," the medical premise underlying the code is fundamentally faulty. This erroneous premise has been nurtured by critics such as Dr. Derrick Jelliffe for UCLA, who is quoted by the activist group INFANT in its fundraising letter: "Ten million Third World babies are starving because of the heartless, money-hungry actions of powerful multinational corporations."

Yet Newsweek, on Oct. 22, 1979, reported that Jelliffe "acknowledged that the number is a 'symbolic figure' that he customarily uses to underline what a huge problem malnutrition and disease represents."

The Post editorial makes a number of unfounded assumptions. The most important of these is that breast-feeding can be promoted

by imposing severe restrictions on the marketing of infant formula. There is no sound evidence that infant formula marketing practices are casually related to mothers' decisions concerning breast-feeding. In the United States, where the infant formula market is well developed and highly competitive, breast-feeding has increased dramatically during the past decade. Of greater importance, the World Health Organization's own 1975-1977 study on breast-feeding involving interviews with nearly 23,000 mothers in nine diverse countries—both developing and developed countries—failed to show any causative relationship between commercial factors and breast-feeding decisions. In response to open-ended questioning about why mothers did not breast-feed or stopped breast-feeding, the study reported that insufficient milk, maternal illness, infant illness and a new pregnancy were mentioned frequently. Not once was any commercial factor mentioned. It is important to note that the WHO study was probably the most massive study of breast-feeding practices ever conducted.

The problems contributing to infant malnutrition and disease in the Third World are profound and cannot be dismissed by ascribing them to infant formula: poverty, pollution, poor sanitation and illiteracy will not be removed with a code. As *The Wall Street Journal* noted: "The critics fail to mention that the same contaminated water that they fear gets mixed with formula was always mixed with traditional native weaning foods."

There are still those who believe that the infant formula companies should support the code if they care about babies' lives. The leading activist groups, INFANT and the Interfaith Center for Corporate Responsibility, call the infant formula manufacturers "baby killers" and accuse them of having, by virtue of their opposition to the code, "declared war on babies."

In this context, it is essential to remind ourselves that infant formula is life-sustaining food. All agree that breast milk is preferred, but as the Committee on Nutrition of the American Academy of Pediatrics states: "When breast-feeding is unsuccessful, inappropriate or stopped early, infant formulas provide the best alternative for meeting nutritional needs during the first year."

Still the question persists: Why not support the code? Isn't the anti-formula campaign "in essence a health issue" to protect infants in the Third World, as *The Post* says? For anyone willing to read the fine print, there is substantial evidence to the contrary.

Article 5.1 of the code, for example, would prohibit any and all advertising and promotion to the public, regardless of its informational, educational or economic merit. Article 5.3 prohibits worldwide all "point of sale advertising—special displays, discount coupons, premiums, special sales" at local supermarkets. Another provision of this code would prohibit sales incentive compensation, sales goals and bonuses related to sales for employees. Another would prohibit providing samples to doctors and prohibit doctors and hospitals from providing samples to the patients.

How can one really relate these sweeping prohibitions to polluted water in the Third World? For those who are skeptical about the intended scope of the code, it should be noted that proponents of the code very clearly state that this code should apply to the United States. Should the code be adopted, it would take the form of an official recommendation of the World Health Assembly to every one of the 155 member countries as a "minimum requirement" and one to be implemented "in its entirety" in the form of "legislation, regulations or other suitable measures."

We recognize, of course, that there are

areas of many less developed countries in which poverty, poor sanitation, illiteracy and insufficient access to health care and advice introduce certain health risks. It is readily accepted that breast-feeding should be particularly encouraged in such areas. In this respect, our formal policy is designed to avoid discouragement of breast-feeding while encouraging the safe and appropriate use of our infant formulas. We carefully monitor the observance of these policies, and where violations have been found—however small—they have been swiftly corrected.

The WHO's proposed code contains many unwarranted restrictions and prohibitions that are unconstitutional, and it represents a dangerous precedent. Such arbitrary and supra-national attempts to regulate commerce will be dignified and encouraged unless concerned individuals and governments voice their objections now.

We believe that the United States should vote "no" on the proposed code.

Mr. HAYAKAWA. Mr. President, I believe it is not understood well enough that in many undeveloped countries, as among the poor throughout the world, babies are not weaned very often until they are 12 or 14 years old, and baby formula very frequently enables the mother to stay alive by relieving her of breastfeeding at an age when in more plentiful societies breastfeeding stops before the age of 2 and this supplement is for the mother's sake no less than for the baby's and this fact is frequently overlooked in this discussion.

I thank the Chair.

Mr. DURENBERGER. Mr. President, I yield to my colleague and cosponsor, the Senator from Vermont, if he is prepared.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Vermont is recognized.

Mr. PERCY. Mr. President, I wonder if the Senator will yield for just a comment on procedure that we might follow now?

Mr. LEAHY. Mr. President, I am happy to yield to the Senator.

ORDER OF PROCEDURE

Mr. PERCY. Mr. President, it is my understanding that it will require about an hour and a half to complete the necessary speeches that Senators may wish to make on the pending amendment.

It is, therefore, the suggestion of the floor managers of the bill that we temporarily set this amendment aside, take up all other noncontroversial amendments that can be disposed of. It is the understanding of the floor managers that there is an unbreakable engagement that will involve half of the Senate. Therefore, we will dispose of all amendments tonight other than the pending amendment. The Foreign Relations Committee is in session tomorrow on the Israeli attack on the Iraqi reactor. That will involve every member of the Foreign Relations Committee from 10 to 12 and then from 2 p.m. forward.

It is my suggestion to the majority and minority leaders that we then set aside the period from 12 noon to 2 p.m. for the disposal of the pending infant formula amendment and then final passage of the bill.

I have to check with our respective majority and minority leaders on that, but if that appears feasible, because there is no chance to finish the debate tonight on the infant formula amendment, I will ask that those who are offering that amendment set that aside so that we may take up next the Roth amendment, a Simpson amendment, a Pell amendment, and a Helms amendment in that sequence.

Mr. DURENBERGER. Mr. President, if the Senator will yield, I can speak for this side and I know of no other Senator who has indicated a desire to speak on the issue, although there may be some on this side.

The Senator from Vermont may have others who wish to speak on the issue.

Mr. LEAHY. Mr. President, I advise the distinguished chairman of the Foreign Relations Committee, the manager of the bill, that I wish very much to have the matter handled expeditiously.

I had assumed earlier this afternoon that we had a resolution which could have gone through at that point and when we sought recognition to call it up, I discovered at the time I sought recognition to call it up that that was not the case and that there were objections to the original resolution.

Since then I have worked with the distinguished Senator from Minnesota and the distinguished Senator from Kansas (Mr. DOLE) in an attempt to work out a resolution which we can agree to and the resolution that the Senator from Minnesota and I have before the Senate now is one we can agree to.

The only problem with that is that it changed some parts which I like to think are not material. If it did change some parts of the original resolution, there were a number of Senators who asked to be able to speak on the subject. I cannot give an accurate count of how many or how long they wish to speak on it before we bring it to a vote. Knowing the time schedule that we have here, there are enough of them so we could not bring a vote tonight.

So the suggestion of the distinguished Senator from Illinois—this is the long way around answering it—is probably a very good one.

I wonder if we might do this, if the Senator from Illinois could hold for a moment for one housekeeping thing. I know the Senator from Minnesota has a list of cosponsors he wished to put in the resolution. I now have a list of cosponsors that I did not have prepared when I was sending it in.

I wonder, before either one of us forget, if we could ask unanimous consent first the Senator from Minnesota and then myself be allowed to put our list of cosponsors in and then work out this problem that the Senator from Illinois has.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Senators DANFORTH, HATFIELD, ANDREWS, CHAFEE, D'AMATO, GORTON, and COHEN be added as cosponsors to the amendment.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that Senators BAU-

CUS, BENTSEN, BIDEN, BRADLEY, BUMPERS, CRANSTON, DODD, HUDDLESTON, INOUE, LEVIN, KENNEDY, METZENBAUM, MITCHELL, PELL, PRYOR, PROXMIER, TSONGAS, WILLIAMS, ZORINSKY, and RIEGLE be added as cosponsors.

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

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

Mr. LEAHY. I yield.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that Senator ROTH be added as a cosponsor of the amendment.

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

Mr. DURENBERGER. Mr. President, might I ask the Senator from Vermont if he knows of any good reason why we could not accept this amendment tonight, since he indicates he does not have any specific indication of anyone who wishes to speak to the bill?

Mr. LEAHY. I do have a number, and I add simply, as the Senator from Illinois has alluded to, some of the scheduling problems we now face. I do know of at least three Senators who wish to speak as well as myself. I have assured them that they could speak. I have at least two Senators who asked me if I would request a rollcall vote, and I know some have already left, quite frankly. So I think that maybe the suggestion of the Senator from Illinois is a very good one.

I wonder if we might ask for the yeas and nays on the resolution now, and I ask for the yeas and nays on the resolution.

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

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I wonder if the managers of the bill will mind if I proceed for a few minutes, and then, provided the Senator from Minnesota does not object, I would be happy to have this matter laid aside and brought back up again at an appropriate time tomorrow.

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. LEAHY. I am happy to yield.

Mr. BAKER. Mr. President, let me make an inquiry, if I may, of the distinguished manager of the bill, the chairman of the Foreign Relations Committee, and the ranking minority member, as to what other amendments they know of to this bill and what estimates they can give me on how long it may take to complete the bill other than the amendment that has now been offered or the resolution that has now been offered by the Senator from Vermont.

Mr. PERCY. Mr. President, to the best of my knowledge there are two Roth amendments that can be disposed of in 2 minutes. There is a Helms amendment that can be disposed of in probably 5 minutes. I want that checked, but I think it could be done. And there is a Pell amendment that could be disposed of in 1 minute. There is a Simpson amendment that could be disposed of in 2 minutes.

So if we could get underway immediately on these amendments, we would

then be able to be completed with this phase of it by 5:30 p.m. I renew my suggestion now to the majority and minority leaders that because of the hearings tomorrow from 9 a.m. to 12 and 2 p.m. to ad infinitum on the Israeli attack on the Iraqi reactor, I hope that the floor managers of the bill could be here from 12 to 2 p.m. and that we could enter into a unanimous-consent agreement that no other amendments would be accepted, with the time reserved for discussion of 1½ hours on the infant formula amendment, that it would be voted on at that time, followed immediately by final passage of the State Department authorization bill.

Mr. BAKER. Mr. President, if the Senator will permit me then, I would like to suggest that the Senator from Vermont might agree that we could temporarily lay aside his resolution and proceed to some of those amendments or resolutions that have been identified now by the manager of the bill on this side. While we are doing that I will check our cloakroom to identify any other amendments that may be in the wings and in the office, and if the minority leader would care to do the same, I am perfectly agreeable in a few minutes to see if we can get a unanimous-consent agreement to provide for a time certain to debate the resolution tomorrow and for a time certain for a vote on final passage of this bill, and provide that no other amendment will be in order except those that we sequence and consider tonight.

Mr. LEAHY. Mr. President, reserving the right to object—

Mr. BAKER. I have not made the request, but what I am saying is I am willing to do that if the Senator is willing to lay aside his resolution temporarily so that we can proceed.

Mr. LEAHY. Mr. President, if the distinguished minority leader does not mind, there has been a lot of discussion on this resolution this afternoon, and I wonder if I might be able to proceed for just a few minutes so that it will be in the record and at least give my position on the resolution?

Mr. PERCY. The Senator from Illinois has stated that he has no deadline tonight at all. I am available until midnight, but I understand half of the Senate has other engagements that begin at 5:30. If the Senator from Vermont will continue from now until 5:15 then the floor managers could dispose of all other amendments by 5:30 and we would be prepared, if the majority and minority leaders see fit, to set a time certain for debate and then vote on the infant formula amendment and final passage tomorrow. We would be prepared to wrap up our business tonight.

Mr. DURENBERGER. Mr. President, will the Senator yield for 10 seconds?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. DURENBERGER. Mr. President, I ask unanimous consent that the name of the Senator from Maryland (Mr. MATHIAS) be added as a cosponsor of this amendment.

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

Mr. DURENBERGER. Mr. President, have we reached an agreement relative

to the introduction of other amendments? I was willing to yield to the Senator from Vermont so that he could make his statement at this point.

Mr. LEAHY. The distinguished majority leader has advised me that he has some further scheduling problems. But what I would suggest is that my immediate problem would be taken care of if at some point here this evening I could have 5 or 6 minutes to discuss the resolution that I helped draft and then we can always set this aside temporarily and leave it to everybody who wants to discuss it to discuss it tomorrow during whatever time it takes prior to the vote, and I am perfectly willing to hold off for a relatively short period until I do speak.

Mr. BAKER. Mr. President, I do not want to urge the Senator from Vermont to forfeit any rights, but I really do believe it would expedite this whole proceeding if the Senator from Vermont would agree to lay this resolution aside momentarily and let us go to a few other things. I can assure him that at some point during the course of the remainder of this day we will return to his resolution. In the time we are disposing of other matters I think the cloakrooms on both sides will see if we can get the unanimous-consent agreement we have just described. Altogether I think it would expedite the proceedings of the Senate, so I hope the Senator from Vermont will permit that.

Mr. LEAHY. With the assurances of my good friend from Tennessee that I will have a chance to speak this evening, and that there will be no unanimous-consent agreement entered into without my being on the floor, I would be perfectly happy to step aside and let somebody else bring up their matters.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. BAKER. Mr. President, is the resolution of the Senator from Vermont now pending before the Senate?

The PRESIDING OFFICER. The Senator's amendment is now the pending business.

Mr. BAKER. Mr. President, I ask unanimous consent that it be laid aside temporarily with the understanding that before the conclusion of the day today, that his amendment—is it an amendment?

The PRESIDING OFFICER. It is an amendment.

Mr. BAKER. The amendment will once more be laid before the Senate.

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

Mr. PERCY. Mr. President, at this time I yield to Senator ROTH for the purpose of offering amendments. Will the Senator be offering the amendments en bloc?

Mr. ROTH. We can do that. I think in the interest of time I will do that.

UP AMENDMENT NO. 163

(Purpose: To facilitate investment of certain amounts received by the Japan-United States Friendship Commission)

Mr. ROTH. Mr. President, I send two amendments to the desk. The first amendment I offer on behalf of the distinguished Senator from Hawaii (Mr. INOUE) as well as myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH), for himself and Mr. INOUE, proposes an unprinted amendment numbered 163.

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

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

The amendment is as follows:

At the bottom of page 28, add the following:

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Sec. 502. (a) Section 6(4) of the Japan-United States Friendship Act is amended by striking out "and not to exceed 5 per centum annually of the principal of the Fund" and inserting in lieu thereof a comma and the following: "any amount of the contributions deposited in the Fund from nonappropriated sources pursuant to paragraph (2) or (3) of this section, and not to exceed 5 per centum annually of the principal of the total amount appropriated to the Fund".

(b) Section 7(e) of such Act is amended by inserting after "amounts received" the following: "(including amounts earned as interest on, and proceeds from the sale or redemption of, obligations purchased with amounts received)".

The PRESIDING OFFICER. Is the Senator seeking to have the amendments considered en bloc?

Mr. ROTH. Yes.

Mr. President, my distinguished colleague from Hawaii (Mr. INOUE) and I ask unanimous consent for an amendment, which I understand has been cleared on both sides of the aisle. That would permit the full utilization by the Japan-United States Friendship Commission of a generous \$2 million gift from the Government of Japan. During his visit to the Capitol last month, prime Minister Suzuki presented this gift to the Commission, which was established by the Congress in 1975 to promote mutual understanding between our two countries, with the explicit understanding that it would be expended at the rate of \$500,000 per year for at least 4 years. The Friendship Commission Act explicitly invests authority in the Commission for the expenditure of gifts and donations outside of the appropriations process.

The act is, however, silent on the question of earnings on donated funds. Our amendment would correct this drafting oversight by allowing the Commission to place the Japanese gift in the general fund where it could accumulate interest earnings for a fifth year of programs.

To enable the Commission to meet its obligation to expend the gift at the rate of \$500,000 per year, and in response to the generous spirit with which the gift was given, our amendment also exempts the gift from the 5 percent of principal annual expenditure ceiling, and from the appropriation process. With regard to the latter exemption, the Congress, of course, has every right to expect an annual full report on the Commission's activities and programs, regardless of the funding source.

The purpose of this amendment is to permit full utilization by the Japan-United States Friendship Commission of

a generous \$2 million gift from the Government of Japan. What we seek to do by this amendment is to provide unquestionable authority for the Commission to invest the principal of the gift in the existing trust fund and allow the Commission to expend the gift without regard to limitations on expenditures of principal which exist under current law.

This has been cleared with both sides as well as with the distinguished Senator from Connecticut (Mr. WEICKER), chairman of the Subcommittee on Appropriations for the State Department.

Mr. WEICKER. Mr. President, I believe that I share the sentiment of my colleagues in grateful appreciation to the Government of Japan for its generous contribution to the Japan-United States Friendship Commission. It is my understanding that these funds are intended to be used within the United States for public programs promoting greater understanding of our ties and mutual interests.

I wish to commend the Senator for taking the initiative to clarify a situation in the law with respect to the Commission's authority to invest the Japanese donation and provide for the expenditure of this gift in a prudent manner. It is my understanding that the amendment is necessary in order to provide unquestionable authority for the Commission to invest the principal of the gift in the existing Trust Fund and allow the Commission to expend the gift without regard to the limitation on expenditure of principal which exists under current law. Is that correct?

Mr. ROTH. The Senator from Connecticut is correct. A clarification is needed because existing law does not explicitly provide the Commission authority to expend the principal amount of donations which may be deposited in the Japan-United States Friendship Trust Fund. The law does provide authority to expend gifts without regard to limitations on the expenditure of trust fund moneys; however, the law is unclear with respect to gifts deposited in the trust fund to earn interest.

However, the Commission also wishes to be able to draw upon the principal of the gift without regard to the limitation on expenditure of trust fund moneys. This will allow the Commission to expend approximately \$500,000 each year for the next 4 years on programs in the United States supported by this gift from the Japanese.

Mr. WEICKER. Thank you. I have one last question. It is my understanding that the principal and interest from this gift will be able to be expended without approval of the Appropriations Committees. However, we would expect the Commission to include in its report to the Congress each year details on the manner in which these funds are spent. Does the Senator agree that this matter should be included in the Commission's report?

Mr. ROTH. I agree fully with the Senator that the Commission should include a report on all of its activities to the Congress, including those financed through donations.

Mr. WEICKER. I thank the Senator. From the standpoint of the Committee

on Appropriations, we would have grave concerns regarding the use of unappropriated Federal funds if the activity supported by these funds carried with it any sort of implication of future obligation or liability on the part of the U.S. Government.

Mr. ROTH. I understand the concern expressed by the Senator from Connecticut and agree that the amendment in no way authorizes the Commission to undertake programs which may result in an obligation which must be supported by appropriated funds.

UP AMENDMENT NO. 164

(Purpose: To require each chief of diplomatic mission of the United States to promote United States exports)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware (Mr. ROTH), on behalf of himself, Mr. SASSER, Mr. PELL, and Mr. CHAFEE, proposes an unprinted amendment numbered 164.

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

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

The amendment is as follows:

On page 15, between lines 13 and 14, insert the following:

DUTIES OF CHIEF OF MISSION

SEC. 117. (a) Each chief of diplomatic mission of the United States in a foreign country shall have as a principal duty the promotion of United States goods and services for export to such country.

(b) For purposes of subsection (a), the term "chief of diplomatic mission" has the same meaning as given to the term "chief of mission" in section 102(a)(3) of the Foreign Service Act of 1980.

Mr. ROTH. Mr. President, on behalf of Senator SASSER, Senator PELL, Senator CHAFEE, and myself, I rise to offer printed amendment No. 71 to S. 1193, the Department of State authorization for fiscal years 1982 and 1983. This amendment would add a new section to the authorization bill, citing the promotion of U.S. goods and services overseas as one of the prime functions of our Ambassadors and other high-level official representatives in foreign countries.

Mr. President, right now, the United States is facing a serious challenge in the international marketplace. U.S. producers of goods and services are suffering ever-increasing competition at home and abroad. They are losing the competitive contest in manufacturing trade.

We see the effects everywhere of our inability to compete. Here at home, foreign producers are taking a growing share of the market in steel, autos, fabricated metals, and other products traditionally supplied by U.S. firms. Overseas, our share of the global market for manufactured goods has been cut in half over the last 25 years. We now supply only 12 percent of the world's manufactured products; and this, at a time when markets in Latin America and around the rim of Asia are growing at astounding rates.

Our cumulative trade deficit grows larger and larger each year. In 1980, the United States witnessed a \$25 billion def-

icit in our merchandise trade account. This year has seen some progress, but the overall outlook is still not good. More to the point, however, rather than measuring the ebb and flow of our merchandise trade deficit, we should be seeing surpluses.

Our workers, factories, firms, indeed entire industries, should enjoy surpluses in our balance of trade.

While the President's economic recovery program will go a long way to restore our economic health and the long-term security for U.S. labor, I believe more must be done in the international field to promote trade.

All of us have a stake in expanding exports. All of us in business, government, and labor must pitch in to restore domestic economic growth, international trading strength, and job opportunities.

Concentrating on Government for a moment, I believe all branches can help. Here in Congress, LLOYD BENTSEN and I have formed a 73-member Senate Export Caucus. We have banded together to support trade-expanding legislation; to work with the executive branch in charting and achieving our export goals; and to spread the word generally on the benefits to labor and management of increased export activity.

In the executive branch, all agencies—Commerce, the U.S. Trade Representative, Agriculture, and others—should make the greatest possible effort to discover trade opportunities and facilitate U.S. firms' ability to compete internationally.

Mr. President, in light of this, I believe the State Department and its overseas representatives can do much to improve our competitive picture. While Reorganization Plan No. 3 of 1979 transferred responsibility for our overseas commercial representation to the Department of Commerce—and I enthusiastically support that transfer—I believe export promotion should also be pursued at the highest levels of our overseas diplomatic missions. Put simply, our ambassadors—our chiefs of diplomatic missions—should make trade expansion an important element of their own portfolios.

Recently, a majority of the Senate Export Caucus wrote to President Reagan with that suggestion. We requested that he instruct Ambassadors and Embassy staffs to become aggressive marketers of U.S. goods and services. As we stated in our letter, we should consider our Ambassador's ability and success in encouraging foreign purchases of U.S. products as important criteria in judging their performance in the field. Moreover, as I wrote in a similar letter to the Secretary of State:

Our Embassies can make a valuable contribution, as well, by taking every opportunity to press for host country consideration and purchases of U.S. products.

Mr. President, the amendment we are offering today would cement this concept that trade promotion should be pursued at the highest levels of our overseas missions. It would place the Senate firmly on record as saying that every effort should be made to improve our footing in the international field.

Mr. President, I urge my colleagues to support this amendment. Now is the time

to get everyone—including our Ambassadors and other chiefs of mission—into the international trade race. The longer we wait, the more we will slip in the export competitiveness ratings.

Mr. President, I also ask unanimous consent that the text of the Senate Export Caucus letter to the President be printed in the RECORD.

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

U.S. SENATE,

Washington, D.C., May 14, 1981.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The United States is facing one of the greatest challenges in its international economic history. We are losing our competitive preeminence and our world leadership role in the trade of manufactured goods. As a result, we are forfeiting numerous overseas and domestic sales opportunities, our foreign market share and employment possibilities in the United States. All sectors—business, labor, consumers and government—have much to gain in reversing this decline and restoring our export competitiveness and domestic growth capabilities. All Executive Branch agencies, the Department of State and its representatives abroad, in particular, have a vital role to play in this trade expansion effort.

In light of our critical need to increase exports, we in the Senate Export Caucus believe we should institute as important criteria by which to judge our Ambassadors and Embassy staffs their ability and success in encouraging foreign purchases of U.S. products. All overseas representatives should include this export expansion responsibility as a major element of their portfolios. The Export Caucus would therefore request that our Ambassadors be instructed to make trade expansion a top priority of their Embassies.

Many in the Senate have devoted much of their efforts to improving the environment for U.S. firms seeking to sell overseas. Our Embassies can make a valuable contribution, as well, by taking every opportunity to press for host country consideration and purchases of U.S. products. Much as the President of France actively promotes the sale of Airbus aircraft, our Ambassadors should direct their efforts toward strengthening the U.S. balance of trade and hence our international preeminence.

Through cooperation among business, labor and government at all levels, here and abroad, we can regain international trade health, which is an important component of our economic recovery. We must have the assistance and dynamism of our diplomatic corps in the field, however, if we are to be successful in our export endeavors.

Sincerely,

Lloyd Bentsen, Co-Chairman, Senate Export Caucus; Jennings Randolph, Barry Goldwater, Thad Cochran, Roger W. Jepsen, David Durenberger, John H. Chafee, William V. Roth, Jr., Co-Chairman, Senate Export Caucus; Ernest F. Hollings, Daniel K. Inouye, Max Baucus, Steven D. Symms, Larry Pressler, Mack Mattingly, Lawton Chiles, Richard G. Lugar, David Pryor, Charles H. Percy, S. I. Hayakawa, Alan J. Dixon, Howard Cannon, Mark O. Hatfield, Jesse Helms;

Carl Levin, William S. Cohen, Dan Quayle, John Heinz, John C. Danforth, Bob Kasten, J. James Exon, Paul Tsongas, Edward M. Kennedy, Wendell H. Ford, Frank H. Murkowski, Howell Heflin, Strom Thurmond, John Stennis, Sam Nunn, Lowell Weicker, Mark Andrews, George J. Mitchell, Harrison "Jack" Schmitt, Orrin G. Hatch, Donald Riegle, Daniel Patrick Moynihan, Howard M. Metzenbaum.

Mr. ROTH. This amendment would add a new section to the authorization bill assigning the promotion of U.S. goods and services overseas as one of the principal functions of our ambassadors and other high-level official representatives in foreign countries.

I think we are in agreement in this body that it is important that we do everything possible to promote the export of American-made goods. What this amendment would do is to make that a requirement for our diplomatic representatives abroad.

I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, first I should like to simply congratulate Senator ROTH on the role that he has played in accepting from Prime Minister Suzuki a \$2 million contribution to the United States-Japan mission and for his amendment that facilitates that gift.

The Japanese Government and the Japanese people have extended themselves in any number of ways to demonstrate their friendship to this country.

Their gift of \$3 million to the John F. Kennedy Center for the theater was a magnificent gesture of friendship. This particular gift is also extraordinarily generous and is greatly appreciated.

The purpose of the Japanese contribution is to expand cultural communications in public affairs programs on Japan in the United States in an effort to enhance U.S. public understanding of the Japanese people and their great culture.

Having learned a good deal about the Japanese culture over a period of three decades now in visiting Japan, both in the private sector and public sector, and having developed so many close friends within the Japanese Government and its citizenry, as has Senator ROTH, I commend again Senator ROTH for the role that he has played in this connection.

With respect to the duty of our missions abroad, certainly the chief of our diplomatic mission should have a major role in the promotion of U.S. goods and services for export to the countries that they represent the United States in.

I introduced legislation several years ago to create a full-time Under Secretary of State for Economic Affairs because we were not paying the same kind of attention to economic affairs and export matters that other countries were.

Efforts being made by the distinguished chairman of the Government Affairs Committee to put emphasis on exports strengthens this Nation, strengthens our economy, and strengthens our role in the world. Certainly we hope that the State Department understands fully our feeling that they have a duty and a responsibility in this regard that is coequal, in a sense, with their political responsibilities.

Promoting trade is an underpinning of a strength of this country. It is a strong part of the economic recovery program of the Reagan administration. I fully support this amendment and urge adoption of both amendments.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I think both amendments have great merit. I am particularly glad to be a cosponsor of the one that encourages our ambassadors to take the responsibility for exports.

I commend these amendments to our colleagues.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I move the adoption en bloc of the two amendments offered by me.

The PRESIDING OFFICER. The question is on agreeing to the amendments of the Senator from Delaware.

The amendments (UP amendment No. 163 and UP amendment No. 164) were agreed to.

Mr. ROTH. Mr. President, I move to reconsider the vote by which the amendments were agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 165

(Purpose: To remove provisions dealing with visa waiver)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) for himself and Mr. THURMOND, proposes an unprinted amendment numbered 165.

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

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

The amendment is as follows:

Beginning on page 8 strike out all that appears after line 7 down through and including line 10 on page 11.

Mr. SIMPSON. Mr. President, this amendment would delete the provision which would amend the Immigration and Nationality Act in order to waive visas for nonimmigrants entering the United States from certain countries.

As chairman of the Subcommittee on Immigration and Refugee Policy, of the Committee on the Judiciary, I have become acutely and even painfully aware of the serious difficulties this Nation faces in enforcing its immigration laws.

Our immigration problems are complex and interrelated and cannot be easily resolved with any single solution. Improvements, therefore, in this area might well be best realized through comprehensive reform measures which will increase enforcement efficiently while addressing the root causes of illegal immigration. We have learned that illegal immigration to this country results not only from surreptitious entry across our borders, but increasingly it results from the nonimmigrants who enter with legal documents and then simply overstay their visas.

So we intend, Mr. President, to fully examine the merits of the visa waiver

provision within the context of a very comprehensive overhaul of immigration laws and with new immigration reforms. In this regard, I have discussed the provisions with officials, the White House and Department of State and notified them of my intent to review this thoroughly during the course of hearings by the Subcommittee on Immigration and Refugee Policy and I assure you will be of every assistance in shepherding its passage.

Mr. President, I understand the chairman of the Foreign Relations Committee has, along with his staff, reviewed the amendment and is prepared to accept it.

Mr. PERCY. Mr. President, that is correct. I believe both managers of the bill are prepared to accept it and I move its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (UP No. 165) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I thank the chairman of the Foreign Relations Committee.

Mr. PERCY. Mr. President, the ranking minority member and floor manager of the bill will offer an amendment on behalf of himself and myself.

UP AMENDMENT NO. 166

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL), for himself and Mr. PERCY, proposes an unprinted amendment numbered 166.

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

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

The amendment is as follows:

Page 24, strike out lines 1 through 15 and insert in lieu thereof the following new section:

MEMBERSHIP OF THE RFE/RL BOARD AND THE BIB

SEC. 304. (a) The Board for International Broadcasting Act of 1973 is amended by adding at the end thereof the following new section:

"MERGER OF THE BOARD FOR INTERNATIONAL BROADCASTING AND THE RFE/RL BOARD

"SEC. 11. (a) Effective January 1, 1982, no grant may be made under this Act to RFE/RL, Incorporated, unless the certificate of incorporation of RFE/RL, Incorporated, has been amended to provide that—

"(1) the Board of Directors of RFE/RL, Incorporated, shall consist of the members of the Board for International Broadcasting and of no other members; and

"(2) such Board of Directors shall make all major policy determinations governing the operation of RFE/RL, Incorporated, and shall appoint and fix the compensation of such managerial officers and employees of

RFE/RL, Incorporated, as it deems necessary to carry out the purposes of this Act.

"(b) Compliance with the requirement of paragraph (1) of subsection (a) shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality."

(b)(1) Section 3(b)(1) of such Act is amended to read as follows:

"(b)(1) COMPOSITION OF BOARD.—The Board shall consist of ten members, one of whom shall be an ex officio member. The President shall appoint, by and with the advice and consent of the Senate, nine voting members, one of whom he shall designate as chairman. Not more than five of the members of the Board appointed by the President shall be of the same political party. The chief operating executive of RFE/RL, Incorporated, shall be an ex officio member of the Board and shall participate in the activities of the Board, but shall not vote in the determinations of the Board."

(2) Sections 3(b)(3) and (4) of such Act are amended to read as follows:

"(3) TERM OF OFFICE OF PRESIDENTIALLY APPOINTED MEMBERS.—The term of office of each member of the Board appointed by the President shall be three years, except that the terms of office of the individuals initially appointed as the four additional voting members of the Board who are provided for by the Board for International Broadcasting Authorization Act, Fiscal Years 1982 and 1983, shall be one, two, or three years (as designated by the President at the time of their appointment) so that the terms of one-third of the voting members of the Board expire each year. The President shall appoint, by and with the advice and consent of the Senate, members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Any member whose term has expired may serve until his successor has been appointed and qualified.

"(4) TERM OF OFFICE OF EX OFFICIO MEMBER.—The ex officio member of the Board shall serve on the Board during his or her term of service as chief operating executive of RFE/RL, Incorporated."

Mr. PELL. Mr. President, this amendment is a perfecting amendment to the committee's proposed merger of the Board for International Broadcasting and the Board of RFE/RL, Inc. The effect of this amendment is to increase the size of the Board for International Broadcasting from five voting members to nine voting members. In addition, the chief executive officer of RFE/RL, Inc., shall serve, as he does now, as an ex officio member of the Board for International Broadcasting.

The perfecting amendment explicitly states that the merger of the Boards "shall not be construed to make RFE/RL, Incorporated, a Federal agency or instrumentality." This puts in statutory language the clear intent of the Committee not to "federalize" the radios.

It is my belief that the President would appoint to the four positions created by the perfecting amendment some of the very distinguished members of the Board of Radio Free Europe/Radio Liberty. This Board, which includes former Ambassadors, prominent educators, and other very accomplished individuals, has a depth of experience and knowledge which would greatly benefit the BIB. We cannot, of course, require the President to use the new slots for this purpose, but I strongly urge him to do so.

When I originally proposed the merger of the BIB with the Board of RFE/RL, Inc., in 1977, the committee report included a suggestion that the President set up a Citizen's Advisory Commission to include those members of the Board of RFE/RL not appointed to the Board for International Broadcasting. If the Senate approves the merger of the two Boards, I hope the President will again consider this suggestion. The talent represented by the Board of RFE/RL should be utilized.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island.

The amendment (UP No. 166) was agreed to.

Mr. PERCY. Mr. President, I am happy to yield, for the purpose of offering an amendment which the managers of the bill find acceptable, to the distinguished Senator, a member of this committee, Senator HELMS.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair, and, of course, I thank my distinguished chairman.

UP AMENDMENT NO. 167

(Purpose: To designate certain radio broadcasts to Cuba as "Radio Free Cuba")

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment No. 167.

On page 24, between lines 15 and 16, insert the following:

RADIO FREE CUBA

SEC. 305. Any program of the United States Government involving radio broadcasts to Cuba for which funds are authorized to be appropriated under this Act or any other Act shall be designated as "Radio Free Cuba".

Mr. HELMS. Mr. President, the people of Cuba yearn for freedom from the tyranny of the Castro dictatorship. They yearn for the freedoms of speech, press, and privacy that their American neighbors enjoy. They seek freedom from the oppression of unreasonable searches and seizures, or detention without fair trial or writ of habeas corpus that are part of our tradition of freedom.

Radio broadcasts into Cuba primarily are done by the Voice of America, which carries Spanish language broadcasting into all of Latin America, with no specific broadcast for Cuba. Additionally, VOA broadcasting is essentially news programming, and so forth, and is not geared toward telling Cubans the hard facts about the Castro regime, the high cost to Cuba of Castro's regime, the failures of Castro and his Communist allies, and the alternatives of freedom and a better life that awaits all Cubans if the Castro regime is overthrown or removed from office.

This amendment creates a Radio Free Cuba in the Board of International Broadcasting. Additionally, it designates any other U.S. broadcasting into Cuba

as Radio Free Cuba as well. Radio Free Cuba under the Board of International Broadcasting should operate just as Radio Free Europe and Radio Liberty operate in Eastern Europe and the Soviet Union. Funding from the general funds available to the Board of International Broadcasting can be augmented by solicitations within the United States for the activities of Radio Free Cuba—much as has been done with Radio Free Europe in the past. This way, all Americans can participate in getting out the message of freedom to Cuba.

Mr. President, there are two wars that can be waged: The war of words and ideas; and the war of bullets. When a nation loses the war of words and ideas, the war of bullets inevitably follows. As far as Cuba is concerned, the United States is barely contesting the war of words. Must we resort to a shooting war, as a result? In the meantime, should we give Castro the field in the war of words, not even contesting him?

Obviously not, and for that reason I urge my colleagues to support this amendment, setting up Radio Free Cuba. A similar amendment was included in the State Department Authorization bill last year, but that bill, as Senators know, was bottled up at the end of the session in the last Congress.

We should move forward with Radio Free Cuba.

I thank the Chair and I thank the distinguished managers of the bill for their willingness to accept this amendment.

Mr. President, I ask unanimous consent that a one-page document entitled VOA Broadcasting to Cuba be printed in the RECORD at this point.

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

VOA BROADCASTING TO CUBA

The addition of Spanish-language broadcasts targeted specifically for a Cuban audience has been suggested as a topic for review by the VOA and the USICA.

At this time, the Voice broadcasts 5½ hours daily in Spanish to the Hemisphere, all of which is beamed to Cuba by a medium-wave (standard band) transmitter located in the Florida keys, using a directional antenna aimed at Cuba.

The length of time on the air clearly is not as important as the message communicated, the information provided, the portrait of U.S. society that is delineated. The framework for any Voice of America broadcast, in any language to any country, is the VOA Charter, which mandates the Voice to provide world news accurately, objectively, and comprehensively; to reflect American thought and institutions; and to present U.S. policies and responsible discussion of them. Those responsibilities preclude VOA's broadcasting into a country as a surrogate national radio, or unduly concentrating on subject matter of specific concern to another country. What VOA can do, and does, is to deal with another nation's internal developments when and as they become issues of international significance.

How to present reports and discussions of such developments becomes the crucial question. For some years, VOA carried a daily program "tailored" for Cuban listeners, created in reaction to the Bay of Pigs debacle in 1961. In 1974, the Nixon Administration concluded that it would be more productive

and persuasive to incorporate the materials carried in that program into the general flow of programming in Spanish to the Hemisphere.

Among the program materials used in the regular Spanish language programming in the first half of 1980, for example, were interviews with Cuban political prisoners Huber Matos and Emilio Rivero and with a broad cross-section of Cuban refugees in Costa Rica, Peru, Key West, Miami, Eglin Air Force Base, Fort Chaffee, Arkansas, and Indiantown Gap, Pennsylvania. Developments involving Cubans in Angola and Ethiopia are reported to Cuba, as developments in Cuba are reported to Africa. News analyses, commentaries, editorial opinion packages, and special reports and documentaries appear regularly and on special occasions.

Evidence through the years—the latest coming from the recent influx of refugees—suggests that Cuban listeners have indeed used VOA Spanish as a chief source of information about the outside world, about the United States, and about developments in and concerning their own country. It is not the form that has been important to them, but the substance of the broadcasts. And it has been, from the VOA point of view, just as important to keep the rest of the Hemisphere informed regarding Cuban developments as Cuba itself. Creating a separate broadcast "for Cubans only" would in no way increase the supply or availability of appropriate broadcast materials, but could rather be interpreted as a special propaganda campaign, less credible and even dismissable.

June 1980.

Mr. HELMS. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I reluctantly acquiesce in the adoption of the amendment. I am concerned that one effect of this amendment would be to require the Voice of America, whose mission is to tell the world about America, to be relabeled Radio Free Cuba. The Voice of America is the voice of our country and should not be disguised under any other label.

I hope the Senate understands that this amendment does not set up an entity like Radio Free Europe or Radio Liberty. By relabeling present U.S. Government broadcasts, I hope this amendment will not have the effect of undermining the objectivity or straightforwardness of the Voice of America.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (UP No. 167) was agreed to.

Mr. HELMS. I thank the distinguished managers of the bill.

The PRESIDING OFFICER. The Senator from Vermont.

UP AMENDMENT NO. 162

Mr. LEAHY. Mr. President, earlier this afternoon, the Senator from Minnesota and I offered an amendment on infant formula. I would like to speak to that for a few minutes.

The persistence of widespread hunger and malnutrition in the world continues to be one of the most awesome challenges confronting humanity. Hunger has many faces, but is perhaps most tragic when it strikes at the lives of children.

Over 200 million young children are chronically malnourished, and each year

more than 11 million children die before reaching their first birthday.

Less well known is the fact that each year as many as 10 million infants in developing countries suffer acutely from the effects of bottle feeding under poverty conditions.

Mother's milk provides all of the essential nutrients required for infant health, as well as a range of natural anti-infective properties. It is the optimal means of feeding for all infants for at least the first 4 to 6 months. When mothers have ready access to clean water, refrigerator and modern stoves, are able to read formula labels and mixing instructions, and have sufficient incomes to be able to mix formula full strength, feeding with formula can be a viable alternative to breastfeeding.

But in most areas of developing countries, infant formula use has been shown to be extremely hazardous. Dr. Halfdan Mahler, director-general of WHO (World Health Organization), has said:

Evidence from the Third World indicates that infants breastfed for less than 6 months, or not at all, have a mortality 5 to 10 times higher in the second 6 months of life than those breastfed for 6 months or more.

Modernization and urbanization are among the major causes of declining breastfeeding and increased bottle feeding. Another important, and relatively more controllable, cause has been the vigorous advertising and promotional campaigns undertaken by formula manufacturers.

Billboards, posters, calendars, and baby books have been used to promote formula use. Milk nurses or mothercraft workers, often dressed to resemble nurses, have visited mothers in maternity wards, in clinics and in homes, offering free samples of formula. Once interrupted, the process of lactation can be extremely difficult to reestablish.

James Grant, executive director of UNICEF, has highlighted the importance of countercyclical measures to protect breastfeeding:

In the crucial first few months of life, breastfeeding is usually the young child's lifeline. And the recent drift towards the bottle feeding of babies, a drift for which the industrialized world has provided both the example and the means, has cost tens of thousands of young lives.

Sadly, therefore, advertising the fact that breast milk is best is now also a necessary step in improving child health.

In part, the campaign for breastfeeding must also be a campaign to regulate those who promote and sell commercial infant formula to mothers who do not need it, and are unable to safely use it.

No one argues seriously that infant formula should be withdrawn from the marketplace. A small percentage of women are physiologically incapable of breastfeeding; for their children, formula can be lifesaving. All mothers, of course, should be able to make their own choices about infant feeding practices. Mothers should be able to make informed choices, however, with full knowledge as to the benefits of breastfeeding and the potential health posed by bottle feeding.

Mr. President, as we all know, the

United States cast the lone negative vote against the World Health Organization's International Code of Marketing Breast-milk Substitutes. The vote was 118 to 1. This code, while it will have the sanction of world public opinion, is nonbinding and voluntary. Each member nation is urged to take appropriate steps for its implementation. However, the code provided that:

Governments should take action to give effect to the principles and rules of this code, as appropriate to their social and legislative framework, including the adoption of national legislation, regulations or other suitable measures.

To cast the lone negative vote, Mr. President, was detrimental to our national and international interests. I fail to see the foreign policy advantage that we gained from this "no" vote.

I am concerned that the international community may misread this vote to conclude that the United States does not share a concern for the health of the world's children, that the United States will turn aside when presented with a real life threat to innocent babies.

Now what is this real life threat? The point was made by a nun I heard a few weeks ago. She was explaining the situation in an African nation where the baby bottle was a status symbol of all that is Western, modern, and good. This baby bottle had such a high status that it cost the equivalent of \$15—\$15 for a plastic baby bottle, in most areas more than a month's income. And because of this expense, and because of its value, it was used over and over, by family after family. But with no sterilization, no purification, the bottle quickly became black with mold. And yet this blackened bottle was used, with formula or with any liquid, and it was still considered a status symbol. As the nun said, the bottle was so decayed, any Member of this body would dare not to touch it, let alone feed a child with it.

This is the situation in Africa, I have heard similar examples in other regions.

Let me present the problem in basic human terms. If a mother in a Third World country clinic receives a free sample of formula given to her by a representative of a formula company, she may be persuaded that bottle feeding is indeed the modern thing to do and that it is best for her baby.

Yet, when she returns to her home she may find that the water to mix with the powdered formula is impure, or that she cannot sterilize the bottles, or that she cannot afford the formula.

But by then she, and her baby, are tragically trapped. Once she has stopped breastfeeding, she cannot change her mind. Her body will not produce milk.

In a very real sense, she and her baby are hooked on the expensive formula. She must keep using it, even if the baby becomes ill, even if she has to dilute it, even if the baby's life is threatened.

No one, not even the formula companies themselves, denies that breast milk is the most perfect food for infants. Breast milk offers a baby unique immunities, balanced nutritional content, and it is always sterile. It is also

free, unfortunately for the formula manufacturers.

This is first of all a human and moral question. I cannot banish from my mind the image of a child slowly starving on formula so diluted it is a pale grey—even if others can. I cannot ignore the anguish a poor mother must go through, knowing that her baby is suffering and that, since she cannot go back to breast-feeding, there is nothing she can do—even though those who have advocated infant formula for purely commercial reasons apparently can.

There are also foreign policy considerations. As a recent editorial from the *Journal of Commerce* stated:

If the United States abstains or votes no on the Infant Formula Code, we believe that it will gain little and possibly lose much in its effort to restore U.S. credibility and influence with the developing world.

I firmly believe that it was not in our best national interest to oppose this code.

This decision did not reflect the compassion and the concern of the American people. It was a mistake. It was made for the narrowest of economic reasons and the rest of the world will not soon forget our position on this issue.

I would hope that the world would not misinterpret the United States feeling in this regard.

Mr. President, I ask unanimous consent that Senators HOLLINGS and HART be added as cosponsors to the Durenberger-Leahy resolution.

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

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Michigan (Mr. RIEGLE) be added as a cosponsor.

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

Mr. PERCY. Mr. President, S. 1195 would authorize U.S. participation in the general capital increase of the World Bank. The bill also authorizes completion of the U.S. shares of the fifth replenishment of the Inter-American Development Bank and the second replenishment of the Asian Development Fund.

These last two items—replenishments of the IDB and ADF—were passed by the Senate in the previous Congress, but the House did not concur. Because these are catch up authorizations which were previously considered by the Senate, I will not take the Senate's time to discuss them. I refer my colleagues to the committee report and to the record in the 96th Congress.

The general capital increase for the World Bank is a new and vital proposal to increase the development of poor countries. The proposed amounts are included in the President's budget and in the congressional budget resolution. This legislation has the strong support of the administration.

The general capital increase would approximately double the capital of the World Bank from \$40 billion to \$80 billion. The increased capital will enable the World Bank to maintain its lending for development at a constant level in real terms despite the ravages of inflation.

When the general capital increase was originally proposed, it was expected to enable the World Bank to increase its lending by 5 percent per year in real terms. Worldwide inflation turned out to be much higher than expected; consequently, the proposed capital increase is needed to prevent World Bank lending from declining in real terms.

The U.S. share of the total capital increase will be 22 percent, approximately \$8.8 billion. Only a small portion, 7.5 percent, of the total subscription will be paid-in capital. The remainder, 92.5 percent, will be callable capital.

The administration has budgeted the U.S. share of paid-in capital over a 6-year period beginning with fiscal year 1982. The United States will pay in less than \$110 million each year for 6 years, a total of \$658 million.

Actual budget outlays during the next few fiscal years will be tiny compared to the total capital increase and to the return to the U.S. economy.

As shown in the estimate prepared by the Congressional Budget Office, which is reprinted in the committee's report, budget outlays will be only \$11 million per year in fiscal years 1982 through 1985.

The reason for this very low outlay figure is the administration's decision to provide only 10 percent of the appropriated amount in cash each year.

The remainder will be provided in the form of a letter of credit to be drawn upon in future years. Clearly, the administration has done everything possible to reduce the budgetary impact of the capital increase on the United States.

In fact, the U.S. economy will reap substantial benefits from the World Bank's expanded lending program. Other countries are contributing more than \$3 for every dollar the United States subscribes to the World Bank. The Bank will be able to lend \$65 for every \$1 paid in by the United States. The United States will gain from \$13 to \$15 of U.S. exports, up to a \$30 increase in national income and output, and from \$6 to \$9 in increased Federal revenues from every \$1 the United States pays into the World Bank.

These remarkable returns to the U.S. economy are due to the structure of the Bank, which uses capital subscriptions to back its borrowings of funds on the market, and to the successful record of economic development supported by the Bank. From 1950 to 1975 the average per capita income of the developing world grew at over 3 percent per year. Never have so many people—over 2 billion—achieved so much economic growth in so short a time. Much of that growth would not have been possible without lending by the World Bank.

The World Bank not only provides money for development, but also technical assistance and policy advice which help developing countries adopt successful development strategies.

The United States also gains in terms of security through the World Bank. The United States has mutual defense relationships with 7 of the top 10 re-

ipients of World Bank loans: Brazil, Turkey, Korea, Thailand, Colombia, the Philippines, and Mexico. These seven countries received about one-half of all new lending by the World Bank in 1980.

If anyone has any doubt, despite all the objective evidence, that U.S. participation in the World Bank serves U.S. interests just consider the Soviet view of the World Bank. A Russian author, V. Zholobov, writing in an official Soviet publication, recently described the World Bank as the "servant of monopoly capital"—the Communist code words for the capitalist system. He says:

The facts concerning IBRD's real activities . . . show that the Bank has always been and remains, a staunch defender of the capitalist economic system, and assists in establishing a private enterprise sector in the economies of developing countries.

He complains that most of the Bank's loans have gone to Brazil, Indonesia, Korea, Morocco, the Philippines and a number of Latin American capitalist countries, which he says are the "bulwarks of private capital." He also complains that the World Bank does not finance public sector industrial undertakings:

During 1978, the majority of countries with a socialist philosophy—Ethiopia, Afghanistan and the People's Democratic Republic of Yemen, plus a number of others that seek primarily to develop the public sector of their economies—did not receive a single loan from IBRD or its affiliates.

The Russians would like nothing better than to see us weaken our support for the multilateral development banks. They know, although some Americans seem still to be confused on the point, that the multilateral development banks are a powerful instrument for advancing the free-market system and U.S. security, as well as the economic development of poor nations.

S. 1195 represents one more step in advancing U.S. interests and frustrating Russian ambitions. The Reagan administration is fully in support of this legislation. Secretary of Treasury Regan and Secretary of State Haig have testified repeatedly in support of this legislation and the IDA legislation which the Senate passed in April. On June 5 they wrote to the House Banking Committee in support of the President's request for funds for the multilateral development banks, and were joined in signing that letter by Budget Director Stockman, Secretary of Commerce Baldrige, and U.S. Trade Representative Brock.

The Committee on Foreign Relations reported S. 1195 favorably by a vote of 14 to 0. I urge my colleagues to join in supporting this important legislation.

Mr. PELL. Mr. President, today the Senate will consider S. 1195—a bill to authorize U.S. participation in the general capital increase (GCI) of the International Bank for Reconstruction and Development—the World Bank—and to complete U.S. obligations with respect to the fifth increase in the capital subscriptions of the Inter-American Development Bank (IDB); the sixth replenishment of the fund for special operations (FSO)—the concessional loan window of the IDB; and the second replenishment

of the Asian Development Fund—the concessional loan window of the Asian Development Bank.

THE GENERAL CAPITAL INCREASE

The general capital increase (GCI) in the World Bank's subscribed capital will result in a doubling of its resources from \$40 billion to \$80 billion. The U.S. share of this increase will be \$8.7 billion—approximately 22 percent of the total capital increase—and will raise the total U.S. subscription in the Bank to \$18 billion.

The World Bank has performed a vital role in stabilizing the world economy throughout its 35-year history. Some of my colleagues may not be aware, Mr. President, that in its early days, the World Bank was instrumental in raising capital at that time desperately needed to rebuild the war-torn economies of Western Europe and Japan, our principal allies.

In the more recent past, the Bank has provided assistance to Greece, Ireland, Singapore, Spain, Finland, and Iceland; and thanks in good measure to the Bank, the economies of these countries have now grown and developed to the point that World Bank assistance is no longer necessary. It is imperative that the work of the World Bank be allowed to continue not only because it benefits individual countries in the developing world but because through its activities, it promotes economic growth and stability in the world economy as a whole.

The actual budgetary cost of U.S. participation will be modest. Only \$658 million, or 7.5 percent of the \$8.7 billion, will actually be transferred to the World Bank. This will be accomplished over a 6-year period through contributions of \$110 million annually. The remaining \$8 billion of the U.S. subscription will be in the form of callable capital guarantees, and except under extraordinary circumstances, will never leave the U.S. Treasury.

I might note, Mr. President, that it is highly unlikely that the callable portion of the U.S. subscription would ever be called. Not once since the founding of the Bank 35 years ago have members been asked to transfer any of their callable shares to the Bank.

Yet, the callable capital subscriptions to the World Bank serve a vital function in its lending operations—they allow the Bank to borrow funds on international financial markets up to the value of these subscriptions and to lend these funds to developing countries for specific development projects. The U.S. Treasury has estimated that for every dollar that the United States provides in paid-in capital, the Bank is able to extend \$65 in loans to the developing world, largely because of the financial leverage provided by the callable capital subscriptions.

MAKEUP LEGISLATION

The other major purpose of this bill, as I noted earlier, is to complete the authorizations for U.S. participation in the increase in the capital of the Inter-American Development Bank (IDB), the replenishment of the IDB's fund for special operations (FSO), and the replenishment of the Asian Development

Fund (ADF). On May 17, 1979, the Senate passed S. 662—a bill authorizing U.S. participation in the IDB's capital increase and the FSO and ADF replenishments at the levels that had been internationally negotiated.

However, due to a difference in the House-passed version, the authorization levels which finally became law fell short by 10 percent for the IDB's capital increase and FSO and by 15 percent for the ADF.

The Reagan administration has requested that this Congress act expeditiously to authorize the outstanding U.S. commitments—\$275 million for the IDB, \$70 million for the FSO, and \$66.8 million for the ADF—so that the capital increase and replenishment plans of these institutions can be completed as originally negotiated. This administration has stressed that this must be done if the United States is to meet its international commitments.

Mr. President, I urge my colleagues to support this bill. In my view, the enactment of this legislation is important not only because it will preserve the integrity of these multilateral development institutions and permit them to continue to provide financial assistance to the developing world, but also because it is a signal to the rest of the world that the United States continues to be committed to a policy of responsible economic and political leadership in international affairs.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, will the Senator from Kentucky permit me to make a unanimous-consent request? If he has a brief statement, I shall defer.

Mr. HUDDLESTON. I have a brief amendment that has been accepted.

Mr. BAKER. Mr. President, I have talked to the distinguished minority leader about this and I believe it is agreeable. We have run a hotline on our side. I am informed that perhaps the minority has done so, as well. There are no other amendments to this bill, the Department of State authorization, with the exception of the amendment of the Senator from Kentucky.

I ask unanimous consent, Mr. President, that at this time, the Department of State authorization bill be temporarily laid aside following the consideration of the amendment by the Senator from Kentucky and that the Senate immediately proceed to the consideration of Calendar Order No. 101, S. 1195, and that, without any debate, we proceed immediately to a rollcall vote on that bill.

Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on that measure at this time.

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

Mr. BAKER. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. BAKER. I ask unanimous consent

that, after the disposition of S. 1195, there be a brief period for the transaction of routine morning business; that when the Senate reconvenes tomorrow, it resume consideration of the Department of Justice authorization bill after the recognition of any Senators under the standing order or any special orders and the transaction of routine morning business, if ordered; that at 12 o'clock tomorrow the Senate return to consideration of the Department of State authorization bill and at that time the amendment of the Senator from Minnesota (Mr. DURENBERGER) and the Senator from Vermont be the pending business; that there be a period of 1½ hours for debate on that measure—

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BAKER. I yield to the minority leader.

Mr. ROBERT C. BYRD. Mr. President, I shall have to say if the rollcall vote is not begun virtually immediately on Calendar Order No. 101, I cannot agree to taking it up tonight.

Mr. BAKER. Mr. President, I withdraw my previous request and formulate this request:

Mr. President, I ask unanimous consent that the Department of State authorization bill be laid aside temporarily and that the Senate proceed to the consideration of Calendar Order No. 101, S. 1195; that there be no debate in order; and that, after the disposition of that measure, the Senate return to the consideration of the Department of State authorization.

The PRESIDING OFFICER. Is there objection?

Mr. HUDDLESTON. Reserving the right to object, Mr. President, does that preclude my amendment?

Mr. BAKER. It is going to take 15 minutes to do the rollcall. As the minority leader pointed out, unless we get that rollcall done right now, I am afraid we cannot get it done this evening. I am at the mercy of the Senator from Kentucky and the Senator from West Virginia.

Mr. PERCY. The Senator from Kentucky said his amendment will take 30 seconds.

Mr. HUDDLESTON. It will take me 30 seconds, but—I shall not object, Mr. President.

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

U.S. PARTICIPATION IN THE INTERNATIONAL BANK

Mr. BAKER. Mr. President, are the yeas and nays ordered on S. 1195?

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1195) to provide for continuing participation by the United States in the International Bank for Reconstruction and Development, the Inter-American Development Bank, and for other purposes.

Mr. MATHIAS. Mr. President, I support S. 1195, the bill to authorize U.S. participation in the World Bank's General Capital Increase and completion of the shortfall in U.S. subscriptions to the

Asian Development Fund and Inter-American Development Bank. I do so because the multilateral development banks are vital to sustaining economic development in a period of severe financial strain in the global economy.

Many developing countries, including many close allies of the United States and important trading partners, will have great difficulty paying their oil import bills over the next few years. Their economic prospects are further diminished by the slower growth rates expected in the developed countries. Major economic adjustments will be required in most developing countries, and assistance from the multilateral development banks can spell the difference between sound adjustment and disaster.

The United States has a much larger stake in the continuing economic development of Third World nations than we sometimes realize. We import over 50 percent of our needs of 24 or 32 minerals designated as strategic and critical, including more than 90 percent of the bauxite, chromite, cobalt, columbium, manganese ore, and nickel that we use. A continuous, assured supply of these minerals is absolutely essential to our industrial and military security. The United States cannot afford to neglect the development needs of mineral rich nations.

Access to secure supplies of minerals and raw materials at relatively stable prices is only one facet of the American stake in developing countries. Another is that the United States currently sells 40 percent of its manufactured exports to developing countries. These countries form the fastest growing market for U.S. exports, expanding at a rate of 20 percent a year, compared to 15 percent for U.S. exports to developed countries. The developing countries are also major purchasers of U.S. agricultural commodities and will inevitably become better customers as their populations expand. In turn, we import 50 percent of the goods they manufacture.

We have consistently underestimated the vital security stake we have in the Third World stability both in terms of limiting Soviet expansion and of guaranteeing access to essential resources for the West. A 1st of the top recipients of World Bank loans is nearly identical to a list of the developing countries of greatest strategic interest to the United States. Brazil, Turkey, Korea, Thailand, Colombia, the Philippines, and Mexico received nearly half of all IBRD loans in 1980. China will be an important recipient in the future.

The World Bank plays a vital role in supporting an open, growing, market-oriented world economy. The National Advisory Council on International Monetary and Financial Policies in its special report to the President on the World Bank's General Capital Increase notes:

A "western" market-oriented economic outlook has always guided the Bank's policy advice. The IBRD has consistently encouraged realistic public sector pricing policies and discouraged excessive trade barriers.

The administration strongly supports S. 1195 and the appropriations necessary to maintain United States commitments

to the multilateral development banks. Secretary of Treasury Regan told the Senate Appropriations Committee on April 28th:

The Administration fully recognizes the important support that the banks can provide for the orderly, market-oriented economic development of a large number of developing countries. The Administration also recognizes that the multilateral character of the banks and the substantial resources at their command make these institutions well positioned to help promote growth-spurring economic policies in the developing world.

Mr. President, when you add to all these considerations: the fact that we are talking about actual budget outlays of \$11 million per year for the next few fiscal years for the General Capital Increase; and the fact that the World Bank will be able to lend more than \$60 to developing countries for every dollar the United States pays into the Bank; and the fact that the U.S. economy will receive back several times our budget expenditures in terms of exports and investment income—I cannot think of a sounder investment in our future. On humanitarian grounds, on economic grounds, on security grounds, the multilateral development banks are one of the best deals the United States has ever had.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

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

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New York (Mr. D'AMATO), the Senator from Pennsylvania (Mr. HEINZ), the Senator from South Dakota (Mr. PRESSLER), the Senator from Delaware (Mr. ROTH) and the Senator from New Mexico (Mr. SCHMITT), are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mr. D'AMATO) would vote "aye."

Mr. CRANSTON. I announce that the Senator from New York (Mr. MOYNIHAN), the Senator from Colorado (Mr. HART) and the Senator from Louisiana (Mr. LONG) are necessarily absent.

The PRESIDING OFFICER (Mr. ARMSTRONG). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 65, nays 27, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—65

Armstrong	Danforth	Hollings
Baker	Dixon	Huddleston
Baucus	Dodd	Inouye
Bentsen	Dole	Jackson
Biden	Domenici	Jepson
Boschwitz	Durenberger	Johnston
Bradley	Eagleton	Kassebaum
Bumpers	Exon	Kasten
Cannon	Ford	Kennedy
Chafee	Glenn	Lavalt
Chiles	Gorton	Leahy
Cochran	Hatfield	Levin
Cohen	Hayakawa	Lugar
Cranston	Heflin	Mathias

Matsunaga	Pryor	Stennis
Metzenbaum	Riegle	Stevens
Mitchell	Rudman	Tower
Murkowski	Sarbanes	Tsongas
Nunn	Sasser	Wallop
Packwood	Simpson	Weicker
Pell	Specter	Williams
Percy	Stafford	

NAYS—27

Abdnor	Garn	Nickles
Andrews	Goldwater	Proxmire
Boren	Grassley	Quayle
Burdick	Hatch	Randolph
Byrd,	Hawkins	Symms
Harry F., Jr.	Helms	Thurmond
Byrd, Robert C.	Humphrey	Warner
DeConcini	Mattingly	Zorinsky
Denton	McClure	
East	Melcher	

NOT VOTING—8

D'Amato	Long	Roth
Hart	Moyihan	Schmitt
Heinz	Pressler	

So the bill (S. 1195) was passed, as follows:

S. 1195

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

TITLE I—INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND ASIAN DEVELOPMENT BANK

SEC. 101. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 39. (a) The United States Governor of the Bank is authorized—

"(1) to vote to increase by three hundred and sixty-five thousand shares the authorized capital stock of the Bank; and

"(2) to subscribe on behalf of the United States to not more than seventy-three thousand and ten shares of the capital stock of the Bank: *Provided*, That not more than 7½ percent of the price of the shares subscribed may be paid into the Bank on subscription, with the remainder being subject to call: *Provided further*, That any subscription to additional shares under this section shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

"(b) In order to pay for the increase in the United States subscription to the paid-in capital stock of the Bank provided for in this section, there are authorized to be appropriated, without fiscal year limitation, \$658,305,195 for payment by the Secretary of the Treasury.

"(c) In order to effect the United States subscription to the callable capital portion provided in this section, the United States Governor of the Bank is authorized to subscribe, without fiscal year limitation, to the callable portion of the United States share of increases in capital stock in an amount not to exceed \$8,149,256,155."

TITLE II—INTER-AMERICAN BANK AND ASIAN DEVELOPMENT BANK

SEC. 201. The Inter-American Development Bank Act (22 U.S.C. 283 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 30. (a) The United States Governor of the Bank is authorized on behalf of the United States to contribute to the Fund for Special Operations \$70,000,000; *Provided, however*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for a portion of the increase in the United States subscription to the capital stock of the Bank provided for in section 29(a) and for the United States contribution to the Fund for Special Operations provided for in this section, there are authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) \$274,920,799

for the United States subscription and (2) \$70,000,000 for the United States contribution to the Fund for Special Operations."

SEC. 202. The Asian Development Bank Act (22 U.S.C. 285 et seq.) is amended by adding at the end thereof the following new section:

"Sec. 26. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States \$66,750,000 to the Asian Development Fund, a special fund of the Bank: *Provided*, That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are authorized to be appropriated, without fiscal year limitation, \$66,750,000 for payment by the Secretary of the Treasury."

TITLE III—HUNGER AND GLOBAL SECURITY

SEC. 301. This title may be cited as the "Hunger and Global Security Multilateral Development Bank Act".

SEC. 302. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.), as amended by section 101, is further amended by adding at the end thereof the following new sections:

"Sec. 40. (a) The Congress finds that there is a need for concerted international efforts to deal with the problems of malnutrition, low life expectancy, high birth rates, childhood disease, underemployment, and low productivity in developing countries.

"(b) The Congress notes with approval that the Inter-American Development Bank, under the terms of its Fifth Replenishment, has adopted the target that 50 percent of its lending benefit the poorest groups and has developed a usable methodology for determining the proportion of its lending which benefits such groups.

"Sec. 41. (a) The Secretary of the Treasury shall consult with representatives of other member countries of the International Bank for Reconstruction and Development, the International Development Association, the African Development Fund, the Asian Development Bank, the Inter-American Development Bank, and, if the United States becomes a member of the African Development Bank, the Secretary of the Treasury shall consult with other member countries of the African Development Bank, for the purpose of establishing guidelines, within each of those institutions, which specify that, to the maximum feasible extent consistent with the purposes and charters of those institutions, annual lending by each of those multilateral development institutions shall be designed to benefit needy people, primarily by financing sound, productive, self-sustaining projects in developing countries which provide assistance to help poor people improve their conditions of life. It is the sense of Congress that at least 50 percent of the annual lending by each multilateral development institution should be designed to benefit needy people.

"(b) The Congress finds that both projects for the construction of basic infrastructure facilities and projects dealing with social problems or the promotion of basic human needs can be designed to meet the objectives of this section. For purposes of this section and section 42, needy people are those who are classified as 'absolutely or relatively poor' under the standards adopted by the International Bank for Reconstruction and Development and the International Development Association.

"Sec. 42. The Secretary of the Treasury shall prepare and transmit a report annually to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate on the progress being made toward achieving the goals of section 41, and shall also include, for each

of the institutions referred to in section 41, as accurate an estimate as practicable of the proportion of the lending by such institution which benefits needy people in its borrower countries. In formulating such estimates, the Secretary of the Treasury may utilize the methodology developed by the Inter-American Development Bank or such other methodology or methodologies as may be appropriate."

TITLE IV—EFFECTIVE DATE AND AVAILABILITY OF FUNDS

SEC. 401. This Act shall take effect upon its date of enactment, except that funds authorized to be appropriated by any provision contained in title I or II are not available for use or obligation prior to October 1, 1981.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF STATE AUTHORIZATION ACT, FISCAL YEARS 1982 AND 1983

The Senate resumed consideration of S. 1193.

Mr. HUDDLESTON. Mr. President, what is the order of business at the present time? Do we return to the foreign relations bill?

The PRESIDING OFFICER. The pending business is S. 1193.

UP AMENDMENT NO. 168

(Purpose: To require the President to transmit a report on the total cost of domestic and foreign assistance for refugees and Cuban and Haitian entrants)

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Kentucky (Mr. HUDDLESTON) proposes an unprinted amendment numbered 168.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following:

REPORT

SEC. . (a) Not later than 60 days after the date of enactment of this section, the President shall prepare and transmit to the Congress a full and complete report on the total cost of Federal, State, and local efforts to assist refugees and Cuban and Haitian entrants within the United States or abroad for each of the fiscal years 1981 and 1982. Such report shall include and set forth for each such fiscal year—

(1) the costs of assistance for resettlement of refugees and Cuban and Haitian entrants within the United States or abroad;

(2) the costs of United States contributions to foreign governments, international organizations, or other agencies which are attributable to assistance for refugees and Cuban and Haitian entrants;

(3) the costs of Federal, State, and local efforts other than described in paragraphs (1) and (2) to assist, and provide services

for, refugees and Cuban and Haitian entrants; and

(4) administrative and operating expenses of Federal, State, and local governments which are attributable to programs of assistance or services described in paragraphs (1), (2), and (3); and

(5) administrative and operating expenses incurred by the United States because of the entry of such aliens into the United States.

(b) For purposes of this section—

(1) the term "refugees" is used within the meaning of paragraph (42) of section 101(a) of the Immigration and Nationality Act; and

(2) the phrase "Cuban and Haitian entrants" means Cubans and Haitians paroled into the United States, pursuant to section 212(d)(5) of the Immigration and Nationality Act, during 1980 who have not been given or denied refugee status under the Immigration and Nationality Act.

Mr. HUDDLESTON. Mr. President, refugee assistance from the United States totals in the billions of dollars and is provided by the Federal, State and local governments. Because of the multitude of programs and the many agencies and departments they are scattered among, it is almost impossible to get a true picture of the total cost.

In order to overcome this lack of information, I introduced an amendment, similar to the one I am offering today, in 1979 which required a report on the total cost of our refugee assistance efforts. In February of 1980 this report was released and revealed that the estimated cost for fiscal year 1980 would be \$1.7 billion and \$2.1 billion in fiscal year 1981. Unfortunately, these figures are now outdated because of the Cuban/Haitian arrivals and the generation of new information regarding the refugees we are admitting.

At a time when the needy children of this country are being forced to go without vital assistance because of cutbacks in food, housing, and jobs programs, this bill, S. 1193, would increase the authorization for refugee assistance. I believe that a report on the total cost of our refugee programs would help the Congress and the Committee on Foreign Relations set spending priorities in a more reasonable manner.

The amendment I am offering would simply require the President to report within 60 days on the total cost of our refugee assistance efforts including the Cuban/Haitian arrivals. It is exactly the same kind of report which the Carter administration was required to make last year. The administration has all the figures, it is simply a matter of putting those figures together in one report.

Mr. President, this is a very simple amendment, very similar to the one that was adopted 2 years ago that simply requires the administration to supply Congress with the total cost of refugee assistance.

It has been cleared on both sides of the aisle, and I ask for its immediate consideration.

Mr. PELL. Mr. President, the Senator has discussed this with the minority side of the aisle. It seems like an excellent amendment. I hope that the acting majority manager will accept this amendment.

Mr. MATHIAS. Mr. President, the chairman of the Foreign Relations Com-

mittee has discussed this with the author of the amendment, and I believe he has no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky.

The amendment (UP No. 168) was agreed to.

Mr. BAKER. Mr. President, there will be no more rollcall votes tonight.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask unanimous consent that there be a brief period for the transaction of routine morning business to extend not longer than 20 minutes in which Senators may speak.

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

LET US GIVE CREDIT WHERE CREDIT IS DUE

Mr. ROBERT C. BYRD. Mr. President, I was somewhat disappointed with the criticisms that President Reagan leveled at the Congress in his press conference yesterday.

Let us give credit where credit is due. This Congress has acted with great dispatch on the President's proposals. It has been delivering highly complicated and very major legislation at an astonishing speed. And the main thrust of the legislation which has emerged, and is emerging, is giving the President what he wants. These measures are fundamentally altering programs and policies which have been built, by Democratic and Republican administrations alike, over several decades. They cannot be revised overnight. Yet, the committees of both Houses are to be congratulated for the tremendous urgency and speed with which they have examined and marked up the various proposals submitted by this administration.

The American people expect us to do our job. There is a reason the framers of our system of government separated and balanced the powers of the three branches of Government. If Congress is stampeded into thoughtlessly embracing everything that comes to it from the executive branch, mistakes will be made and great damage can be done. We have worked in a spirit of comity with this President and we will continue to do so. But comity and respect have got to be a two-way street.

Let us briefly review the record of this Congress so far. Both Houses of Congress have already passed budget resolutions which ordered committees to cut \$36 billion in spending next year and some \$140 billion over the next 3 years. The committees have produced follow-up reconciliation cuts in programs which will be on the floor of the Senate next week and on the floor of the House shortly. We have approached this process in a highly constructive and responsive way. The cuts do not mirror image the President's proposals entirely, but they give him most of what he has asked for. We are hard at work on the President's tax cut proposals. The American people

will have a tax cut. But the President's proposal as initially submitted was far from perfect. We are changing it in some ways which President Reagan yesterday acknowledged to be constructive. Our constructive criticism has resulted in the President's adding many important provisions to his revised tax bill. I would like to see the third year cut tied to the President's success in bringing interest rates down.

The legislative process works with give and take. It is a time-proven successful process.

I am not aware of any Congress which has ever given a President everything he wants. And this is as it should be. No branch of this Government is infallible. We noted that mistakes of billions of dollars were made in the executive branch when the first budget was so hastily prepared and submitted to us. Should we have rubberstamped those mistakes? Of course not.

The Senate has already passed this administration's first defense bill, and the House will shortly consider its version. We gave the administration largely what it wanted in that bill. We did not give it everything because there were some ill-considered items. It is a responsible bill, and we went as far as to give the administration money for strategic programs on which it has itself not yet been able to make decisions. We authorized billions for a new bomber, the recommendation for which was due to be submitted to us by March 15, 1981. There is still no recommendation. We have given additional billions for an MX basing mode system, and they have not yet come up with a recommendation on that. We passed a very costly Navy shipbuilding program, but we had to shoot in the dark because the administration failed to provide us with the 5-year shipbuilding program which is mandated by law to be submitted each year with the budget. And so we have tolerated these delays and acted on the basis of very incomplete information. We understand the new administration needs time to formulate its defense and foreign policies. And we certainly expect the administration to respect the Congress as it considers and acts on its economic program. We have seen in the past the paralysis that can develop when the President and Congress are at odds with each other. On our side of the aisle we have sought to avoid that paralysis. I believe we have succeeded and we will continue to succeed.

And so, Mr. President, let us give credit where credit is due. The American people want action. They are getting action. But the American people want us to do our work carefully and thoughtfully. They are getting that kind of work.

Mr. President, I yield the floor.

THE WORLD'S MOST COMPULSIVE GAMBLER

Mr. HATFIELD. Mr. President, in the last 48 hours, the United States has announced new security agreements with Pakistan and the Peoples' Republic of China. I do not wish to suggest that the considerations applying to each agree-

ment are similar. Clearly, each relationship poses unique circumstances and conditions for U.S. foreign policy. It would be equally faulty to assume, however, that there are not significant common denominators underlying our willingness to embark on these radical departures from established policy.

I submit, Mr. President, that the United States is fast becoming marked as the "world's most compulsive gambler." I challenge the proponents of these arms agreements to provide a single shred of evidence that our convenient friends today will hold the reins of power a year from now. Recent history has demonstrated the potential for dramatic shifts in the leadership of the Peoples' Republic of China. The extremely tentative power base held by General Zia in Pakistan is also well-known. His is a brutal and unstable government unable to provide even the base necessities of life for its own people. The substance of Pakistan's allegiance to the United States is even more questionable than its own stability.

Have we already forgotten the destruction of the American Embassy in Pakistan, and the passive indifference of the Pakistani Government toward that act? With so much talk of renewed commitment to our real friends, we now move to bestow "allied status" on a government that so recently displayed supreme disregard for this Nation.

These recent actions were intended to signal strength and resolve to the Soviets. They in fact signal confused purpose and hollow commitment. They represent a desperate substitute for the genius and courage which the increasingly dangerous global situation requires of us. Instead, Mr. President, we are becoming the image of the gambler who disregards his family's welfare, blinds himself to the future and blanks out the past in a feverish effort to achieve immediate and total security.

Mr. President, I have been as critical of the Soviet Union as any Member of this Chamber. I deplore the march of totalitarianism. I condemn the brutality and spiritual bankruptcy of their system. But we must stand for something. Our hopes for a stable global community and our historic ideals should not be casually abandoned in deference to an all-consuming and myopic anti-Sovietism.

Mr. President, we must confront ourselves with brutal honesty. Have we come to view the nonproliferation on nuclear weapons and the eradication of the root causes of global stability as such hopeless goals that our only recourse is to live for the moment?

I say to my colleagues that the rules of the international game are changing. We, through such rash acts, are relinquishing our right to constructively shape that process, for as we point our finger of condemnation at the Soviet Union, we do so with our eyes closed and our ears deaf to the cries of suffering in this world.

One billion human beings on this Earth are so limited by illiteracy, malnutrition, and disease as to deny them the very potential of the genes with

which they were born. As each minute passes by here today, 21 children will die.

Twenty-eight African countries are presently suffering drought conditions. The food deficit is expected to increase as the eighties progress. Yet we appear surprised as country after country becomes ripe for revolution and, consequently, Soviet adventurism. Rather than showing that we care, we leap into questionable arms agreements with regimes with whom the only factor we have in common is fear of the Soviet Union.

I ask my colleagues to take a hard look at the glaring inconsistencies in logic which emerge in both the Pakistan and the China case. Within days of an attack by Israel on an Islamic nuclear reactor, we agree to sell offensive fighters to an Islamic nation which is no less an enemy of Israel—and even more suspect of aggressive nuclear intent. Pakistan has shown disdain for the United States and international legal efforts to control the spread of offensive nuclear technology by its refusal to sign the Nuclear Non-Proliferation Treaty.

We brand every revolt against friendly authoritarian regimes as inspired by totalitarian communism, yet Chinese communism, with all of its totalitarian implications, now is an acceptable candidate for lethal U.S. weaponry.

Mr. President, it is my deepest hope that Congress will not allow itself to succumb to these bankrupt interpretations of our security needs. That which masquerades as realism is increasingly proving itself removed from reality. And let us be honest about the implications—the cost in human terms—of this new emphasis on cultivating friendships with arms. There are profound problems facing this world, and with each day that we indulge our gambling instincts the answers become more distant, and the dangers more acute.

S. 1369—WITHHOLDING OF CERTAIN GAMBLING WINNINGS

Mr. HUDDLESTON. Mr. President, on June 15, 1981, I introduced a bill to repeal section 3402(q) of the Internal Revenue Code of 1954.

Mr. President, my purpose in introducing this legislation is to remove an unnecessary and ill-advised impediment to the legitimate wagering industry, from which so many of our States derive significant revenues.

This bill does not challenge the overall tax policy of our Nation toward gambling income. However, I will note that the United States is the only country in the world where the incidence of taxation is on revenues from the winnings of individuals, rather than solely from the operations of legal gambling activities.

There appears to be clear and convincing evidence that the section of our tax code dealing with withholding of gambling earnings, section 3402(q), violates our longstanding American tradition of Federal neutrality toward wagering activities.

This code section was enacted with the purpose of assuring compliance with the tax laws and providing increased reve-

enues for the Treasury, but we have no evidence that it has resulted in significant additional Federal income. However, it clearly has induced otherwise law-abiding citizens to patronize illegal gambling activities, and in so doing has caused a fall in State revenues from parimutuel wagering.

Some 32 States now derive significant revenues from racing, and additional sums are raised in some of these States from lotteries and casino operations.

In 1977, the first year in which section 3402(q) was effective, total State revenues from parimutuel activities declined for the first time in 18 years. In 1978, they dropped at a faster rate, with total State losses of \$18 million.

Revenues from racetrack betting declined in 12 States during 1978. Even in those States where revenues have continued to rise, there is strong reason to believe that a substantial portion of wagering activity is being diverted to illegal oddsmakers.

The burden of compliance with this tax provision on the racetrack facilities was recognized in the final report of the Commission on the Review of the National Policy Toward Gambling, which concluded:

The withholding measure will increase the advantage to illegal operators, generate minimal revenues to the Government, and unnecessarily increase the administrative burden to the legal gambling businesses.

Mr. President, in operation this so-called withholding provision actually constitutes a 20-percent excise tax on that average citizen who is lucky enough to win on a long-shot exotic bet at the racetrack. Despite the fact that 85 percent of these patrons sustained net gambling losses in the year in which these winnings were withheld, less than half were able to recoup this obligatory tax payment from the Treasury.

There are two major reasons for this windfall to the Federal Government. First, one must give up the standard deduction and elect to file an itemized tax return to get back the withheld winnings. And, second, the IRS accounting standards for substantiating offsetting losses are so burdensome as to deter all but the most stalwart taxpayers.

In combination, these two barriers prevent the majority of affected individuals from ever recovering the winnings which are lawfully and rightfully theirs.

Nor has this provision been successful in meeting its proponents' goals for raising revenues. The total winnings withheld in 1978 were only \$66 million, despite the IRS' initial claims that Federal receipts would improve by more than \$100 million per year. More than \$50 million out of that \$66 million should have been returned to taxpayers under a fair and reasonable system of substantiating offsetting losses.

In part, this provision was enacted in response to allegations that some taxpayers were using various means to evade the reporting requirements for large winnings which existed prior to 1977.

Although one IRS study concludes that withholding improves bettor compliance in reporting gambling winnings to some degree, that study indicates that most

bettors who receive large racetrack winnings not subject to withholding do report the winnings as income.

However, it is very clear that the net effect of section 3402(q) has been to boost the already high competitive advantage of illegal gambling activities.

The success and scale of illegal wagering, abetted by and lucrative for organized crime, is of far greater consequence to the Nation than the occasional attempts of some individuals to avoid Federal taxes on their gambling winnings.

IN MEMORY OF IRVING H. STEINHORN

Mr. McCURE. Mr. President, I would like to ask the Senate to pause for a few moments to remember Irving H. Steinhorn, a member of the staff of the Energy and Natural Resources Committee who died Sunday after a long and difficult battle with cancer and other complications.

Mr. Steinhorn's career as a printer spanned 41 years, including 23 years of dedicated service with the Government Printing Office. Since 1973, Mr. Steinhorn served as printer for the Energy and Natural Resources Committee on assignment from GPO. Irv's charm and wit in helping frenzied staff meet printing deadlines will be long remembered.

For the past 3 years Mr. Steinhorn has struggled with cancer. He faced the difficulty and pain of his illness with great courage. Never once did he complain or seek sympathy. He worked diligently and untiringly—always with a kind word and a friendly smile for his fellow workers. He will be dearly missed by his many friends.

I extend my heartfelt sympathy to his wife, Harriet, and his children, Pauline, Alan, and Mark.

MESSAGES FROM THE HOUSE

ENROLLED JOINT RESOLUTION SIGNED

At 11:16 a.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 288. Joint resolution to correct Public Law 97-12 due to an error in the enrollment of H.R. 3512.

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:44 p.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 149. Concurrent resolution authorizing the printing of additional copies of the Omnibus Reconciliation Act of 1981, and accompanying reports.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. 1377. An original bill to provide for

reconciliation pursuant to title III of the first concurrent resolution on the budget for fiscal year 1982 (H. Con. Res. 115, 97th Congress) (Rept. No. 97-139).

By Mr. PERCY, from the Committee on Foreign Relations, with an amendment, and amendments to the preamble:

S. Res. 152. Resolution relating to the 1,300th anniversary of Bulgarian statehood. By Mr. PERCY, from the Committee on Foreign Relations, with amendments, and an amendment to the preamble:

S. Con. Res. 18. Concurrent resolution relating to the restoration of the free exercise of religion in Ukraine.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments, an amendment to the title, and amendments to the preamble:

S. Res. 144. Resolution to offer strong support for diplomatic efforts to resolve the current crisis in Lebanon, and to protect the right of Lebanese Christian and other communities to live in freedom and security.

By Mr. PERCY, from the Committee on Foreign Relations, without amendment, with an amendment to the title, and amendments to the preamble:

S. Con. Res. 5. Concurrent resolution expressing the sense of the Congress with respect to the imprisonment and treatment by the Government of the Soviet Union of Dr. Viktor Brailovsky, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Ann Dore McLaughlin, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Peter J. Wallison, of New York, to be General Counsel for the Department of the Treasury.

By Mr. PERCY, from the Committee on Foreign Relations:

Daniel J. Terra, of Illinois, to be Ambassador at Large for Cultural Affairs.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Daniel J. Terra.
Post: Ambassador at Large for Cultural Affairs.

Nominated: February 11, 1981.

Contributions, amount, date, and donee:

1. Self, \$62,200. (See attached Schedule 1.)

2. Spouse, \$10,000. (See attached Schedule 2.)

3. Children and spouses names, \$10,500. (See attached Schedule 3.)

4. Parents names, deceased.

5. Grandparents names, deceased.

6. Brothers and spouses names, deceased.

7. Sisters and spouses names, deceased.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

DANIEL J. TERRA.

SCHEDULE 1

Daniel J. Terra:

1976

United Republican Fund, \$12,500.
Ronald Reagan for President, \$1,000.
Sam Young for Congress, \$1,000.

1977

United Republican Fund, \$6,100.

1978

United Republican Fund, \$11,500.
Charles H. Percy for Senator, \$1,000.

1979

United Republican Fund, \$8,500.
John Porter for Congress, \$1,000.

1980

United Republican Fund, \$10,600.
Ronald Reagan for President, \$1,000.
John Porter for Congress, \$1,000.
David O'Neal for Senator, \$1,000.
Paul Laxalt for Senator, \$1,000.
Unity dinners for Robert Dole, Howard Baker, John Connally, Ben Fernandez, etc., \$5,000.

SCHEDULE 2

Adeline R. Terra:

1976

Ronald Reagan for President, \$1,000.
Sam Young for Congress, \$1,000.

1977

None.

1978

Charles H. Percy for Senator, \$1,000.

1979

None.

1980

Ronald Reagan for President, \$1,000.
Paul Laxalt for Senator, \$1,000.
Unity dinners for Robert Dole, Howard Baker, John Connally, Ben Fernandez, etc., \$5,000.

SCHEDULE 3

James D. Terra (Son):

1976: None.

1977: None.

1978: None.

1979: \$1,000 Reagan for President. \$1,000 John Nimrod for Congress. \$500 United Republican Fund.

1980: \$1,000 Laxalt for Senator. \$2,500 Unity dinners for Robert Dole, Howard Baker, John Connally, Ben Fernandez, etc.

Penelope S. Terra (Son's Spouse):

1976: None.

1977: None.

1978: None.

1979: \$1,000 Reagan for President.

1980: \$1,000 Laxalt for Senator. \$2,500 Unity dinners for Robert Dole, Howard Baker, John Connally, Ben Fernandez, etc.

Theodore E. Cummings, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Austria.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Theodore E. Cummings.

Post: U.S. Ambassador to Austria.

Nominated March, 1981.

Contributions, amount, date, and donee:

1. Self, (Federal) \$23,750, 1976-1981; (State) \$41,000. Various Federal State and local campaigns.

2. Spouse, (Federal) \$3,500, 1976-1981.

3. Children and Spouses, N/A.

4. Parents, N/A.

5. Grandparents, N/A.

6. Brothers and Spouses, N/A.

7. Sisters and Spouses, N/A.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

THEODORE E. CUMMINGS.

THEODORE E. CUMMINGS POLITICAL CONTRIBUTIONS OF \$1,000 OR MORE

	Federal	Other
1976:		
United Republican Financial Committee	\$1,250	-----
Republican National Committee	5,000	-----
1977:		
Friends of Zev Yaroslowsky (Los Angeles City)		\$1,000
Citizens for Wilson		1,500
Younger-Curb Campaign Committee		10,000
Republican National Committee (Eagles)	10,000	-----
Green for Senator	1,000	-----
1979:		
Friends of Van de Kamp (Los Angeles County)		1,000
Lt. Governor Mike Curb Committee		2,500
Reagan for President	1,000	-----
1980:		
Baker for President	1,000	-----
Paul Gann for Senator	1,000	-----
California Republican Party		25,000
Reagan for President (Mrs. Cummings)	1,000	-----
President's Transition Trust	2,500	-----
President's Transition Trust (Mrs. Cummings)	2,500	-----
Total	26,250	41,000

Robert Sherwood Dillon, of Virginia, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Robert S. Dillon.

Post: Ambassador, Lebanon.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and Spouses: Dale (and husband Dr. James Lips), John, Robert, Elizabeth, and Thomas Dillon.

4. Parents: Mrs. Dale C. Dillon (mother).

5. Grandparents, none.

6. Brothers and Spouses, none.

7. Sisters and Spouses: Joanne D. Lichty, sister (husband, Donald H. Lichty).

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

ROBERT S. DILLON.

Ernest Henry Preeg, of Virginia, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Haiti.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Ernest Henry Preeg.

Post: Ambassador to Haiti.

Contributions, amount, date, and donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses: Terri E. Preeg, none.

4. Parents: Claudia T. Preeg, \$200-\$300,* Republican Party.

5. Grandparents: Henry C. Casper, none.

6. Brothers and spouses: William E. Preeg, none; John C. Preeg, none.

7. Sisters and spouses: None.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these

*Best estimate is \$50-\$75 per year over past four years.

persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

ERNEST H. PREEG.

Maxwell M. Rabb, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Italy.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

- Nominee: Maxwell M. Rabb.
 Post: Ambassador to Italy.
 Contributions, amount, date, and donee:
 1. Self: (See Attached).
 2. Spouse: (See Attached).
 3. Children and Spouses: (See Attached).
 4. Parents: Deceased.
 5. Grandparents: Deceased.
 6. Brothers and Spouses: George and Alberta Rabb; Warren and Eleanor Rabb, None.
 7. Sisters and Spouses: Deceased.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

MAXWELL M. RABB.

- Contributions, amount, date, and donee:
 1. Self:
 \$100, August 5, 1977, Republican National Committee.
 \$100, October 12, 1977, Republican National Committee.
 \$1,000, October 19, 1977, Malcolm Wallop Senate Drive Committee.
 \$1,000, Senator James McClure—Idaho.
 \$1,000, January 27, 1978, Re-elect Howard Baker Committee.
 \$500, February 15, 1978, Re-elect Senator Pell Committee.
 \$1,000, February 28, 1978, Cohen for Senate Committee.
 \$250, September 27, 1978, Cohen for Senate Committee.
 \$250, September 28, 1978, Cohen for Senate Committee.
 \$1,000, October 17, 1978, Armstrong for Senate Committee.
 \$1,000, September 24, 1978, Arch Moore for Senate Campaign.
 \$500, October 17, 1978, The Al Simpson Senate Campaign.
 \$500, Senator Mark Hatfield of Oregon Committee.
 \$1,000, October 19, 1978, The Brooke Committee.
 \$500, September 26, 1978, Citizens for Percy.
 \$100, November 27, 1978, Cheney for Congressman.
 \$1,000, February 27, 1979, Pressler for Senator.
 \$1,000, March 14, 1979, Al Simpson Campaign.
 \$1,000, April 26, 1979, People for Boschwitz.
 \$250, June 11, 1979, Idaho for Church.
 \$25, June 25, 1979, Republican National Committee.
 \$250, November 19, 1979, Pressler for President.
 \$100, November 29, 1979, Carney for Congress Committee.
 \$1,000, August 15, 1979, Congressional Leadership Committee P.A.C.
 \$1,000, October 25, 1979, Reagan for President.
 \$250, January 15, 1980, Friends of the Conservative Party.
 \$2,000, March 10, 1980, Manhattan East Side Republican Club.
 \$100, April 1, 1980, RNC Campaigner Membership Fund.
 \$250, June 6, 1980, Grassley for Senate.

\$100, September 18, 1980, New York Congressional Committee.

\$250, September 18, 1980, Citizens for Buckley.

\$1,000, September 29, 1980, Paul Laxalt for Senator.

\$1,000, October 14, 1980, Jake Garn for U.S. Senate.

\$1,000, October 23, 1980, Marylanders for Mathias.

\$500, October 27, 1980, Re-elect Bob Packwood Committee.

\$1,000, November 3, 1980, Rudman for Senate Committee.

\$500, November 3, 1980, Bob Packwood for Senate Committee.

\$1,000, February 24, 1981, Friends of Al D'Amato.

2. Spouse:
 \$100, December 21, 1977, Women's Campaign Fund.

\$500, October 17, 1978, the Al Simpson Senate Campaign.

\$1,000, October 25, 1979, Reagan for President.

3. Children and Spouses:
 Emily Maltby (daughter), none.

Howard Maltby (son-in-law), none.

Priscilla Haskins (daughter), none.

John Haskins (son-in-law), none.

Sheila Rabb Weidenfeld (daughter), none.

Edward Weidenfeld (son-in-law):
 \$25, 1977, Tom Loeffler for Congress.

\$100, 1977, Dick Cheney for Congress.

\$200, 1977, Women's Campaign Fund.

\$250, 1977, Bill Cohen for Senate.

\$100, 1977, Jim McClure for Senate.

\$200, 1979, Reagan for President.

Bruce Rabb (son):
 \$250, September 9, 1977, Malcolm Wallop for Senate—Wyoming.

\$100, March 6, 1978, Bill Cohen for Senator.

\$100, January 24, 1979, Thomas Petri—Wisconsin.

\$100, March 20, 1979, Bob Packwood for Senate.

\$500, September 27, 1979, Robert Dole for Senate.

\$50, October 19, 1980, Thomas Petri—Wisconsin.

Harriet Rabb (daughter-in-law), none.

Charles H. Price II, of Missouri, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Belgium.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Charles H. Price II.
 Post: Ambassador to Belgium.

Contributions, amount, date, and donee:
 1. Self: See attached schedule.

2. Spouse: See attached schedule.

3. Children and Spouses: See attached schedule.

4. Parents: See attached schedule.

5. Grandparents: See attached schedule.

6. Brothers and Spouses: See attached schedule.

7. Sisters and Spouses: See attached schedule.

I have listed above the names of each member of my immediate family including their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

CHARLES H. PRICE II.

POLITICAL CONTRIBUTIONS

- Donor, date, donee, and amount:
 Charles H. Price II:
 March 1, 1977: John Connally—John Connally Dinner, \$50.

March 11, 1977: Republican National Committee, \$15.

October 19, 1977: James Spainhower—Friends and Supporters of James Spainhower, \$50.

January 26, 1978: Missouri Republican State Finance Committee, \$250.

April 5, 1978: Political Action Committee of Missouri Banking Association, \$10.

May 12, 1978: Republican National Committee, \$25.

May 23, 1978: Tom Coleman—Citizens for Coleman, \$100.

August 7, 1978: Tom Coleman—Citizens for Coleman, \$100.

October 5, 1978: People for Pete Committee, \$50.

October 11, 1978: Jim Antonio—Friends of Jim Antonio, \$100.

January 6, 1979: Leonard for Council Committee, \$50.

February 1, 1979: Wheeler for Mayor Campaign, \$100.

February 28, 1979: Richard Berkley—Berkley for Mayor, \$200.

June 25, 1979: Richard Berkley—Berkley for Mayor, \$200.

March 12, 1979: Richard Berkley—Berkley for Mayor, \$250.

April 10, 1979: Ronald Reagan—Reagan for President Committee, \$1,000.

May 7, 1979: Kay Waldo, Friends of Kay Waldo, \$50.

July 2, 1979: Kay Waldo, Friends of Kay Waldo, \$50.

October 11, 1979: Kit Bond, Friends of Kit Bond, \$100.

December 11, 1979: Republican National Committee, \$50.

1979: American Bank & Trust Co. Political Action Committee (This amount represents the total of monthly deductions from his paycheck.), \$280.

May 5, 1980: Kit Bond, Bond for Governor Committee, \$200.

September 12, 1980: Kit Bond, Bond for Governor Committee, \$500.

August 5, 1980: National Conservative Political Action Committee, \$500.

September 25, 1980: Republican National Committee, Prelude to Victory Party, Kansas City, Missouri, \$5,000.

March 12, 1980: United Republicans, \$25.

May 6, 1980: Tom Coleman, Citizens for Coleman, \$500.

July 28, 1980: Richard Berkley, Berkley Birthday Dinner, \$100.

August 22, 1980: Senate Campaign Committee, Senatorial Trust, \$5,000.

September 24, 1980: American Bank & Trust Co. Political Action Committee, \$100.

October 14, 1980: McNary for Senator, \$100.

October 30, 1980: Kit Bond, Bond for Governor Committee, \$1,000.

September 27, 1980: James Spainhower, Missourians for Spainhower, \$100.

December 10, 1980: James Spainhower, Missourians for Spainhower, \$25.

December 29, 1980: Reagan Ten Club & Republican Eagles, \$250.

1980: American Bank & Trust Co. Political Action Committee (This amount represents the total of monthly deductions from his paycheck.), \$480.

Carol Swanson Price:
 December 18, 1978: Senate Campaign Committee, Senatorial Trust, \$1,000.

January 31, 1979: Richard Berkley, Berkley for Mayor, \$100.

March 12, 1979: Richard Berkley, Berkley for Mayor, \$250.

April 10, 1979: Ronald Reagan, Reagan for President Committee, \$1,000.

July 1, 1980: United Citizens for Kemper, \$100.

July 29, 1980: Kit Bond, Kit Bond for Governor, \$500.

September 21, 1980: Kit Bond, Kit Bond for Governor, \$500.

August 1, 1980: National Conservative Political Action Committee, \$500.

September 17, 1980: Reagan-Bush Campaign Fund (This is not a political contribution within the meaning of the Federal Election Campaign Act of 1971.), \$1,000.

February 18, 1980: Senate Campaign Committee, Senatorial Trust, \$1,000.

September 25, 1980: Republican National Committee, Prelude to Victory Party, Kansas City, Missouri, \$3,000.

Joint Contributions of Charles H. Price II and Carol Swanson Price:

March 1, 1977: James Spainhower, Friends and Supporters of James Spainhower, \$25.

December 20, 1977: Missouri Republican Finance Committee, \$100.

December 14, 1978: Richard Berkley, Dick Berkley for Mayor, \$200.

June 17, 1980: United Citizens for Kemper, \$100.

May 2, 1980: Tom Coleman, Citizens for Coleman, \$200.

August 22, 1980: McNary for Senator, \$100.

December 19, 1980: Inaugural Committee, \$84.

December 23, 1980: Kennedy Gala, \$250.

Parents, grandparents, and siblings are deceased. Children (Pickette Virginia Price, Charles Blair Price, Caroline Lee Rhoden, Melissa Marie Rhoden, and Charles H. Price III) have made no political contributions.

(The above nominations from the Committee on Foreign Relations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. PERCY, from the Committee on Foreign Relations, without reservation:

Treaty Doc. No. 97-3. Consular Convention between the United States of America and the People's Republic of China, signed at Washington on September 17, 1980 (Ex. Rept. No. 97-14).

By Mr. HATCH, from the Committee on Labor and Human Resources:

Robert Melvin Worthington, of Utah, to be Assistant Secretary for Vocational and Adult Education, Department of Education. Lawrence F. Davenport, of California, to be Associate Director of the ACTION Agency. Kent Lloyd, of California, to be Deputy Under Secretary for Management, Department of Education.

Winifred Ann Pizzano, of Virginia, to be Deputy Director of the ACTION Agency.

Vincent E. Reed, of the District of Columbia, to be an Assistant Secretary for Elementary and Secondary Education, Department of Education.

William C. Clohan, Jr., of West Virginia, to be Under Secretary of Education.

(The above nominations from the Committee on Labor and Human Resources were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 1377. An original bill to provide for reconciliation pursuant to Title III of the First

Concurrent Resolution on the Budget for fiscal year 1982 (H. Con. Res. 115, 97th Congress); from the Committee on the Budget; placed on the calendar.

By Mr. JEPSEN (for himself and Mr. LAXALT):

S. 1378. A bill to strengthen the American family and to promote the virtues of family life through education, tax assistance, and related measures; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 1379. A bill to amend the Public Utility Regulatory Policies Act of 1978 to prohibit retail electric and gas utility rate increases in excess of the cost of living; to the Committee on Energy and Natural Resources.

By Mr. MATTINGLY:

S. 1380. A bill to amend title 5 of the United States Code to insure that Civil Service retirees do not receive annuities which are in excess of the salaries received by individuals working on the positions from which the retirees were retired; to the Committee on Governmental Affairs.

By Mr. D'AMATO:

S. 1381. A bill to amend the Federal Water Pollution Control Act to permit the discharge of alum and alum sludge under such Act; to the Committee on Environment and Public Works.

S. 1382. A bill entitled the "Volunteer Fire Department Equity Act"; to the Committee on Finance.

By Mr. HART:

S. 1383. A bill to encourage the orderly development of oil shale resources on Federal lands; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE:

S. 1384. A bill to amend section 205 of the Federal Credit Union Act; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BOSCHWITZ:

S. 1385. A bill for the relief of Kwok Kit (John) Fung; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEPSEN (for himself and Mr. LAXALT):

S. 1378. A bill to strengthen the American family and to promote the virtues of family life through education, tax assistance, and related measures; to the Committee on Finance.

(The remarks of Mr. JEPSEN and Mr. LAXALT on this legislation appear earlier in today's RECORD.)

By Mr. MOYNIHAN:

S. 1379. A bill to amend the Public Utility Regulatory Policies Act of 1978 to prohibit retail electric and gas utility rate increases in excess of the cost of living; to the Committee on Energy and Natural Resources.

LIMITING PRICE INCREASES FOR UTILITIES

● Mr. MOYNIHAN. Mr. President, I am today honored to join my friend and distinguished colleague from the House, Representative PETER PEYSER, in his commendable effort to hold public utility rate increases to reasonable levels. I rise to introduce companion legislation to Representative PEYSER's farsighted legislative initiative of May 20, H.R. 3653, amending the Public Utilities Regulatory Act of 1978.

Our legislation would simply require that the rate of increase in public utility rates not exceed the national rate of inflation for the preceding year. We propose no restrictions on a State commis-

sion's discretion to review requests for rate increases. Rather, our proposal imposes a modest restraint on continuing rate escalation.

As energy costs represent an increasing share of every household's budget, it is imperative that we insure that our publicly regulated utilities provide energy at a price which fairly represents the cost of production. It is not unreasonable to expect that utility rate increases be held to a level equal to the inflation rate, as computed by the Consumer Price Index. With this legislation, we seek to protect householders throughout the Nation who have found themselves burdened by gas and electric rate increases in excess of the already staggering inflation rate.

Mr. President, I ask unanimous consent that two tables describing rate increases for gas and electric utilities over the past several years be printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

GAS RATE INCREASE

[In percent]

	1979	1980	1981
Consumer Price Index.....	13.3	12.4	18.4
1. Village of Bath.....	0	3.0	0
2. Brooklyn Union Gas Co.....	1.5	4.2	0
3. Central Hudson Gas & Electric Corp.....	4.8	0	0
4. Columbia Gas of New York, Inc.....	3.6	1.8	0
5. Consolidated Edison of New York, Inc.....	0	7.2	3.2
6. Corning Natural Gas.....	.6	1.2	0
7. Fillmore Gas, Inc.....	1.6	5.6	0
8. Granby and Hemmingway Co.....	11.2	0	0
9. Long Island Lighting Co.....	9.9	0	0
10. Natural Fuel Gas Distribution Corp.....	6.2	3.5	2.5
11. NYS Electric & Gas Corp.....	3.0	3.0	.1
12. Niagara Mohawk Power Corp.....	0	3.6	4.1
13. Orange & Rockland Utilities, Inc	0	.3	(?)
14. Pavilion Natural Gas Co. (merged with Rochester).....	4.8	4.5	0
15. Pennsylvania & Southern Gas Co.....	11.8	0	0
16. Reserve Gas Co., Inc.....	0	10.4	0
17. Rochester Gas & Electric Corp.....	6.6	5.1	0
18. Southern Tier Gas Corp.....	0	0	0
19. Syracuse Suburban Gas Co., Inc.	0	1.1	0
20. Valley Gas Corp (merged with Rochester).....	0	0	0
21. Woodhull Municipal Gas Co.....	0	0	0

ELECTRIC RATE INCREASE

	1979	1980	1981
Consumer Price Index.....	13.3	12.4	18.4
1. Central Hudson Gas & Electric Corp.....	11.6	0	(?)
2. Consolidated Edison Co., Inc.....	6.6	0	15.5
3. The Fischers Island Electric Corp.....	5.4	12.8	0
4. Lawrence Park Heat, Light, & Power Co.....	14.6	0	0
5. Long Island Lighting Co.....	4.0	(*)	5.2
6. NYS Electric & Gas Corp.....	5.8	6.7	8.6
7. Niagara Mohawk Power Corp.....	1.7	10.5	9.3
8. Orange & Rockland Utilities, Inc.....	0	4.7	0
9. Pennsylvania Electric Co. (Warverly).....	0	18.0	0
10. Rochester Gas & Electric Corp.....	8.2	15.9	0
11. Village of Rockville Center.....	0	0	16.0

¹ Through April, seasonally adjusted, annualized.

² Minor decrease; rate design change.

³ Pending.

⁴ 2.5 percent, May; 8.5 percent, November (temporary).

⁵ Temporary.

Source: Power Division, Tariff Analysis Section, NYS Public Service Commission. ●

By Mr. MATTINGLY:

S. 1380. A bill to amend title 5 of the United States Code to insure that civil

service retirees do not receive annuities which are in excess of the salaries received by individuals working in the positions from which the retirees were retired; to the Committee on Governmental Affairs.

CEILINGS ON ANNUITIES FOR CIVIL SERVICE
RETIREES

● Mr. MATTINGLY. Mr. President, today I am pleased to introduce a bill which will, for the first time, place maximum ceilings on annuities that may be paid to present civil service retirees as well as those who retire on or after March 1, 1981.

At present, there is a limit on the initial amount of annuity that a civil service retiree may receive in relation to salary. That limit is determined by multiplying a percentage—usually 2 percent—times the employee's years of service. This product is then multiplied times the employee's high-3-year average salary. The result cannot exceed 80 percent of the annuitant's high 3-year-average salary. That is all well and good, as far as it goes. But, the problem arises once the annuity begins, because there is presently no limit on how high a civil service retiree's annuity can be pushed by cost-of-living raises. These raises are based on the Consumer Price Index and are presently payable twice a year. When the Consumer Price Index increases at a rate that is higher than increases in Federal pay, as has been the case in recent years, it is possible for the annuities of some retirees to exceed the present salary of the position from which they retired, and still continue to rise. This bill will cap the pensions of such persons at their present levels.

For persons who retire after March 1, 1981, the bill would maintain the initial ratio used to compute the maximum annuity throughout the life of the retiree.

The savings in annuity payments brought about by enactment of this bill are difficult to assess. However, the Office of Personnel Management estimates that the savings relative to persons who retired prior to March 1, 1981, would range between \$5 million and \$10 million per year. The Congressional Budget Office estimates that if the cap on future annuitants contained in the bill had been in effect since October 1, 1978, savings for fiscal year 1980 would have been \$26.4 million, for fiscal year 1981 would have been \$91.2 million, and for fiscal year 1982 would approach \$200 million.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1380

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8340 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) (1) An annuity shall not be increased by reason of any adjustment under this section to a level which is in excess of the maximum permissible amount determined for such annuity at the time for such adjustment.

"(2) For purposes of this subsection, the maximum permissible amount shall be—

"(A) in the case of an annuity which commences before March 1, 1981, the lesser of—

"(1) the final pay (or average pay, if higher) of the employee or member, increased by the cumulative average increase in rates of pay of the General Schedule under section 5332 of this title during the period between the date the annuity commenced (or, in the case of a survivor of a retired employee or Member, the date the employee's or Member's annuity commenced) and the date of the adjustment under this section; or

"(ii) the rate of pay paid on the date of the adjustment under this section for GS-18 of the General Schedule under section 5332 of this title (or, if higher, the rate of pay paid on the date of the adjustment under this section for the last office or position (or equivalent thereof) held by the employee or Member), and

"(B) in the case of an annuity which commences on or after March 1, 1981, an amount equal to the product of—

"(1) the percentage determined under section 8339 of this title in computing the employee's or Member's annuity, multiplied by

"(ii) the current maximum rate of pay for the highest General Schedule, Executive Schedule, or Senior Executive Service position (or, if the highest position was not one of such positions, the level of the General Schedule, Executive Schedule, or Senior Executive Service Schedule determined by the Office in its sole discretion to be equivalent to the highest position) held by the employee or Member for at least 6 months during the period on which the employee's or Member's average pay is based.

"(3) The Office shall prescribe regulations for the application of this section for an annuitant who becomes employed in an elective or appointive position. Such regulations shall provide that any additional annuity shall be added to his initial annuity for purposes of applying this section."

(b) The amendment made by this section shall take effect at such time as the Director of the Office of Personnel Management shall determine, but not later than 180 days after the date of the enactment of this Act, except that no annuity shall be reduced by reason of such amendment below the amount payable on the day before such amendment takes effect.●

By Mr. D'AMATO:

S. 1382. A bill entitled "The Volunteer Fire Department Equity Act"; to the Committee on Finance.

VOLUNTEER FIRE DEPARTMENT EQUITY ACT

● Mr. D'AMATO. Mr. President, today I am introducing a bill to place volunteer fire departments on an equal footing with municipal fire departments in their ability to borrow money to finance the purchase of needed firefighting equipment. This bill is titled "The Volunteer Fire Department Equity Act."

As a member of the Island Park Volunteer Fire Department, I fully understand how worthwhile such organizations are. Currently, there are over 25,000 volunteer fire departments in the United States providing firefighting services to over 30 percent of our country's population. Well over a majority of our Nation's land area is protected by volunteer firefighters.

Volunteer fire departments are vital for the protection of human lives and property in their communities. In most cases they serve as extensions of local governments. As such, they should re-

ceive the same ability to borrow at lower interest rates than normal that municipal fire departments have.

This ability to borrow at lower interest rates than currently being charged results from making tax exempt the interest paid by volunteer fire departments on obligations incurred to purchase, construct, restore, or improve firefighting property. With the incentive of tax-exempt interest, lenders will offer lower rates. This, of course, is the same treatment afforded to regular units of local government by the Federal Tax Code.

The provisions of this bill only apply when the volunteer fire department is the only organized firefighting service in the area, when the volunteer fire department is required to provide firefighting services by the local government, when at least 50 percent of the volunteer fire department's operating expenses come from the local government, and when the volunteer fire department assesses no charges for providing its firefighting services. This bill specifically states that volunteer fire departments which do not meet all of these conditions are not affected by this legislation.

Mr. President, the firefighting equipment of our Nation's volunteer fire departments is rapidly becoming outdated. At current interest rates they cannot afford to replace this equipment. Therefore, if we are not to lose the effective firefighting services of these valuable organizations, we must pass this legislation without delay.●

By Mr. HART:

S. 1383. A bill to encourage the orderly development of oil shale resources on Federal lands; to the Committee on Energy and Natural Resources.

OIL SHALE LEASING ACT OF 1981

● Mr. HART. Mr. President, I am introducing today the Oil Shale Leasing Act of 1981, which will allow the orderly development in the 1980's and 1990's of our vast oil shale resources. The bill removes some unnecessary obstacles to oil shale development, while both leaving in place the key protections against too much development and adding important new safeguards. While no legislation can diminish the need for sound land management decisions by the Secretary of the Interior, this legislative framework will help make sure that oil shale leasing decisions strike the right balance between energy development and the other needs of the Nation and Colorado.

Because oil shale leasing policy is so important—both to the Nation as a whole and to those of us who live in oil shale country—I have sought the assistance of many people in preparing this bill. Representatives of energy companies and conservation groups have been particularly helpful in sharing with me both information and policy suggestions.

I especially want to express my appreciation to the many State and local government officials in Colorado who helped to shape the bill. In particular, Richard D. Lamm, the Governor of Colorado; Monte Pascoe, the executive director of the Department of Natural Resources,

and Chips Barry, the deputy director of the department, made several suggestions which greatly improved the bill. While of course nobody but myself is responsible for the content of the legislation, the bill represents the views of Colorado's elected State and local officials to the limits of my ability to accommodate those views.

While many people deeply involved in oil shale development have helped me to prepare this bill, only broad public scrutiny will tell if this proposal represents the best balancing of national, State, and local interests. I invite that scrutiny. The introduction of a bill is just the beginning of the legislative process, and there will be many opportunities for improving the bill based upon additional suggestions.

I especially invite Coloradans to study this proposal and let Congress know their views. The lands this bill deals with are owned by the people of the United States, and the final decisions on leasing them for oil shale development will primarily be made in Washington. But despite the broad national interest in these leasing decisions, Coloradans have more at stake than other Americans. Over 80 percent of the Nation's oil shale deposits are in our State. If they are developed in the wrong way, our communities, our agriculture, our tourism and recreation, our air and water quality, will all be threatened.

Before describing the details of the legislation I am introducing today, it will be helpful to review briefly some basic facts about oil shale.

To begin with, the energy potential of oil shale is staggering. Of the oil trapped in the Green River shale formations of northwestern Colorado, Utah, and Wyoming, just the fraction which can be recovered economically with the technology now being developed is enough to produce 1 million barrels of oil per day—about one-sixth of our current imports—and sustain that production for several centuries.

Because of the overriding national security and economic need to end our dangerous dependence on foreign oil, we would be foolish not to pursue oil shale development as part of a balanced energy program. Now, with the major Federal subsidies available from the Department of Energy and the new Synthetic Fuels Corporation, and with the world price of oil between \$35 and \$40 per barrel, the energy companies have adequate incentives to undertake that development.

We have long heard that oil shale development is just around the corner. This time, however, it is finally true. Some 15 companies have either started development activities or are preparing production plans for specific oil shale projects.

In essence, the first generation of oil shale development is now underway. By the end of this decade, there will likely be at least six or seven oil shale plants operating at a commercial scale. Each plant producing about 50,000 barrels of oil a day will cost between \$2 and \$6 billion, will be larger than any industrial facility now in Colorado, and will attract—counting both the work force and

the secondary population—as many as 20,000 people.

While there definitely will be a first generation of oil shale plants, the future of the industry beyond this first stage is still uncertain. Ultimately, of course, the decisions on future oil shale development will be made primarily by the private sector, based on the success of the first plants, the relative economic attractiveness of oil shale and other sources of energy (including conservation), and other factors best evaluated in the marketplace. But these private decisions inevitably will be made in the context of public policies. The decisions of the Synthetic Fuels Corp. may determine whether a company decides to undertake an oil shale project. The decisions made by government environmental agencies may determine where oil shale plants are located and how they are operated.

But the most important Government decisions will concern the leasing of Federal oil shale lands. The decisions on whether, when, and how additional Federal lands should be leased essentially will determine the future of oil shale development. Federal lands managed by the Department of the Interior contain over 80 percent of the Nation's recoverable oil shale deposits—including virtually all the richest deposits. Simply put, unless the Secretary of the Interior decides to lease these lands, future oil shale development will be limited. On the other hand, if too much land is leased, or if leases are issued without adequate safeguards, the development could have very severe adverse effects.

The Secretary of the Interior determines what Federal lands, if any, to lease for oil shale development and what conditions will apply to that development. The Secretary's decisions must follow the provisions of the Mineral Leasing Act of 1920—but that act gives the Secretary broad authority, with few limits. (The two most important limits—on the number of oil shale leases per company, and on the size of oil shale leases—are discussed below.)

In 1973, the Department of the Interior issued four oil shale leases, two in Colorado and two in Utah. These were issued under the Department's "prototype" oil shale leasing program, which was designed to encourage the testing of oil shale technologies. There is no statutory distinction, however, between a "prototype" oil shale lease and a "permanent" oil shale lease.

Since there may be additional oil shale leasing in this decade, it is appropriate to provide a much more detailed statutory framework for oil shale leasing. The Oil Shale Leasing Act will provide that framework by establishing national policy on:

- Preparation for additional leasing;
 - The number and size of leases;
 - The availability of additional lands for off-tract activities of current leases;
 - Conditions on oil shale development on Federal lands; and
 - The role of State and local governments in Federal leasing decisions.
- Since the companies holding the cur-

rent oil shale leases have a pressing need for quick congressional action on the off-tract leasing issues, we must continue consideration of legislation covering just off-tract leases while Congress considers the issues related to an expanded leasing program.

Mr. President, this legislation represents a sound framework for the resolution of the crucial oil shale leasing decisions which will be made in the next decade. I urge the Senate to give careful consideration to this comprehensive bill, and ask unanimous consent that a detailed description of the Oil Shale Leasing Act of 1981 be printed in the RECORD.

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

ANALYSIS ADDITIONAL LEASING

The Oil Shale Leasing Act would—
Require the Department of the Interior to prepare comprehensive regional management plans for the balanced long-term use of Federal oil shale lands;

Require the Secretary of the Interior to report to Congress on issues associated with additional leasing; and

Establish a moratorium on additional leasing—except for one new lease to test the multi-mineral technology—until that report has been filed with Congress.

Regional planning

The bill requires the Department of the Interior to prepare a plan for the management of public lands in areas—such as Colorado's Piceance Basin—where Federal lands contain substantial oil shale deposits.

Despite all the attention that has been paid to oil shale, the Department of the Interior does not have now adequate, current land management plans for oil shale regions.

These plans, while focusing on oil shale development, also would address other regional land uses, such as recreation and the development of other energy resources and how those uses would be reconciled with oil shale development. Most importantly, the planning could determine the level of oil shale and other resource development which could be accommodated in a region without unacceptable effects. The plans then would provide a foundation for specific oil shale leasing decisions.

Report to Congress

The bill directs the Secretary of the Interior to report to Congress on his evaluation of the effects of different levels of oil shale development and any recommendations for changes to relevant laws. The Secretary's report would give Congress an opportunity to determine whether any legislative changes—in addition to those introduced today—should be made.

Moratorium on additional leasing

The bill establishes a moratorium on additional oil shale leasing until the Secretary of the Interior has prepared the regional land management plans and filed with Congress the report analyzing the effects of different levels of oil shale development. The moratorium will guarantee that decisions to issue any additional leases are not made piecemeal, but instead are based on a careful understanding of the overall regional effects of oil shale development.

Although the bill does not establish a deadline for either preparing the plans or making the report to Congress, it should be possible to complete both these steps within two years. A moratorium of this length should not cause any hardship, since there is neither a national need nor an industry desire for immediate leasing of additional

land. The four Federal leases which were issued in 1973 and an additional 23 tracts of private oil shale lands which are held by energy companies are already available for development. The Department of the Interior has estimated that the 15 oil shale plants which are being planned for development on these lands will be able to produce by 1990 anywhere from 280,000 to 863,000 barrels of oil per day. In other words, enough oil shale is already available for development to produce at least the 400,000 barrels per day which Congress established last year as an oil shale production goal. Even more important, 400,000 to 500,000 barrels per day represents a rough measure of the level of first generation production which we are now confident can be accommodated without unacceptable regional community or environmental effects. So, it makes sense to wait to learn more about what the actual production will be from the 15 plants which are already planned, before we undertake any major expansion of the Federal leasing program.

The bill includes one exception from the moratorium on additional leasing: letting the Secretary of the Interior issue—before the completion of a regional management plan or the report to Congress—an additional lease for a multi-mineral operation. This type of operation would involve the mining of the deepest and richest layer of oil shale deposits, to extract not only the shale but also other valuable sodium mineral deposits, such as nahcolite and dawsonite, which are intermingled with the oil shale. This promising technology can only be undertaken with the mixture of mineral resources found on Federal land, so the technology cannot be tested unless additional Federal land is leased for that purpose.

Since one of the primary goals of our leasing policy should be to encourage the demonstration of different technologies, and since a single multi-mineral lease clearly would not bring about unacceptable cumulative effects from the first generation of oil shale development, it is appropriate to allow one additional lease for a multi-mineral operation while analysis and planning is underway for possible future leases.

LIMITS ON NUMBER AND SIZE OF LEASES

The Oil Shale Leasing Act would—

Leave in place the current limits on the number and size of oil shale leases;

Establish an exception from the limit on the number of leases a company can hold, to allow oil shale development in areas of intermingled land ownership; and

Establish an exception from the limit on the size of leases, to allow oil shale development in areas with thin shale deposits.

The two most important provisions of the Mineral Leasing Act of 1920 which apply especially to oil shale leases limit the number and size of the leases. A single company is limited to one oil shale lease, and the size of a single lease is limited to 5,210 acres.

These two limits provide the only firm statutory protection against a level of oil shale development which would have unacceptable effects on northwestern Colorado.

The adverse effects of too much development are best illustrated by the testimony presented at hearings held in Colorado last year by the Senate Budget Committee's Task Force on Synthetic Fuels, which examined the projection by Exxon that future oil shale production may reach eight million barrels per day. The testimony revealed that oil shale development on this scale, given the expected state of the technology, would have these devastating effects:

It would use all the water available in northwestern Colorado, and then drain additional supplies in other states;

It would require, in just two counties, five times as much mining each year as all the coal mining in the nation last year;

It would produce a regional "brown cloud" 15 times as thick as Denver's; and

It would increase the number of people in northwestern Colorado from about 50,000 to almost two million.

I hasten to point out that the level of oil shale development projected by Exxon would be unacceptable and unattainable even if the Federal government made all oil shale lands available for leasing. However, the effects of this level of development would be so overwhelming that they illustrate dramatically the dangers of too much development.

Since the Mineral Leasing Act's limits on the number and size of leases provide the single most important legal barrier to unacceptably massive oil shale development, it is crucial that these limits remain in the law. After we have some experience with the first generation of oil shale development, it may be appropriate to relax or remove these limits. For now, however, it would be premature and foolhardy to take away these important safeguards.

While the limits on the number and size of leases effectively prohibit massive oil shale development, they will not interfere—except in the two relatively minor situations discussed below—with a first or even a second generation of oil shale development. Even with the current limits, each energy company is able to lease 5,210 acres, or eight square miles. In areas where the oil shale is highly concentrated, such as Colorado's Piceance Basin, this much land contains as much as five billion barrels of shale oil, enough to supply a large, commercial oil shale plant for decades.

The Oil Shale Leasing Act includes two relatively minor exceptions to the current statutory limits on the number and size of oil shale leases. These exceptions will not undercut the statutory protection against massive oil shale development, but will allow orderly oil shale development in two instances where that orderly development is now blocked by the statutory limits.

The first exception will allow a company to hold, in addition to a regular oil shale lease, additional leases of small parcels of Federal land where those additional leases are necessary to allow the economic mining of oil shale in areas of intermingled land ownership. Without this exception, a company would have to disrupt its mining operations to bypass small parcels of Federal land.

While there would be no restriction on the number of so-called "bypass" leases, the total size of the bypass leases held by one company could not exceed 2,560 acres.

The second exception will allow the size of an oil shale lease to be larger than 5,210 acres in areas where the oil shale deposits are so thin that the larger area is necessary to support a commercial oil shale plant. The bill defines the test for determining whether a larger lease may be allowed in a way that would allow the larger leases in Utah, Wyoming, and part of Colorado. The existing limit of 5,210 acres would continue to apply to the richest oil shale deposits in Colorado, such as those in the Piceance Basin.

OFF-TRACT LEASES

The Oil Shale Leasing Act would allow the Secretary of the Interior to issue additional or ancillary leases to the companies now holding the Federal oil shale leases issued in 1973, so those companies can dispose of spent shale and locate their surface retorts off of their primary lease tracts.

The new off-tract leases will make more economical either the "modified in situ" technology or open pit mining with surface retorting. If a company is using the modified in situ process, locating spent shale and surface retorts within the basic leasehold—as would be required under the current law—would prevent the company from extracting and processing the oil shale located beneath the spent shale and the surface

retorts. Open pit mining would produce even more spent shale and require even more surface retorting, so the use of off-tract land would be even more important.

The most important difference between the Oil Shale Leasing Act and other off-tract legislation which has been proposed is that the Oil Shale Leasing Act would allow the Secretary of the Interior to issue off-tract leases only to companies already holding oil shale leases, and would not authorize the off-tract leases in conjunction with future oil shale leases.

In the last Congress, the House of Representatives and the Senate Energy Committee both approved off-tract legislation which would have allowed the additional leases for any companies receiving an oil shale lease through 1985. That bill was not brought before the full Senate. I continue to feel as strongly as I did then that it would be a grave mistake to extend the off-tract authority to future leases.

Making available additional lands for off-tract operations greatly increases the size of the oil shale project which can be conducted under the basic lease. Officials of the Rio Blanco Company, one of the holders of a current oil shale lease, have testified that getting an off-tract lease would let them increase the recovery of oil from their current lease from about 1.5 billion barrels (without off-tract land) to about five billion barrels (with off-tract land). Of course, this increase in the size of the operation brings with it a proportionate increase in the effects of the operation on the adjacent communities and on the natural environment.

Even more importantly, the availability of off-tract land for spent shale disposal and surface retorting greatly increases the relative economic attractiveness of open pit mining. Open pit mining has some advantages over other processes, including a greater rate of resource recovery and lower levels of some pollutants. However, each oil shale open pit mine would be larger than any strip mine in our history. It is appropriate to allow the testing of open pit mining, but we should not expose northwestern Colorado to the several huge strip mines which could result from an unlimited off-tract bill.

CONDITIONS OF LEASES

The Oil Shale Leasing Act adds to the law requirements for several conditions on oil shale leasing to ensure that operations under the lease are conducted in a way which protects the public interest. Most of these conditions are virtually identical to those which are required for coal leases under the Coal Leasing Amendments of 1977. The conditions cover—

Competitive bidding for leases;

The level for royalties;

Community assistance;

Protection of the environment; and

Diligence in the operation of the lease.

Most of these conditions would apply to both basic oil shale leases and off-tract leases. The conditions on competitive bidding and the level of royalties, however, are only appropriate for basic oil shale leases, and would not apply to off-tract leases.

Competitive bidding

The bill provides that additional oil shale leases can be issued only by competitive bidding. This is how the leases issued in 1973 were awarded, but there is no current statutory requirement for competitive bidding. Issuing leases by bidding ensures that all companies have equal access to possible leases, and helps to ensure that companies pay the fair value of the lease.

The bill also provides that the Secretary of the Interior shall not accept the highest bid for a lease if the Secretary determines that the bid does not represent the fair market value of the lease. Like the identical provision in the Coal Leasing Amendments, this provision guarantees that the people of the

United States get a fair return for the sale of their resource.

Royalties

The bill provides that the level of royalties to be paid to the United States on oil produced from a lease must be at least eight percent of the value of the oil.

The current law requires the payment of royalties, but leaves the amount of the royalties up to the Secretary's discretion. The royalties established on oil produced from current oil shale leases vary according to a complex formula, with the amount being roughly equal to one percent of the value of the oil.

Establishing a minimum royalty level of eight percent for shale oil would put shale oil on equal footing with underground coal, which is also subject to a minimum royalty of eight percent. This level is lower than the 12.5 percent royalty which applies to coal from surface mines, to oil, and natural gas.

The bill would not affect the current authority of the Secretary to suspend royalty payments for the first five years of an oil shale lease, as an incentive for the early commercial production of shale oil.

Community assistance

The basic Mineral Leasing Act of 1920 provides that half of the revenues received from the leasing of Federal lands are to be given to the states in which the lands are located. The Oil Shale Leasing Act makes two changes to this system to ensure that the revenues are used to help meet the needs for public facilities and services in the communities which will be affected by the oil shale development.

The first change strengthens the current requirement that a state use its share of the revenues to meet the needs of the affected communities. Under current law, the revenues are given to the state subject to a Congressional mandate that the State legislature must give priority in spending the monies to the communities affected by the development which produced the revenues. The Oil Shale Leasing Act would establish an absolute condition that revenues from oil shale leases be used to assist the affected communities.

The second change requires the prepayment of some of the royalties which would normally be expected to be paid during the term of the lease. The prepayment of the royalties at the beginning of the lease would provide financial assistance to affected communities when their need is the greatest—during the construction of new facilities and the provision of new services for the population drawn by the oil shale development—rather than during the later stages of the oil shale operation. The amount of royalties which would be prepaid would be determined by the Secretary, who would consider all forms of financial assistance available to the communities before determining what level of prepayment is appropriate. Of course, royalties prepaid at the beginning of a lease term would not have to be paid later, when the oil was actually produced.

The bill also authorizes the Secretary to include in the lease additional conditions to ensure that adverse community effects are prevented to the extent possible.

Protection of the environment

The Oil Shale Leasing Act requires the Secretary of the Interior to include in oil shale leases specific conditions to make sure that the operations are conducted in an environmentally acceptable fashion. These conditions would have to include a requirement that the company prepare and get Secretarial approval of a detailed plan for the operations under the lease and the reclamation of any land disturbed by these operations. This plan would have to be approved before the company could undertake any operations which would disturb the land subject to the lease.

The Coal Leasing Amendments established a similar requirement for coal leases.

Diligence

The Oil Shale Leasing Act requires a company holding an oil shale lease to exercise diligence in its oil shale operations as a condition of keeping the lease. This diligence requirement includes a specific requirement that the company produce oil from the shale within ten years of getting the lease.

The purpose of the diligence requirement is to guarantee that a company cannot hold Federal oil shale lands for speculative purposes.

The Coal Leasing Amendments established a similar requirement for coal leases.

ROLE OF STATE AND LOCAL GOVERNMENTS

The Oil Shale Leasing Act includes several provisions to guarantee that appropriate state and local government officials are involved in the decision-making on oil shale leasing. These provisions include:

The application of state and local law to operations on leased land;

Concurrence by the Governor in the decision to issue a lease;

The creation of a Federal/state team for reviewing regional oil shale leasing issues; Specific requirements for consultation with state officials on key leasing decisions; and

A provision guaranteeing access by a Governor to the Department of the Interior's records on oil shale leasing.

These provisions would apply to basic oil shale leases and to off-tract leases.

Despite the stake the people living in oil shale regions have in the decisions made about the development of Federal oil shale land, those decisions will be made by the Secretary of the Interior and other officials in Washington. While the Secretary of the Interior has the ultimate responsibility for making oil shale leasing decisions, Coloradans and the residents of other oil shale states have a fundamental need to be involved in making those decisions—decisions which have the potential to influence Colorado more than any other Federal land management decisions have ever influenced a single state. Opening the decision-making process to state and local government officials from affected areas will give these officials an opportunity to help shape the future of the area where they live. It will also improve the decisions ultimately made, by guaranteeing that the decisions are not made just from the distant perspective of Washington, D.C.

Application of State and local law

The Oil Shale Leasing Act provides that operations on oil shale leases must be conducted in accordance with nondiscriminatory state and local law. This is a clarification of what is already the case.

Governor concurrence

The Oil Shale Leasing Act gives the Governor of a state in which oil shale lands are located the right to recommend to the Secretary that a lease not be issued. If the Governor recommends against issuing a lease, the Secretary could issue the lease upon making a finding that there is an overriding national interest involved. The Governor—but only the Governor—would be able to seek judicial review of the Secretary's finding that there is an overriding national interest.

This provision is virtually identical to the current law which gives the Governor of a coastal state the right of concurrence in the leasing of Outer Continental Shelf lands.

Regional oil shale leasing teams

The Oil Shale Leasing Act requires the Secretary of the Interior to create a Federal/state regional oil shale leasing team for each region where Federal lands will be leased for oil shale development. The Governor of each state in the region (or the Governor's designee) would be a member of the team.

Since the team would include more Federal members than state members, the Federal government would not lose its primary role in the management of the Federal lands—but the team would provide an on-going opportunity for state officials to be involved in shaping Federal decisions on the leasing of land within the region. The regional oil shale issues on which the team would advise the Secretary include the overall amount of lands to be leased within the region, the selection of specific sites for leases in the region, and the conditions to be included on the leases.

This represents a statutory foundation for Federal/state teams which would be similar to the regional coal leasing teams created by the Department of the Interior as part of its recent reforms of the leasing of public lands for coal development.

Consultation with State officials

The Oil Shale Leasing Act includes specific requirements that the Secretary of the Interior consult with state and local officials in affected areas before making key oil shale leasing decisions. These key decisions include whether to issue leases and what conditions to include within the leases.

State and local government officials in affected areas would be given an explicit statutory right to make recommendations to the Secretary of the Interior about what lands should be leased and what the conditions of the leases should include. The Secretary would have to accept a recommendation by a Governor, unless the Secretary made a finding that the action recommended by the Governor would not be in the national interest. To avoid the possibility of numerous lawsuits, however, the Secretary's findings would not be subject to judicial review unless the Secretary issues a lease over the Governor's objection.

The Governors of states with oil shale resources would be able to comment on the report to Congress prepared by the Secretary of Interior on future leasing issues, and the Secretary would be required to submit those comments to Congress along with the report.●

ADDITIONAL COSPONSORS

S. 312

At the request of Mr. LEVIN, the Senator from New York (Mr. D'AMATO), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 312, a bill for the relief of Maria and Timofei Chmykhalov, and for Lilia, Peter, Liubov, Lidia and Augustina Vashchenko.

S. 354

At the request of Mr. PERCY, the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 354, a bill to amend the Export Administration Act of 1979.

S. 501

At the request of Mr. MOYNIHAN, the Senator from Maine (Mr. MITCHELL) was added as a cosponsor of S. 501, a bill to amend the Internal Revenue Code of 1954 with respect to the amount which certain private foundations are required to distribute.

S. 578

At the request of Mr. MOYNIHAN, the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 578, a bill to amend the Internal Revenue Code to change certain accounting rules related to inventory.

S. 776

At the request of Mr. HUDDLESTON, the Senator from Arkansas (Mr. BUMPERS)

was added as a cosponsor of S. 776, a bill to amend the Immigration and Nationality Act to more fully limit and control immigration to the United States, and for other purposes.

S. 808

At the request of Mr. MATHIAS, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 808, a bill to amend title 5, United States Code, to promote public safety by encouraging the employment of highly qualified air traffic controllers by establishing a salary classification system providing compensation commensurate with responsibility, by establishing a reasonable maximum number of weekly work hours, and by establishing a special retirement plan, and for other purposes.

S. 811

At the request of Mr. DOLE, the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 811, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to permit local distribution companies to continue natural gas service to residential customers for outdoor lighting fixtures for which natural gas was provided on the date of enactment of such act, and for other purposes.

S. 856

At the request of Mr. SARBANES, the Senator from Maryland (Mr. MATHIAS) was added as a cosponsor of S. 856, a bill to provide that certain term employees whose service was terminated by the Government Printing Office may have such service taken into account when the employees are being considered for other Federal employment, and for other purposes.

S. 857

At the request of Mr. TOWER, the Senator from Idaho (Mr. McCLURE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 857, a bill to impose quantitative restrictions on the importation of lamb meat.

S. 886

At the request of Mr. ANDREWS, the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of S. 886, a bill to authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Louis L'Amour.

S. 1030

At the request of Mr. McCLURE, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1030, a bill to protect firearms owners constitutional rights, civil liberties, and rights to privacy.

S. 1035

At the request of Mr. MATHIAS, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1035, a bill to provide an opportunity to individuals to make financial contributions, in connection with the payment of their Federal income tax, for the advancement of the arts and the humanities.

S. 1235

At the request of Mr. D'AMATO, the Senator from South Dakota (Mr. ABDNOR) and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of

S. 1235, a bill to exempt certain matters relating to the Central Intelligence Agency from the disclosure requirements of title 5, United States Code.

S. 1249

At the request of Mr. PERCY, the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 1249, a bill to increase the efficiency of Government-wide efforts to collect debts owed the United States, to require the Office of Management and Budget to establish regulations for reporting on debts owed the United States, and to provide additional procedures for the collection of debts owed the United States.

S. 1279

At the request of Mr. DANFORTH, the Senator from New York (Mr. D'AMATO), the Senator from Georgia (Mr. MATTINGLY), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Virginia (Mr. WARNER), the Senator from Georgia (Mr. NUNN), the Senator from South Carolina (Mr. THURMOND), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Oregon (Mr. PACKWOOD), the Senator from Alabama (Mr. HEFLIN), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of S. 1279, a bill to amend the Internal Revenue Code of 1954 to exclude from gross income a certain amount of interest earned on the all-savers certificate offered only at savings institutions.

S. 1365

At the request of Mr. DOLE, the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1365, a bill to amend the Bankruptcy Act regarding farm produce storage facilities, and for other purposes.

SENATE JOINT RESOLUTION 10

At the request of Mr. HUDDLESTON, the Senator from Maine (Mr. COHEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Montana (Mr. BAUCUS), and the Senator from Utah (Mr. GARN) were added as cosponsors of Senate Joint Resolution 10, a joint resolution to establish a Commission on Presidential Nominations.

SENATE JOINT RESOLUTION 53

At the request of Mrs. KASSEBAUM, the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of Senate Joint Resolution 53, a joint resolution to provide for the designation of September 6, 1981, as "Working Mothers' Day."

SENATE JOINT RESOLUTION 59

At the request of Mr. ROBERT C. BYRD, the Senator from Oklahoma (Mr. BOREN), the Senator from North Dakota (Mr. BURDICK), the Senator from Utah (Mr. GARN), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Hawaii (Mr. INOUE), the Senator from Michigan (Mr. LEVIN), the Senator from New Mexico (Mr. SCHMITT), the Senator from New York (Mr. MOYNIHAN), and the Senator from South Dakota (Mr. ABDNOR) were added as cosponsors of Senate Joint Resolution 59, a joint resolution designating the square dance as the national folk dance of the United States.

SENATE JOINT RESOLUTION 89

At the request of Mr. KENNEDY, the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of Senate Joint Resolution 89, a joint resolution on the hunger strike in Northern Ireland.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. HATFIELD, the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of the Congress concerning the continuing permanent conversion of productive agricultural lands to nonagricultural uses.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. THURMOND, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress on the Baltic States question.

SENATE RESOLUTION 74

At the request of Mr. MOYNIHAN, the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Resolution 74, a resolution relating to actions taken by the Foreign Ministers of the Non-aligned Movement at their recently concluded meeting in New Delhi.

SENATE RESOLUTION 139

At the request of Mr. ANDREWS, the Senator from Ohio (Mr. METZENBAUM) was added as a cosponsor of Senate Resolution 139, a resolution to assure the access of farmer-owned refining businesses to crude oil at reasonable prices.

SENATE RESOLUTION 151

At the request of Mr. KENNEDY, the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Resolution 151, a resolution to insure that a fair share of the business tax cut is specially designed for small and independent businesses.

AMENDMENT NO. 61

At the request of Mr. CHAFE, the Senator from Connecticut (Mr. WEICKER), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of amendment No. 61 proposed to S. 921, a bill to amend title 38, United States Code, to extend authority to provide contract hospital care and medical services in Puerto Rico and the Virgin Islands, and for other purposes.

AMENDMENT NO. 68

At the request of Mr. PERCY, his name was added as a cosponsor of amendment No. 68 intended to be proposed to S. 1193, an original bill to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communications Agency, and the Board for International Broadcasting, and for other purposes.

UP AMENDMENT NO. 114

At the request of Mr. HOLLINGS, the Senator from Florida (Mr. CHILES) was added as a cosponsor of UP amendment No. 114 proposed to H.R. 3512, a bill making supplemental and further continuing appropriations for the fiscal year ending September 30, 1981, rescinding certain budget authority, and for other purposes.

SENATE RESOLUTION 153—SUBMISSION OF A RESOLUTION TO REQUIRE FULL ADHERENCE TO U.S. TRADE AGREEMENTS

Mr. HEINZ (for himself, Mr. DANFORTH, Mr. BAUCUS, Mr. SYMMS, Mr. GRASSLEY, Mr. PERCY, and Mr. DURENBERGER) submitted the following resolution, which was referred to the Committee on Finance.

S. RES. 153

Resolved, it is the sense of the Senate that the President take expeditious action, through all available channels, to resolve the long-standing dispute over the recognition and protection of industrial property rights provided for in Article V of the Agreement on Trade Relations between the United States and Hungary and more specifically provided for in an Agreed Minute signed by the parties on June 11, 1979. If a final settlement of the dispute is not reached on an expedited basis, it is the sense of the Senate that the President, pursuant to Section 404(c) of the Trade Act of 1974, should suspend the extension of nondiscriminatory treatment to the Hungarian People's Republic as provided in the aforementioned Agreement, until settlement is reached.

ADHERENCE TO TRADE AGREEMENTS

● Mr. HEINZ. Mr. President, on June 2, 1981, the President notified Congress that he had made the necessary determinations for the 3-year extension of the commercial agreement with the Hungarian People's Republic. The resolution I am submitting today calls for the end of a long-standing trade dispute that flies in the face of the rules embodied in that commercial agreement. I am specifically referring to the Hungarian practice, for over 3 years now, of hindering the patentability in Hungary of agricultural chemicals invented by our companies, and the blatant disregard of the Hungarians for valid patent rights held by U.S. chemical manufacturers in third countries.

The necessity of this resolution is clearly evident from the history of this problem. In recent years, Hungary has been relying heavily on its relatively advanced chemical industry to generate sales to hard currency markets in order to close its trade gap with the West. In order to permit Hungarian production of new agricultural chemicals that ultimately are sold in large quantities in foreign markets, patents on such products in Hungary are hindered and often not issued. This results in the production of agricultural chemicals in Hungary that, in other parts of the world are protected by valid patent rights. These products, then, are exported to third countries where, in many instances, the Hungarian product is passed off as a U.S. company's product or infringes a U.S. company's patent.

Such sales are often in small quantities that are difficult to detect. Even where detected, patent infringement litigation is lengthy, complex and extremely expensive. Consequently, resolving the problem through patent litigation by each company in each country where there is an infringing sale, is not practical. The Hungarians know this and have concluded that they can, with impunity, continue to ignore not only U.S. companies' industrial property rights

but disregard the provisions of our trade agreements with them.

Examples are numerous of Hungarian practices that derogate from their trade commitments to us. Virtually the entire product catalogue published in 1979 by Chemolimpep, the Hungarian export trading organization, contained U.S.-origin proprietary agricultural chemical technology. In many instances the Hungarian product was identified with the counterpart U.S. patented products that was copied. Hungarian sales of infringing products have been documented in such countries as Tanzania, Greece, Spain, Italy, Turkey, Brazil, and the Netherlands. Companies such as DuPont, FMC, and Monsanto have at various times been adversely affected by these Hungarian unfair trade practices.

The longest standing, and perhaps most costly problem, has been Hungarian exports to Brazil of a product that infringes FMC's valid patents in that country. As early as 1977, FMC Corp., one of this country's leading agricultural chemical exporters, became aware of the fact that the Hungarian trading company, Chemolimpep, was selling a pesticide it called Furadan in, among other places, Brazil. The problem was that FMC had already established a patent right in Brazil for the pesticide it trade named Furadan before the Hungarians entered the Brazilian market. Notwithstanding consultations and law suits, the problem had not been resolved when the United States-Hungarian commercial agreement was presented to Congress in 1978 for its approval. Three years later, and numerous good faith efforts on the part of FMC to negotiate a settlement with the Hungarians have led to nothing. The Hungarians continually bring the talks to the brink, and then stall when finalization of an agreement is sought.

The Finance Committee reviewed the overall agricultural chemical problem in 1978 when it was reviewing the entire United States-Hungarian trade agreement. Included in the committee report on the agreement was the following important passage:

Notwithstanding the committee's favorable report of the resolution to approve the agreement, the committee is particularly concerned about the full and faithful execution of that part of the trade agreement relating to industrial property rights. The committee has been informed by the American agricultural chemicals industry of certain past practices of firms and agencies in Hungary which will not be in accord with the spirit, if not the letter, of the agreement. These include the granting of patents to Hungarian firms while denying or failing to act on the applications of American firms. Furthermore, the committee understands Hungarian firms are selling agricultural chemicals protected by American owned patents in third countries, countries where the American chemical companies have patent protection, in a manner such that the American firms find it practically impossible to protect their industrial property rights. *The committee expects that such practices will no longer take place under this new, mutual undertaking by the Government of Hungary and that of the United States. The Committee will carefully monitor this problem during the life of the agreement and will again*

review it at the time for renewal and may recommend further action, if necessary. (Emphasis added.)

By June 1979 the problem had not been solved. Thus, representatives of Hungary and the United States met as a Joint Economic and Commercial Committee to seek an agreement that was intended to resolve, once and for all, the industrial property rights problem. The result was an agreed minute which stated, in paragraph 4:

Each side agrees that, in keeping with the spirit of the harmonious and cordial relations signified by the Trade Agreement, the companies of both sides are obliged to respect in their activities the relevant laws and regulations on industrial property rights, held by the nationals or residents of the other side (including in third world countries) and not assist others to infringe those rights.

Senate hearings the following month, however, with Hungarian actions rather than minute words as a guide, made clear that little real progress had occurred.

Following these hearings, the Finance Committee discussed the matter further in executive session. Based on my analysis of the problem, I concluded "that the Hungarians really are being egregious and not acting in good faith." Senator DANFORTH added:

Attempts have been made to negotiate in good faith with Hungary. Nothing has come of it.

The result of the committee's hearings and deliberations on this matter was a letter dated August 23, 1979, in which then-Chairman LONG outlined the continuing problem to Secretary of Commerce KREPS. On behalf of the committee, the Chairman stated that the disputes "should be resolved expeditiously within the letter and spirit of the commercial relations."

On July 21, 1980, approximately 1 year later, Senator DANFORTH asked a Commerce Department official if the problem continued to exist. The response:

That is generally correct. I would say the progress has been more than a little, but it has not been the complete resolution of the problem.

Today, on the eve of the third year in which we have had a commercial agreement with the Hungarians, and the second year in which we have had an explicit agreement to honor our companies' respective industrial property rights in third countries, what do we have? After 3 years of earnest expressions of concern by the Finance Committee and diplomatic activities by the executive branch, what have we accomplished? The disappointing answer is—renewal of the United States-Hungarian commercial agreement for 3 more years with no satisfactory solution of the industrial property rights problem in sight.

The resolution I submit today is timely and necessary. Timely because, as stated in the Finance Committee report in 1978, if the problem is not resolved by the time the agreement is to be renewed, the committee will consider further action to put this problem to rest. Necessary,

because the blatant disregard of our international trade agreements and the rights they seek to protect are a matter of principle that cannot be left to atrophy in negotiations that continue ad nauseum. Moreover, the Hungarians must not be allowed to misinterpret and misconstrue the legal and constitutional authorities available not only to the Executive, but Congress, in regulating trade with foreign nations and, more specifically, countries with nonmarket economies. The Hungarians must not be permitted to believe that simply because the commercial agreement was not terminated they now have a license to continue, with impunity, the derogations of the trade agreements they have with this country.

Adoption of this resolution will communicate not only to the Hungarians, but the executive branch, this Chamber's firm commitment to requiring full adherence to our trade agreements. It calls upon the President to take expeditious action, through all possible channels, to finally resolve the dispute. If that does not succeed, it expresses the sense of the Senate that the Executive suspend, pursuant to section 404(c) of the Trade Act of 1974, the operation of the agreement, pending resolution of this longstanding problem.

Mr. President, what was a sore spot in our trade relations with Hungary 3 years ago has now developed into a major wound to the principle of respect for industrial property rights and trade commitments. Three years ago, it was anticipated that the problems would be quickly resolved and therefore, did not interfere with an expansion of trade commitments between our two countries. Today, however, the problem remains, and has grown in magnitude to the extent that it now serves to justify a hard reassessment of our trade relations with the Hungarians and the lack of good faith that they have demonstrated in this crucial subject of industrial property rights.●

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF STATE AUTHORIZATION ACT

AMENDMENT NO. 72

(Ordered to be printed.)

Mr. DURENBERGER (for himself, Mr. LEAHY, Mr. DOLE, Mr. HOLLINGS, Mr. HART, Mr. RIEGLE, Mr. BAUCUS, Mr. BENTSEN, Mr. BIDEN, Mr. BRADLEY, Mr. BUMPERS, Mr. CRANSTON, Mr. DODD, Mr. HUDBLESTON, Mr. INOUE, Mr. LEVIN, Mr. KENNEDY, Mr. METZENBAUM, Mr. MITCHELL, Mr. PELL, Mr. PRYOR, Mr. PROXIMIRE, Mr. TSONGAS, Mr. WILLIAMS, Mr. ZORINSKY, Mr. ROTH, Mr. MATHIAS, Mr. GORTON, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. HATFIELD, Mr. ANDREWS, and Mr. CHAFEE, proposed an amendment to the bill (S. 1193) to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes.

REGULATORY REFORM ACT

AMENDMENT NO. 73

(Ordered to be printed and referred to the Committee on Governmental Affairs and the Committee on the Judiciary, jointly, pursuant to the order of April 29, 1981.)

Mr. DANFORTH (for himself, Mr. CHILES, Mr. NUNN, Mr. ROTH, Mr. PERCY, Mr. STEVENS, Mr. RUDMAN, Mr. MATTINGLY, Mr. COHEN, and Mr. SIMPSON) submitted an amendment intended to be proposed by them to the bill (S. 1080) to amend the Administrative Procedure Act to require Federal agencies to analyze the effects of rules to improve their effectiveness and to decrease their compliance costs, to provide for a periodic review of regulations, and for other purposes.

● Mr. DANFORTH. Mr. President, together with Senators CHILES, NUNN, ROTH, PERCY, STEVENS, RUDMAN, MATTINGLY, COHEN, and SIMPSON, I am today submitting an amendment to S. 1080, the Regulatory Reform Act. The purpose of the amendment is to make clear that no appropriated funds may be used by agencies to pay the expenses of persons intervening or participating in agency proceedings, except as expressly authorized by statute.

Mr. President, whatever the merits may be of providing tax dollars to private parties to intervene in agency proceedings—and in my opinion the merits are quite hard to find—there is no merit in allowing regulatory agencies to decide—on their own—whether interventions should be publicly funded. This amendment makes clear that no tax dollars can be provided to pay the expenses of intervenors unless an agency has express statutory authority to do so.

Authorization now exists for a handful of programs only, but agencies from time to time have sought to fund such activities on their own—on the basis of implied grants of authority. President Carter went so far as to encourage agencies to establish intervenor funding programs if an implied grant of authority could be found, and the General Accounting Office has repeatedly maintained, even in the face of a Circuit Court of Appeals decision to the contrary, that an implied grant of authority is sufficient to authorize such payments.

I disagree. Given the controversial nature of intervenor funding programs and the serious potential for abuse in disseminating public funds to private parties, the decision to make such payments should not be made by administrative agencies on the basis of implied authority. If public funds are going to be disseminated to private parties, they should be disseminated on the basis of clear, unequivocal statutory authority—or not at all.

That is what this amendment does. It prohibits the use of appropriated funds to pay the expense of persons participating or intervening in agency proceedings, except as expressly authorized by statute. The terms "participating" and "intervening" are used advisedly, since the terms are often used interchangeably, and since

funds are sometimes provided to persons to "participate," though not necessarily to "intervene," in agency proceedings. It is the intent of this amendment to avoid such nice questions of law as when "participation" becomes "intervention."

Under this amendment, if any funds are to be provided to private persons to participate in agency proceedings, there must be express statutory authority to do so. The exceptions are carefully drawn and are meant to be read narrowly. Excepted are payments under the Equal Access to Justice Act, the public participation program established under the Magnuson-Moss amendments to the Federal Trade Commission Act, the "offeror" program under section 7 of the Consumer Product Safety Act, a program to provide funding to public participants in State Department proceedings under the Department of State's authorizing legislation, and payments authorized for proceedings under the Toxic Substances Control Act. (In the past, efforts were made to extend the authority granted under the Toxic Substances Control Act to proceedings under any act administered by the Environmental Protection Agency. This amendment is intended to prohibit such an expansive reading of the Toxic Substances Control Act.)

Finally, the amendment excepts payments "otherwise * * * expressly authorized by statute." This provision is intended to be narrowly construed. It is intended to permit, for example, the reimbursement of per diem expenses and travel to witnesses where expressly authorized, or the payment of expenses to members of advisory committees where authorized by statute.

This amendment may be characterized by some as an amendment to kill intervenor funding programs. I have never disguised my dislike for intervenor funding, but the fact of the matter is that the purpose of the amendment is not so much to stop unauthorized intervenor funding programs as it is to assert the prerogative of Congress to exercise control over the operation of such programs.

I am pleased to be joined in offering it by no less than eight members of the Governmental Affairs Committee, giving the amendment majority support in the committee, and by my good friend on the Judiciary Committee, Senator SIMPSON. I am pleased to say that the administration supports the amendment. I hope that others of my colleagues will find it worthy of support.

DEPARTMENT OF JUSTICE AUTHORIZATION ACT

AMENDMENT NOS. 74 AND 75

(Ordered to be printed and to lie on the table.)

Mr. CHILES (for himself, Mr. HUDBLESTON, Mr. BENTSEN, and Mr. HOLLINGS) submitted two amendments intended to be proposed by them to the bill (S. 951) to authorize appropriations for the purpose of carrying out the activities of the Department of Justice for fiscal year 1982, and for other purposes.

AMENDMENTS RELATING TO THE IMMIGRATION
AND NATURALIZATION SERVICE

● Mr. CHILES. Mr. President, I am submitting to the desk two amendments to the Justice Department authorization bill. I plan to bring them up later during consideration of the authorization bill. The first restores to the Immigration and Naturalization Service (INS) funds for hiring inspectors, investigators, and people who help process immigration applications. The second makes a cut of 2.5 percent in several Justice Department programs to effect the spending above the INS authorization level recommended by the Senate Budget Committee.

The first would restore to the authorization bill: 200 positions in inspections; 309 positions in investigations; and 94 positions in status verifications. As I understand it, the Senate Judiciary Committee has already restored a total of 360 positions—200 in adjudications and 160 in the Border Patrol—and I applaud that action. This amendment would insure that INS would have the manpower it needs to carry out its basic functions, especially to enforce the immigration laws. In fact this amendment does no more than restore these positions to their original 1982 base.

The administration had proposed to eliminate 1,355 positions from the Immigration and Naturalization Service. This at a time when immigration to the United States is at its highest level in our history.

By law, 270,000 aliens are allowed to immigrate into the United States each year. In spite of this ceiling, last year over 800,000 persons were admitted, including 133,000 Cuban/Haitian entrants. In 1979, 600,000 persons were admitted; in 1978, 600,000 persons were admitted. These numbers do not include illegal immigrants who are currently living in the United States. Although accurate counts are unavailable, estimates of illegal immigrants living in the United States today run from 3.5 million to 6 million. In Florida and in many other parts of the country, the present immigration situation is seen as one of our major problems.

The Immigration and Naturalization Service (INS) is charged with enforcing the immigration and citizenship laws. At this point when the need for effective enforcement has never been greater, the administration's 1982 budget request for INS calls for a decrease of 1,355 positions from the 1981 staffing level—a 12.4 percent personnel reduction.

The INS is being asked to absorb 45 percent of the total position reduction in the entire Justice Department. Most of the personnel cuts come in programs that directly involve the screening, detection, and deportation of illegal aliens.

The proposed cuts include a 38-percent reduction in the number of personnel whose job it is to seek out and arrest illegal aliens, a 37-percent reduction in personnel for processing applications for benefits, and a 12-percent reduction in the number of personnel assigned to inspect aliens arriving at U.S. ports of entry.

Such reductions are not in the interest of effective and efficient government, a goal which the administration is committed to achieve. At a time when the Nation is increasingly concerned about the growth of the illegal alien population, it makes no sense to eliminate those whose job it is to reduce and control that population.

I would like to take a moment to give an update on the current immigration situation in Florida. On Tuesday morning, 300 Haitians arrived in Florida; hundreds continue to arrive each week.

In addition, a district court judge has just tied the hands of the Government and prevented it from deporting those who have been found to have arrived in our country illegally. This came a week after the Attorney General had found that due process had been extended to the Haitians who were undergoing exclusion hearings. We do not know how long this situation will continue.

We now have a detention facility for these people at Krome North, an old military facility. But today, there are over 1,500 Haitians at the Krome site, a figure almost double the stated capacity of 800.

These other people are living in tents, and those tents are filled today. The INS Miami office had to reassign 17 of its officers from their normal duties and detail them to the Krome site. Thirty two other INS offices around the country have also been reassigned to the Krome facility. Yet I am told that staffing at the Krome site remains woefully inadequate.

What has been the result of this shift? The already overloaded facilities of INS in Miami are now strained to the breaking point. The INS office in Miami can process 100 applications a day. Now, early each evening, people in sleeping bags begin lining up in front of the INS office.

They will spend the night in front of the office, so that they can get one of the 100 places for the next day. There are reports of people selling their places in line, like ticket scalpers at a big football game.

Moreover, the INS office in Miami tells me that it would take eight additional people working full time an entire year just to clear out the existing backlog of applications to be processed. That is not counting the hundreds of new people who are arriving each week.

Mr. President, with this situation in mind, I would like to take a moment to describe the functions and duties of some of the positions which would be restored by this amendment.

INS inspectors operate at major ports of entry and at U.S. airports. In 1980, INS inspectors turned back over 800,000 illegal aliens seeking to enter the United States; the year before, over 950,000 illegal aliens were turned away. That number exceeds the number of illegal migrants detained by the Border Patrol, and points up the importance of the inspections program as a frontline enforcement program.

At the same time, foreign visitors coming lawfully to the United States are expected to spend \$12 billion this year. Last year, for the first time in our history, more commercial air passengers ar-

iving in the United States were foreign visitors than returning citizens and resident aliens.

The orderly admission of these visitors is critical to our economy. At the same time the United States must be protected against the illicit entry of millions who seek to enter the United States to compete in the U.S. job market, avail themselves of the benefits of this society at added costs to our taxpayers or for other illegal purposes.

This is the task of the immigration inspector. It makes no sense to reduce the number of inspectors by 200 or 12 percent, when the number arriving at U.S. ports of entry continue to increase.

The inspections workload at airports is expanding at an annual rate of 15 percent. Despite the development of more streamlined methods of operations, the Judiciary Committee itself expects that a significant cut in the number of INS inspectors will "result in long waiting times at ports of entry and airports, limit INS ability to identify inadmissible aliens, and could inhibit international tourism and commerce." In fact, today waiting times at the Miami International Airport can run as long as from 2½ to 4 hours. The administration's proposal represents a 12.8-percent cut in the number of INS inspectors.

INS investigators locate and identify illegal aliens already in the United States, thereby deterring other potential illegal aliens from attempting to enter the United States. This is the only method currently used to apprehend illegal aliens who have made it past the border, and who are already holding jobs in the United States. In 1980, INS investigators located over 65,000 aliens who were illegally employed. They were earning at a rate of over \$446 million a year.

INS investigators also locate aliens who have been scheduled for deportation, but who have absconded. Investigations activities focus on fraud, criminal, immoral, narcotics, and other areas.

Status verification investigations gather the background material necessary for field investigations and for adjudications on immigration and deportation proceedings. The pending caseload is expected to rise from about 9,600 at the beginning of 1980 to over 14,000 by the end of 1982. This rise in caseload, coupled with the proposed staffing cuts, will make it more difficult for the adjudications and naturalization programs to properly process visa applications.

Prior reductions over the last several years have decreased the authorized force of these two programs by 421 positions, or over 30 percent. This has already had a drastic effect on both the casework and the apprehensions made by the INS investigators: In 1977, the number of deportable aliens has decreased from 204,000 to 126,000 last year.

The additional staff reductions of 403 persons, 309 in investigations and 94 in status verifications will further reduce the effectiveness of both programs and add to the backlog already created by prior staff cuts.

There are no easy places to make the offsetting cuts which are necessary for

that portion of my amendment which exceeds the amount recommended by the Senate Budget Committee. What I tried to do was to spread the offsetting cuts as widely as I could in order to reach the \$5,931,000 of excess over the Budget Committee target.

As a result I am proposing an offsetting cut of approximately 2.5 percent in each of the following Justice Department accounts: General administration; U.S. Parole Commission; general legal activities; Foreign Claims Settlement Commission; and Antitrust Division.

I know that any cut of these accounts will be tough to make, because the Justice Department budget is already so tight. Nevertheless, I believe that our immigration needs are so pressing at this time that we simply cannot afford to sit idly and watch our entire immigration system fall apart.

Mr. President, I ask unanimous consent that the text of the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

AMENDMENT No. 74

On page 10, line 15, strike "\$377,067,000" and insert in lieu thereof "\$387,552,000".

AMENDMENT No. 75

On page 2, line 22, strike "\$50,229,000" and insert in lieu thereof "\$48,897,295".

On page 2, line 25, strike "\$6,461,000" and insert in lieu thereof "\$6,299,475".

On page 3, line 20, strike "\$127,136,000" and insert in lieu thereof "\$123,955,005".

On page 4, line 16, strike "\$705,000" and insert in lieu thereof "\$687,375".

On page 4, line 18, strike "\$49,566,000" and insert in lieu thereof "\$48,326,850".

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public, an additional item to be considered during the Subcommittee on Public Lands and Reserved Water hearing scheduled for Wednesday, June 24, beginning at 10 a.m. in room 3110 of the Dirksen Senate Office Building.

The subcommittee has added to the hearing agenda H.R. 618, a bill to convey title to certain lands to the City of Angels, Calif.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Committee on Energy and Natural Resources, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

SENATOR AND MRS. BIDEN CO-SPONSOR ASHLEY BLAZER BIDEN

● Mr. ROTH. Mr. President, it gives me great joy to report to the Senate that my

colleague from Delaware, Senator BIDEN, and his lovely wife, Jill, have brought into the world their first child, Ashley Blazer Biden. Weighing in at 6 pounds, 10 ounces, young Ashley made her first appearance in Delaware at 7:49 a.m. on June 8.

Ashley has not yet made her political preferences known, but I can only hope that she follows the growing trend of other young people today and registers Republican at the appropriate time.

I know my colleagues in the Senate join me in extending our congratulations to Jill and JOE BIDEN on this happy occasion.●

RESULTS OF COAL-SLURRY PIPELINE STUDY

● Mr. BUMPERS. Mr. President, I should like to share with the Senate the results of a study which shows that the consumers of this Nation could save at least \$12 billion in coal transportation costs if just one coal-slurry pipeline were allowed to be built. A study by A. T. Kearney, Inc., management consultants, released on Monday, June 15, by Coalstream Pipeline Co., which compares the projected maximum rail and coal-slurry pipeline costs for moving 54 million tons of coal annually from the eastern coal fields to Florida and Georgia. The study shows a potential transportation cost savings of \$12 billion for the two decades between 1988 and 2007 if the coal is moved by pipeline. The Kearney report, which was commissioned by Coalstream Pipeline Co., analyzes the 1,500-mile Coalstream pipeline which is proposed to be built from near Huntington, W. Va., and Shawneetown, Ill., to the coal markets of Florida and Georgia. The project will cost \$3 billion in 1981 dollars, will be completely financed by private resources and could be operational by 1988 if this Congress will grant the pipelines the same access to the right of eminent domain which has been granted to the railroads, natural gas pipelines, oil pipelines, and interstate electric transmission facilities.

The Kearney study is merely the latest evidence that the Nation must allow this proven technology to compete in the energy marketplace. Last Congress, I introduced legislation which would have granted certain rights of eminent domain to coal-slurry pipeline companies. Three days of hearings were held on the legislation in the Senate Energy and Natural Resources Committee. However, the Congress adjourned before Senate action on the legislation could be completed. These hearings indicated that coal-slurry pipelines could offer substantial cost savings to consumers, create new coal mining jobs, help increase the production of coal, increase the revenues of the coal industry, save large quantities of imported crude oil and petroleum products, and reduce the Nation's balance-of-payments deficit.

The case for coal-slurry pipelines is at least as strong in 1981 as it was in 1981—as indicated by the Kearney study. Last Congress, we deregulated the railroad industry to allow market forces to operate. This Congress, we should assure

that market forces operate at the maximum possible level by introducing to the coal hauling industry increased inter-model competition. That competition will not occur, and the benefits of the market place—including the huge cost savings which were identified in the Kearney study—will not occur unless Congress grants the right of eminent domain to coal-slurry pipelines. The time has come for this Congress to begin serious consideration of the required coal-slurry pipeline enabling legislation.

I ask that the study be printed in the RECORD.

The study follows:

COMPARISON OF PROJECTED MAXIMUM RAIL AND COAL SLURRY PIPELINE RATES FOR TRANSPORTING COAL TO SELECTED SOUTHEAST UTILITIES

EXECUTIVE SUMMARY

In view of the large projected increase in U.S. coal use by the year 2000, Coalstream Pipeline Company (CPC), a subsidiary of Continental Resources Company (CRC), is considering the construction of a coal slurry pipeline from the Huntington, West Virginia and Shawneetown, Illinois areas to serve 16 selected generating plants in Georgia and Florida. Total estimated coal use is 54 million tons per year. In order to construct the pipeline, Federal eminent domain legislation is required.

The major competitors for this traffic are the rail carriers currently serving the generating plant sites. Historically, these carriers have been closely regulated by the Interstate Commerce Commission (ICC). However, on October 14, 1980, the Staggers Rail Act of 1980 was signed into law, substantially deregulating the ratemaking process for railroads and, for the first time, allowing negotiation of long-term contracts with rail carriers for transportation services. To understand and assess the implications of this legislation on the potential rail rates for coal deliveries to the affected utility generating plants, CPC commissioned Kearney Management Consultants to prepare an analysis of potential rail rates. Independently, Fluor Ocean Services, Inc. was commissioned to estimate potential pipeline rates.

Kearney's rail rate analysis consisted of the calculation of the Interstate Commerce Commission (ICC) prescribed adjusted Rail Form A variable costs for each of the 16 potential movements. These variable costs were used as a basis for estimating the maximum allowable rates which avoid ICC jurisdiction in the ratemaking process under the provisions of the Staggers Act. Rates beyond this maximum are subject to protest by the shippers and receivers and review by the ICC. These estimated rates were then projected for 1988 (the first year of operation of the proposed pipeline) through 2007.

Fluor's pipeline rate analysis consisted of developing estimated maximum allowable coal slurry pipeline rates based on ICC-valuation ratemaking methodology for oil pipelines, since a regulatory methodology for coal slurry pipelines has not been established. These rates were also projected from 1968 through 2007.

The comparison indicates that after 1988 the maximum allowable pipeline rate is less than the maximum allowable rail rate under the Staggers Act. The primary reason is that a large portion of the railroad cost structure is subject to normal price inflation (which can be passed through under Staggers Act provisions), while a large portion of the pipeline cost structure is fixed capital investment not subject to general inflation.

The exact impact of the proposed pipeline on the rate eventually paid by the af-

affected utilities depends upon many economic and competitive factors. However, an indication of the spectrum of possible impacts can be gained from consideration of the data in Figure A.

1. Status Quo.—If there were no threat of pipeline construction, the railroads would be free to set rates in a relatively noncompetitive environment. Under the provisions of the Staggers Act, it is likely that these rates would approximate the maximum rates shown in Figure A for rail transportation. The total cost of rail transportation for 54 million tons of coal annually would be approximately \$28 billion in 1981 dollars (\$115 billion in inflated dollars) over the 20-year period.

2. Construction of Coal Slurry Pipeline.—If eminent domain legislation is enacted and the coal pipeline is constructed, then pipeline rates for the movements would approximate those in the pipeline rate curve shown in Figure A. The cost of pipeline transportation for 54 million tons of coal per year over this 20-year period would be approximately \$16 billion in 1981 dollars (\$61 billion in inflated dollars).

If eminent domain legislation were enacted, the threat of slurry pipeline competition alone would likely result in coal transportation savings from competition between the railroads and the proposed pipeline. Under the provisions of the Staggers Act, utilities could negotiate long-term contracts for rail transportation to establish rate levels and control future rate escalation. Similar contracts would be negotiated between the utilities and the operators and the proposed pipeline. In such a competitive environment, railroads would likely price selected movements at rates substantially below the maximum allowed by the Staggers Act as shown in Figure A. The pipeline could also be expected to lower its rates from the maximum allowable to compete with the railroads. Therefore, this competition between rail and pipeline to establish long-term contractual arrangements for coal transportation to the 16 generating plants could result in net rates below those shown in the rail and pipeline curves in Figure A.

Therefore, the possible savings in coal transportation costs for the 16 selected generating plants would range from nothing—if there were no eminent domain legislation—to as much as \$12 billion in 1981 dollars (\$54 billion in inflated dollars) if the coal pipeline were constructed and transported the 54 million tons of coal annually over the 20-year period. By introducing competition for their coal traffic, some portion of this potential savings would likely be realized by the affected utilities simply from approval of eminent domain legislation. ●

THE MORAL MAJORITY

● Mr. EAST. Mr. President, the Moral Majority has lately emerged as a potent force in the political and social life of America. In attaining nationwide influence, it has also become highly controversial.

Some have praised this organization as a champion of civic virtue; others have damned it as a menace to civil liberties. Hardly anyone, however, has tried to understand it as the significant cultural phenomenon that it is.

One of the few observers to accord the Moral Majority the probing and scholarly analysis it deserved is Dr. James J. Thompson, Jr. In an essay published in the May 1981 issue of the *Rockford Papers*, Dr. Thompson, professor of history at the College of William and Mary, ex-

amines the Moral Majority from his perspective as a southerner, a historian, and a man of letters. He treats his subject accurately and fairly, and finds much to praise, much to criticize, and much to wonder at. He does not deliver an authoritative verdict on the Moral Majority, but in my opinion he demonstrates to any thoughtful reader that the issue cannot be reduced to an argument over whether the Reverend Jerry Falwell is on the side of the apes or the angels.

Mr. President, I ask that Dr. Thompson's essay be printed in the RECORD. I would also like to take this opportunity to commend the Rockford Institute for the quality of its publications and the lively contribution it has made to the discussion of so many important national issues.

The essay follows:

THE MORAL MAJORITY

(By James J. Thompson, Jr.)

He who would touch the heart of the Moral Majority must begin with the people, those Americans who look to the Reverend Jerry Falwell to lead them out of the wilderness of moral turpitude and national decline. Beyond the slogans, the ideological fervor, the turmoil of political action, even beyond the flamboyant figure of Falwell himself, stand those Americans who have watched helplessly as the values they cherish have been battered by pornographers, abortion advocates, homosexuals, feminists and shrill leftists who seethe with hatred toward the land of their nativity. Small wonder that God-fearing folks have been driven closer and closer to the edge of hopelessness.

I understand these people; I know the rhythms of their lives, the worries that plague them, the fears that haunt them; they are my people—kinfolk, friends, neighbors. I have spent my life among them. But how can I, a college professor denized in the security and comforts of the ivory tower, claim such kinship? Quite simple: I am a Southerner, reared by the canons of that "old-time religion" which has left its indelible imprint upon so many of us, even those who have drifted away from the faith of their fathers. And though Reverend Falwell casts his message to every corner of America and seeks to transcend that region of the heart delimited by Southern Protestant fundamentalism, has warm and folksy manner, the rolling cadences of his speech, the call to righteousness he thunders from the pulpit, all of these provoke a ready response from Southern Protestants. Among these people—my people (though they would no longer claim me as their own)—lies the bedrock strength of the Moral Majority.

Andrew Justin belongs to this number. Mr. Justin, a once-vigorous man who for fifty years farmed five hundred acres of peanuts, corn and soybeans in Surry County, Virginia, has now at the age of seventy-two begun to show the infirmities of a long life. He still lives on the land—hard by the banks of the broad and placid James River—bequeathed to him by his father and by generations of Justins who nurtured the soil and reaped its abundant fruits. Upriver a piece and on the far side from Mr. Justin's farm lies Jamestown, where in 1607 a small band of Englishmen—not yet Virginians—sloshed ashore to begin their experiment in the New World. Andrew Justin loves Virginia, and though his grandfather followed General Lee in an arduous struggle to sever Virginia and the South from the Union, Mr. Justin loves America. But he offers his deepest devotion to his God, a God of majesty and glory whose presence suffuses the humble, white-clapboard Baptist church where Andrew Justin worships on Sunday mornings.

Andrew Justin has worked hard throughout a long life. His broad acres have thrived under his diligent care, and the fruits of his toil have raised five children—two boys and three girls—to manhood and womanhood. The eldest, Andrew, Jr., now runs the farm, but he must work a part-time job to meet the spiraling costs of such essentials as fertilizer, gasoline and machinery. Robert, the second son, has served in the Marine Corps for twenty-two years. Of the Justin daughters, Mary Ann, the eldest, teaches in a junior high school across the river in Williamsburg; Ruth lives in California with her husband, an officer in the Air Force; and Sallie, the youngest, lives in Arlington, Virginia and works for the Department of the Interior in Washington, D.C.

To all outward appearances Mr. Justin should be contented and a happy man, proud of his farm, pleased with the success of his children, at peace with his fellow man and secure in his religious faith. But Mr. Justin views the world of 1981 with dismay. The newspaper and television, with their daily chronicle of our national malaise, leave him shaking his head in disbelief. Not much of a reader beyond the newspaper, the Bible and an occasional agricultural journal, Mr. Justin had in recent years, as his work pace tapered, taken to watching television to while away the idle hours that come unbidden to an old man; but the steady barrage of what its promoters call "realism" or "sincerity" but what Mr. Justin classifies as "filth" provoked him to snap off the set and leave it standing mutely in his living room. When Robert Justin visits his father he brings shocking talk of America's decline in military strength. Mary Ann carries home from Williamsburg news of discipline problems in the schools and of thirteen-year-olds for whom drunkenness and drug abuse have become routine facts of life. Sallie visits as often as possible, although Mr. Justin has come to dread the tales she tells of big-city life, a world that reminds Mr. Justin of nothing so much as the Sodom and Gomorrah that God effaced from the earth for their wickedness. The seizures of the fifty-three Americans by the Iranians shocked Mr. Justin, but curiously enough, one seemingly small and inconsequential matter—to most people, at least—sent him into an unaccustomed outburst of rage. Rumors of plans for a gay-rights rally in front of the state capitol building in Richmond drove him to the breaking point; not even the old citadel of the Confederacy could escape the insidious grasp of moral decay.

In the Reverend Jerry Falwell and the Moral Majority Andrew Justin spied a sign of hope as real as the first green shoots of corn that each year push through the soil to remind him of the ever-renewing fecundity of his land. He now faithfully watches Falwell's "Old Time Gospel Hour," aired on Sunday evenings by the Christian Broadcasting Network in Virginia Beach; he pores over the monthly Moral Majority Report with an avidity he has rarely shown in his reading outside the Bible; and whenever possible, he sends a few dollars to Reverend Falwell to aid in the Lord's work.

How typical is Andrew Justin? Opponents of the Moral Majority would dearly love to believe "very typical," for then they could comfortably stereotype the movement, peg it once and for all and reduce it to the querulous mutterings of a bunch of uneducated and aging Southern rednecks who have added "queer-baiting" to their traditional abuse of the Negro. But the Moral Majority will not be consigned quite so easily to a convenient pigeonhole. Yes, the Andrew Justins of America have turned to Jerry Falwell, but just as surely, the Moral Majority's appeal reaches beyond these men. Leftists endlessly prate about the "masses" and the "people," those ill-defined groups in whose

alleged interests they labor tirelessly. Well, if leftists wish to see the means on the march they had best cast an eye on the Moral Majority. Across America millions of people—old and young, rich and poor, urban and rural, blue-collar and white-collar—have responded to the call of Jerry Falwell and like-minded Protestant preachers. Disconcerting as it may be for the liberals of the Northeast, the Moral Majority represents something more than the latest outburst of Southern backwardness and pugnacity. This time we have allies.

ITS BEGINNINGS

In the 1970's a new phenomenon broke upon the American religious scene: the "electronic church." Led by such individuals as Pat Robertson, son of a former United States Senator and head of the Christian Broadcasting Network of Virginia Beach, Virginia, this movement harnessed the technological innovations in mass communications to the preaching of the Gospel.

In part, this development simply continued a course charted out in the 1950's and 1960's by such evangelists as the Reverend Billy Graham, who saw in television a way to reach far more sinners—and in a more dramatic manner—than ever dreamed of by earlier generations of radio preachers and itinerant revivalists who lugged their tents and rickety wooden folding chairs from town to town. But Billy Graham never had his own network, backed up by a sophisticated electronic gadgetry that brings tears of joy to the eyes of electronic engineers. Pat Robertson followed in Billy Graham's footsteps, but he has surpassed Graham in making of Christian broadcasting a science as well as an art.

The electronic church emerged at an auspicious time in American history. As Protestant proselytizers found themselves able to penetrate into households they had never before reached, they discovered themselves face to face with a revolution in morality, a revolution whose siren call beckoned Americans to fling off their inhibitions and join the "fun generation" in seeking self-fulfillment through self-indulgence.

The same television set that brought Pat Robertson's "700 Club" into the family rooms of America could, with a mere flip of the dial, regale those seated before that little box of electronic wonders with steamy sex and risqué language formerly heard only in locker rooms and cocktail lounges. The television set—a standard feature in American homes by the 1970's—mightily trumpeted the arrival of the New Morality.

If the 1970's witnessed the fetid flowering of the New Morality, this decade also produced stunning testimony to the rapid erosion of America's standing as a world power. In the aftermath of a disastrous and unpopular war in Southeast Asia, American policy-makers—both Republican and Democratic—pulled back and waffled and temporized in the face of foreign problems seemingly too complex to allow of any solution.

In Angola, for example, the pro-Western guerrilla leader Jonas Savimbi fought—and still fights—a lonely war, while his Marxist opponents sent Cuban troops into combat against him. High American officials clucked fretfully about "No More Vietnams." The Soviet Union, untainted by any such failure of the will, drove ahead with a massive military buildup and reached its long arm into every trouble spot on the globe. A decade of American vacillation appropriately staggered to its shameful culmination in Teheran, where a mob of Iranian thugs and revolutionaries—known affectionately to American news commentators as "student militants"—seized fifty-three Americans and held them hostage for over a year.

The bold and ruthless Soviet invasion of Afghanistan, coming as it did in the midst

of the hostage crisis, seemed almost anticlimactic, but, if so, this anticlimax exposed ever more clearly the inability of America's leaders to do more than wring their hands and chide the Soviets for their brutishness. Beset by sappers at home and assailed from abroad by a malign crew, the old Republic so lovingly constructed by Jefferson, Adams, Washington, Hamilton and Madison creaked on its foundations.

In the midst of this era of declining fortunes the electronic church continued to gain popularity; it spread its message across the United States and energized evangelical Protestants, forging among them a non-denominational sense of unity that had not previously existed. The Reverend Jerry Falwell, pastor of the Thomas Road Baptist Church in Lynchburg, Virginia, seized the moment, and, with the help of several other pastors, established the Moral Majority, Inc., on June 6, 1979. In the words of a pamphlet entitled *Fighting for a Moral America in This Decade of Destiny*, Falwell created the organization "to give a voice to the millions of decent, law-abiding, God-fearing Americans who want to do something about the moral decline of our country."

ITS IDEAS AND GOALS

This pamphlet furnishes a brief yet informative introduction to the ideas and goals championed by the Moral Majority, for it distills the movement down to its essence. Taking this pamphlet as a fair representation of the movement, one notes a three-pronged emphasis. First, an assessment of the present condition of America; in blunt terms and boldface type the pamphlet proclaims: "America is Sick." This illness springs from those feminists, ultraliberals, humanists, socialists, pornographers and homosexuals who have polluted the wellsprings of American life. Working together in a crusade of the ungodly these groups seek to destroy all that God-fearing men and women cherish: "Bible morality," the family, the public schools, the free-enterprise system and America's greatness as a nation. America now teeters on the brink of an abyss; the "Decade of Destiny"—the 1980's—will bring either disintegration or—just possibly, if good men act—renewal.

But "God Still Stands With America"; with this heading the pamphlet moves into the second of its three points. Here lies hope, the possibility for America to slash through the briar patch of wickedness and regain the high road of righteousness. America is the New Israel, a people uniquely chosen by God to bear His standard through the modern world. No other people possess the will and capacity to carry the message of redemption and salvation to a tired and sin-wearied world, for "America has more God-fearing citizens per capita than any other nation on earth." Lest God forsake us, though, we must cleanse the wellsprings and gird ourselves for the fight to keep America free; then once again God will bestow His blessings upon His people.

Beyond the chastisement of the enemy and the call for a return to God lies a hard-nosed practicality, the third emphasis of *Fighting for a Moral America in This Decade of Destiny*. Moral men must act, and the Moral Majority offers a program for that action. As Reverend Falwell makes clear in the October 15, 1980 Moral Majority Report, "Moral Majority is a political organization," designed to press its program in the public arena. With its national headquarters located close to the United States Capitol building, Moral Majority, Inc. makes its presence felt in the corridors of power in Washington, D.C. *Fighting for a Moral America in This Decade of Destiny* charts the course along which Reverend Falwell intends to lead the faithful in this fivefold avowal of purpose:

(1) Mobilizing the grass roots of moral Americans into a clear, loud, and effective voice, which will be heard in the halls of Congress, in the White House and in state legislatures across this land.

(2) Informing the moral majority of Americans about what is going on behind their backs in Washington. The monthly Moral Majority report will help accomplish this goal.

(3) Lobbying intensively in Congress to defeat left-wing, social welfare bills that would further erode our precious freedoms.

(4) Pushing for positive legislation which will ensure a strong, enduring and free America.

(5) Helping the moral majority of Americans in local communities fight pornography, homosexuality, obscene school textbooks, and other burning issues facing each and every one of us.

With this plan of action, Moral Majority, Inc. has "declare[d] open warfare against the forces which threaten our freedom as Americans." The hour is late but Reverend Falwell and his cohorts believe that a handful of righteous men, allied with God and armed with the weapons of Truth and Decency, can stir those hitherto silent Americans and turn the nation back to God. Clearly, the Moral Majority does not shrink from this herculean task.

RESERVATIONS AND ALLEGATIONS

Were the entreaties of the heart to be answered affirmatively, I should conclude this essay here, and end on a note of approbation. After all, Moral Majoritarians have just and good reasons for their anger, and they have correctly discerned the source of our moral malaise. But my critical side reasserts itself over the sympathies of the heart. More must be told, and the telling will raise serious questions about the Moral Majority. Certain aspects of the movement trouble me deeply, and those features do not hang about the periphery of the movement; they stand at the very center of the Moral Majority.

My animadversions will probably offend Moral Majoritarians, for their all-or-nothing mentality allows for no compromise, no leeway to step gingerly across a stretch of ground mined with complexities, nuances and ambiguities. I risk the ire of Moral Majoritarians willingly, though, for to back off would pose an even greater danger: that of averting one's eyes from the lapses of other conservatives simply because we march together under the same broad banner. The Left has often fallen prey to a similar temptation; with a spirited faith in Popular-Front unity it has refused to criticize the transgressions of its own number, no matter how wrong-headed, misguided or even vicious some leftists might be. Let us have no Popular Fronts of the Right in this hour of conservative ascendancy. If we allow our own excesses to go unrebuked we shall play into the hands of the Left, and Lord knows, we have done that too often already.

In the interests of fairness I begin my critical task by laying to rest an old canard: the Moral Majority does not feed on a simmering stew of hatred for Jews, Catholics and blacks. A sacred canon of leftist ideology affirms that any conservative movement peopled by white Protestants (especially when Southern) has to—simply has to—derive its motivating impulse from racial, religious and ethnic hatred. To dissuade leftists of this cherished belief would take the strength of ten men, and I am not up to that task. Still, this matter must be addressed directly, for in the minds of many it alone supplies ample reason to condemn such organizations as the Moral Majority.

First, anti-Semitism: On November 9, 1980, the Reverend Jerry Falwell, in the company of such luminaries as Senators Henry Jackson and Daniel P. Moynihan, received the Jabotinsky Medal for his support of the state of Israel; to my knowledge,

Menachem Begin does not generally bestow medals upon rabid anti-Semites. The Moral Majority may well harbor some Jew-haters within its ranks, but if so, they receive no encouragement from the organization. Neozis who seek sustenance from the Moral Majority will go away empty-handed.

The most hysterical of leftists have raised the cry that the Moral Majority serves as a thinly disguised front for the recrudescing Ku Klux Klan. To those of this cast of mind it seems obvious that Jerry Falwell will eventually call for lynchings to solve America's racial problems. As with the charge of anti-Semitism, leftists have little evidence to cite, but then doesn't everyone know that all white Southerners hate blacks?

The South's conservative white Protestants have indeed often been guilty of leaving their Christianity in the cloakroom when it comes to dealing with blacks. Since the 1840's when Baptist and Presbyterian ministers added their voices to the defense of slavery, Southern Protestants have been in the forefront of efforts to maintain the racial status quo. But with the tumults of the civil-rights movement of the 1950's and 1960's, white Southerners began—however slowly and tentatively—to break out of the old mold. Right now they suffer confusion over racial matters; unfortunately, this creates fertile ground in which the seeds of demagoguery can sprout. Jerry Falwell could have been that racist demagogue, but, quite simply, he is not. He does not whip up the rednecks with the old shibboleths of Southern racism.

Only one convinced that opposition to welfare chiseling and forced busing constitutes racism could possibly accuse Reverend Falwell of stirring racial animosity. Racists would not seek out Professor Walter E. Williams, the well-known black economist, to contribute essays to the Moral Majority Report.

Anti-Catholicism has long thrived in conservative Protestant circles. Baptist preachers in particular have historically worked this issue masterfully, playing the prejudices of their congregations with the artistry of a Pablo Casals on the cello. But the heyday of Protestant Catholic-baiting has passed; the New York Times and other journals of enlightened liberal opinion seem to be the main purveyors of anti-Catholicism these days. Conservative Protestants have much in common with their Roman Catholic counterparts.

To what extent the Moral Majority recognizes this cannot easily be determined. Suffice it to say that Reverend Falwell has eschewed the old colorful and titillating verbal assaults on the "Whore of Babylon," a once sure-fire way to rouse the passions of conservative Protestants, especially in the South. It may just be that Moral Majoritarians have begun to realize that the World Council of Churches poses a greater threat to godliness than does Pope John Paul II.

THE REAL PROBLEM

Having cast aside the bogus allegations of bigotry, I can now get down to the real problems presented by the Moral Majority. Because the movement cannot be separated from the man, one must look first at the Reverend Jerry Falwell himself. Falwell possesses the wit and smiling charm that have endeared such preachers to generations of conservative Protestants. The man knows how to work a crowd. He makes his listeners laugh and cry, he stirs them to anger and indignation, and with dulcet tones he comforts them with reminders of Christ's love for sinners.

To be effective, such oratory must simplify issues; it cannot deal in complexities; it must lead its votaries with clarion calls and clear dictates. People seek this in their religion, for amidst the confusions of this world they need the reassuring simplicities

of the Gospel message and clear-cut distinctions between God's cause and the Powers of Darkness. The Christian message by turns energizes and soothes, but it does so most effectively when it avoids the enervating ambiguities of the human condition.

When carried into the political arena this approach causes untold problems, and Reverend Falwell has carried it into politics with a vengeance. The danger lies in reducing God's cause to simplicities and then in believing that man can establish those simplicities on this earth. This urge transcends the categories of Right and Left, for Protestants on both ends of the political spectrum have sought at times to unsheathe the sword (either literally or figuratively) in an effort to make man's kingdom conform to their own narrow interpretation of God's will.

In England in the 1640's the Puritans mixed religion and politics into a heady brew that intoxicated Oliver Cromwell's saints. In the interests of a republicanism that rapidly degenerated into vicious egalitarianism, these crusaders for Christ purged the land with blood, beheaded King Charles I, and attempted—but failed—to translate God's kingdom into worldly reality. King Charles II had to teach England to laugh again. A similar impulse drove fanatical American abolitionists—intoxicated this time with the febrile emotionalism of Protestant revivalism—into a crusade to impose their vision of God's righteousness. Several hundred thousand Union troops paid with their life's blood for this abolitionist vision, and if this sacrifice furthered God's cause, it would have been difficult to have convinced a prostrate South of that contention.

I apologize for placing Jerry Falwell in such unsavory company. Yet Reverend Falwell makes me uneasy on this score. He simplifies and reduces to easily comprehensible slogans the terrible complexities that grip our nation. When Falwell launches into one of those long litanies of denunciation against homosexuals, feminists, abortionists and ultraliberals the folks in the pews know immediately that they stand with the Lord and battle at Armageddon.

No compromise with evil! No temporizing with the forces arrayed with the Prince of Darkness! Reverend Falwell serves it up, and the flock feeds well on this fare. This creates a mentality of bold self-righteousness among Falwell's followers; when carried into the political realm it brings one back to Cromwellian crusaders and abolitionist zealots. Falwell, no doubt, understands that the masses of God-fearing Americans need to be aroused and urged to gird themselves for the Lord. But once aroused, girded and thrown into politics, what then? Can Reverend Falwell explain to them the intricacies of the political system, the delicately balanced give-and-take of compromise that Daniel Boorstin has called "the genius of American politics"?

A mood of all-or-nothing comports poorly with the workings of the government that was fashioned in Philadelphia in the long, hot summer of 1787.

The key consideration here extends far beyond the liberal charge that the Moral Majority has conflated church and state. Only a shameless and mendacious liberal clergyman could accuse Falwell of being the first to smudge the line between the sacred and secular realms. Liberal Protestants have been guilty of this since the 19th century.

Liberal clergymen have long lusted with a white-hot passion to call the shots in the political arena. Falwell as preacher-in-politics does not really distress them; what does cause sleepless nights for liberals is Falwell as conservative preacher-in-politics. "Why, oh, why," moan the liberals, "can't those rabble-rousing Baptist preachers keep their message within the walls of their churches?"

On the deepest level the problem concerns

Falwell's identification of America with the cause of God. Falwell sincerely believes that America is God's chosen nation, a New Israel that enjoys in God's eyes a position of primacy among the nation's of the earth. Just as Yahweh, punished ancient Israel for her transgressions, so He chastises America to shake her from her apathy and to direct her once again in the ways of righteousness.

If this be true—and Falwell believes it is—then it behooves Moral Majoritarians to cleanse the nation of sinfulness and reestablish America as the bastion of God's truth. But why should God look with special favor upon the United States? Why not Germany, birthplace of the Protestant Reformation, or Switzerland, the scene of John Calvin's experiment in godliness? Charles Peguy, the early 20th-century French poet, tirelessly reiterated that God loves Frenchmen foremost among His children. How can any nation claim such special standing before a God who sent His only begotten Son to die on a rude cross for all men?

The kingdoms of this world are ephemeral. They rise, flourish and fall; only the grace of God charts a steady and unbroken course through this world. Reverend Falwell has forgotten this vital fact. He wishes to establish in America what God gives no man the ability to make: a nation of righteousness wholly dedicated to God's will.

Christians must combat evil in this world, but to speak of one nation as God's chosen people, and to seek to purify that nation through political action, invites disastrous consequences. Weak and sinful men—even including the Moral Majoritarians—cannot realize God's righteousness on this earth. This does not mean that the Christian must retreat from politics into a quietistic isolation; it is only to remind Christians—whether liberal or conservative—that the ways of man are not the ways of God.

GO'S WILL AND ECONOMIC SYSTEMS

The pamphlet *Fighting for a Moral America* in This Decade of Destiny avows the Moral Majority's eternal opposition to "creeping socialism, which is a first cousin to communism." Here the Moral Majority divides the world into Good Guys and Bad Guys, not over morality, as it generally does, but along the lines of economic systems. This will not do. Differences exist among socialists as surely as they do among conservatives. Conservatives need to practice careful discernment on this issue, for genuine democratic socialists must be singled out from among those who merely garb themselves in a cloak of democratic rhetoric to hide their totalitarian motives.

In Eastern Europe, for example, democratic socialists remain some of the best friends the West has; should Soviet hegemony over this tormented part of the globe ever be broken, these men will help to usher in an era of hope for Eastern Europe. On the home front, conservatives have benefited greatly from the astute analyses and unwavering commitment to freedom shown by such socialist intellectuals as Daniel Bell and Sidney Hook.

Granted, many American socialists ally themselves with the very forces that conservatives rightly abhor, but such an alliance need not necessarily follow from one's belief in a socialist economic system. There are journals of opinion in America which stand forthrightly for moral decency without being conservative or preaching Christian moral orthodoxy; they oppose the moral decay of America with an intellectual sophistication that the Moral Majority would do well to emulate. It ill behooves conservatives to assume automatically that all socialists serve the cause of Satan. The world of ideas contains far more complexity than Moral Majoritarians would like to admit.

The flip side of the Moral Majority's disdain of all varieties of socialism appears in

the organization's commitment to capitalism or, as it is more often phrased, "the free-enterprise system." I do not take issue with this devotion as such; the considerable merits of capitalism as an economic system do not concern me here. A far more profound issue does: the identification—implied, at least—to capitalism with Christianity.

To listen to Moral Majoritarians sing paeans to free enterprise leads one to surmise that capitalism has received the divine imprimatur. Christianity existed for nigh fifteen-hundred years before capitalism emerged, and God's grace will continue to move through this world should capitalism cease to exist. God's cause does not rise or fall with the fluctuating fortunes of the New York Stock Exchange. To fall into the trap of believing that it does severely limits one's vision and indicates an overriding concern for economics that forces religion into a mere supporting role. We should and must defend America's economic freedoms, but to contend that the most crucial fight lies here is to be guilty of secularizing humanity into "Economic Man."

I doubt that most Moral Majoritarians have probed very deeply into the nature of competing economic systems; their opposition to socialism and their concomitant devotion to capitalism arise from other than economic analysis. The key to understanding this appears in a sentence in *Fighting for a Moral America in This Decade of Destiny*: "Today, we are promoting the philosophy of 'something for nothing'—giveaway programs and welfarism—to the point where our country is nearly bankrupt." Leftists leap gleefully upon such statements as signs of a festering fascism that uses code words such as "welfare chiselers" in place of the older and blunter racial slurs. This misses the real point. Moral Majoritarians long for a simpler America now past, a nation of independent farmers and small shopkeepers who controlled their own economic destinies to a considerable degree. The industrialization and urbanization of the late 19th century dealt this America a fatal blow. We live under an economy of staggering complexity and interdependence. Lazy freeloaders do indeed sup at the public trough, but alongside them stand those Americans who have been victims of the ups and downs of an urban, industrial economy. Moral Majoritarians hearken back to a preindustrial rugged individualism that wanders disconsolately—and at times, viciously—through our present society. Like it or not, we live in the era of the welfare state; to rail against freeloaders only complicates matters and places a stigma upon the aged, the infirm, the unskilled and all those who have not prospered in our society. Jesus Christ commanded us to love the poor; not to berate them.

FREEDOM AND DECENCY

Civil libertarians tell a lugubrious tale these days, one replete with book-burnings, rigid thought-control, and hot-eyed Moral Majoritarian zealots. Frenzied cries of repression from civil libertarians should surprise no one, for these people apparently spring from their mothers' wombs possessed of the ability to espy the heavy and brutal hand of neofascism where most of us would see only common sense at work. Why this latest outcry? Quite simple: the Moral Majority has declared war on pornography. Civil libertarians prophesy jackbooted repression; Moral Majoritarians speak of moral decency.

Moral Majoritarians have put together a persuasive brief. Only the deaf, dumb, blind and ignorant could deny that America has been inundated with pornographic provocation in the last two decades. On stage and screen and in books and magazines we have been treated to a display of moral degradation that almost exceeds the powers of the

human imagination. Here I agree with the feminists: this material degrades women into objects of the most perverse male lusts. To argue that this affects only mature adults is to delude oneself into believing that children live in splendid isolation from the rest of society. If the amount and nature of pornography that exists at a given time serves as a fair index of a society's moral health, then this is, as Moral Majoritarians contend, a very sick land.

How can health be restored? Do nothing, answer the civil libertarians; act with alacrity for the day is short, respond the Moral Majoritarians. Clearly the civil libertarians' fastidious concern for the free expression of filth merchants will not do. But the program of the Moral Majority is fraught with danger. Freedom of expression is a fragile liberty; twirl a globe in your hands and count the countries where it exists. The People's Republic of China has no problem with pornography because its form of puritanical totalitarianism simply prohibits it.

The dilemma comes down to this: how can we stamp out pornography without setting dangerous precedents? Do Moral Majoritarians possess the sensitivity and powers of discrimination to draw the sometimes-fine line between pornography and that which may offend their moral sensibilities but deserves to be protected? One needs a rapier in this situation, but Moral Majoritarians have drawn a broadsword. I remember well a budding young Moral Majoritarian who expressed to me his disgust with Graham Green's "The Quiet American" because of a minor sex scene it contains.

Recently a group of citizens of this mentality raised an uproar in Norfolk, Virginia, over a nude statue in front of the Chrysler Art Museum. Such sallies into the realm of aesthetic criticism do not encourage me.

I for one do not wish to allow the Moral Majority to define pornography and then to act authoritatively on that definition. Yet freedom does easily degenerate into license. Civil libertarians frequently forget that a society has the right and necessity to protect itself. Total freedom of expression can gut a society from within, leaving only a tottering shell waiting for the surging wave of barbarians to topple it. Moral Majoritarians have determined not to allow this to happen. I applaud their willingness to befriend and shelter the homeless walf of moral decency. But I wince at the idea of a Moral Majority free to work its will in this matter. Moral Majoritarians bring vigor, energy and moral rectitude to the fight against pornography, but they lack the intellectual acumen and discriminating artistic taste to guide them in this campaign. Only an older and wiser conservatism—one well schooled in the knowledge of the fragile balance between free expression and license—can save them from folly.

SOME FINAL CONCERNS AND CONCLUSIONS

No feature of the Moral Majority troubles me quite so much as the one I have for last. I choose my words carefully here, for I wish above all else to avoid the holler-than-thou attitude that infects so many of the religiously liberal critics of the Moral Majority. Moral Majoritarians have rightly singled out for condemnation some of the vilest elements in our society: abortion advocates who readily sacrifice unborn children to the self-interest of women who do not wish to be trammelled with the burdens of motherhood; gay-rights activists who seek to foist upon America the idea that homosexuality is a normal expression of love; male-hating feminists who intend to destroy the family; and those leftists whose psychological imbalance leads them into a vicious campaign to bring America to her knees. In one sense, these people deserve whatever abuse they receive. They cannot be reasoned with; they will not be satisfied until they have pressed

their evil designs to full realization. I have railed against these people at times in language that would appal even the most vehement of Moral Majoritarians. But I feel uneasy after venting my wrath. From deep within, a nagging voice throws up to me the Christian injunction: "Hate the sin and love the sinner." I protest; "How can I love such destroyers of all I cherish?" But the voice comes back: "For there is no man that sinneth not." I am caught there, left without a convincing retort.

Moral Majoritarians often give the impression of hating the sin and the sinner. Perhaps the frailties of our fallen state make the distinction nearly impossible to draw: sin and sinner intertwine inextricably with one another. But hard as it may be to admit, Jesus Christ gave His life to save all men, even abortionists, homosexuals and pornographers. The conservative who has stepped outside the Christian religion can easily divide the world into the Good and the Bad, loving one and hating the other with a clear and unmitigated passion.

The Christian conservative takes upon himself an onerous task: to combat evil but, at the same time, to remember that we all form part of the evil that entered the world with sin. Moreover, the Christian must view the doers of evil as children of God who have strayed far but who have not been forgotten or forsaken by our Lord. No easy task, that; but Jesus Christ never said that it would be easy to follow Him.

Moral Majoritarians assail evil with a refreshing vehemence in this age of pusillanimity, but I search long and fruitlessly through this vehemence for the gentleness and love of Jesus Christ. By the dictates of the Faith they defend, Moral Majoritarians have no choice: fight the abortionists, pornographers and other foes of moral decency, but—and this "but" contains the painful part—pray for them, show them the love that passeth all human understanding.

Where does this leave us? Have I so severely disparaged the Moral Majority as to dismiss it as, at best, of no consequence and, at worst, downright dangerous? I think not, for I return to where I began, to the millions of Americans who look to the Moral Majority for hope, for encouragement, for a way out of the morass into which our nation has fallen. These people—decent, hard-working folks—have reached the breaking point; they have had enough of moral decay and national decline. The Reverend Jerry Falwell and the Moral Majority have stirred these people, aroused them to the dangers we face. Who among conservatives can in good conscience not be grateful to the Moral Majority for that? But conservatives will be remiss if they accept without question the programs and methods of all groups on the Right.

Many conservatives made that mistake in the 1950's when they permitted Senator Joseph McCarthy to unleash his brand of cheap-jack demagoguery. On the Left, well-meaning liberals fell into the same trap in the 1930's when they allowed themselves to be blinded by the fog of Popular-Front amity. Let us have no repetition of those miserable episodes. The Moral Majority possesses the capacity to work a salutary influence upon America; it can also discredit conservatism and usher in a speedy reaction against the revived conservative temper of America. We shall see.●

VIKTOR BRAILOVSKY

Mr. TSONGAS. Mr. President, today marks another sad day for the human rights of Soviet Jewry. Viktor Brailovsky, doctor of cybernetics, went on trial in Moscow for allegedly violating section 190-1 of the Soviet Criminal Code. Article 190-1 provides:

The systematic circulation in oral form of fabrications known to be false, which defame the Soviet state and social system, and likewise, the preparation or circulation in written, printed or other form, of works of such content—shall be punished by deprivation of freedom for a term of up to three years, or by correctional tasks for a term of up to one year, or by a fine of up to 100 rubles.

It all sounds very proper. But, in fact, the only crime that Dr. Brailovsky committed was to be born a Jew and to seek freedom from the shackles of totalitarianism.

Mr. President, Dr. Brailovsky's case is not very different from the many thousands of cases of Soviet Jews who desire to immigrate to Israel. But during the past 9 years that he and his family have waited for exit visas, Dr. Brailovsky has not remained silent. Let me share with my colleagues some of the specifics of this case.

In October 1972, Viktor Brailovsky, along with his wife Irina and their two children, first applied to immigrate to Israel. As a result, both Viktor and Irina were fired from their prestigious scientific jobs. Their phone was disconnected and their mail service curtailed. Again and again since 1972, the Brailovsky family has been refused permission to immigrate on the grounds that Viktor possessed secret scientific information. In 1976, after 4 long years of waiting, Viktor was given a verbal clearance to emigrate—but his wife, Irina, an applied mathematician, could not leave because allegedly she possessed state secrets. After a few agonizing months, Viktor decided to emigrate with one of his children and leave his wife and other child behind. In an act of typical capriciousness, the Soviet authorities then denied his visa on the grounds that the separation of his family would violate the Helsinki Final Act.

These continued denials of Viktor's most basic human rights left him undaunted. He became one of the founders of the samizdat (underground) journal, *Jews in the U.S.S.R.*, and served as editor for its last five issues—until it ceased publication in the summer of 1979. This nonpolitical journal was devoted exclusively to Jewish history and culture and served as an important source of information for Jews living in the Soviet Union.

In 1977, Viktor became worried that he and other unemployed Jewish scientists would fall too far behind in their fields. As a result, he organized the Moscow Sunday Seminar, which met every week in his flat. The Sunday Seminar consisted of a nonpolitical group of refuseniks who were dedicated to the advancement of scientific knowledge. On many occasions, they would invite visiting scholars to present scientific papers at their meetings for discussion by the participants.

The Soviets, however, do not allow such activities to continue for very long without responding. In April 1980, Viktor was arrested and told that he was being investigated for his involvement with the publication, *Jews in the U.S.S.R.* Although he was released, the harassment did not end. On November 13, 1980, just 2 days after the opening of the Madrid

Conference, eight policemen arrived at the Brailovsky apartment with a search warrant and a warrant to take Viktor in for questioning. Irina insisted on accompanying her husband to the police station. After lengthy questioning, Viktor was able to tell her, before being led away, that he had been arrested, apparently for his involvement in Jews in the U.S.S.R.

Mr. President, recently a member of my staff returned from a private trip to the Soviet Union where he had the opportunity to meet a number of Soviet refuseniks. He learned firsthand what it means to be a Jew in the Soviet Union. The constant surveillance by the KGB, the wiretaps, the censored mail, the lack of religious freedom, the problems in maintaining a job. But he also learned about the strength and the vitality of these people who live under such harsh physical and mental conditions. In addition, he met with Irina Brailovsky and learned firsthand of the mental anguish she has had to bear for the past 9 years.

Mr. President, it now appears that Soviet authorities will further respond to Viktor Brailovsky's activities by placing him in a labor camp for 3 long years. I call on all of my colleagues to join me in urging the Soviet authorities to reconsider the charges that have been brought against Dr. Brailovsky and to grant him and his family one of the most basic of all human rights—the right to emigrate to the country of their choice. ●

THE USE OF DRUGS IN HORSE RACING

● Mr. PRYOR. Mr. President, I would like to share with my colleagues two articles by Andrew Beyer entitled, "Drugs Can Be Dangerous To Health of Maryland Racing" and "Racing's Major Enemy Attacking From Within" which recently appeared in the Washington Post. Mr. Beyer does an excellent job of illustrating the problems associated with the use of drugs in horseracing.

I introduced legislation, S. 1043, earlier this year to address this question by establishing minimum standards for drug use and laboratory testing procedures so that all horses may compete on an equal basis. This legislation has strong bipartisan support in both the House of Representatives and the Senate.

Along with many in the racing industry, I would prefer that the need for this legislation did not exist. However, the problem continues, and it seems that Federal legislation is necessary to safeguard the interests of all involved in the sport of horseracing.

I ask that Mr. Beyer's articles be printed in the RECORD.

The articles follow:

[From the Washington Post, June 13, 1981]

DRUGS CAN BE DANGEROUS TO HEALTH OF MARYLAND RACING
(By Andrew Beyer)

Trainer Bud Delp announced last week that he will soon move his stable from Maryland, where he has enjoyed two decades of success, "to another state where conditions

are better." One condition that Delp finds so objectionable in his home state is the restriction on use of the drug Lasix.

Most trainers in Maryland share his feeling, and they will ask the racing commission next week to liberalize its rules governing Lasix. Some militants wanted to strike over the drug issue. In other states, such as Illinois and Kentucky, horsemen have obtained court injunctions to stop racing commissions from putting tough drug rules into effect.

It might seem strange that such passions could be aroused by a drug that helps the small percentage of horses who tend to bleed from the nostrils during a race. But the Lasix controversy involves a much broader issue: the interests of horsemen versus the interests of the sport.

To the trainer of a bleeder, Lasix seems an undiluted blessing. When a horse tends to bleed, he may suck the blood back into his throat and lungs and have such trouble breathing that he is virtually worthless as a racehorse. Lasix can cure him. Yet in Maryland, he can be treated with the medication only if a state veterinarian has witnessed him bleeding on the track.

If the horse goes back to his barn and then bleeds, he's not eligible for Lasix. If his bleeding is internal, he isn't eligible, either. To the owner of a bleeder who may be worth \$50,000 with Lasix and zero without it, these restrictions seem irrational. Maryland trainers want a much more liberal system for certifying horses as bleeders, perhaps something like Pennsylvania's. There a horse may get Lasix if an endoscopic examination detects blood in his lungs. (This isn't terribly restrictive, since a recent study disclosed that as many as 96 percent of all horses may have such traces.) What the trainers would like even better, of course, is the right to use Lasix any time they think it necessary, without having to get the state's permission.

People who advocate the unfettered use of Lasix have short memories. Trainers talk as if they want to use the drug judiciously to treat a specific ailment, but Lasix has been wildly abused since it was introduced to American racetracks in the early 1970s. At first, private vets could certify horses as bleeders, and well-connected trainers managed to get the coveted "bleeder slips" for practically all the horses in their stables. Horseplayers remember that time well, because the form went crazy. Animals were improving 10 or 20 lengths overnight, giving some credence to the widespread belief that Lasix could camouflage the presence of more potent, illegal drugs in a horse's system.

When the Maryland Racing Commission allowed the unrestricted use of Lasix, but decreed that horses getting the medication should be listed publicly, bettors had further reason for skepticism. While Lasix was supposed to help the 5 percent of thoroughbreds who were bleeders, 60 to 70 percent of the horses on every racing program in Maryland would be running with the drug. The use of drugs seemed about as controlled and judicious at Laurel, Bowie and Pimlico in the 1970s as it was in Hight-Ashbury in the 1960s.

The sport was suffering from a tremendous public-relations problem, a universal perception that "drugged horses" were running at American tracks. Federal intervention was threatened. So the National Association of State Racing Commissioners proposed tough guidelines on drugs, including a ban on Lasix. But the nation's owners and trainers have fought such restrictions on every front; they can't live without their drugs.

Their principal argument—that restrictions on Lasix hurt them economically by decreasing the value of certain thoroughbreds—is somewhat specious. The state of Maryland will pay out exactly the same number of dollars to owners and trainers whether

Lasix is legal or not. The only difference is that it will be distributed more to the owners and trainers of physically sound horses and less to those with physical problems—which is what improving the breed is all about anyway.

"When they talk about how their horses will decrease in value without Lasix," said trainer King T. Leatherbury, "I think they're forgetting that sound horses will be increasing in value."

The worst aspect of the trainers' crusade for drugs is the public perception of what they are doing. The trainers are saying (with the world listening): We can't train without using drugs. Our horses can't run without drugs. Even after the "permissive medication" experiment of the 1970s failed miserably and left the sport with a tarnished public image, owners' and trainers' groups have been fighting protracted battles for more drugs.

The most tangible result of the resulting image problem is the Corrupt Horse Racing Practices Act, a heavyhanded bill that would mandate criminal penalties for even minor drug violations. Sen. Charles Mathias (R-Md.), said he will hold hearings on the measure at the start of next year if the sport doesn't set its own house in order. Concern over such intervention is what made the National Association of State Racing Commissions realize it had to draft some tough guidelines on drugs. But such concerns don't faze the trainers.

"Horsemen tend not to look at the overall picture," Leatherbury said. "They have tunnel vision; they see only their own personal problems and don't look at the industry as a whole."

At one point in the Maryland trainers' meeting on Lasix last week, Leatherbury said, "I hope we trainers are as important as we think we are." He was met with a smattering of boos, which was not surprising. Trainers seem to believe that the convenience of using drugs such as Lasix on their horses is more important than the health of the sport.

[From the Washington Post, June 17, 1981]

RACING'S MAJOR ENEMY ATTACKING FROM WITHIN

(By Andrew Beyer)

Leaders of the horse racing industry were assembled in Washington the past two days and spent most of their time discussing the sport's "crisis in integrity."

They didn't come up with any dramatic remedies for the fixing, drugging and ringer scandals that regularly tarnish thoroughbred racing. In fact, the annual conference of the American Horse Council gave indications that the game will face some new problems in the coming year.

Racing commissioners, track executives and horsemen offered some reasonable, although familiar, suggestions for combating larceny: tighter licensing procedures for owners, better drug-testing, elimination of conflicts of interest for racing officials.

But Paul Berube of the Thoroughbred Racing Protective Bureau hit upon the key issue when he said, "The most alarming fact which has been established in all our recent investigations is the willingness of so many licensed professionals in racing to accept bribe money in return for their losing effort. No sport outside of parimutuel horse racing has such a negative record. What we need to account for is why . . ."

I think there is a clear answer to Berube's question. There probably aren't many people who come into the racing game intending to be crooks: you don't often see apprentice jockeys stifling their mounts. But racing stewards tolerate so much petty larceny that it is easy for jockeys and trainers to fall into bad habits.

Observant race-watchers will see, on almost any day, riders who seem to be applying a double hammerlock to their mounts. Students of handicapping will sometimes see form reversals so drastic that they defy all logic. Yet few stewards in America manage to perceive these things, let alone summon jockeys and trainers before them and ask for an explanation.

The stewards ought to be the first line of defense against larceny, and yet I can't name a track in America where they are doing this job properly. But this is the level on which racing has to combat its budding scandals; sweeping plans formulated by panels of industry leaders aren't going to do the job.

But there is another issue in racing—the use of drugs—that can be dealt with by fiat. Sen. Charles Mathias (D-Md.) appeared before the American Horse Council meeting on Monday to issue a warning that the Federal Government may step in to curtail the use of medications.

Mathias is considered a friend of the racing industry, but he said bluntly, "The Federal Government should intervene only as a last resort, but I suspect that is the kind of situation we now have in thoroughbred racing. The pressure is mounting on this subject. On Capitol Hill, there is a rising chorus of protests about the use or abuse of medications on racehorses. It is pretty clear to me that a consensus is forming that this is inhumane to the horses and unfair to the bettors."

"There was a trend toward reform, but it is running out of steam. One-third of the 30 racing states do not restrict anti-inflammatory drugs, steroids or diuretics, and several states are backsliding."

Mathias' criminal law subcommittee can hold hearings on the bill sponsored by Sen. David Pryor and Rep. Bruce Vento that would impose tough federal penalties on drug use at racetracks. "I am very reluctant to call up the federal cavalry," Mathias said, "so I will delay hearings on this bill until after the first of the year to give the states an ample opportunity to preempt the need for federal regulation."

The racing industry seems unlikely to set its own house in order. The Horsemen's Benevolent and Protective Association has fought and impaired many States' efforts to impose a ban on drugs. That organization's president, Don Johnson, doesn't perceive that the horsemen may have to sacrifice some of their own interests for the health of the industry. He told his audience on Monday that the interests of the horsemen come first, and felt that the main problem facing the industry was that cheap, greedy track owners weren't doing enough for trainers.

Other racing officials knew where the HBPA's selfishness is going to lead. "It's going to be hard for any congressman to listen to hearings on the drugging of racehorses and not vote for federal intervention," said Earle Palmer Brown, president of Rosecroft Raceway. Such messy congressional hearing on drugs in racing will make the industry's current image problems seem mild, indeed. ●

THE AIRLINE SUBSIDY REDUCTION ACT OF 1981

● Mr. BOSCHWITZ. Mr. President, I join my distinguished senior colleague, Senator DURENBERGER, in introducing the Airline Subsidy Reduction Act of 1981.

The bill is being introduced to reduce the potential impacts of subsidy reductions, while remaining committed to the President's program of reducing the Federal budget.

I have supported the President in his efforts to reduce the Federal budget, and I will continue to do so. I have traveled all across my State informing Minnesotans that I plan to hang in with the President because I believe the end result of his economic recovery program will be an invigorated economy that will benefit all Americans.

While I agree we should reduce the cost of the subsidy programs, I believe a different alternative than suggested by the administration can achieve the same savings, while providing better airline service to medium and small sized communities.

The administration proposes to eliminate the 406 subsidy program and rely entirely on the 419 essential air service program to provide subsidized air service to small communities. The Civil Aeronautics Board (CAB) projects a savings of \$55 million by eliminating the 406 program. Seventy-five percent of the proposed savings will be achieved by eliminating the subsidy to the points where 100 or more passengers enplane per day. We agree with this approach and have made it part of our proposal. The difference between our bill and the administration's proposal involves cities with less than 100 enplanements per day.

The administration proposes completely eliminating the 406 subsidy program on October 1, 1981. In Minnesota, this will have an immediate adverse impact on the communities of Bemidji, Brainerd, Thief River Falls, Hibbing/Chisholm, and International Falls. Currently, Republic Airlines is subsidized under the 406 program to provide service to these communities. If the 406 program is eliminated on October 1, the CAB will have to find a carrier, probably a commuter, to provide service under the 419 program. In the meantime, they would have to hold-in Republic Airlines until a replacement carrier could be found. I am concerned that the CAB has underestimated the cost of the hold-in subsidy.

Many people in the communities that would lose the 406 program service have contacted me sharing our concern over its elimination. The Hibbing, Minn., Chamber of Commerce provided me with a written dialog entitled "Section 406 versus Section 419: Facts versus Fiction." It is an excellent discussion of the major points of concern.

A successful transition from the combined 406/419 programs to a 419-only program requires an adequate and available supply of equipment for commuter airlines to provide service to meet the increased demand created by the elimination of the 406 program. The CAB contention that the necessary equipment will be available is contradicted by a study conducted by the Congressional Research Service in August of 1980. That study stated:

The commuter airline industry is suffering a significant shortage of suitable aircraft. . . . There are limited number of current aircraft designs suitable for efficient use of commuter service, most of which are produced by firms outside the U.S. The rapid expansion of the commuter market provided little lead time for equipment manufacturers. The result is that, since deregulation, commuter airlines have placed orders exceed-

ing \$300 million for new aircraft with normal delivery waits of between one and two years.

Adequate air service is of vital importance to communities in all of our States. The 406 program has helped to provide a good level of service to many medium and small communities. Most everyone agrees that a substantial reduction in the cost of the programs can be made. We even agree on how most of the savings can be achieved. However, I remain convinced this bill is a better alternative—one that will achieve the required savings while limiting the negative impact to be felt by many of our small communities.

I ask that the paper to which I have referred be printed in the RECORD.

The paper follows:

SECTION 406 VERSUS SECTION 419

FACTS VERSUS FICTION

A major target for federal budget cutting proposed by the CAB and adopted by the new Administration is subsidized air service to the nation's small communities. Legislation has already been drafted by the CAB and sent to Congress which would eliminate all federal subsidies provided under Section 406 of the Federal Aviation Act.

The legislation leaves intact the "essential air service" subsidy program provided in Section 419 of the 1978 Deregulation Act. The CAB, however, does not regard jet or any other large aircraft service to medium sized or small community as essential. The service authorized by the CAB under Section 419 generally provides for no more than two round trips a day to the nearest hub and frequently contemplates service with aircraft much smaller than customarily offered by certificated airlines. Service under Section 419 also requires an intercarrier connection at the hub city to reach points beyond whereas under 406, single plane or single carrier service to points beyond the hub is provided.

Many communities which would lose Section 406 air service are concerned about the prospect of service under Section 419. They note that data available from the CAB itself does not support the Board's arguments against the 406 program.

Set forth below are some of the fictions concerning both 406 and 419 subsidies, together with some of the actual facts concerning the relative costs, levels of service and equities. These are the issues which must be addressed if the CAB's effort to eliminate Section 406 and rely entirely on Section 419 to provide air service to numerous small cities throughout the country is to be considered objectively.

Fiction.—Where subsidy is necessary to maintain or provide air service to small communities, the Section 419 program provides such service for about half as much as the Section 406 program costs.

Fact.—Since deregulation of the nation's airlines, Section 406 carriers have been replaced in some 25 small cities by commuter carriers and small certificated carriers under Section 419. The total cost of the Section 406 subsidy to the carriers formerly serving these points was about \$6.3 million, while the commuters have been awarded 419 subsidies of approximately \$5.6 million, a decrease of only 12.5%.

More significant, however, is the fact that the cost of Section 419 in 1980 was \$61.96 per enplaned passenger. This compares to a cost of only \$19.12 per enplaned passenger under the 406 program during the same period. Thus it takes \$3 of federal subsidy under Section 419 to move the same number of passengers as can be moved by \$1 of federal subsidy under Section 406.

Fiction.—Section 419 commuter air service is generally as efficient as Section 406 service.

Fact.—A 1980 Congressional Research Service report states that the commuter airline industry is suffering from a significant shortage of suitable aircraft and is providing service in equipment unsuited to the needs of regular passenger service. The limited seating capacity of these aircraft makes scheduling difficult and often leaves passengers stranded on the ground without the protection of denied boarding compensation and baggage liability rules which are required of certificated airlines. Even where the commuters have funds for aircraft purchase, often no aircraft are available from equipment manufacturers, most of whom are outside the U.S.

CRS also reports that the commuters have additional problems training and recruiting personnel, problems with terminal congestion and gate arrangements, and fuel shortages. CRS concludes that in many communities, these equipment scheduling and performance problems are of such magnitude as to make the residents of the small communities that they serve wish for the return of the major carriers.

Fiction.—Commuters and small certificated carriers providing Section 419 service may use smaller aircraft, but the service is more frequent than under Section 406.

Fact.—In the 25 small cities where Section 406 service has been replaced by Section 419 service, the number of departures a week has increased in fewer than one-half of these cities. By comparison, in over 50 percent of these communities the 419 service is either no more frequent or significantly less frequent than it was under Section 406. In addition, the number of passenger seats per week provided by the commuter replacements under Section 419 has decreased by 72.9 percent from the number of seats per week provided by replaced Section 406 carriers.

Fiction.—Section 419 commuter service is more than adequate to serve the needs of local business in small communities.

Fact.—According to Business Week Magazine, commuter service has not yet filled the needs of the business traveler. In fact, loss of major carriers and timely jet service in many small cities has necessitated a rapid but costly increase in private business aircraft travel.

Fiction.—Elimination of the 406 subsidy program will not result in loss of essential air service since the CAB can easily replace that service with Section 419 commuter service.

Fact.—Congressional Research Service reports that for many smaller communities finding a replacement carrier can be very difficult. Because of shortages of aircraft and other factors, the CAB has not always been able to find a commuter ready and willing to perform the service even when subsidy is available. The CAB's attitude that this situation with respect to small cities will rectify itself in time and that communities in need of air service will eventually get it was described by CRS as "laissez-faire."

Fiction.—Section 406 subsidies are paid to provide an unnecessarily high level of air transportation to a few small communities in the United States.

Fact.—Section 406 is a program which subsidizes 140 small cities whose overall share of the federal budget is miniscule compared to the nation's large cities. For example, cities with populations in the range of most of the 406 points, 50,000 or less, received an average of \$100,000 each in total federal revenues in 1978-79. By comparison, cities with populations of 500,000 to 1,000,000 received an average of \$48,000,000 each during the same period. Thus, the share of the larger urban areas was more than 480 times larger than the share of most Section 406 cities. Measured another way, the cities of 50,000 or less

received only \$38.95 per capita in federal funds in 1978-79 compared to \$186.59 per capita in federal funding received by cities in the 500,000 to 1,000,000 population range.

Fiction.—Elimination of Section 406 is consistent with this Administration's overall efforts to reduce federal spending in all areas, including transportation.

Fact.—Reductions in federal spending are desirable and should be supported where the proposed cuts are reasonable and impact all elements of the transportation industry and the traveling public equally. The CAB's proposal, however, is not merely a reduction in subsidized air service to the nation's small communities but a virtual elimination of all scheduled jet and large aircraft service to over 140 small cities throughout the nation. By comparison, the new Administration is proposing to spend \$3.6 billion for urban mass transportation systems in FY 1982, a figure more than 42 times greater than the \$88.5 million cost of the 406 program as originally programmed for next year. ●

SOVIET OCCUPATION OF THE BALTIC STATES—41ST ANNIVERSARY

● Mr. ZORINSKY. Mr. President, once again we are reminded of the ongoing struggle for human rights in many regions of the world, as we acknowledge the 41st anniversary of the occupation of the Baltic States of Lithuania, Latvia and Estonia by the Soviet Union. This anniversary should perhaps best be commemorated not as one more year of Soviet occupation, however, but as one more year of Lithuanian resistance to that occupation. The struggle by the Baltic States for independence and freedom from domination by the Soviet Union has not wavered throughout the past four decades.

The Baltic countries experienced a brief period of freedom and economic expansion between World Wars I and II. By 1938, the Baltic States of Lithuania, Estonia and Latvia had elevated their position in world commerce to such an extent that their combined volume of trade had far surpassed that of the Soviet Union—the latter a nation with 18 times the Baltic population. However, the Soviet military occupation of the Baltic States in 1940 and the subsequent Soviet-engineered incorporation of the region in August of that same year brought the period of Baltic prosperity to a crashing halt.

Mr. President, Americans have never recognized this illegal action by the Soviet Union, and on the 41st anniversary of the occupation we must once again recall the words of then Secretary of State Sumner Welles on behalf of the people of the Baltic States, and on behalf of the human rights struggle around the globe:

The people of the United States are opposed to predatory activities no matter whether they are carried on by the use of force or by the threat of force. Nor can we watch without protest when powerful states intervene in the domestic affairs of their less powerful neighbors. The United States will continue to stand by these principles because of the conviction of the American people that, unless the doctrine in which these principles are inherent once again governs the relations between nations, the rule of reason, of justice, and of law, in other words the basis of modern civilization itself, cannot be preserved.

Mr. President, I request that a statement submitted to me by the Lithuanian American community of Omaha be printed in the RECORD. The statement follows:

FORTY YEARS OF LITHUANIAN RESISTANCE TO FOREIGN OCCUPATION

No one act so violates our ideals of freedom as the signing of the infamous Molotov-Ribbentrop Pact of 1939 by Nazi Germany and Soviet Russia, in which, they divided the sovereign nations of Eastern Europe between them.

As a consequence, in June of 1940, Soviet armies overran the Baltic States of Lithuania, Latvia and Estonia and forcibly annexed them into the Soviet Union.

To excise growing resistance within Lithuania, the NKVD (predecessor of the KGB) rounded up more than 35,000 men, women and children on the nights of June 14 and 15, 1941, crammed them into cattle cars and shipped them to Siberian concentration camps, from which few ever returned. Only the swiftness of the Nazi invasion of Lithuania, one week later, prevented the NKVD from eliminating over 700,000 Lithuanians whose names were found on undestroyed deportation lists.

This Russian attempt to stifle dissent was actually the catalyst that unified Lithuanian resistance against all foreign invaders. Indeed, on June 22, 1941, when Germany attacked the Soviet Union, a carefully planned anti-Soviet revolt erupted throughout Lithuania, resulting in the formation of a Provisional government. This government, however, was an obstacle to German designs for a "New Europe", and on August 5, 1941, the Provisional Government of Lithuania ceased to function. Thousands of Lithuanian leaders who had survived Soviet dragnets found themselves headed for Auschwitz, Dachow and other extermination camps for resisting Nazi rule or aiding Jews. In all of Europe, only the Lithuanians refused to form any SS unit for the Nazis.

The Russians reoccupied Lithuania during the winter of 1944, and until 1952, anti-Soviet partisans struggled against the Soviet military occupation in protracted guerrilla warfare, at a cost of over fifty thousand Lithuanian lives—martyrs for freedom.

For more than forty years, occupation and genocide have been repeated by the USSR and its client states, not only in Lithuania, but also in Eastern Europe, Asia, Africa, Central and South America and most recently in Afghanistan. Indeed, during its entire sixty-three years in power, Communist Russia has remained an ideologically dogmatic, politically repressive, and internationally predatory state which has exploited every opportunity to control its weaker neighbors.

The treatment of the signers of the 1979 Baltic Memorandum, which called for the public disclosure and the abrogation of the secret protocols to the nefarious Molotov-Ribbentrop Pact is typical of Russian repressive measures. Of the forty-five signers of the Baltic Memorandum, six have been arrested, two have been committed to psychiatric institutions, two have died, one has been forcibly resettled, and one has escaped to freedom in the West. Only time will reveal the fate of the remaining thirty-three.

Western correspondents and Western government officials must continue to focus world attention on the Soviet Union's blatant disregard of human rights and fundamental freedoms. The Soviet Union must be made to realize that it will be held accountable for its denial of basic human rights in the Baltic States and the other Captive Nations. The issue of self-determination for the Baltic States must be addressed in the United Nations and all international forums.●

COMMEMORATION OF THE JUNE 15, 1940, OCCUPATION AND INCORPORATION OF LITHUANIA INTO THE SOVIET UNION

● Mr. BUMPERS. Mr. President, it is a privilege for me to join Lithuanian Americans throughout our country to commemorate the June 15, 1940, forcible occupation and incorporation of Lithuania into the Soviet Union. Since that time, the people of Lithuania have suffered repression and repeated violations of their basic human rights. Thousands of Lithuanians died in the resistance to Soviet annexation and hundreds of thousands more were imprisoned or deported to Siberian labor camps for refusing to relinquish their heritage.

While the Soviet Union has succeeded in temporarily extinguishing the flames of political freedom in Lithuania, the desire for independence is still very much alive. Despite political and cultural repression and religious persecution, dissidents continue to battle for their rights at great personal risks, and struggle to keep communications open to the West.

Today, in commemorating this tragic anniversary, we rededicate ourselves to the tireless promotion of human rights and national freedom and in so doing, uphold the principles of our own democratic heritage. With the support and cooperation of millions throughout this country and other nations, we urge the Soviet Union to comply with the human rights provisions of the Helsinki agreements and dedicate ourselves to promoting the just cause of Lithuanian self-determination.●

THE POTENTIAL OF THE HIGH TEMPERATURE GAS REACTOR

● Mr. SCHMITT. Mr. President, the issue of nuclear power has been the subject of many hours of debate and, no doubt, will be discussed at length in the future.

The economic growth of the United States in past years has been attributed in part to the major role which low cost and abundant supplies of energy have played in our development. Today we are confronted with the fact that fossil energy is no longer cheap and there is not an unlimited supply of fossil fuels. More important for future generations is the fact that these valuable natural chemicals should not be burned as fuel any longer than absolutely necessary.

If this Nation is to have a reliable source of low cost energy, it is essential that we continue to develop new technology of alternative energy resources. One such technology is the High Temperature Gas Reactor (HTGR).

A recent article in Scientific American points out the March 1979 Three Mile Island nuclear reactor accident is a shock from which the nuclear power industry has not yet recovered.

Author Harold M. Agnew, the former Director of the Los Alamos Scientific Laboratory, notes:

Perhaps the principal lesson of Three Mile Island is that the current generation of nuclear power plants is vulnerable to certain rare events that can lead to a condition where the time available for responding correctly can be less than a minute.

Dr. Agnew appropriately asked:

Do we need to be content with nuclear reactors of a design such that operators must react correctly within a minute in order to prevent damage to the reactor?

All but one of the 71 nuclear power plants commercially in operation today are an adaptation of the first reactor used to power the U.S. Nautilus launched in 1954. The exception is a helium-cooled reactor, and HTGR, operated by the Colorado Public Service Company at Fort St. Vrain.

As noted in Dr. Agnew's article:

The Fort St. Vrain experience has verified several important safety and operating advantages of the HTGR.

Because the HTGR reacts slowly to unexpected operational changes, an operator has sufficient time to take appropriate corrective action. Dr. Agnew further stated, "hours rather than seconds."

The HTGR reactor at Fort St. Vrain is the only reactor not required by the Nuclear Regulatory Commission to have a full time expert on site. Such an expert is on call to report within an hour, if needed.

In addition to safety advantages, the improved performance characteristics of the HTGR provide several environmental advantages over the current generation of nuclear power plants.

The HTGR releases less waste heat; consumes less water; can be located at arid or semi-arid sites; operates at an higher efficiency; produces less solid waste; and consumes less uranium.

Says Dr. Agnew:

In general, maintenance, repair and handling costs are lower in an HTGR plant. He suggests that once the Fort St. Vrain reactor has been brought up to full power this summer and demonstrates the exceptional safety and reliability that its designers predict, U.S. utilities will "look favorable on the HTGR when they are again ready to place orders for nuclear power plants.

Mr. President, the Committee on Energy and Natural Resources has recognized the potential of this form of nuclear power. In the committee report on the fiscal year 1982 authorizations for the Department of Energy civilian programs, the committee directs the Secretary of Energy to pursue commercialization of this technology. The House Armed Services Committee has directed a feasibility study on the prospect of using this nuclear technology to meet the energy requirements of two national research labs, Sandia National Lab at Albuquerque and the Los Alamos Scientific National Laboratory.

A key element in congressional support for the HTGR has been in recognition of the strong support by the utility industry. The House Science and Technology Committee recognizing the potential for this technology has recommended a fiscal year 1982 funding level of \$40 million.

During consideration of the fiscal year 1981 supplemental, both the House and Senate Appropriations Committees rejected a reduction of \$21 million in the funding of this program.

I would strongly encourage my colleagues to familiarize themselves with the HTGR, as I am certain you are going to be hearing more about this advanced technology in the months to come.

Mr. President, I ask that the article by Dr. Harold Agnew, "Gas-cooled Nuclear Power Reactors," be reprinted in full in the RECORD.

The article follows:

[From the Scientific American, June 1981]

GAS-COOLED NUCLEAR POWER REACTORS

(By Harold M. Agnew)

In March, 1979, the nuclear power industry suffered a shock from which it has not yet recovered: the accident that disabled one of the nuclear reactors at Three Mile Island. It is ironic that an event that caused no discernible physical harm to anyone crippled the prospect for expanding nuclear power at the very time the nation was becoming generally aware of the need for new domestic sources of energy.

Although the experience at Three Mile Island demonstrated to the satisfaction of technically qualified people that present-day water-cooled nuclear reactors offer no significant threat to the health and safety of the general public, it also showed that such accidents and equipment failures can jeopardize the operability of the plant and place at risk the heavy capital investment it represents. In the extreme case an accident such as the one at Three Mile Island can threaten the financial survival of the operating utility.

Perhaps the principal lesson of Three Mile Island is that the current generation of nuclear power plants is vulnerable to certain rare events that can lead to a condition where the time available for responding correctly can be less than a minute. In such low-probability events if the appropriate actions are not undertaken immediately, the consequences can be extremely costly even when public safety is not at issue. It is reasonable to ask: Do we need to be content with nuclear reactors of a design such that operators must react correctly within a minute in order to prevent damage to the reactor? The answer is no.

That being the case, how did the U.S. nuclear power industry come to follow the path it did? The dominance in the U.S. of the light-water reactor has a simple explanation. The pressurized-light-water reactor is a straight-forward adaptation of the highly compact reactor designed to propel the first nuclear-powered submarine, the U.S.S. *Nautilus*, launched in 1954. An electric-power version of the submarine reactor, built by the Westinghouse Electric Company, went into service at Shippingport, Pa., three years later. The General Electric Company soon introduced a reactor design of its own, the boiling-water reactor, in which the heat generated by nuclear fission was carried away from the core by steam rather than by pressurized hot water.

In both types of reactor it is essential that the reactor core not be uncovered, even briefly, lest the temperature in the core quickly rise and melt the metal jackets around the fuel pellets, as indeed probably happened at Three Mile Island. Light-water reactors are equipped with redundant safety features to cope with a "loss of coolant" accident. In such accidents the emergency equipment is designed to flood the core with water from a plentiful and assured source. When the normal coolant flow was interrupted at Three Mile Island, a sequence

of improbable events, including apparent operator error, interrupted the delivery of the emergency cascade of water for too long a time.

All but one of the 71 commercially licensed and operating nuclear power plants in the U.S., which currently supply about 11 percent of the nation's electric power, are light-water reactors. The exception is a helium-cooled reactor, the Fort St. Vrain Nuclear Generating Station, which was accepted for service in the summer of 1979 by the Public Service Company of Colorado. The plant's rated capacity is 330 megawatts of electric power, or MWe, which is about a third the output of a standard commercial power plant. The reactor has been operating at up to 70 percent of rated power and has recently been released by the Nuclear Regulatory Commission for testing at up to full power.

The Fort St. Vrain demonstration plant was designed and built for the Public Service Company of Colorado by the General Atomic Company as a part of the Atomic Energy Commission's Power Reactor Demonstration Program. This followed the successful operation of a 40-MWe prototype, Peach Bottom Atomic Power Station No. 1, on the system of the Philadelphia Electric Company. In its seven and a half years of operation, from 1967 through 1974, the Peach Bottom reactor was available for service 86 percent of the time (except for scheduled shutdowns related to the research and development objectives of the reactor itself). The comparable figure for all U.S. nuclear reactors is about 66 percent.

The key safety features that differentiate the helium-cooled reactor from water-cooled reactors are two. First, since the reactor core is cooled by a circulating gas completely confined within a massive reactor vessel, the reactor cannot lose its primary coolant because of a rupture of pipes outside the vessel. Second, if the circulation of the gas is interrupted by some mishap to all of the main helium-circulation system, the temperature within the reactor core rises only slowly because the fuel elements are embedded in a massive matrix of graphite, which serves as the moderator for slowing down neutrons and which can absorb the heat released by fission products after the nuclear chain reaction itself has been halted. In a helium-cooled graphite-moderated reactor the nuclear reaction is halted by the insertion of control rods, similar to those in all reactors, or alternatively by the injection of small boron-containing balls that "poison" the reaction. In water-cooled reactors the loss of the coolant, which also acts as the moderator, stops the reaction.

If the emergency cooling systems in a light-water reactor should fail to function, the temperature in the reactor core would rise even after the reaction had been shut off because the fission products accumulated in the fuel elements would continue to release energy at a high rate. At the instant of shutdown, decay heat amounts to about 7 percent of the rated thermal output of the reactor, or about 210 megawatts in a water-cooled plant with a thermal rating of 3,000 megawatts (equivalent to an electric output of 1,000 MW). It is estimated that in such a loss-of-coolant accident the temperature of the cladding around the fuel elements would reach 3,000 degrees Fahrenheit and fuel failure would begin in as little as 50 seconds in a pressurized-water reactor and in less than two minutes in a boiling-water reactor. With a helium-cooled reactor, in a comparable event involving a system depressurization and the total failure of the helium-circulation system, more than an hour would be required for the temperature inside the core to reach 3,000 degrees F. At that temperature both the coated fuel particles and graphite fuel elements in a helium-cooled reactor would not be affected.

The fuel particles and graphite can readily withstand temperatures of up to 4,000 degrees F., which would not be reached until at least 10 hours had elapsed. In short, there is ample time to institute a variety of reasoned emergency measures for restoring the flow of helium coolant.

The virtues of gas-cooled graphite reactors have been widely recognized elsewhere in the world. In the 1950's and 1960's, when the U.S. had committed itself to light-water reactors, Britain and France developed gas-cooled graphite-moderated reactors, in which the coolant was carbon dioxide rather than helium. Britain now has more than 40 gas-cooled reactors in operation or under construction, France has seven and Italy, Spain and Japan have one each. More than 600 reactor-years of operating experience has been acquired with the European gas-cooled reactors. Such reactors have accounted for nearly a fifth of the total nuclear power generated in western Europe, Japan and the U.S. so far.

The British and French efforts were at an early stage in 1956 when a group of physicists, many of them with experience at the Los Alamos Scientific Laboratory, gathered at La Jolla, Calif., to consider the problem of designing a reactor that would be both more efficient and inherently more "forgiving" than the reactors then available. Among those present were H. A. Bethe of Cornell University, Freeman J. Dyson of the Institute for Advanced Study, Peter Fortescue of the Atomic Energy Research Establishment at Harwell in England and Frederic de Hoffmann, who was then president of General Atomic. Out of these early deliberations, aided by concepts from Britain and France, evolved the concept of the high-temperature gas-cooled reactor, or HTGR, tested at Peach Bottom and on a larger scale at Fort St. Vrain. Because the U.S. has plentiful supplies of helium, that gas could be selected as a coolant instead of carbon dioxide. Helium has the important advantage that it is stable to the high radiation flux in the reactor, does not become radioactive, is chemically inert and has excellent heat-transfer characteristics.

The attractive features of HTGR's were summarized by Joseph M. Hendrie, chairman of the Nuclear Regulatory Commission, in testimony before a congressional subcommittee in March, 1980. Such reactors, he said, "have efficiencies as good as the best fossil-fuel plants and are substantially more efficient than the water-cooled reactors. They not only get better thermal efficiency but also get better energy utilization out of each pound of uranium that is mined, better, in fact, by probably 15 or 20 percent than the best estimates for advanced light-water fuels." He added that HTGR's "have some safety advantages. They are machines in which you don't have to do a lot of things in a hurry if something goes wrong because the core structure is a great massive pile of graphite, a very high-temperature and stable material, so that if you get a power dropoff or the plant circulators go out, [you have time] to sit down and think about what to do."

The first series of gas-cooled reactors built in Britain were called Magnox reactors because the fuel rods, which contained natural unenriched uranium, were clad in a magnesium alloy. The reactor core, incorporating many tons of graphite, was housed in a large and expensive steel pressure vessel many times bigger than the pressure vessels needed for light-water reactors. Then in 1958 French engineers showed that the steel vessel could be replaced with a vessel of prestressed concrete that could be constructed in sizes large enough to house the entire reactor system, including the steam generators. The prestressed-concrete reactor vessel, or PCRV, is kept in compression at all times

by a network of redundant, tensioned steel tendons that can be monitored and retensioned or even replaced if necessary. Tightness against leaks is ensured by a steel liner affixed to the inside of the PCRV, which acts only as a membrane seal to contain the coolant. The liner and the walls of the PCRV are cooled by water circulating through tubes that are welded to the outer surface of the vessel.

PCRVs were subsequently adopted for all French and British gas-reactor systems. The high degree of safety afforded by the concrete vessel contributed to the British decision to construct a second generation of reactors known as advanced gas reactors (AGR's) near urban sites. In this second generation the fuel was uranium oxide, a ceramic, clad in stainless steel, a change made possible by the adoption of slightly enriched uranium. With the new fuel AGR's could operate at higher temperatures than the Magnox-fueled reactors and were able to "burn" more of the uranium 235 in the fuel before refueling became necessary. With higher temperatures the efficiency of electric-power generation was raised from about 30 percent to a little more than 40 percent.

In the U.S. the Atomic Energy Commission (a predecessor agency of the Department of Energy) nurtured interest in gas-cooled reactors in the 1950's and 1960's by supporting the study of several advanced reactor concepts. One of the AEC's main objectives was to reduce the amount of uranium required per unit of electric power; at that time uranium resources appeared scarce in relation to the projected needs. As a result the study emphasized reactor concepts that were either breeders or advanced converters. A breeder creates at least one atom of new fuel for each atom of fuel consumed. Advanced converters generally create from .7 to one atom of fuel for each atom consumed. Light-water reactors yield between .5 and .6 atom of fuel for each atom consumed. The high-temperature gas-cooled graphite-moderated reactor qualifies as an advanced converter. It was one of the designs that survived the inevitable weeding out. The HTGR had strong support from the utility industry because it is competitive in capital costs with light-water reactors and because it exploits a uranium-thorium fuel cycle with a low uranium consumption and therefore low fuel costs.

The continuing evolution of gas-reactor technology in Europe and the U.S. has led to a convergence in at least two important particulars for the next stage in the development of gas-cooled reactors. Helium replaces carbon dioxide as a coolant and the reactor core is charged with nuclear fuel in a unique system that dispenses with the need for a metal cladding. The two features have been demonstrated not only at Peach Bottom and Fort St. Vrain but also in two European reactors. The British operated a helium-cooled 20-MW thermal test reactor in southern England from 1965 to 1976. In Germany an HTGR of 15 MWe (called the AVR) has been generating electric power since 1967, with the outlet gas temperature being as high as 950 degrees Celsius. (The temperature of water leaving the core of a pressurized-light-water reactor is about 610 degrees F., or 321 degrees C.) A 300-MWe plant based on the AVR experience is now under construction in Germany and is scheduled for start-up in 1984 or 1985. In the U.S. the Fort St. Vrain reactor of 330 MWe has provided more than two billion kilowatt-hours of power since 1978 and has demonstrated the fuel performance and safety characteristics of a contemporary HTGR design. The reactor has been subjected to test transients up to and including the complete loss of forced-coolant circulation with no adverse effects on the reactor core or on other primary components of the system.

On the basis of the Fort St. Vrain experience General Atomic, in cooperation with Gas-Cooled Reactor Associates (an organization of U.S. utility companies) and the Department of Energy, has developed a reference design for an HTGR of 860 MWe. The goal has been a design that is simple and conservative and that places high emphasis on the safety and protection of capital investment. The reactor core is contained within a multicavity prestressed-concrete reactor vessel. Helium leaves the core at 1,266 degrees F. (reduced from 1,494 degrees F. at Fort St. Vrain) and passes through four primary coolant loops, where steam is generated at a temperature of 1,000 degrees F. and a pressure of 2,500 pounds per square inch.

Helium is forced through each coolant loop by a circulator driven by an electric motor. (The Fort St. Vrain circulators are driven by steam.) The core also is provided with an auxiliary cooling system consisting of three loops, each sufficient by itself to deliver 100 percent of the required cooling when the helium in the reactor vessel is at the normal working pressure of 1,050 pounds per square inch, or 50 percent of the cooling when the vessel is depressurized. The helium that passes through the auxiliary cooling system is cooled with water circulated by electrically driven pumps that can be powered, if need be, by diesel generators.

The combination of a stable, inert gas for a reactor coolant and a highly temperature-resistant graphite core structure allows steam to be generated at the high temperatures and pressures found in the modern electric-power plants that burn fossil fuel. The net electric-generating efficiency of the HTGR reference design is 38.5 percent, slightly below the 39.2 percent achieved at Fort St. Vrain. The small reduction was made in the interest of simplifying the steam-generating system and to furnish still further operating and safety margins.

A fundamental property of the helium coolant, a confined gas that cannot possibly condense to liquid form in the system, is that it follows a linear temperature-pressure relation; therefore instrument readings of temperature and pressure can provide independent checks on each other. Because there is no liquid-gas interface, as there is in boiling-water reactors (and in pressurized-water reactors under certain emergency conditions), a single unambiguous signal—pressure—always indicates the presence and physical condition of the coolant. Rapid depressurization of the primary cooling system can be tolerated without concern that voids have formed and left part of the core uncovered, as can happen when pressure is released from water that is above its atmospheric boiling point.

The Fort St. Vrain experience has verified several important safety and operating advantages of HTGR's. Operating and maintenance personnel have received exposures to radiation far below the limits established for nuclear plants. Fewer than 10 workers out of a total of several hundred have received amounts of radiation that were even measurable.

The Fort St. Vrain system has responded smoothly and gracefully to load changes caused either by transient excursions in the power-generating cycle or by the temporary shutoff of equipment within the plant. Because the core of the HTGR is large and releases less heat per unit volume than light-water reactors do and because the massive core, incorporating some 1,500 tons of graphite, has a large capacity to absorb heat if coolant flow is reduced or interrupted, the reactor responds slowly to an unexpected operational upset, allowing the operators enough time to take appropriate action: hours rather than seconds.

At Fort St. Vrain five such upsets have interrupted the forced circulation of helium

for extended periods without giving rise to a measurable increase in the temperature of the core or harming the plant or the fuel in any way. The risk of damaging the reactor or the reactor core through operator error is virtually eliminated. Thanks to the HTGR's thermal stability the system for bringing the activity of the reactor to a halt by the insertion of neutron absorbers and the systems for emergency cooling can be of simple design. There is also ample time for such systems to be actuated manually if it is allowed by regulation. One consequence of the Three Mile Island accident is that the Nuclear Regulatory Commission now requires the full-time presence of an on-site expert, called a shift technical adviser, at nuclear power plants. Fort St. Vrain is the only reactor exempted from this rule; an expert is not required to remain on the site but is on call to report within an hour.

The prestressed-concrete reactor vessel is incorporated in the design as a major safety feature. First, a catastrophic rupture of the PCRV is such a remote possibility that risk analysts characterize it as being incredible. Every steel tendon that gives the PCRV its strength is independent and redundant; the vessel is in a constant state of compression. Second, the PCRV is designed to withstand an ultimate pressure of more than twice the normal operating pressure, or some 2,400 pounds per square inch. Any crack in the steel liner that might result from excessive pressure can do no more than give rise to a slow gas leak; such leaks tend to seal themselves when the pressure is reduced slightly. Third, total depressurization can result only if there is a failure of one of the pipe penetrations or small service lines that pass through the wall of the PCRV. Such a hypothetical failure is an extremely low-probability event. Moreover, at each penetration site the vessel is equipped with flow limiters that prevent the rapid release of gas that could cause structural damage to the core or to the cooling system.

The improved performance characteristics of the HTGR also offer several environmental advantages over the current generation of reactors. Because an HTGR operates at an efficiency of about 39 percent compared with an efficiency of about 33 percent for light-water reactors, an HTGR releases about 25 percent less waste heat to be dissipated into the surrounding environment. If the heat, in the form of hot water, is rejected into a nearby lake or river, concern about raising temperatures to a point harmful to the aquatic ecosystem is reduced proportionately. If cooling towers are used to dissipate the heat, they consume less water and can be smaller and less expensive. If cooling ponds are used, an HTGR plant with about a third more megawatts of capacity than a light-water plant can be sited on a pond of a given size without exceeding a specified pond temperature. Where dry cooling towers must be adopted to meet environmental regulations or fit available water supplies, the loss of plant capacity in hot weather will be only about half as great with an HTGR as it is with existing nuclear power plants. As a result an HTGR plant can be situated at a remote arid or semiarid site with a smaller penalty in cost.

The level of radioactivity in normal discharges from all nuclear power plants is carefully monitored. An HTGR plant inherently releases into the plant process streams less radioactivity and at lower concentrations than a light-water reactor does. In addition an HTGR incorporates features that will ensure that releases of radioactivity from the plant to the environment are essentially zero. Routine decontamination procedures can be expected to produce small volumes of low-level liquid wastes (less than 2,000 gallons per year with a total activity of less than 150 curies). Such small volumes can be

shipped off-site with little difficulty or retained on-site. The solid wastes produced by an HTGR should total less than 2,000 cubic feet per year. Some 80 percent will consist of low-level waste (such as paper, filter elements and spent resins) that is only slightly contaminated and can be shipped off-site in drums for burial or burning with virtually no effect on the environment. The remaining 20 percent will be intermediate-level waste, consisting chiefly of reflector blocks, which must be periodically replaced. Such waste can be shipped off-site in shielded 55-gallon transport casks for long-term safe disposal.

Helium-purification and gas-recovery systems incorporated in the standard HTGR plant should reduce the radioactive levels in released gases to several orders of magnitude below the current Government regulation of five millirems per year. Tritium (the radioactive isotope of hydrogen) generated within the primary system of an HTGR is removed in the helium-purification system by an oxidizer that converts the tritium into tritiated water, which is subsequently solidified and handled as solid waste that can be readily isolated as the tritium decays. (The half-life of tritium is 12.26 years.)

The HTGR has evolved a number of features that simplify operation, maintenance and refueling. For example, the entire primary coolant, helium, is confined within the prestressed-concrete reactor vessel. The PCRV itself provides all the necessary shielding for personnel, so that maintenance work can be done throughout the reactor building while the plant is in operation. Because the entire secondary steam system is essentially free of radioactivity all equipment in the steam cycle outside the PCRV, including the turbine-plant equipment, can be operated and maintained as it would be in a plant fired with fossil fuel. Because the amount of steam flowing to the turbines in an HTGR plant is only about 60 percent as large as that flowing to the turbines in a light-water power plant of the same output, all the equipment associated with the steam and feed-water cycles of an HTGR plant is small and therefore easier to maintain. In general, maintenance, repair and handling costs are lower in an HTGR plant than they are in light-water plants because helium, unlike water, is inert, nonradioactive and noncorrosive.

One big advantage of gas as a coolant is its transparency, which makes it possible to inspect many areas within the PCRV visually. The radiation shielding inherent in the design of the PCRV makes it possible to carry out many inspection and maintenance tasks while the reactor is running, which reduces the time the reactor must be taken out of service for such purposes.

Essentially all structural members of the PCRV, such as the vertical tendons and the circumferential cable wrapping, can be inspected visually while the reactor is operating. Selected members are continuously monitored for changes in tension or strain that would indicate a deterioration in performance. If necessary, any structural member can be replaced. All external concrete surfaces, except those immediately surrounding the ports for the control rods, can be inspected visually while the plant is running. The control-rod ports and the surfaces surrounding the site where the control-rod drives penetrate the PCRV can be readily inspected in the course of refueling.

Recent refueling experience at Fort St. Vrain has demonstrated the ease of handling the HTGR's block-type fuel elements. About 240, or a sixth, of the fuel elements were removed from the core and replaced with fresh fuel; the other 1,240 elements were left in place. The refueling crew was exposed to such low levels of radiation that measuring them called for a microrem meter. By extrapolating from existing data one can calculate that the sum of the integrated man-

rem exposure for the entire refueling operation following on the operation of the reactor at full power will be less than five man-rem. Federal regulations currently limit individual workers to five rem over a period of a year.

Each HTGR fuel element is a graphite block, hexagonal in cross section, 14 inches wide and 31 inches long. The block is perforated lengthwise with 72 coolant channels and 138 blind holes for fuel. Graphite is an ideal choice as a moderator and a structural material because its strength actually increases with temperature. In the reference design the graphite fuel blocks are stacked in columns of eight. This axially segmented arrangement facilitates fabrication, handling and refueling.

The convenient block configuration has been made possible by the development of a specially coated fuel particle. The kernel of each particle is a microsphere of uranium oxycarbide (suitably enriched in uranium 235) about .01 inch in diameter. Around each kernel thin layers of carbon, pyrolic carbon and silicon carbide are applied at high temperature, yielding a tightly encased particle with a total diameter of about .03 inch. A similar form of encapsulation is used for the thorium particles. The technique ensures the containment of the fission products. The tiny spheres are tested in batches of 2,000 for structural integrity when they are exposed to a radiation flux that simulates the internal environment of the reactor. The particle-production process, which is semi-automatic, and the rigorous testing procedure work together to achieve a close control of quality.

Although severe and unforeseen service conditions in one region of the reactor core might cause the particle coating to fall and release fission products, the failure would be limited to the area directly involved. In most reactors, where the cladding of the fuel elements run the entire length of the reactor core, an operating upset that ruptures a small section of cladding could release fission products from the entire length of the fuel rod. The performance of the fuel elements at Fort St. Vrain has fully met design expectations. Indeed, the release of fission products has been well below the predicted levels. In sum, the fission-product barriers in the HTGR fuel element have been demonstrated to have a high degree of reliability.

The properties of the HTGR make it possible to exploit a wide variety of nuclear fuel cycles with it. The cycle that has been most intensively studied and tested is the uranium-thorium one, in which fully enriched uranium (93 percent U-235) serves as the primary fissile material and thorium (Th-232) serves as a "fertile" material. In the reactor the thorium absorbs neutrons and is ultimately converted into the fissile isotope uranium 233, which can be recycled in subsequent fuel reloadings. The Fort St. Vrain reactor is fueled with uranium enriched to 93.5 percent U-235, in combination with thorium. The design of the plant allows the use of either fully enriched or medium-enrichment uranium (about 20 percent U-235). The HTGR fuel-cycle costs, under the current restraints on fuel reprocessing and recycling, are essentially equivalent to those of other commercial plants. Unless the policy is changed by the Administration spent fuel is to be stored indefinitely, without recovery either of the unspent U-235 or of the U-233 or plutonium created during the operation of the reactor. This fuel cycle is commonly called the stowaway cycle.

If an HTGR were operated on a stowaway uranium-thorium cycle with fully enriched uranium, it would consume about 20 percent less uranium over its 40-year life than a light-water reactor would. If both types of reactor could be operated with a full recovery of their uranium and plutonium, the HTGR would consume about 50 percent less ura-

nium. The HTGR therefore offers the opportunity of saving substantial amounts of uranium with either a stowaway policy or a full-recycle one, provided the reactor is designed to accept fully enriched fuel. The significance of the potential uranium savings can be appreciated when one considers that the total fuel cost over the life of a nuclear power plant is roughly equal to the total initial cost of the plant.

Over the past six years orders for about 55 nuclear power plants have been canceled. Only six years ago U.S. utilities had demonstrated interest in constructing 10 HTGR plants. Once the Fort St. Vrain reactor has been brought up to full power, which is scheduled for this summer, and has demonstrated the exceptional safety and reliability that its designers confidently predict, it is reasonable to assume that U.S. utilities will look favorably on the HTGR when they are again ready to place orders for nuclear power plants.●

THE DEMISE OF HCRS

● Mr. CRANSTON, Mr. President, Secretary of the Interior James Watt, who served from 1972 to 1975 as Director of the Bureau of Outdoor Recreation, testified at his confirmation hearings that he was especially proud of his role in raising the authorization level of the land and water conservation fund from \$300 million to \$900 million. Yet as soon as he took office he supported the Reagan administration's slashing of LWCF moneys and he abolished the Heritage Conservation and Recreation Service, the successor agency to the Bureau of Outdoor Recreation, which administered the fund.

HCRS was the agency within the Department of the Interior which provided grants and technical assistance for natural and cultural preservation and recreation to Federal agencies and State and local governments. Since HCRS was not a land-managing agency, it could focus on developing strong ties with State and local governments. The agency was an excellent one and very popular with communities in California. It was the regional staff of HCRS that laid the groundwork for designation of 1,200 miles of northern California rivers as national wild and scenic rivers to be administered by the State of California.

From 1977 to 1980, HCRS's record in natural preservation was impressive. The agency accelerated the national natural landmarks program, designated over 400 national recreation trails, completed a nationwide inventory of America's wild and scenic rivers, and worked closely with State and local governments to identify and protect important natural areas.

In abolishing HCRS on May 31, Secretary Watt made no claim that the agency did not work—only that money could be saved. Mr. President, I believe that it is important that the many valuable functions performed by HCRS be continued at the same level by the National Park Service which is now responsible for these activities. In closing, I wish to share with my colleagues the achievements of HCRS in the area of natural preservation, and I ask that excerpts from the report "HCRS Accomplishments, 1977 to 1980," be printed at this point in the RECORD.

The excerpts follow:

EXCERPTS FROM HCRS ACCOMPLISHMENT
REPORT, 1977-80

NATURAL PROGRAMS

A. National natural landmarks (NNL)

Completed an accelerated review of 1400 potential NNL candidates in FY 1980. Identified approximately 200 areas which appear to meet criteria for NNL status: 76 were designated by the Secretary of the Interior by August 1980.

Continued natural history studies, including contract awards for all but 2 of the 33 natural regions of the United States, Puerto Rico, the Virgin Islands, and the Pacific Trust Territories to provide a logical and scientific basis for designating NNLs.

Decentralized and streamlined the NNL identification and review processes. Published regulations in the Federal Register in 1979 for the first time since the program was created in 1963.

Initiated several pilot programs to help monitor the condition of NNLs. These include agreements with the Boy Scouts of America and the Soil Conservation Service, and between HCRS regional offices and several states to monitor and supply information on damaged and threatened NNLs.

Prepared the portion of the annual Section 8 report which lists NNLs exhibiting known or anticipated damage or threats to their integrity.

B. Natural resource systems planning

1. National Trails System:

Designated over 400 National Recreation Trails (NRTs)—the number of NRTs designated during the past 2 years is more than twice the total number designated during the program's first 7½ years. Most of the 494 NRTs now in the National Trails System are accessible to cities.

Developed a major trails system planning program to assess existing trails, develop plans for trails actions nationwide, and stimulate the development of new trails. The program started in September 1979 and will be completed in February 1981, with 38 regional workshops already held across the nation.

2. National Wild and Scenic Rivers System:

Completed a nationwide rivers inventory to identify potential wild, scenic, and recreational rivers. The inventory covers over 354,000 river miles and identifies 58,000 that are potentially eligible for federal, state, or local conservation actions.

Distributed results of the nationwide inventory to all federal agencies. Implemented a presidential directive that all federal agencies take care to avoid or mitigate any adverse effects of their actions on rivers identified in the nationwide inventory.

Revised the wild and scenic river study and management guidelines to accelerate the study process and ensure the consideration of river ecosystems and rivers in urban areas.

3. Barrier Islands:

Initiated a barrier islands study (Atlantic/Gulf Coasts) in response to the President's May 1977 directive to develop an effective plan for protecting barrier islands. A study group formed under HCRS leadership completed a report in July 1978. Nearly 300 barrier island study units were identified, involving 1.6 million acres. An update of the national island data file was begun, and some 20 federal agencies whose programs have an impact on barrier islands were identified. As a result of the report, a DEIS was developed and published in February 1980 to consider options to protect barrier islands.

Prepared public information items related to barrier islands, including a slide show, three 30-second television public service spots, and a brochure.

C. Federal lands planning

1. Land and Water Conservation Fund:
Purchased about one million acres in FY 1977-79 at a cost of \$1.1 billion to be managed as follows: 676,288 acres under National Park Service for \$930.9 million; 191,456 acres under Forest Service for \$150.9 million; 93,059 acres under Fish and Wildlife Service for \$69.1 million; and 2,739 acres under Bureau of Land Management for \$4.6 million.

Worked as a member of the Land and Water Conservation Fund Policy Group (LPG), which includes the NPS, FWS, BLM, and FS, to assure the effective use of available federal funds for land acquisition to protect nationally significant resources. As staff to LPG, HCRS developed and refined a priority criteria system to guide annual budget allocations among member agencies. HCRS continues to work through LPG to develop better planning and decisionmaking procedures to improve coordination among the agencies and make the best use of available funds.

2. Land Preservation Techniques and Activities:

Served as lead agency in incorporating the Area of National Concern (ANC) concept into the Department of the Interior's land planning process. ANC is an alternative to direct federal land acquisition, development, and operation and maintenance. ANC emphasizes the establishment of partnerships among federal, state, and local governments and the private sector to protect nationally significant natural and cultural resource areas.

Served as lead agency in providing technical and financial assistance to the New Jersey Pinelands, the first national reserve authorized by Congress, requiring the exercise of state and local responsibilities to the greatest extent practicable in regulating the use of land and water resources.

Serve as lead agency in an interagency task force that is developing an education program to protect areas by other-than-fee acquisition methods. Methods vary, but may include registration, cooperative management, regulations, revolving funds, tax incentives, exchanges, easements, and transferable development rights.

Coordinate the annual Section 8 report which includes information on areas studied for potential addition to the National Park System; a list of not less than 12 areas which appear to be of national significance and which may have potential for inclusion in the National Park System; and a list of areas included on the National Registry of Natural Landmarks and nationally significant properties listed on the National Register of Historic Places which have known or anticipated damage or threats to their integrity.

Assisted in the transfer of 190 areas, totaling over 11,000 acres, of federal surplus real property to state and local governments for park and recreation uses, valued at \$76.1 million.

Developed 57 cooperative management agreements for suitable portions of military base lands to be managed for recreation uses in cooperation with state governments.

D. State heritage programs

1. National Heritage Policy Act:

The Administration's proposed National Heritage Policy Act was introduced in the Senate in September 1979 and in the House in February 1980. Hearings on the bill were held before the Subcommittee on National Parks and Insular Affairs of the House Committee on Interior and Insular Affairs on March 17 and 18, 1980; and before the Subcommittee on Parks, Recreation and Renewable Resources of the Senate Committee on Energy and Natural Resources on April 17, 1980.

2. State Natural Heritage Program:

Assisted 23 state natural heritage inventory and protection programs with matching grants from the Land and Water Conservation Fund totaling approximately \$2.2 million. As of August 1980 there were 27 such programs in operation.

3. World Heritage:

Assumed responsibility for representing the Department of the Interior in coordinating United States participation in the World Heritage Committee.

Coordinated the preparation of three United States nominations to the World Heritage List for 1981.

Initiated a nationwide inventory of potential World Heritage sites in the United States to be used to prepare future nominations and evaluate nominations. ●

SANCTIFYING REVOLUTION: PROTESTANTISM'S NEW SOCIAL GOSPEL

● Mr. EAST. Mr. President, international terrorism, in both the underdeveloped as well as the advanced economies, remains one of the greatest threats to civilized political order, stability, and democratic freedoms. But terrorism does not operate in a vacuum. It must have financial, legal, and propaganda support. While we know that this kind of support comes from the Soviet Union and other revolutionary states such as Libya, Algeria, and Iraq, we must recognize that much of it also comes from our own country—from private groups and organizations that give assistance to terrorist movements under the label of "national liberation," "social justice," and "progressivism."

Some of the saddest instances of support for terrorism are associated with some American church groups. In the following article from the American Spectator of May 1981, Rael Jean Isaac and Erich Isaac document the massive ideological and financial support provided by some American church organizations for international terrorism.

Although the leftist minority directing the terrorist support effort from within the church groups is comparatively small, the enormous sums of money they have given to terrorists—such as the \$350,000 donated to the Soviet-backed African National Congress and SWAPO, as well as large sums channeled to the PLO—deserve serious attention.

The authors also trace the origins of the Marxist propaganda effort within organized American religion from the "social gospel" of the early 20th century to the current "liberation theology" which masks the Marxist-Leninist doctrine of class warfare with lip service to Christian teachings.

I commend this article to the attention of my colleagues in the Senate and of the public in an effort to publicize the serious problems for American security and foreign policy posed by these supporters of terrorism within our own borders and within our churches. Perhaps the light of public scrutiny will alert the vast majority of American church members of all denominations and faiths to this misuse of our religious

institutions for terrorist and propagandistic ends.

I ask that the article be printed in the RECORD.

The article follows:

SANCTIFYING REVOLUTION: PROTESTANTISM'S NEW SOCIAL GOSPEL

(By Rael Jean Isaac and Erich Isaac)

The Sword is my Shepherd . . . and give us this day our open gay.

The Reverend Dr. Spacely-Trellis, Bishop of Bevinodon, condemned the World Council of Churches for its decision to send 45,000 pounds to the guerrillas then operating inside Rhodesia. His grounds? The World Council could not be absolutely sure that the money would be spent on arms rather than on food, clothing, and medicine. Dr. Spacely-Trellis argued: "Would it not have been prudent to take no chances and send actual weapons instead, through whatever ecumenical channels are available, thus expressing the Church's concern for the Third World in terms which everybody can understand?" The bishop then brandished a submachine gun, causing his parishioners to duck beneath their pews.

No, this did not happen. It is English satirist Peter Simple's portrait of radical churchmen. But the reality is not much less bizarre. The following *did* happen. Toward the end of 1975, the Fifth Assembly of the World Council of Churches convened in Nairobi, Kenya. The main speaker was Dr. Robert McAfee Brown, Professor of World Christianity at Union Theological Seminary in New York City. Dr. Brown testified that as a white male bourgeois American he embodied "racism, sexism, classism, and imperialism." In token of his penitence he announced that he would no longer be guilty of "linguistic imperialism" and switched to Spanish. As the audience reached for their translation headsets to return Dr. Brown's Spanish to English, he described Jesus as a spokesman for social and political liberation. But ever conscious of the fatal impediments of his being and upbringing, Dr. Brown apologized: "You may feel that I have not made Jesus political enough, and that I am too conditioned by bourgeois categories to understand the full thrust of liberation."

How did the representatives of modern Christianity come to the point where *London Daily Telegraph* Editor Colin Welch could explode in fury: "Those wretched Churchmen: in a way one could respect them more if they went to Africa themselves to murder missionaries and children rather than hire a pack of savages to do it for them"? Welch was referring to the same 1978 World Council of Churches grant to the Patriotic Front guerrillas operating against the elected interracial government of Zimbabwe-Rhodesia that had angered Peter Simple. In the two-year period prior to the grant the Patriotic Front had massacred 33 foreign missionaries and their children. Shortly after receiving it the Front shot down a civilian plane and massacred the survivors. When protests were raised in the United States, the United Presbyterian Church issued a statement defending the grant. The statement even rejected suggestions that the World Council make sure that money went for medicine rather than guns on the grounds that "the way we make the grants is part of our statement of trust."

The slashing attacks of Welch and Simple were reinforced by more sober-sounding but equally critical analyses from respected churchmen like William Rauscher (Episcopalian), Richard Neuhaus (Lutheran), and Paul Ramsay (Methodist) in the United States, and Edward Norman (Anglican) in England. These critics have decried the political radicalization of an influential seg-

ment of Western Protestant clerical leadership. In Norman's words:

"The contemporary equivalent of burning your opponent at the stake is to give aid, as the World Council of Churches does, either actively or by moral support, to those engaged in armed attempts to extinguish their political opponents in the developing world."

The direct funding of terrorists is the most dramatic form of support for revolution given by church organizations. In 1980 the World Council of Churches announced record donations to the Program to Combat Racism, under which the grants to terrorist organizations are made. The lion's share of the money (\$350,000) went to the African National People's Organization (SWAPO), both Soviet-backed movements operating in southern Africa. (More than half of all American contributions to the World Council of Churches come from the United Methodist and the United Presbyterian Church.)

Much more church money, however, goes to fronts for terrorist organizations and totalitarian states, and for field work, both in the United States and overseas, designed to raise consciousness of oppression and to organize the oppressed against their designated oppressors. Many millions of dollars in cash and services for such purposes are contributed annually by the National Council of Churches, the United Methodist Church, the Episcopalian Church, the United Presbyterian Church, and the United Church of Christ. Remarkably, even small peace churches like the Quakers and Mennonites have been seized by revolutionary fervor. For example, the Community Information and Legal Aid Center run by the American Friends Service Committee in East Jerusalem is essentially a legal-aid center for arrested PLO terrorists. Its chief social worker served a four-month prison sentence for participation in a PLO cell.

The climate in some church agencies has grown so fevered that they have literally become breeding grounds for terrorists. A goodly part of the Episcopal Church's National Commission on Hispanic Affairs wound up in jail, for either committing acts of terror for the Puerto Rican FALN or covering up for those who did. One member of the Commission observed ruefully that some of its members seem to have been doing the church's work by day and throwing bombs by night. In view of the attitude of church leadership toward revolutionary change, those members may well have believed they were doing the church's work by both day and night.

A former Commission member, Carlos Alberto Torres, joined the FBI's most wanted list in 1976, after police found 211 sticks of dynamite, 50 pounds of carbon nitrate, and a dozen batteries and blasting caps in his apartment. In 1978 the Commission's former Northeast Regional representative, William Morales, lost his fingers and part of his jaw while inexpertly making bombs for the FALN in his apartment. Morales promptly filed a \$1.2 million lawsuit against New York officials, charging these officials with confiscating his fingers instead of arranging for them to be resewed. He did not stay around to collect, however, preferring to escape from a prison ward at Bellevue a month after being sentenced to a 29-89 year prison term. (The FALN is not always so incompetent. In 1975, a bomb in New York's historic Farunces Tavern killed four and injured dozens more.)

While the police were still looking for Torres, the Hispanic Commission's Executive Director and its secretary went to jail rather than testify about his whereabouts. At the time of their release from jail ten months later (their legal fees paid for by the Episcopal Church and the National Council of Churches), three other members of the Commission remained incarcerated for refusing

to testify before grand juries. Although the Executive Director and secretary were given \$40,000 upon their release as "a pastoral response to their financial need," the church's support was insufficient, according to Episcopal Bishop Robert DeWitt who condemned any cooperation by the church with federal authorities. The Interreligious Foundation for Community Organization (IFCO), then a program of the National Council of Churches, argued that although some might contend it was the duty of church people to aid the authorities in apprehending criminals, "that may be true so long as the trail does not lead through the church." (Italics in the original)

At the April 1980 United Methodist Church's General Conference, Methodist layman David Jessup presented a report on contributions to radical political groups made by several church agencies between 1977 and 1979. In Jessup's words:

"Most Methodist churchgoers would react with disbelief, even anger, to be told that a significant portion of their weekly offerings were being siphoned off to groups supporting the Palestine Liberation Organization, the governments of Cuba and Vietnam, the pro-Soviet totalitarian movements of Latin America, Asia and Africa, and several violence-prone fringe groups in this country."

In seeking to discredit the Jessup study, the Board of Global Ministries of the Church brushed the criticism off as "right wing extremism." But Jessup scarcely qualifies even as a conservative. He works for the AFL-CIO and was active in the Peace Corps in Peru and in the civil rights and farm worker movements in California. Anxious to work for refugee aid within the church, Jessup first became aware that something was amiss when his children came home from Sunday school with appeals for surprising causes. Jessup documented \$442,000 in direct grants to political activist groups, many of them terrorist and totalitarian support groups, and calculated that in-kind services to these groups went into the millions.

Jessup asked the General Conference of the United Methodist Church to establish a Committee on Accountability to reassess the extent of aid given by the church to such groups and to consider carefully whether anti-democratic groups should be funded at all. The Conference refused. Instead the Methodist bureaucracy prepared a rebuttal to Jessup's study. And that rebuttal is fascinating for the insight it provides into church rationalizations for supporting totalitarianism and terror. The amount of the grants was not disputed by the church (Jessup had obtained his figures from the church bodies themselves), nor was the radicalism of the groups to which the money was given. The Board of Global Ministries and Board of Church and Society of the Methodist Church defended the grants on the grounds that they conformed to the social principles and social resolutions of the General Conference and were consistent with the Church's mission.

What was this mission? The church's reply to Jessup defines it as "solidarity with the poor and the powerless. . . . In the ministry and message of Jesus, the way in which we treat 'the least of these' transcends the question of whether the political system is totalitarian or democratic." Actually, since in totalitarian states all but a small elite are powerless to control their fate, what the Methodist leadership is saying is that the real mission of the church is solidarity with the poor—not the powerless. It is enough for any group to proclaim itself for the poor to become a theologically appropriate beneficiary of Methodist funds—which explains why Marxist groups invariably qualify. In his introduction to the church's reply to Jessup, Methodist Bishop Roy Nichols, President of

the Board of Global Ministries, admits as much: "When the church commits itself to identification with the poor and oppressed, we may sometimes become involved with people whose blend of Marxist interpretation and Christian theology may be different from our own." Since a number of the groups receiving church funds professed no Christian theology at all, the blend did not have to be very diluted.

Many of these groups served as propaganda agencies for Communist states, especially for Cuba and Vietnam. The Methodist Board of Global Ministries gave money to some organizations that produce pro-Cuba propaganda. The most influential of these is the North American Congress on Latin America (NACLA), which was founded as the research arm of the famed SDS of the 1960s. American churches provided initial funding for NACLA; its first headquarters were in the building housing the National Council of Churches; many of its founders were seminary students; and one of its founders was the well-known Presbyterian theologian Richard Shaull. None of this has stopped NACLA from viewing the church as a prime instrument of imperial oppression. NACLA developed a "Church Project" designed, in its own words, to expose the churches as "velvet-gloved counterparts of the iron fist of capitalist violence and exploitation."

The Board of Global Ministries also sponsors tours to Cuba and participates in Cuban-sponsored international conferences, which according to one glowing Methodist report "deal with the liberation of people from oppressive political, economic and social systems." Methodist officials have not been deterred by the forcible transfer of thousands of children as young as seven from Africa to Cuba for training as revolutionary cadres for Soviet-backed regimes. Dr. Paul McCleary, associate general secretary of the United Methodist Board of Ministries, has lauded the Cuban program as one that will produce "highly trained and disciplined leaders [who] will be a decisive force in the future direction of their nations."

Even though many in the anti-war movement have condemned human rights violations by the victorious North Vietnamese, the Methodist Church has financed organizations that continue to endorse Vietnam uncritically. These include Friendship and the Indochina Resource Center. Pat Patterson of the Board of Global Ministries staff was part of a Friendship delegation to Hanoi, and at a May 1977 press conference she told of how the Vietnamese had taught her that their reeducation process was "a way to make people ready for a new society." Mrs. Patterson added: "As a Christian I was particularly moved by this. I have never seen nor heard people taking reconciliation so seriously." The Indochina Resource Center became distinguished by its defense of the Pol Pot regime. Writing in the Center's publications, Gareth Porter, coordinator of the Center from 1974-76, denied there was hunger in Cambodia. His defense of Pol Pot during 1977 congressional hearings so offended liberal Congressman Stephen Solarz that he called the testimony contemptible and compared Porter to the writers who deny that Hitler killed six million Jews. (Since the Vietnamese invasion of Cambodia, however, it has become permissible to attack Pol Pot.)

The Methodist's World Division at first funded information offices for both Bishop Muzorewa and Robert Mugabe. But after Muzorewa accepted an internal settlement in 1979, the Methodists gave money only to the Patriotic Front then employing terror against the Muzorewa-led government. It is little wonder that Muzorewa, head of the Zimbabwean Methodist Church, expressed hurt anger when he learned of the Methodist action: "We just can't understand why the American Church sides with our enemies. Doesn't it seem strange to you that our brothers and

sisters . . . would support people who want to close our churches?"

Presently the Methodists fund American support groups for the Soviet-backed African National Congress and the South West Africa People's Organization (SWAPO). In 1978, the World Division of the Church also gave \$5,000 directly to the African National Congress. Doubtless, the Methodist leaders believe their money is being used in the fight against racism and colonialism, but Methodist Church resolutions have the peculiar habit of singling out Soviet-dominated African countries as being especially deserving of economic aid from the United States.

Methodist funds provided transportation, bail, and other assistance to the noisy pro-Khomeini street demonstrations by the Moslem Students Association in August 1980, when the hostages were in their tenth month of captivity. That same month Ramsey Clark was given the use of Methodist facilities in Washington to announce to the press his plan to investigate U.S. crimes in Iran. Jessup points out that John Adams of the Board of Church and Society was leading marches of Iranian students as late as September, "his lanky frame pacing along about 20 feet in front of the first row of life-size posters of the Ayatollah Khomeini."

Methodist contributions to the PLO are streamed through Palestinian support groups in the United States. One recipient is the Middle East Research and Information Project (MERIP) whose main problem is deciding with which branch of the Palestinian revolution to identify. (Its sympathies clearly lie with George Habash in his tactical struggle with Arafat's organization.) MERIP's publications are included in the Methodist resource packet *Middle East Mosaic* distributed to church study groups. Another recipient is the Palestine Human Rights Campaign, the chief PLO support group in the United States. Palestine Human Rights Bulletin No. 12, included in the packet, calls for a PLO state on the West Bank and in Gaza as an intermediate step toward a "secular democratic" state—the PLO's euphemism for Israel's destruction. Also receiving Methodist funds is the Palestine Solidarity Committee and its Middle East Resource Center, directed by Sheila Ryan, formerly of the Weather Underground.

Jessup has identified over forty such groups which have received Methodist funds. Some are concerned with domestic issues—for example, denying legitimacy to U.S. intelligence activities. Several, like the American Indian Movement, cooperate with Soviet efforts to publicize the "plight of American political prisoners." What they all have in common is an earnest desire to promote the view that America is an evil society.

By restricting itself to the funding of support groups, the Methodist Church performs a far more valuable service for their causes than it would if it channeled the weapons directly to the terrorists. The "liberation" movements in Africa, the Middle East, and Latin America are none of them in need of money for arms, since all receive arms directly or indirectly from the Soviet Union. What they do need is legitimacy. They need to be accepted in the United States as positive forces for social change, so as to inhibit any U.S. government action against them.

As the largest contributor (\$4.7 million) to the National Council of Churches, the Methodist Church has a strong influence on its policy and direction. The Council includes 32 Protestant and Eastern Orthodox denominations, and it is even further detached than the Methodist bureaucracy from the views (and potential pressures) of lay church members. An important critic of church radicalism, Richard Neuhaus, observes that when "the people at 475 Riverside Drive" (the great block-square structure that houses the National Council) talk

of lining up the churches on an issue, what they really mean is that they have contacted a small network of "progressive" bureaucrats in a handful of dwindling denominations. The National Council must satisfy only the likes of Dr. Paul McCleary and his counterparts among the United Presbyterians, Episcopalians, and other denominations. Yet, the National Council never hesitates to speak in the name of 41 million Christians to the media and before Congress.

As in the case of the Methodist Church, actions of the National Council are supposed to follow from its policy statements. The painstaking preparation of these statements suggests that they are important enough to warrant examination for what they may reveal about the National Council's perspective. Let us look at one example: the National Council's policy statement on criminal justice. The statement developed out of a series of hearings by a Council task force in five regions of the country during which 120 people gave testimony. After the hearings the drafting group met with representative panels for further study. When in November 1979 the final product was presented to the Government Board for approval, one member objected to the title, "The Injustice of the Criminal Justice System." He argued that a less loaded title would be more likely to attract serious attention from members of the criminal justice system. A representative of the task force countered that the document was speaking to victims of the system and so any change in title was unacceptable. (In fact there was a slight change, which meant little in substance: "Challenges to the Injustice of the Criminal Justice System.")

In the United States, according to the final policy statement, "law in itself is unjust and the 'criminal justice system' is poisoned at its source." Our legal system simply reflects "the interest and privilege of the powerful." It is a tool "to suppress non-violent political dissent, to cope with social problems, and to provide cheap labor." Our legal system oppresses the poor and racial minorities who "sometimes serve a scapegoat function for society." At the end of the 12-page document it transpires that there are three levels of culpability. Least at fault is the criminal; partly culpable is the unjust criminal justice system; but most culpable is society itself whose injustices have created the criminal.

The only concrete proposal contained in the paper is the suggestion to replace imprisonment with restitution. "Incarceration should only be imposed with a formal, legally prescribed demonstration that no acceptable alternative exists." Instead, "a constructive social relationship" is to be established between the victim and the offender. The criminal and his victim will negotiate the resolution of their conflict "with appropriate safeguards against vindictiveness and intimidation." One has visions of an old lady in a Bronx housing project sitting in her living room over tea "negotiating" with the thugs who robbed her. The criminals are more than likely to leave the place with whatever they missed the first time.

The National Council unfortunately does not believe that thugs terrorize low-income housing projects. The true criminals are those who represent the institutions that oppress the poor, forcing them into what is interpreted as criminal behavior. Thus, the Interfaith Center on Corporate Responsibility (a National Council affiliate) is eager to impose criminal sanctions and prison penalties on corporation executives whom it holds responsible for public injury caused by corporate decisions. In the National Council world view social determinism applies only to the poor and minorities. It is not surprising, then, to find the National Council's President, the Reverend M. William Howard, visiting "political prisoners" in the United

States. Says Reverend Howard: "One of our favorite beliefs in this country is that we have no political prisoners" when "much of our prison population is comprised of people who are victims of the social, economic and political structures of our society."

In addition to providing intellectual, moral, and political support for radical change, the National Council is also involved in revolutionary "field work," much of it carried out through the Division of Overseas Ministries, which absorbs by far the largest portion of the Council's \$31 million annual budget. In a report on its Agricultural Missions program, the Division of Overseas Ministries recognizes hunger "as a problem of injustice more than food scarcity, injustice based on economic inequality, racial and sexual discrimination, technological elitism and on political barriers to change." Agricultural Missions emphasizes support for "local indigenous movements that [have] tended toward total liberation of rural people—spiritual, economic and political." In other words, the National Council's overseas aid program, ostensibly directed to alleviate suffering and hunger in underdeveloped lands, believes its major function to be the creation of rural leadership cadres who will struggle against "oppressive" governments and "transnational corporations." The National Council report suggests how its program works:

"A few leaders of campesino groups from different countries in Latin America get together annually. . . . They discover in one meeting that the most serious problem in the region is the proliferation of transnationals in agri-business. They feel helpless and ill-equipped to even begin to plan strategies for action. They decide to hold a seminar and invite Gonzalo Arroyo, director of the Research Centers in Latin America and the Third World to help them understand something about transnationals in the agrarian sector, how they function and the power they hold over campesinos. These leaders are then better able to enter into the process of conscientization [consciousness-raising] with their communities."

In the Council's view, funding this sort of program represents an improvement over previous efforts in the war against hunger, which were confined to the sending of food, seeds, and tools.

Once revolutionaries seize control, the National Council becomes mesmerized by their rhetoric. The Council sends missions of solidarity to the oppressed of Uruguay, Bolivia, Guatemala, Argentina, etc., but to Cuban political prisoners—per capita probably the largest group in Latin America—it pays no accord. Instead, it passes resolutions calling for an end to the U.S. embargo against Cuba, and then it presses for an embargo against El Salvador. Nor does it stop with resolutions. Its Church World Service is opening what it describes as an "advocacy office" in Washington, D.C. whose purpose is to lobby for the establishment of commercial and diplomatic ties with Cuba. Until February 1980, Church World Service defied the U.S. trade ban by flying supplies to Cuba in small Cessna planes. According to Dr. Paul McCleary, its executive director, "You can hand-carry anything into Cuba."

Perhaps the most surprising center of chic-guilt psychosis mixed with radical political activity is the once-staid Episcopal Church, the economic well-being of whose members had earned it the sobriquet "The Republican Party at Prayer." The great Episcopal cathedrals, St. John the Divine in New York and Grace Cathedral in San Francisco, have become centers of what Episcopal Canon William Rauscher describes as "the church in frenzy." Well-known political science professor and Episcopal layman Paul Seabury has described how St. John the Divine was made available for light shows, Shinto rites, Sufi workshops in Dervish danc-

ing, ceremonies for striking farm workers and for Indians at Wounded Knee, special anniversary masses for the musical Hair and political protest rallies. On the other side of the continent, Seabury continues, Bishop Kilmer Myers welcomed to Grace Cathedral light shows, guitar liturgies, nature festivals, and pagan ceremonials. Seabury writes:

"In 1971, during one nature ceremony in the cathedral, a decidedly ecumenical audience watched reverently as the poet Allen Ginsberg, wearing a deer mask, joined others similarly garbed to ordain Senators Alan Cranston and John Tunney as godfathers of animals (Cranston of the Tule elk and Tunney of the California brown bear). The cathedral dean was dimly seen through marijuana smoke, wrestling atop the high altar to remove a cameraman, while movie projectors simultaneously cast images of buffalo herds and other endangered species on the walls and ceilings to the accompaniment of rock music."

In 1977, the Church appointed the former spiritual adviser to the Black Panthers, the Reverend Earl Neil, to head its Coalition for Human Needs, responsible for giving money to minority community action groups. In 1980, the 44-member Executive Council of the Church voted to commend Fr. Paul Washington for participating with Ramsey Clark in the Iranian hearings on the crimes of America.

On the whole, the activist church leadership sees itself as a bona fide—if unwilling and penitent—member of the class of affluent oppressors. In a novel departure, however, Episcopal Bishop Robert DeWitt, editor of a journal called the *Witness*, has included the church in the ranks of the oppressed. DeWitt likens the United States to the Roman Empire and the Pharaohs of Egypt. The agents of enslavement are supermarkets, insurance companies, and banks, what he terms the local precincts of the empire. The clergy is not exempt from servitude because its members drive, shop, and buy insurance. Bishop DeWitt is not without a certain optimism, however, for this is the way it was in the land of Egypt until someone preached "Let my people go." DeWitt edited a Study Action Guide for groups within the church in which it is declared, "the system which creates and sustains much of the hunger, underdevelopment, unemployment and other social ills in the world today is capitalism." A model for emulation is China where the old human tendencies to be selfish and exploitative are disappearing.

The ideas of Bishop DeWitt are clearly dominant in the new Episcopal Urban Caucus, established in February 1980. Its governing body is composed largely of the board of the *Witness* and heading the staff is the magazine's former associate editor. The keynote speaker at its foundation meeting announced that the members were being asked to join a "revolution." The Caucus plans to seek \$12 million from the 1982 Convention of the Church. As the Reverend Jerome Politzer has observed with pained humor, "the Protestant Episcopal Church may someday be known as the Marxist Party at prayer."

The leadership of the United Presbyterian Church has also displayed marked sympathy for radical causes for more than a decade. United Presbyterian national headquarters donated \$10,000 to the Angela Davis defense fund at the time of her murder trial. (The hierarchy gave no funds to her less chic, non-Communist codefendant Russell McGee.) The heroes and causes follow hard upon one another. A reader's letter to the conservative *Presbyterian Layman* noted that "Caesar Chavez had been 'bumped off' the first page and draft dodgers have disappeared but they have been adequately replaced by homosexuals, J. P. Stevens and Nestlé." In 1980, the General Assembly of the Church voted to set

up an Emergency Fund for Legal Aid for Racial and Intercultural Justice to provide financial assistance to members of racial minorities for costs stemming from litigation. Substantial sums were promptly granted to various individuals accused (in some cases already convicted) of murder and robbery. During the hostage ordeal, the same General Assembly was more concerned with explaining than condemning Iranian actions. The hostages had been in captivity for 231 days when the General Assembly passed a resolution which, while calling for release of the hostages, professed embarrassment at "our quickness in expressing righteous indignation when our own people are hurt, but our slowness to do so when brutal indignities are imposed on others with our tacit support."

The United Church of Christ is probably the most radical of the larger churches. This is reflected in its funding, its personnel, and the degree of lay support enjoyed by its leadership. A further bit of evidence: Attitude surveys have shown that ministers of the United Church of Christ approve of the National Council of Churches more than the ministers of any other of its member denominations.

The United Church of Christ had the distinction of receiving a \$10,000 award from the People's Bicentennial Commission, a radical and bitterly anti-business group formed in opposition to the official bicentennial celebrations. It was bestowed upon the Church for "evidence likely to lead to the arrest and of a Fortune 500 company." The Church had imprisoned the chief executive officer turned over to the Commission documents obtained from an avowedly Communist (white) group in the Union of South Africa allegedly demonstrating that Mobil Oil had supplied fuel to Rhodesia in spite of the trade sanctions then in force. The Church was promised another \$15,000 if Mobil's head should actually go to jail.

In 1978 the United Church of Christ responded to the allegations of then UN Ambassador Andrew Young (himself a United Church of Christ minister) that there were political prisoners in the United States, by producing a list of U.S. political prisoners based solely on the criterion that if jailed criminals had committed politically motivated crimes, they are political prisoners. The list was compiled by yet another United Church of Christ member, the Reverend Ben Chavis, then in jail as one of the Wilmington 10. By 1978 the United Church of Christ had poured \$425,000 from church coffers into the defense of Chavis and his cohorts. Their conviction has been set aside, and Chavis now heads the Washington office of the Church's Commission for Racial Justice. Denouncing the draft at a February 1980 rally of the National March against the Klan in Greensboro, North Carolina, Chavis announced, "If we're going to fight, we're going to fight right here in the U.S.," and then promised, "We're going to march; we're going to march. We're going to tear this system down!" Chavis has been speaking all over the United States as co-chairman of the National Alliance against Racist and Political Repression. His fellow chairman is Angela Davis, most recently candidate for Vice President on the Communist party ticket in the 1980 elections.

But perhaps the most unlikely supporters of violent revolution are the peace churches. The fundamental tenet of the Quaker American Friends Service Committee denies that "violence can ever be right." Yet this same Committee identifies with and promotes the cause of terrorist groups in Africa, Asia, and Latin America. The American Friends Service Committee suffers from the same curious double vision that impairs the leadership of major denominations. It objects to human rights violations only by governments it de-

finer as "right-wing." Stephen Chapman, former staff journalist for the New Republic, conducted a series of interviews with AFSC staff and reported that not once did he ever hear anything critical of a Communist government. AFSC brochures criticize South Korea for political repression, for limitations on labor unions, and for its economic system. But in the case of totalitarian North Korea the Committee professes itself unable to pass judgment, "since the political and legal system, in fact the whole structure, are very different from our own." With similar curious judgment, the Committee describes Vietnam as a new society based on "justice and equality."

Even violence is explicitly justified, Jim Bristol, head of the AFSC Peace Education Program in Southern Africa, professes to disagree with the claim that thoroughgoing change "can be done only by armed violence." But he is not going to insist that those who believe differently should adhere to this view:

"Others, however, and in particular the oppressed who are engaged in the struggle for their own freedom, see violence as the only alternative to continued exploitation and oppression, and whereas I am unable in my own conscience to support that violent struggle, I certainly do not feel that I should argue with them against it, especially when it is my own nation and my own privileged society which is involved in the oppression under which they suffer."

The intertwining of cultural and religious radicalism is evident among Friends. The AFSC has not only instituted affirmative action for women and minorities (40 percent women and 20 percent minorities on all staffs and committees), but has mandated "goals" of one "open gay" in each region and five "open gays" in the national office. A minimum of two "open gays" are required per committee. The AFSC is to do business only with those "who share our affirmative action standards."

If the emphasis here has been on Protestant churches rather than on synagogues or the Catholic Church, it is not because Jewish and Catholic leaders have been impervious to revolutionary enthusiasm. In fact, the Jewish Reform movement is a member of the Methodist-created Coalition for a New Foreign and Military Policy, despite the fact that its human-rights working group includes the chief U.S. support group for the PLO. The Catholic Church has seen both the radicalism of the Berrigan brothers and the international radicalism of the Maryknoll order. But organized Judaism remains relatively impermeable to the allure of radical politics because hostility toward Israel has become a virtual touchstone of the revolutionary passion. As for the Catholic Church, it need simply be said that most of its command posts have not yet been captured by radical churchmen. (It might also be noted that not all command posts in Protestantism have fallen; Southern Baptists and Lutherans, for example, have remained relatively immune.)

Thus far we have not addressed the most interesting question: Why? That fringe groups within the churches should be caught up in the cultural eddies of the broader society is not surprising, but why should the leadership of mainline churches support revolutionary groups? Why is this leadership so critical of American economic, social, and political institutions? Why are the massive human rights violations of Marxist regimes exempt from criticism? Why are such regimes praised, and their support groups given financial aid? Why should Marxism exert any attraction at all for churchmen when antipathy to religion is one of Marxism's best-known characteristics?

The answers lie in the political traditions of American Protestantism. In the years between World Wars I and II, the Federal

Council of Churches—the predecessor of the National Council of Churches—became a center of what was known as the "Social Gospel." And the churches most zealous for revolution today are those which were most active in support of the Social Gospel: the Methodists, United Presbyterians, Episcopalians, and Congregationalists (now part of the United Church of Christ). But while the roots of the attitudes prevalent in the National Council go back to the Federal Council, there have been important changes since World War II, and especially in the last twenty years. The dislike of capitalism and the attraction to Marxism is old—the hatred of the United States is new. The yearning for social transformation is old—the acceptance of violence is new.

The Social Gospel first received prominence within the Federal Council in the Council's 1920 report entitled *The Church and Industrial Reconstruction*. The report was a scathing attack on capitalism: Capitalism depends on the conflict between capital and labor. Capitalism glorifies competition. Capitalism treats people as tools. Capitalism relies on self-interest and the profit motive. Capitalism produces stunted personalities. Capitalism is contrary to the teaching of Christ that the human personality is sacred, that brotherhood is the proper relationship between men, that cooperation and not greed should guide men's actions, and that social behavior should be guided by "loving service."

On the other hand, the newly launched Soviet experiment, with its stated goal of absolute equality and human brotherhood, seemed closer in spirit to the Christian vision of an ideal economic order. Even after time brought knowledge of purges and mass deaths, many in the forefront of the ecumenical movement continued to judge the Soviet Union leniently. The very loftiness of Soviet goals was enough to excuse performance. It was argued that the difficulty inherent in transforming man and society is so overwhelming, that mistakes are bound to occur. The United States, by contrast, was condemned for the gap between its ideals and institutions. Nor surprisingly, the depression of the thirties made that gap seem all the more indefensible.

The insistence on violent revolution, however, prevented the majority of Social Gospel leaders from adopting the Marxist critique in toto. The vanguard of the Social Gospel opposed violence. The Kingdom of God and the Christianization of the social order were to occur through love and not through class warfare. In addition, the Social Gospel leaders preferred cooperative ownership of productive resources to centralization and state-controlled public ownership.

This combination of pacifism and anti-capitalism led many Social Gospel advocates to accept isolationism. But thanks largely to the intellectual transformation of Reinhold Niebuhr, a leading proponent of the Social Gospel, many of its followers overcame their illusions that pacifism was an answer to Hitler, or that the Soviet Union was "the millennial hope of the possibility of a perfect society held out by Marxism. Niebuhr argued in *Moral Man and Immoral Society* that a truly moral social order is an impossibility. Man can choose only the relative good—the absolute good is a chimera. Niebuhr's growing pessimism, which extended to the possibility of "moral man as well, led to a growing willingness to confront Nazism with force and to recognize the totalitarian nature of Soviet society. In an imperfect world, the choice between the lesser of two evils—the use of force or the victory of Nazism—was clear.

But that was before the war. Today, Niebuhr's anti-utopian realism has been swept aside. In the words of John C. Bennett, a longtime Social Gospel spokesman: "The forward-looking social activism of the Social

Gospel is with us again, but in a much more radical form."

This radicalism, abetted by the increased legitimacy of violence, has been based on a burgeoning willingness to believe the worst about the United States. Previously, American society had been deeply appreciated by Protestant churchmen—one historian has noted it was their "deep expectations about the special qualities of American society" that had impelled and "allowed them to criticize in the first place." But this self-conception of American churchmen—that their role was to hold American society to its promises—was replaced by one which paralyzed the attitude of the German theologians toward the role of the church in the rise of Nazism. The witness borne against the Nazis by a courageous band of German theologians—Bonhoeffer, Niemöller, and Barth—became identical in the minds of some American churchmen with the witness borne by radicals against the policies of the American government. The absurdity of this analogy aside, it was nevertheless enhanced when Niemöller and Barth became increasingly anti-American. (Barth actually claimed it was a religious duty to support the Vietcong.) What is more, Niebuhr's justification of the use of violence against Nazism made it easier for these churchmen to draw from their perception of America as a fascist state, a justification for anti-American violence.

But even more influential among American church radicals have been the theologians of what has variously been called "revolution," "hope," and "liberation." Although this theology, as historian Guenter Lewy has pointed out, is so ecumenical that it cannot be attributed to specific denominations, its impact has been especially felt in Catholic Latin America, where it has become wedded to Marxism. A theology of liberation transforms key symbols like incarnation, revelation, and resurrection, so that they do not refer to a divine event in the past but to political liberation in the present. According to Presbyterian theologian Richard Shaull, only at the center of the revolution can man "perceive what God is doing." Not surprisingly, this perspective has driven priests literally into the center of the revolution. Catholic priest Camilo Torres declared "only violent revolution could put properly oriented decisionmakers into positions of power" and took to the hills where he and his band met death at the hands of Colombian government forces. Four years later he was followed by Father Domingo Lain who issued a manifesto calling upon Colombians "to prepare themselves for the final struggle." (The manifesto, with its dateline "from the mountains," was published in full by the North American Congress on Latin America, one of the recipients of Methodist funds.)

The theology of revolution has a distinctly anti-American cast, not least of all because, as Edward Norman has observed, much of what is believed to be characteristic of Latin American liberation theology is the work of North American and other foreign missionaries and priests. The Maryknoll order in the United States is an outstanding example.

Predictably enough, in John C. Bennett's view, "the dialogue and collaboration between Christians and Marxists in the Third World and especially in Latin America may have a transforming effect on Christian understanding of the U.S. role in the world." The traditional conflict between Marxism and Christianity is increasingly presented as the fault of the churches. Bennett believes not only that "Marxism has been the bearer of a true revolutionary imperative," but that "its anti-religious stance is a judgment upon the churches."

In a logical progression, revolutionary change in the United States becomes essential if this country is to be eliminated, in Profes-

sor Bennett's words, "as a counterrevolutionary force from the blacks of the Third World countries." The "Third World" takes on a metaphorical meaning and includes U.S. blacks, Spanish-Americans, and American Indians as honorary members. The task for the Christian is to identify with—and to support actively—the oppressed of both the geographical and the metaphorical Third World.

If the oppressed turn to violence, Christians must support them in that decision. In an homage to liberation theology, the 1968 Uppsala Assembly of the World Council of Churches declared that "at times 'law and order' may be a form of violence" and that the "covert violence of those with power may at times have to be overcome by the overt violence of those who are their victims." On the subject of black rioting in U.S. cities, the National Council in 1969 announced that "there [is] an ethical difference between the violence used by the oppressed and that used by the oppressor." Said the Council: "Each use of violence is to be viewed on its own merits." In 1979, Dr. Robert McAfee Brown took this logic a step beyond the exoneration of violence to an attack on nonviolence, when he averred that although nonviolence can be useful as a technique, it is dangerous as an ideology. To urge nonviolence "on Third World people or on minority groups at home" [italics added] is irresponsible. Even peace churches condone violence once the act itself is redefined to include the righteous motives that drive men to violence. To condemn violence in its conventional sense is to take account only of the symptoms when it is necessary to deal with the cause. And in a perverse way, for groups like the Quakers, violence has become the identifying mark of the worthy cause. The more violent the group the greater the injustice from which it must be suffering, and so the more it compels support.

The imprecision of the Marxist vision of the post-revolutionary future is attractive to the churches because it provides a rationale for cooperation with Marxists without committing churchmen to scientific materialism. Marx opposed any attempt to describe post-revolutionary society on the grounds that to do so would detract from the revolutionary struggle itself. "What socialism will be we just don't know," said Lenin. This confirms the Christian radical in his faith in the possibility of a post-revolutionary Christian future, and facilitates his interpretation of the traditional Marxist attack on religion as a vilification of churchly establishments that had made their peace with an oppressive order. The modern Christian Left combines millenarian temperament with a social and political analysis and action program which is hardly distinguishable from Marxism-Leninism. According to one description, in "every part of the world the inner contradictions . . . have given rise to struggles within and against the established order" and that order has reached "the End of the Road." This sort of thing differs from Communist tracts only in an occasional use of religious phraseology.

All this could scarcely be more foreign to most church members. In fact, a recent National Council of Churches study has revealed that the rank and file of member denominations are more conservative than Protestants of denominations not affiliated with the Council. Catholics, Jews, and those without any religious affiliation. To cite one example: Whereas the National Council has officially denounced the harshness of the U.S. criminal justice system, an overwhelming 81.5 percent of the rank and file believe that the courts have been insufficiently harsh in dealing with crime.

Such revelations have had little impact on the Council. Rather, they have heightened conviction and lead to redoubling of effort, for they have shown how sorely needed is the

"prophetic mission" of the Council. In many denominations members have voted with their feet, and entire churches have seceded from the central bodies with which they were affiliated. A new prayer book and the ordination of women have produced defections by Episcopal churches, and the compulsory appointment of women elders has precipitated defections by Presbyterian churches. (The large Ward United Presbyterian Church in Livonia, Michigan, seceded even though it had women elders; its minister Bartlett Hess explained: "It's the principle of freedom we're greatly concerned about. If the church takes away our freedom on one issue, they might take it away on another.") Typically, the United Presbyterian Church has sought to stem the exodus by amending its constitution to require that all property held by individual churches be held in trust for the whole denomination. The church can then take seceding congregations to court over their buildings and property.

In *Exit, Voice and Loyalty*, political economist Albert O. Hirschman identifies what he calls an exit option and a voice option for individuals concerned with the deterioration of product or organization performance. For Hirschman, ideally, these are mechanisms of recuperation. The exit option warns of trouble as sales dip or membership falls off. The voice option also makes dissatisfaction obvious as complaints are made. Both are necessary, for without the option of exit, voice is not effective. Hirschman does not specifically deal with churches, for he recognizes them as institutions where the individual is not likely to exercise the option of exit. Nevertheless, we have seen that this option has been exercised, not merely by those for whom the option is relatively easy (their exit is chronicled in the large numbers of lost members the mainline churches report each year), but in the departure of whole churches made up of those most committed to the traditional rituals, theology, and forms of governance of their churches. And voice has been raised by those congregations which ultimately exited and by those which have remained to work from within. Journals like the *Christian Challenge*, the *Presbyterian Layman*, and the *New Oxford Review* and individuals like David Jessup have raised their voices in sustained and eloquent condemnation of the radical politics of their churches. Precisely because loyalty is in few areas so high as it is toward religious affiliation, one would expect the option of voice to be exercised with particular determination and resourcefulness. Yet potentially effective as voice is in the churches, it has thus far not been so, and the silence of most church members has been deafening.

But now some of the most distinguished clergy and laymen who have blazed the trail of voice are setting out to blaze a new trail—of voice backed by organization. On April 10, 1981, there was held the founding meeting of the Institute of Religion and Democracy, an interdenominational organization whose board members include Peter Berger, Carl Henry, Richard Neuhaus, Michael Novak, and Edward Robb. The Institute will provide the services, information, and resources that will help Christians to make actual the enormous potential for restoration that exists in the voices of millions of Christians. ●

NORTH PACIFIC FUR SEALS

● Mr. LEVIN. Mr. President, during my floor statement last Thursday concerning my amendment to the resolution of ratification for the Protocol amending the Interim Convention on Conservation of North Pacific Fur Seals, I inadvertently forgot to mention two organizations that have worked diligently to focus public and congressional atten-

tion on the annual slaughter of North Pacific Fur Seals. Those organizations are: The Animal Protection Institute of America, and People for the Ethical Treatment of Animals.

Both organizations were very involved in developing Senate support for a reservation I had intended to introduce in the event there was not agreement on acceptable language for the understanding.

Mr. President, I ask that letters from both these organizations be printed in the RECORD.

The letters follow:

ANIMAL PROTECTION INSTITUTE
OF AMERICA,
Sacramento, Calif.

DEAR SENATOR: On behalf of our nationwide membership of over 100,000, we urge you to vote for the Levin reservation to the Protocol Amending the Interim Convention on the Conservation of North Pacific Fur Seals, which is scheduled for floor action on Thursday, June 11.

You will be receiving a "Dear Colleague" letter from Senator Levin on this proposal, but we would like to make the following points:

The Levin reservation will call for a reduction in the number of seals to be killed by the U.S. The U.S. would remain a party to the Convention, and the rights of Japan and Canada under the treaty would be protected.

API considers the continued subsidy of seal-killing by the U.S. Government both economically and ecologically unsound. The U.S. spends \$5 million annually on this program, while receiving far less in income from this kill. In an era of government austerity, this is surely a misuse of taxpayers' money. In addition, the seal-killing is conducted according to the out-moded concept of "maximum sustainable yield, rather than upon consideration of the species in relation to its ecosystem.

The U.S. position on international wildlife conservation is weakened by our involvement in this government sponsored seal slaughter. Congress, which has gone on record as opposing the killing of harp seals by Canada and Norway, appears hypocritical in endorsing our own seal-killing scheme.

API views the hunt as inhumane and as an incredible waste of wildlife. The goal of our organization is the elimination, or alleviation, of pain, fear and suffering of animals. Thus, government subsidy of, and participation in, such a slaughter cannot be condoned.

We believe the native Aleuts, as well as the seals, have been victims of this program. API supports government programs to offer these native peoples alternative employment.

Please vote for the Levin reservation.

JANE RISK,
Vice President.

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS,
Washington, D.C., June 10, 1981.

DEAR SENATOR: The leaders and members of the organizations listed below endorse the contents of this letter:

The Society for Animal Rights;
The Animal Rights Network;
Defenders of Animal Rights;
Friends of Whales;
The Minnesota Animal Rights Coalition;
The Washington Humane Society;
United Animal Defenders;
The Coalition to End Animal Experimentation;
People for Animal Welfare Society;
Animal Rights Network of Berks County, Pennsylvania;
The National Coalition for Alternatives to Animal Experimentation;

The Animal Rescue League of Berks County, Pennsylvania;
The Humane Society of Berks County, Pennsylvania;
American Vegetarians;
The Vegetarian Information Service;
The Maryland Animal Rights Society;
The League Opposed to Vivisection and Experiments; and
People for the Ethical Treatment of Animals.

We strongly urge you to vote against the Resolution of Ratification of the Protocol Amending the Interim Convention on Conservation of North Pacific Fur Seals.

We urge you to take this action because of the persistent inability of the U.S. Government to renegotiate this treaty to bring it into accord with contemporary environmental and ethical concerns regarding marine mammals.

Under this treaty, the four parties—the United States, USSR, Japan and Canada—agree to refrain from killing North American fur seals in coastal and international waters. However, the U.S. Government is also obliged under the treaty to sanction and subsidize the commercial slaughter of about 25,000 seals annually on the Pribilof Islands. This activity directly contravenes U.S. domestic policy on marine mammals as expressed in the Marine Mammal Protection Act of 1972.

Policy questions aside, the land kill of seals on U.S. territory is an entirely superfluous operation in today's economy. In today's world—a far different one from that of 1911 when the treaty originated—hunting seals one and two at a time on the high seas just can't pay. And, in the United States, coastal sealing is effectively prohibited by the Marine Mammal Protection Act.

Yet, the United States Senate is being asked to ratify this treaty for another four years unchanged—and thus ratify the slaughter of about 100,000 seals on U.S. territory. And the reason? There is a new motivation for killing seals, which the treaty coincidentally serves: The seals are alleged to be nuisances and competitors to the booming Japanese fishing industry. Japanese fishermen want those 25,000 seals exterminated every year on the Pribilof Islands. So, under the terms of the 1911 treaty, we are told we must provide the service. And we must even continue to give Japan, and Canada too, 15 percent of the proceeds of the skins, which are by no means thrown back into the sea but find their way to Japan and Europe as United States-subsidized luxury fur apparel.

In other words, the North Pacific Fur Seal Treaty, once the foundation of a successful conservation program, has become something else: a program to exterminate seals on behalf of the commercial interests of another nation whose fishermen, for their part, are glad to be relieved of the difficult business of killing seals at sea. This is hardly a fair shake.

Finally, we must add a word about the problems of the Aleuts living on the Pribilof Islands: Just as we do not believe the U.S. can conserve seals by killing them, so we do not believe the Aleuts can achieve economic independence through continued dependence on the government financed seal kill.

Please vote to end the treaty—and let the American people protect the Pribilof herd its own way, under the Marine Mammal Protection Act of 1972.

Sincerely,

KARIN JACKSON,
Assistant to the Chairperson.●

MONEY MARKET FUNDS

● **Mr. HAWKINS.** Mr. President, since taking office in January, I have received more mail on the subject of money mar-

ket funds than on almost any other subject. I am sure other senators have experienced a similar flood of letters.

I account for this fact by noting that the people of this country are being crushed by inflation, and they are desperately seeking a way to protect the value of their resources. Money market funds, by providing interest rates above the rate of inflation, offer that protection. The rates of interest paid by regulated savings institutions such as banks and savings and loans do not match the inflation rate, and thus those institutions are not attractive investments for our people.

Money market funds are a new phenomenon, Mr. President, springing into existence in response to an inflationary situation unprecedented in our history since the Civil War. For that reason, before taking a position on the need for their regulation I wanted to get the benefit of hearings before congressional committees as to the nature of the problem and the money market response.

I have now had a chance to examine the question more closely, Mr. President, and I would like to say that it is clear to me that the answer does not lie in additional regulation of money market funds. That response would simply be to deny the people of this Nation, especially the senior citizens who live on fixed incomes, an opportunity to defend themselves and their savings.

I can well understand the fears of the established institutions about competition from an unregulated savings institution such as a money market fund. The answer, however, should be deregulation of banks and S. & L.'s, not new regulations. We can lower the interest rates allowed for money market funds, but that will not help.

The alternative, permitting banks and savings and loans to offer higher rates of interest will offer our savers even more opportunities to protect their money.

As usual, Mr. President, there are a number of people who argue that the answer to this problem, which was created by Government, is more Government regulation. I do not agree with that approach, and wish to assure you that I will resist any attempt to burden money market funds with the kinds of regulations that produced money market funds in the first place.

This whole issue is an example of blaming the cure for the illness. Money market funds do not cause inflation; they were created in response to it.

If we do not like money market funds, the answer is to bring under control the inflation that is robbing our people of their substance, cheating them out of their savings, and driving them out of the traditional institutions which served us so well for so long, until they were crippled by government intervention.●

LITHUANIAN FREEDOM DAY

● **Mr. DODD.** Mr. President, June 15 marked the 40th anniversary of the Baltic States loss of independence resulting from the unlawful intrusion of the Soviet Union. The once free coun-

tries of Lithuania, Latvia, and Estonia have lived under Soviet domination since 1941.

I am asking for special recognition for those who have died in pursuit of freedom and for the Baltic people who continue to strive to exercise their basic human rights within their homeland.

The hegemony of the Soviet Union is not restricted to territorial expansion, but extends to the suppression of the cultural, religious, and political heritage of these once free nations.

Untold numbers of Lithuanian and Russian protestors have been arrested and imprisoned for voicing their opposition to Soviet domination of the Baltic States and violations of human rights that are consistently committed against Lithuanians, Latvians, and Estonians who refuse to deny their heritage.

Soviet domination has not diminished the will of Lithuanians and other satellite states to be free again. These independence days instill the spirit of national hope and identity in captive nations and remind free nations of their responsibility to advocate sovereign equality for all nations and not just a powerful few.

Lithuanians only experienced freedom for two decades. Americans have been fortunate to have lived under our Constitution for 205 years, which guarantees the right to petition the Government, and the freedoms of press, assemblage, and religion.

By celebrating Lithuanian Freedom Day, we as Americans can better appreciate our freedoms and renew the continued struggle to keep alive a hope for independence for all oppressed nations, and to say that we will never forget their struggle for the fulfillment of human rights and human dignity.●

THE MAJOR LEAGUE BASEBALL STRIKE

● **Mr. MOYNIHAN.** Mr. President, my distinguished friend, Mr. A. Bartlett Giamatti, the president of Yale University, has written a marvelous piece for yesterday's New York Times that I think expresses the feelings of us all on the major league baseball strike.

We all miss the summer game, which somehow always succeeds in making the burdens of the world less heavy. At the baseball park, even the weight of the summer heat is made bearable by the lightness of the action.

We must all hope dearly for the early return of the season and the resumption of our old and good rivalries. Mr. Giamatti reminds us of the sadness that we now feel and the joy we might find again if only the two sides in this dispute will compose their present differences. I commend him for this.

I would, however, remind Mr. Giamatti, who declares himself to be "devoted to the Boston Red Sox," that his residence in New Haven is much closer to New York than to Boston.

With the return of the season, still greater happiness will await Mr. Giamatti if he travels south to New York instead of north to Kenmore Square to find his pleasure. He might then dis-

cover the joys of winning baseball, an experience that, alas, appears to be no longer available in Beantown.

I ask that Mr. Giamatti's article be printed in the RECORD.

The article follows:

MEN OF BASEBALL, LEND AN EAR
(By A. Bartlett Giamatti)

NEW HAVEN.—Call this baseball strike an example of deny-side economics, which says you withhold from the consumer what he most desires so that you may substitute discipline for satisfaction; call it a symptom of the plague of distrust and divisiveness, that afflicts our land; call it the triumph of greed over the spirit of the garden.

Call it what you will, the strike is utter foolishness. It is an act of defiance against the American people, and the only summer God made for 1981, and I appeal for it to cease. I do so as a citizen.

O, Sovereign Owners and Princely Players, masters of amortization, tax shelters, bonuses and deferred compensation, go back to work. You have been entrusted with the serious work of play, and your season of responsibility has come. Be at it. There is no general sympathy for either of your sides. Nor will there be.

The people of America care about baseball, not about your squalid little squabbles. Reassure your dignity and remember that you are the temporary custodians of an enduring public trust. That public trust began when Mr. Alexander Cartwright took the New York Nine to play the first game of baseball, on the Elysian Fields in Hoboken, N.J., on June 19, 1846. You are evidently so enthralled by your mucky pelf and your self-serving stratagems that you have forgotten what your trusteeship means. I will tell you.

Baseball began in a bright green field with an ancient name when this country was new and raw and without shape, and it has shaped America by linking every summer from 1846 to this one, through wars and depressions and seasons of rain.

Baseball is one of the few enduring institutions in America that has been continuous and adaptable and in touch with its origins. As a result, baseball is not simply an essential part of this country; it is a living memory of what American culture at its best wishes to be.

The game is quintessentially American in the way it puts the premium on both the individual and on the team; in the way it encourages enterprise and imagination and yet asserts the supreme power of the law. Baseball is quintessentially American in the way it tells us that much as you travel and far as you go, out to the green frontier, the purpose is to get home, back to where the others are. The pioneer is ever striving to come back to the common place. A nation of migrants always, for all the wandering, remembers what every immigrant never forgets: that you may leave home but if you forget where home is, you are truly lost and without hope.

It is, this grand game, no game but a work of art fashioned to remind us that we all began in the great green Elysian Field of the New World, with all its terrors and promises.

Today, in those enclosed green spaces in the middle cities, under smokey skies, after days that weigh heavy either because of work or because of no work, the game reminds the people who gather at the field, in the city, of the best hopes and freest moments we can have. The obligation to continue to be the medium for hope, in the season America now is in, is an obligation far weightier than your mercantile spats.

Princelings and Sovereignlets of baseball, you speak of the game as an industry. That is your right. Play the game for whatever mercenary motives you wish. But remember that, from our point of view, you play it so

that we may all remember a past—graceful, energetic, free in the order and law of a green field—that never was.

Whatever your ordinary motives, remember that you are entrusted by America with baseball so that we, during the deep, resonant pauses, may play the game in our heads—the only place it truly endures—and that we play it and keep it there for one transcendent reason: that we may think well of ourselves and of our neighbors. You play baseball so that we may remember the future we want for our children, the future that always begins for Americans in the summer of the Elysian Field.

Men of baseball, you try our patience. Enough is now enough. Go back to work. You will lose a country if you impose autumn on a people who need and deserve a summer without yet another denial. ●

ALASKA OIL

Mr. STEVENS. Mr. President, summer is an important time in Alaska, especially when it pertains to energy development. Summer is the time when plans are made, construction takes place, and studies are conducted.

Many of us do not stop and think about how much planning and the degree of technology that goes into the development of an oil field in the Arctic. Let me tell you, the technology used in the drilling exploratory wells in permafrost, the technology used in separating oil from gas, the technology of controlling the flow of oil over 800 miles from Prudhoe Bay to Valdez, compares to the engineering feats that many Americans are content to see only in movie theaters.

The fact is, however, that Americans are using highly sophisticated techniques and planning to bring billions of barrels of Alaskan oil to Americans and that summer is a critical time in the process.

Recently, the world has been temporarily jolted with the recent price leveling by the members of the OPEC cartel. Americans should not be fooled as we have been during the decade of the 1970's. We should continue to search for oil within our country. We should continue to inventory our resources so that we may not be again caught off guard with respect to natural resources.

Mr. President, an article appeared in the June 16, 1981 edition of the New York Times regarding the production of oil from Alaska. The article accurately describes the magnitude of investment needed to continue the production of Alaskan oil.

It also describes the billions of dollars worth of investment that is required to produce oil from geological structures on the North Slope in places like the Kuparuk sands.

Mr. President, I commend this article to my colleagues and I submit for the RECORD the text of the article.

The article follows:

SQUEEZING OUT THE OIL IN ALASKA—NEW TOOLS SENT TO SPUR PRUDHOE FLOW
(By Wallace Turner)

ANCHORAGE, June 15.—Next month, an armada of tugs and barges will leave Puget Sound for the two-and-a-half-week voyage north through the Gulf of Alaska, past the Aleutian chain, across the Bering Sea, around Point Barrow and to the docks at Prudhoe Bay.

Aboard will be multimillion-dollar cargoes of oilfield equipment that will permit the

extraction from the rich Alaskan fields of as much oil as possible.

The prime oil formation in Prudhoe Bay is the Sadlerochit, where production started in 1977 from sandstone that begins at 9,000 feet below the frozen mud on the surface. A secondary discovery, where production is expected to start early next year, lies slightly above, at 7,500 feet, and to the west, in the Kuparuk formation.

"We will spend \$5 billion in the next five years in North Slope development," said Glenn Simpson, president of Arco Alaska, the Atlantic Richfield Company's operating arm in this state. "This will include additional oil recovery equipment in the Prudhoe Bay field as well as bringing the Kuparuk field into production early next year."

The original discovery is believed to hold 30 billion barrels of oil, of which more than 9 billion are said to be recoverable. The field is operated in two parts because of its huge production of 1.5 million barrels a day. Half is operated by the Standard Oil Company (Ohio), which owns about 53 percent of the oil, and the other half by Atlantic Richfield, which owns about 21 percent. Exxon also owns about 21 percent with other companies owning minor shares.

The Kuparuk sands are believed to hold about 4 billion barrels of oil. Geologists for the state of Alaska have estimated, however, that no more than 750 million barrels are recoverable because of the characteristics of the sand formations holding the petroleum deposits.

By operating the Sadlerochit field with present equipment and drilling in a 160-acre pattern, only 5.3 billion barrels would be recovered.

Six barges of the flotilla are carrying equipment for the second stage of recovery from the Sadlerochit deposits. The equipment is in modules, some of which are 10 stories high and weigh 2,000 tons. The modules will be moved across the frozen plain and linked to the wells.

The equipment in the modules will drain off gas and thus speed the flow of petroleum up the well pipe. The ratio of gas to oil becomes higher as the oil pool lowers, and the increased gas slows the oil's flow.

This \$1.56 billion addition to field equipment will add 1.2 billion barrels to the life of the field. Installation of a gas re-injection system over the next two years will cost \$500 million and add 500 million barrels more of oil recovery. Gas produced until then will be re-injected into the formation at other wells, to be preserved until a gas line is built across Canada to the United States.

Also in the next year or so, the number of wells will be doubled, to cover an 80-acre pattern, at a cost of \$960 million. This will add 800 million barrels of recovered oil. The production wells cost about \$3.5 million each to drill.

Finally, in 1984, water injection will begin, intended to shove the remaining oil toward existing wells. That will cost \$1.9 billion and will increase recovery by 1.1 billion barrels.

Production from the Sadlerochit sands began in mid-1977 with completion of the Trans Alaska Pipeline System. Output began at 316,000 barrels a day and is now about 1.5 million barrels a day. Analysts estimate that the Sadlerochit production will begin to decline in eight or nine years.

Production from the Kuparuk sands will begin in 1982 and grow slowly until additional room becomes available in the pipeline, either through construction of new capacity, or a decline in the output from Sadlerochit.

The Kuparuk field is expected to produce 60,000 barrels a day at the beginning and reach a maximum of 100,000 barrels a day, an Atlantic Richfield spokesman said.

OFFSHORE EXPLORATION CONTINUES

Meantime, work moves forward on exploring the Beaufort Sea offshore leases that the petroleum companies acquired at a joint

Federal-state auction held in Fairbanks in December 1979.

Sohio drilled two small exploration wells that struck deposits. The company announced that one indicated a flow of 4,400 barrels of oil a day, and the other, 2,700 barrels a day. Some companies have spent this Arctic work season building gravel islands from which to drill next season.

There is no hurry, for there is now no room in the pipeline, which is the only way to market.

Elsewhere in Alaska, Atlantic Richfield will begin drilling in 1982 on leases acquired in a Federal sale last fall in the Gulf of Alaska 26 miles off Yakutat. Two of Arco's bids were rejected. These two tracts, and 173 on which no bids were received, will be offered again June 30 at a sale in Anchorage.

Roger Herrera, exploration manager of Sohio Alaska, the arm of Standard Oil (Ohio) in this state, said: "We will continue to explore the Lisburne formation, east of Prudhoe. We will drill a test well in the Collville River area west of the Kuparuk field."

Sixteen companies, looking toward future Federal lease auctions, are paying for the "cost wells" in the Beaufort Sea. This is an exploration cost-sharing device where the partners pay equally for the information, which they then use in bidding at lease auctions.

The tracts are the Navarin Basin, in the western Bering Sea; the St. George Basin, which is south of the Fribilof Islands, and the Northern Aleutian Shelf, which lies near Bristol Bay.

SENATOR SARBANES PRAISES ST. LEO'S CENTENNIAL

● Mr. SARBANES. Mr. President, this year marks the centennial of St. Leo the Great's Church in Baltimore's Little Italy. This respected spiritual and cultural center has long played a central role in one of Baltimore's proudest ethnic communities. Saint Leo's has nurtured and taught thousands of Italian Americans and other Baltimoreans who have been active in all walks of life in Baltimore and Maryland.

Thomas J. D'Alesandro, Jr., who has served the people of his community for more than 50 years in important public posts, including five terms as a Representative in the U.S. Congress and 12 years as mayor of Baltimore, is the honorary chairman of St. Leo's Centennial Committee, as well as the father of another mayor of Baltimore, Thomas J. D'Alesandro III. The elder Mr. D'Alesandro has pointed out the importance of St. Leo's in the life of Baltimore:

This year St. Leo's Church in Little Italy is celebrating its centennial anniversary. Over the years it has provided a religious haven for many Baltimoreans and its sons and daughters have helped in the development of this community."

Little Italy has been a symbol of the dynamic, creative renaissance which has come to characterize Baltimore and its people.

Mr. President, a fine article recounting St. Leo's 100 years of service as a church caring for its community and some of the people who made it that way appeared last Sunday in the Baltimore News American. I ask that this article be printed in the RECORD at this point.

The article is as follows:

A CHURCH CARING FOR ITS COMMUNITY—ON ITS 100TH ANNIVERSARY, PARISHIONERS RECALL TIMES OF UNITY

(By Oakleigh Thorne)

During the Depression, St. Leo the Great's Roman Catholic Church in southeast Baltimore handed out flour and other items to the poor.

When church members went off to World War II, the Rev. Louis Lulli sent a prayer book and crucifix to each of St. Leo's 448 men and women overseas.

Lulli, now in semi-retirement at age 71, still makes house calls to parishioners like Paul and Mary Costello, who can no longer attend regular mass.

The thousands of people crowding into Little Italy today are actually celebrating two events. One is the annual festival of St. Anthony, marking the death of Italian Saint Anthony of Padua, celebrated in the parish since 1904.

The other is the 100th anniversary of St. Leo's, spiritual and social heart of Baltimore's Italian community.

"I was baptized there, received Holy Communion there, I was confirmed there and I went to school there," said retired city worker Mike DiCicco, 84.

Ida Esposito, Rose Strollo, Eleanor DiCicco, Regina Palmisano, Frank Velleggia and dozens of others say the same thing.

In fact, for most of this century, anyone raised in Little Italy could expect to celebrate all the major moments of life there.

And even though church membership is dropping because senior citizens can't walk up the granite steps and because the size of the community was cut in the 1950s when public housing was built nearby, many members of the parish still come back often.

One is restaurateur Frank Velleggia, who lives in Baltimore County.

"There's pride involved, there's just a memory of—I don't know what to use—a more peaceful time," he says. "A day and age when people cared for each other, and things that were happening didn't sound as gloomy as they do now. Not as threatening.

"I guess we come back looking for some semblance of that time. Nothing stays the same. But we're looking for something that reminds us of that."

Thomas D'Alesandro, Jr., has a prepared statement on today's St. Leo's celebration, which will be remembered with a 1,400-person ball at Martin's West.

"This year St. Leo's Church in Little Italy is celebrating its centennial anniversary. Over the years it has provided a religious haven for many Baltimoreans and its sons and daughters have helped in the development of this community. Yet the 100-year-old structure needs renovations badly as it stands alongside the redeveloped downtown Baltimore, and we are appealing to everyone to contribute to the alterations of this great church."

D'Alesandro, who has served 53 years in government (including eight in the state legislature, four on the City Council, 10 as U.S. congressman and 12 as mayor) also has an unprepared statement:

"I used to sing in the choir until they figured out what was wrong," he said.

Today he will serve as the unofficial First Man of Little Italy. He is honorary chairman of the Centennial Committee and will ride in a limousine at the head of the parade with Mayor William Donald Schaefer.

Last week, Velleggia, 42, a former altar boy at St. Leo's Church and a graduate of St. Leo's School, sat on the granite steps leading up to the front door of the church. He had just attended noon mass, as he often does.

"Little Italy and St. Leo's are one and the same, you can't really separate any part of it out," Velleggia said. "Each part adds up

to the whole and each part is the whole—it's hard to put into words."

For Ida Esposito, 63, one of the organizers of the festival, the words come more easily.

"My earliest childhood memory? I remember my holy communion day (at age 6). The morning was beautiful—May 24, 1924. Then a storm came up in the afternoon, a hailstorm, while we were at the Crowning of the Blessed Mother. When we got out of church my father picked up some hallstones and says, 'Look at all this white confetti that came down while you were in church,'" Esposito said.

She smiles and fumbles with a gold crucifix hanging around her neck. "I really thought it was confetti. I'd never seen confetti before."

Until last year when its school closed, St. Leo's also educated the community's children.

"I was sent to St. Leo's School," remembers Esposito. "We were the first ones to (have graduation ceremonies) at the St. Leo's Church because we had no school. We had classes at Bagby's Furniture Co. in the first floor (Eastern Avenue and Exeter Street). We were the first to graduate from the church and now it's a tradition, at least it was until they closed the school.

"The only reason they had to close was because they didn't have too many kids going to the school. As the children started to graduate we found we didn't have any children to take their place. Most of the neighborhood is elderly, but a lot of babies are being born in the neighborhood now—there are a lot of young people moving back in."

St. Leo's School—now used for social functions such as the spaghetti dinners—is a half block down Stiles Street from the church. Many residents thought the closing would kill the neighborhood.

The closing, however, caused few problems in relocating students, who now attend either public school or schools in neighboring parishes, such as St. Patrick's, St. Stanislaus', St. Casimir's, Holy Rosary and St. Michael's.

But the pain of losing the church school hasn't gone away. Elia Mannetta, the 29-year-old founder of the Little Italy Community Organization, fought for eight years to keep the school open.

"In a way Little Italy has died. In a way the school is now a memory, it's not alive anymore. Believe it or not a lot of people did things for the school, and not for the church," Mannetta said.

"The reason people are helping the church now is because Father Lulli is a veteran, an old friend, and Father Anthony (Lorento) has the vigor of youth," he said of the church's two pastors.

The last year the school was in operation only 24 out of 102 children were from the neighborhood. When tuition was raised, enrollment declined.

Population decline hit the church, too; attendance from approximately 500 each Sunday 20 years ago to about 250 now.

Still, St. Leo's remains a strong church.

Despite the drop in attendance, the number of weddings and baptisms at the church has increased slightly over the last four years because parishioners who moved away are coming back to get married. And with the closing of the school, the church has shed a financial burden and can put more funds into repairing the building.

Mike DiCicco, 84, sits this evening on a green bench under a small tree in front of his Formstore rowhouse on Exeter Street. Down the block and across Stiles Street, St. Leo's looms above the three-story rowhouses.

DiCicco left the hospital two weeks ago after suffering a heart attack and he can't make it to Sunday mass anymore.

He is sitting next to his wife, Eleanor, 73.

A friend, Regina Palmisano, 71, stands off to one side.

"That (the church) is what's been holding the neighborhood together," he says. "They got a system, them women, and they work hard for the church. The day the new pastor (Rev. Lorento) came down they fell in love with him."

As the three sit down to talk, Nellie Chiapparelli walks down the street. Like Eleanor DiCicco and Palmisano, she is dressed in a flowered cotton dress.

Chiapparelli looks at her watch. "Are you going to church? It's about to start."

It is the Tuesday night before St. Anthony's festival and women from all around the neighborhood gather in small groups to go to St. Leo's and celebrate a mass for St. Anthony. The night mass is part of a novena—a holy celebration conducted on the 13 Tuesdays before the anniversary of St. Anthony's death 750 years ago.

Today, the 229th Maryland National Guard Band will march through Little Italy starting at 9 a.m. to call the faithful of Little Italy to a high mass at St. Leo's at 9:30 a.m.

After the mass, more than 12 bands, drum corps and color guards, and dozens of politicians and church officials will parade through the streets of Little Italy displaying the statue of St. Anthony.

Then the festival's music and dancing will begin. The parishioners celebrate St. Anthony's festival because after they prayed to him, they said they were spared from the ravages of the great Baltimore fire of 1904.

The fire had started in a dry goods warehouse nearby, and quickly spread because of high winds. As it swept toward Little Italy, five Italian men who had left their families at the Broadway Armory, the evacuation site, made their way to St. Leo's.

They knelt in prayer before the statue of St. Anthony and asked that the fire stay away. After their prayer, a strong east wind came up and stopped the flames just short of Little Italy.

The festival has been held annually since then except for a four-year hiatus after the riots in the neighborhood north of Little Italy in 1971.

One of the five men who prayed to St. Anthony that day in 1904 was Joseph Petrella, father of 80-year-old Mary Costello. The next year he was elected president of the St. Anthony Society, which organized the festival until the society's demise in the late 1940s.

This year her son, Ralph Costello, is the organizer. Although Ralph Costello moved out of Little Italy several years ago, he still comes back for Sunday mass and is president of St. Leo's Parish Council.

"I joined the St. Anthony Society in 1923," said her husband, Paul Costello, who is the only living member of the now disbanded society.

"In 1932 we had the big one. We had two bands, electric lights, a big procession with all the members of the society marching in the procession with badges on. We had all that for \$4,000. You can't get peanuts for \$4,000 anymore."

Added his wife: "Before then they had little candles hanging across the street and when the wind blew them out they'd have to get up on ladders and light them all again.

"They used to decorate my father's house with lights and flags because he was the president. It used to make me really embarrassed."

When Italian immigrants first started in the late 1800s to move into the area that eventually became known as Little Italy, they attended the nearest church, St. Vincent's Church at the corner of Front Street and Fallway.

Because many of the Italians didn't speak English, the Rev. Joseph Leo Andreis, from

Turin, Italy, and then assistant pastor at St. Vincent's, would lead a special mass in Italian in the church basement.

In 1880, Rev. Andreis was appointed to found a congregation in Little Italy. After a vigorous collection campaign, the cornerstone for the new church was set that fall.

The church was named after St. Leo the Great, who was pope from 440 A.D. to 461 A.D. and persuaded Attila the Hun to leave Rome.

On Jan. 23, 1881, the first mass was said in the basement in the uncompleted church. By 1909, the parish had grown to 2,000, mostly impoverished Italian immigrants.

Because the parish was so poor, pastors at St. Leo's learned to depend on the festival and fund-raising dinners for financial help.

The structure itself has remained virtually the same since 1887, when the frescos were finished, with the exception of a mural painted behind the altar in 1954 by Louis Jambor, a famed Hungarian religious artist. Jambor died before the mural was finished and the work was completed by an American.

In the dome above the white marble altar with its fine gold mosaics is a huge mural of St. Leo standing at his throne with a Bible clasped in his left arm and his right arm raised in blessing.

To his right, Attila the Hun rides a horse. Above Pope Leo, the Father, the Son and the Holy Ghost rise toward heaven.

The altar below is made of white Italian marble with purple marble inlaid around the edges. The tabernacle is inlaid with gold mosaics.

On the wall to the left of the pulpit is a statue of St. Anthony. It is the same statue of St. Anthony the five Italian-Americans prayed to 77 years ago to spare their church from fire.●

TERRORISM AGAINST TURKISH DIPLOMATS

● Mr. QUAYLE. Mr. President, forgotten among the many reports of international terrorism is the campaign of terrorist activities being carried out against Turkish diplomats. According to the test figures, fourteen Turkish diplomats have been assassinated around the world in just the last 5 years. This premeditated violence against the Turkish diplomatic community is an uncomfortable echo of our own recent experience with brutal violations of international law in Iran.

I wish to raise my voice in protest along with many others who have deplored these senseless acts. I also support the pledge made by Secretary of State Haig in his recent meeting with the Turkish foreign minister to provide greater security for Turkish diplomatic personnel working in the United States. Terrorism is not confined to distant parts of the globe. It is a barbaric plague that infects the entire world community. We in the United States have been relatively fortunate so far. We may not be for much longer. Last October, for example, a bomb was exploded at the building belonging to the Turkish delegation to the United Nations in New York. Four American citizens were injured in this incident.

Now is the time to condemn all acts of terrorism whatever the motivation, and to make it clear to terrorists and potential terrorists that their barbaric acts will not be tolerated. A civilized society can do no less.●

SENATOR RIEGLE OPPOSES SUSPENSION OF ISRAELI ARMS SHIPMENTS

● Mr. RIEGLE. Mr. President, the decision by Israel to destroy a facility in Iraq dedicated to the immediate production of nuclear weapons for use against Israel is a decision I fully understand. I can understand how a chief of State of Israel might well have ordered this mission at some point.

However, one might judge the actions of Israel or Iraq, the world is well rid of this particular nuclear weapons facility.

It is exceedingly difficult to draw the line that separates a defensive military strike from an offensive one.

Based on the facts now available, I do not believe this action warrants a suspension of arms shipments to Israel, and I find President Reagan's decision to suspend the delivery of F-16 aircraft to Israel to be an excessive response. I hope this action by the President will be of limited duration and that normal transactions with Israel will resume shortly.

As for the general spread of nuclear weapons and nuclear weapons technology, the United States and other Western nations have not worked hard enough to prevent nuclear proliferation. Free world greed and careless judgment have been and are major contributors to the spread of nuclear weapons development now taking place in numerous countries. We must change our ways. Random air strikes are not the answer to this worldwide problem.

Perhaps the destruction of the Iraqi facility will focus world attention on the imperative—the absolute imperative—of limiting the transfer of nuclear weapons technology and productive capacity to additional nations. Then we must move on to reduce the staggering stockpiles on nuclear weapons presently in the world's military arsenals.

World survival demands that we move now with major new initiatives to stop the mindless spread of nuclear weapons around the globe. Time is short and humankind hangs in the balance. Let us act now, while we still can.●

SENATOR KENNEDY ADDRESSES THE UNION OF AMERICAN HEBREW CONGREGATIONS

● Mr. CRANSTON. Mr. President, recently, the distinguished senior Senator from Massachusetts, Senator KENNEDY, delivered an address to the Union of American Hebrew Congregations. Senator KENNEDY has outlined for us very clearly many of his concerns about the direction this country is headed toward—both domestically and internationally. I share many of his concerns. He could not be more on target when he says " * * * the New Right is all wrong." His message of concern and sympathy for the problems faced by all too many Americans is a splendid reaffirmation of the moral responsibility the radicals of the New Right would have us turn our backs on.

I also share Senator KENNEDY's fears with respect to the Middle East—par-

ticularly about the administration's plans to sell sophisticated offensive weapons, AWACS and sidewinder missiles, to Saudi Arabia. I also believe that the administration's response to Israel's action to eliminate the nuclear threat posed by Iraq was a hasty and ill-conceived one. Senator KENNEDY has made some cogent points, and I wish to share them with my colleagues. I ask that the full text of Senator KENNEDY's speech be placed in the RECORD at this point.

The speech is as follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY,
UNION OF AMERICAN HEBREW CONGREGATIONS

Thank you Rabbi Schindler, for that warm introduction.

We are meeting today at a time of great decisions about the direction of our country at home and in the larger world. Fundamental principles that define our destiny as a free people are now at risk—principles that have taken years, and sometimes generations to build. Those principles must not be set aside at the whim of passing political majorities. And they certainly must never be swept aside by those who dare to call themselves a Moral Majority.

We must reaffirm our own basic convictions about America and the world.

Not long ago, within the short span of a few weeks, we all experienced the profound shock of the attack on the President and then on the Pope. When the Holy Father was wounded, it seemed to be a shot that went to the soul of the world.

All of us are grateful that President Reagan, Pope John Paul II, and the others who were injured are now covering. But before these latest flashes of gunfire fade from our conscience, we must demand action against the violence that terrorizes our streets and neighborhoods, and the international terrorism that too often tears the fabric of the world community.

And there is something else that must be said about the reign of rising crime in our society. At long last, we must act on handgun control. We must outlaw the Saturday Night Specials, whose only purpose is to kill and to maim other human beings. We must take cheap handguns out of the hands of the killers, the muggers, and the psychopaths.

Last year, handguns killed 48 people in Japan, 8 in Great Britain, 34 in Switzerland, 52 in Canada, 21 in Sweden, 42 in West Germany—and 10,728 in the United States. That statistic would be unacceptable in any other civilized country in the world, and we must make it unacceptable in our own country.

Those of us who favor handgun control have absolutely no intention of taking rifles and sporting pistols from hunters. We will not limit the right of law-abiding citizens to defend their families. But we have had enough of the old smears and the false fears fed by the N.R.A. When I read their propaganda, I think that perhaps the National Rifle Association should really be called the National Handgun Association. So let us say to them, on the issue of handgun control, we will never give up and we will never give in.

Abroad, we cannot stand silent about a series of ominous steps our government has taken. I believe the Administration is wrong on El Salvador, wrong on nuclear arms control, and wrong on human rights. And I believe the Administration is twice wrong on the Middle East—wrong once for its policy of arms sales to Saudi Arabia that will jeopardize the security of Israel, and wrong again for its criticism of the action last week by Israel against Iraq.

You know where I stand. I consider the State Department's criticism of Israel's action against the Iraqi nuclear facility to be unwarranted and unjust.

The United States should not second-guess Israel's decision in this extremely difficult

situation—a dilemma that potentially involved a fundamental threat to the very survival of our surest friend and strongest ally in the Middle East. This issue is of utmost concern for the national security of Israel. It is an issue for the Israelis to determine for themselves.

There surely was cause for grave concern. Iraq is the sworn enemy of Israel and committed to its destruction. Since 1948, it has regarded itself as in a state of war with Israel. Unlike other Arab nations, it has refused even to sign an armistice with Israel. It sponsors continuing terrorist actions against Israel. It has rejected the Camp David peace agreements. And now, Israel faced the prospect of nuclear weapons in the hands of one of its most bitter enemies.

Instead of assailing Israel, we should criticize the failure to forestall European suppliers from providing sensitive nuclear technology to Iraq.

We should insist that the effort to halt nuclear proliferation must become a major priority for our nation and the world.

I call upon the Reagan Administration to resume the delivery of F-16 aircraft, which are essential to the defense of Israel. I also call upon the Administration to strongly oppose any effort in the Security Council or the General Assembly of the United Nations or elsewhere, to condemn, to punish, or to expel Israel.

We must never forget that the security of Israel is essential to the security of the United States.

There is a sad corollary to the suspension of F-16 deliveries to Israel—the incredible, and incredibly wrong, decision by the Administration to sell advanced military planes and equipment to Saudi Arabia.

I voted against the sale of F-15 fighter planes to Saudi Arabia in 1978, because they would threaten the security of Israel. In fact, that sale generated so much concern that the Carter Administration promised to draw the line right there—and never to increase the offensive capability of the Saudi aircraft.

A new Administration must not repudiate the solemn obligations of the United States government. We are not talking about some technical "enhancement" of the F-15. We are talking about advanced sidewinder missiles and sophisticated AWACS planes to give Saudi Arabia a command platform in the air to guide attacks against the territory of Israel.

America must never give the Saudis or any other nation the power to overwhelm Israel's air defenses. I will vote and speak and work against the AWACS sale and all the other parts of this dangerous arms sale to Saudi Arabia. And with your help, I believe that we can defeat that deal in the United States Senate.

If the Reagan Administration wants to pursue an anti-terrorist strategy, then let them stop selling offensive arms to Saudi Arabia, which spends nearly \$400 million a year to finance the terrorists of the P.L.O.

If the Administration wants peace in the Middle East, then let them stop selling offensive arms to Saudi Arabia, which fiercely opposes the Camp David path to peace. Any arms we supply to Saudi Arabia must be defensive weapons only. They must always be pointed in the right direction—and never against Israel.

Finally, I want to speak to you briefly about the challenges we face in domestic policy. These challenges are equally difficult—and they, too, must be squarely met. We have heard often in recent months about the rethinking of liberal programs.

There have been mistakes. But government has also made an indispensable difference. In the outcry and disillusion of the day, let us remember that it is government which set minimum wages and maximum hours, which insured the security of the elderly and the rights of labor, which opposed discrimination and protected the health and

safety of workers on the job, which fought for equal rights for the majority who are women and civil rights for the minority who are not white or who speak with the Spanish tongue. And it is, in fact, government which helped to make our economy prosperous in the past—and which helped to keep our free enterprise system truly free.

We have much to be proud of. And we can also afford to be realistic about the places where government has fallen short. Many of our programs have succeeded. Some have not. In other cases, the problem is not that progressive ideas have failed, but that they were never really tried.

President Reagan has suggested that Americans are worse off today than twenty years ago. Surely none of us believes that. No black person who now has civil rights, no family that has escaped from poverty, no worker who experienced the prosperity of the 1980's, who bought a home and sent his children to college, can possibly believe that.

One of the clearest examples of the Administration's alliance with extremism was their attempt to appoint Warren Richardson, the former General Counsel and chief lobbyist for the so-called Liberty Lobby, as Assistant Secretary of Health and Human Services. The Liberty Lobby has a relentless record of anti-Semitism, of racism, and of bigotry against ethnic groups.

In the face of the national outcry against the nomination, Mr. Richardson withdrew his name. You and all those who sounded the alarm deserve great credit for preventing the unwarranted nomination of Warren Richardson. There is no room at the highest levels of government for anyone who spent four years associated with the anti-Semitic, anti-black, and anti-ethnic propaganda of the Liberty Lobby.

We are told, and it is surely correct, that we cannot solve our problems simply by throwing money at them. But that is only a half-truth misused to excuse indifference and neglect. Instead we must insist on the whole truth. We must also say that this nation cannot solve its problems by throwing tax cuts, budget cuts, and Social Security cuts at them.

Certainly, we must trim waste and needless spending from the budget. But that is not all they are proposing to do. Certainly, we must eliminate unnecessary regulation, and not ask of business a standard which is impossible to meet. But that is not what they are proposing.

What they are proposing is to eliminate the loans that send hundreds of thousands of our sons and daughters to college; the school lunches that feed hundreds of thousands of young children every day; the health care programs that have increased the length and raised the quality of our lives.

What the Administration is suggesting is that we cut back on the safety regulations which have saved thousands from death and serious injury, that we allow workers to breathe more cotton dust, that we abandon the goal of preserving the environment, and leave instead to our children a land which they can no longer truly call America the beautiful.

Most of all, we must not accept the empty notion that compassion is out of fashion—that caring for others is passé. The neediest families and the middle class are not natural enemies. Often, they are the common victims of monopoly and concentrated private power. The greatest drain on the economic security of our citizens in recent years is not due to the decent things they have done for each other, but to the higher and higher sums that have been taken from them to pay for home heating oil and energy.

As progressives, we must adapt our enduring values to changing conditions. That is not a novel idea, but an old tradition that reaches from the New Frontier of Woodrow Wilson to the New Deal of Franklin Roosevelt to the New Frontier of John Kennedy.

In that spirit, we must offer new hope for economic progress and social justice in the 1980's.

In due time, I am convinced that this present mood—this anti-government, anti-education, anti-middle-class attitude—will pass. The people of America will finally realize that here, and in every other area the extremists touch, the New Right is all wrong.

They may be riding high for now. But they are riding for a fall. Their infatuation with inaction and their religion of reaction cannot survive the reality of the 1980's.

America's faith in government is as old as the Mayflower Compact and the Declaration of Independence, and as new as the voyage of the Spaceship Columbia. And the vast majority of the people of this nation will soon come to understand that the prevalent philosophy of this day is alien to all our history and contrary to all our hopes.

When that realization reaches home, you and I will be there, ready to pick up the fallen standard and make government again the true servant of all the people of this land.

I am proud to stand with all of you in this auspicious Consultation on Conscience. And in that spirit, let us renew our covenant with Israel and our own pledge of peace.

For peace is all that Israel asks. Peace, as the prophet Micah wrote, so that "They shall sit, every man under his vine and under his fig tree, and none shall make them afraid."

Peace, as the Torah teaches, so that "The desert shall rejoice and blossom as the rose. And they that wait upon the Lord shall renew their strength."

Let us pledge to pursue that peace together. Let us follow the age old dream as the guiding star that will lead us safely to the future. ●

"MAJORITY AND MINORITY LEADERS OF THE SENATE"

Mr. BAKER. Mr. President, I have a resolution for myself and for the distinguished minority leader. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), for himself and the Senator from West Virginia (Mr. ROBERT C. BYRD) proposes a resolution, as follows:

S. RES. 154

Resolved, That the compilation entitled "Majority and Minority Leaders of the Senate," prepared by the Senate Parliamentarian Emeritus, Floyd M. Riddick, shall be printed, with any revisions and certain tables, as a Senate document, and an additional two thousand copies shall be printed for distribution by the Secretary of the Senate.

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

The resolution (S. Res. 154) was agreed to.

Mr. BAKER. Mr. President, these requests, I believe, have been cleared with the distinguished minority leader.

OMNIBUS RECONCILIATION ACT OF 1981

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of House Concurrent Resolution 149, a resolution pertaining to the printing of the Omnibus Reconciliation Act of 1981.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 149) authorizing the printing of additional copies of the Omnibus Reconciliation Act of 1981, and accompanying reports.

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

The concurrent resolution (H. Con. Res. 149) was agreed to.

REQUEST FOR CLEARANCE OF CERTAIN BILLS

Mr. BAKER. Mr. President, there are two items on the Calendar of General Orders on this side which are cleared and I would inquire of the distinguished minority leader if he is in a position to clear them at this time: calendar order No. 102, S. 923, the Pretrial Services Act, and calendar order No. 156, S. 823, dealing with the chemical tris.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader withhold that request momentarily?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. BAKER subsequently said: Mr. President, I am advised that perhaps the two calendar orders that I identified have not yet been cleared on the minority side.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wonder if we might consider one item on the Executive Calendar. I am referring to Calendar Order No. 1: Withdrawal of United States-Canada East Coast Fishery Resources Agreement, which is cleared on this side.

Mr. President, I understand that item on the Executive Calendar is cleared.

EXECUTIVE SESSION

WITHDRAWAL OF UNITED STATES-CANADA EAST COAST FISHERY RESOURCES AGREEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering Senate Executive Resolution 1, Calendar Order No. 1 on today's Executive Calendar.

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

The clerk will state the executive resolution.

The assistant legislative clerk read as follows:

SENATE EXECUTIVE RESOLUTION 1

Resolved, That the Secretary of the Senate is directed to return to the President of the United States, as requested in his message to the Senate under date of April 21, 1981, the Agreement Between the Government of the United States of America and the Government of Canada on East Coast Fishery Resources, signed at Washington on March 29, 1979 (Executive V, 96th Cong., 1st sess.).

The PRESIDING OFFICER. The question is on agreeing to the Senate Executive Resolution 1.

The executive resolution (S. Ex. Res. 1) was agreed to.

LEGISLATIVE SESSION

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

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

Mr. BAKER. Mr. President, I will now put the remainder of the unanimous-consent request that I discussed earlier.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. tomorrow.

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

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order there be special orders in favor of the Senator from Tennessee (Mr. BAKER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Virginia (Mr. WARNER) for not more than 15 minutes each.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after the execution of the special orders there be a period for the transaction of routine morning business to extend not longer than 15 minutes in length in which Senators may speak for not more than 2 minutes each.

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

ORDER TO RESUME CONSIDERATION OF S. 1193 AND S. 951 TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of S. 1193, the Department of State authorization bill, and that it complete its consideration of the Durenberger-Leahy amendment, that such amendment be the only amendment in order; that upon the disposition thereof and to the exclusion of any intervening debate, motion, point of order or appeal, a vote then occur on final passage of the bill; and that upon the disposition of S. 1193 the Senate return to the consideration of S. 951, the Department of Justice authorization bill.

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

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, I know of no further business to come before the Senate on this side of the aisle and I see no Senator seeking recognition. Therefore, Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9 a.m. tomorrow.

The motion was agreed to; and, at 6:29 p.m., the Senate recessed until tomorrow, June 18, 1981, at 9 a.m.