HOUSE OF REPRESENTATIVES—*Monday, June 22, 1981*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C., *June 19, 1981.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, June 22, 1981.

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

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

When a man's ways please the Lord, be makes even his enemies to be at peace with him.—Proverbs 16: 7.

Grant, O Lord, that we may see all our strivings and actions in ways that are pleasing to You and give peace to those with whom we minister. We recognize that we are not able through our own power or insight to build lives of perfection or to be confident that our efforts are always consistent with Your kingdom. Yet, instill in us by Your grace and remind by Your spirit that You are our Creator and Redeemer and that You will bless even our weak efforts to bring understanding and concord among all people. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate insists upon its amendment to the bill (H.R. 3520) entitled "An act to amend the Clean Air Act to provide compliance date extensions for steelmaking facilities on a case-by-case basis to facilitate modernization," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. STAFFORD, Mr. DOMENICI, Mr. CHAFEE, Mr. RANDOLPH, and Mr. MITCHELL to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 823. An act to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn, or fiber, and for other purposes;

S. 923. An act to amend chapter 207 of title 18, United States Code, relating to pretrial services;

S. 1195. An act 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;

S. Con. Res. 5. Concurrent resolution expressing the sense of the Congress that the Soviet Union should provide proper medical care for Viktor Brailovsky and permit him and his family to emigrate to Israel, urging the President to protest the continued suppression of human rights in the Soviet Union and for other purposes; and

S. Con. Res. 18. Concurrent resolution relating to the restoration of the free exercise of religion in Ukraine.

OUR LACK OF AIR DEFENSE

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, today, I wish to speak about a problem that poses a threat to our Nation.

It is our lack of air defense, that is, our inability to effectively warn against and defend against an enemy bomber attack. During the past several years, our capability to defend the airspace of the continental United States against a Soviet bomber attack has been significantly and unilaterally reduced.

Our air defenses began to weaken during the mid-1960's when the Pentagon decided that we should concentrate less on a philosophy of defense and more on a philosophy of offensive weapons. Offensive weapons alone, it was thought, would deter an attack against the United States. Defense positions, it was also thought, would weaken deterrence. Thus, the so-called doctrine of mutual assured destruction was born. Consequently, air defense, antiballistic missiles, civil defense, and other aspects of a once strong strategic defense began a slow death.

History and geography have been kind to America. The two major wars of this century have been fought far from our shores. Our own homeland was isolated from these conflicts and was invulnerable to attack. For this reason, we have not fully understood the need for defense.

Today, I am pleased to announce that the chairman of the House Armed Services Committee has agreed to my recent request to hold full committee hearings on the issue of the need for a stronger national air defense system. After the full committee holds its hearings, the investigations subcommittee of the Armed Services Committee will follow up with more detailed hearings.

These hearings are a major step in bringing the crucial issue of air defense to the attention of Members of Congress and the entire Nation. My hope is that these hearings will be the first step in assuring that America becomes secure from the threat of enemy air attack.

ASSISTANT SECRETARY FOR TERRITORIAL AND INTERNATIONAL AFFAIRS

(Mr. SUNIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SUNIA. Mr. Speaker, some weeks ago, I stood at this well and asked that the White House and the Secretary of the Interior continue the post of Assistant Secretary for Territorial and International Affairs.

I am, therefore, very pleased to report that the administration will continue the post—and I must commend Secretary Watt for this important decision.

The nominee for the post, Mr. Pedro San Juan, is a new name to me. He is being questioned by some territories which feel he is inadequately conversant in the ways of the Pacific territories. Mr. Speaker, there are plenty of territorial experts in the Department of the Interior—and the territories do not need another.

What the territories are in urgent need of is a dedicated advocate, a mover, and a doer, someone who can make things happen in the territories.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

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

These things do not call for a professor in political and social sciences of the Pacific, just someone who can go to the right place and get support. I want to see San Juan be that kind of person, a leader. I am giving him the chance to prove himself before I condemn him.

I welcome Mr. San Juan to the territorial administration leadership and wish him luck in his upcoming confirmation hearings in the Senate.

RECONCILIATION PROGRAM OF THE COMMITTEE ON EDUCATION AND LABOR

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Thank you, Mr. Speaker.

Mr. Speaker, last week in the Committee on Education and Labor, the Democrats on the committee, joined by a great many of their Republican colleagues, finally reported out in the reconciliation a program that was going to prove, and does prove, very beneficial to a number of programs of great concern to all of us.

Two of them, guaranteed student loans and the Head Start program, have both been restored in a way that enables them to function and carry out the purpose of the program.

It is my understanding, Mr. Speaker, that there now is, among some Members on the Republican side of the House, an effort being made to offer an amendment that would weaken once again the guaranteed student loan program.

It is my hope that my colleagues on the Republican side will think carefully on this issue and recognize that Republicans as well as Democrats on the committee voted to reinstate this program.

REAFFIRMING GOVERNMENT'S COMMITMENT TO USE GOODS AND SERVICES OF PRIVATE ENTERPRISE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, today I will introduce a House joint resolution, based on a just-completed General Accounting Office study, which reaffirms the Federal Government's commitment to use, whenever possible and economically feasible, the goods and services of private enterprise.

Through a greater reliance on the private sector, taxpayers can save nearly $3 billion annually. There are many instances in which private businesses could produce products and provide services at a lower cost than the Government currently does.

Small business would also benefit from the proposal I am introducing as $2 billion would flow to this vital segment of our economy every year. It is imperative for Congress to take steps such as this to create an environment in which American business enterprises can prosper.

When Government prevents private sector participation in the provision of public services, real competition ceases to exist and the U.S. taxpayer must carry the burden. This resolution would finally allow Government services to be provided in the most efficient and cost-effective manner through the removal of restraints on private sector competition.

SEVERE STORM WARNINGS ACT OF 1981

(Mr. WINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WINN. Mr. Speaker, once again tornadoes and severe storms have taken their toll in this country. This last weekend in Lawrence, Kans., a tornado hit down. One man died, 29 people were injured, and there was approximately $8 million worth of damage.

I would like to remind my colleagues that I have circularized a "Dear Colleague" asking their support of Severe Storm Warnings Act of 1981, of which I am the prime sponsor.

Again, it does not cost the Federal Government any money. It simply asks the six governmental agencies that are involved in weather forecasting to get their act together and see if we can develop and use the technology available to give the people of this Nation better warning systems so that we will be able to stop or at least help prevent the loss of lives and property in this Nation.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C., *June 22, 1981.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit a sealed envelope from The White House, received in the Clerk's Office at 3:10 p.m. on Friday, June 19, 1981 and said to contain a message from the President wherein he transmits the eleventh special message for Fiscal Year 1981 under the Budget Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

□ 1215

PROPOSALS TO RESCIND AND DEFER, AND REVISIONS TO PREVIOUSLY REPORTED DEFERRALS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-63)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, June 22, 1981.)

PUBLIC BROADCASTING AMENDMENTS ACT OF 1981

Mr. WIRTH. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3238) to amend the Communications Act of 1934, to extend certain authorizations of appropriations contained in such act relating to public broadcasting, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. WIRTH).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3238, with Mr. SKELTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Colorado (Mr. WIRTH) will be recognized for 30 minutes, and the gentleman from Texas (Mr. COLLINS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased to bring before the House today H.R. 3238, the Public Broadcasting Amendments Act of 1981. This has been the subject of rigorous examination by both the Subcommittee on Telecommunications and the full Committee on Energy and Commerce. I am pleased to report that we are in substantial agreement as to public broadcasting's structure and responsibilities in the years ahead—a consensus that would not have been possible without the help of the distinguished ranking minority member, Mr. COLLINS of Texas, and the others who have played such a constructive role, including HENRY WAXMAN, AL SWIFT, BILLY TAUZIN, MARC MARKS, and TOM TAUKE. I am deeply grateful to the entire subcommittee for the work that has been accomplished in this difficult budget cutting time for public broadcasting.

Mr. Chairman, public broadcasting today faces the most severe challenge to its ability to continue to serve the American people since the Corporation for Public Broadcasting was established in 1967. It is a challenge that has been posed by the Reagan administration's budget recommendations for CPB, which call for a reduction in funding from the current $172 million in fiscal year 1982 to $100 million by fiscal year 1985.

All of my colleagues should fully understand that this committee—both sides—is committed to placing a fair share of the need to reduce the size of the Federal budget on public broadcasting.

Public broadcasting should not be immune from cuts, but should not take more than its fair share either. H.R. 3238 has, I believe introduced in the Congress in a bipartisan fashion, fully reflects the mandate that public broadcasting takes its share, but not more so that public broadcasting can be destroyed.

This economic agenda has spawned a searching reexamination by our committee, and by all of public broadcasting, of the system's needs and priorities. The Federal commitment to public broadcasting has reached a watershed. The level of funding under current appropriations is considerably above the authorization levels provided in the bill. Our clear responsibility is to help this fragile but dynamic alternative to commercial broadcasting cope with the stringent fiscal restraints we are imposing. Our overriding concern, in facing this issue, was to protect the two most important commitments we have traditionally made through the Corporation for Public Broadcasting: Basic support to public television and radio stations across the country, and the encouragement of the very best in quality programing intended for national distribution. There is a symbiotic relationship between them, and there is no need to abandon either goal.

It is no secret that public broadcasting has been plagued by chronic tensions between the stations and CPB, between television and radio, and between localism and responsiveness to national interests and needs. To an extent, these differences have been healthy—characteristic of the pluralism that public broadcasting is all about. In the past, these differences have been accommodated by CPB so long as the Federal appropriations were high enough to address all of these separate goals. But this is no longer the case. It was abundantly apparent during out hearings that, given the imminence of the budgets cuts, each interest would understandably seek to protect itself—but unfortunately at the expense of the others.

The emergence of such a struggle, at this delicate and critical moment, would render a profound disservice to public broadcasting, paralyzing its ability to respond effectively to the challenges before it, and also harming the people public broadcasting serves—viewers and listeners throughout the country.

Accordingly, we needed to devise an approach that would resolve these arguments once and for all, that would equitably distribute these budget reductions throughout public broadcasting, and that would provide mechanisms to encourage greater efforts toward unity and coordination within public broadcasting.

I am encouraged by the result of our efforts. First, under the terms of this bill, there is a much smaller chance that any public television or radio station will be forced off the air. Second, we have maintained support for national programing. Third, we have again insured public broadcasting's insulation from political interference in programing decisions. Fourth, we have permitted the stations to explore promising new sources of outside revenues. Fifth, we have underscored our support for independent producers. Sixth, we have fully maintained the accountability of public broadcasting to the public itself. And seventh, we have reiterated our support for equal employment opportunity.

But most importantly, through the allocation formula provided for in the bill, we have guaranteed that every available dollar is expended as efficiently and effectively as possible. Public broadcasting's survival over the next decade depends on this basic imperative.

The budget cuts we are recommending will force public broadcasting to make difficult choices. But uppermost in the minds of the managers of the system must be the eloquent guidance offered by E. B. White nearly 15 years ago:

> Noncommercial television should address itself to the ideal of excellence, not the idea of acceptability * * *. It should be the visual counterpart of the literary essay, should arouse our dreams, satisfy our hunger for beauty, take us on journeys, enable us to participate in events, present great drama and music * * *. It should restate and clarify the social dilemma and the political pickle. Once in a while it does, and you get a quick glimpse of its potential.

Public broadcasting's potential endures, no less than E. B. White's call to conscience. Pubic broadcasting's purpose is nothing less than to bring the very best of America's abundant creative talent into our homes with programs that inspire, provoke, teach, and entertain. It is to do so without fear or favor, with no criteria other other than excellence. It is to undertake what commercial broadcasting either cannot or will not.

I profoundly hope that this legislation, even given the fiscal constraints we face, contributes to this effort. We have sought to do no less.

Mr. Chairman, I am pleased to summarize briefly the provisions of H.R. 3238:

First, the Corporation for Public Broadcasting is reauthorized for fiscal years 1984-86 at $160 million, $145 million, and $130 million, respectively.

Second, the public telecommunications facilities program is reauthorized for fiscal years 1982-84 at $25 million, $20 million, and $15 million, respectively.

Third, for the first time, stations are permitted to lease out their facilities for commercial uses, but only if these activities do not interfere with the provision of public broadcasting services.

Fourth, to increase unity within public broadcasting, two representatives of public television stations and two from public radio are placed on the 15-member CPB Board of Directors.

Fifth, to encourage the appointment of outstanding individuals to the CPB Board, provision is made for the development of a list of such people for consideration by the President.

Sixth, to provide more effective utilization by the Corporation of its funds, the Treasury is directed to disburse the appropriation to CPB on an annual basis.

Seventh, to resolve longstanding conflicts over the allocation of CPB's budget, H.R. 3238 establishes a formula that specifies funding for CPB's activities as well as support for television and radio, both locally and nationally.

Eighth, public broadcasting stations that do not receive Federal funds are permitted to editorialize.

Ninth, to attract greater private support for public broadcasting programs, stations are authorized to broadcast the logos of program underwriters.

Tenth, to help assist the stations in obtaining greater sources of outside income, they are explicitly authorized to provide services, facilities, and products for remuneration.

Eleventh, to further explore these options and their implications, H.R. 3238 establishes a comprehensive study on alternative financing for public broadcasting.

Mr. Chairman, all the provisions of this bill are fully discussed in the committee's report accompanying the bill, House Report 97-82, and I wish to reiterate that, in addition to our debate today, it is the definitive legislative history on this bill.

Again, Mr. Chairman, I am proud of our work on this legislation. It is a prudent and responsible proposal. It has obtained great support within public broadcasting. It should be approved by this House. At this point I include the following:

PURPOSE OF THE LEGISLATION

The legislation serves five primary purposes:

(1) To provide for the efficient allocation of Federal funding for public telecommunications, by means of an allocation formula, at a time when Federal support of the program will be declining;

(2) To facilitate and encourage the efforts of public broadcasting licensees to seek and develop new sources of non-Federal revenue, which will be necessary for the long term support of the system as Federal funding is reduced;

(3) To continue at a reduced authorization level (via the Corporation for Public Broadcasting) long term Federal funding (5-year advance authorization) for non-commercial public telecommunications to provide continued insulation against political interference in programming decisions;

(4) To continue at a reduced authorization level (via the Commerce Department's National Telecommunications and Information Administration) the public telecommunications facilities program in order to further plan, construct and expand public telecommunications facilities for the purpose of providing public telecommunications services to as many citizens of the United States as possible;

(5) To enhance dialogue and cooperation between the Corporation for Public Broadcasting and the public broadcast licensees by providing for the selection of representatives of public radio and television stations to the CPB Board, and to otherwise improve the selection process of Board members.

SUMMARY OF THE LEGISLATION

(1) Facilities program. The Public Telecommunications Facilities Program, administered by the National Telecommunications and Information Administration, is reauthorized at the following levels: $25 million for FY 1982; $20 million for FY 1983; and $15 million for FY 1984. This is a reduction from the present $40 million authorization. The bill repeals the existing prohibition on facilities being used for any commercial purpose, provided, however, that such new uses do not interfere with the primary mandate of recipients to provide public telecommunications programs and services. In addition, the maximum Federal contribution for facilities planning grants is reduced from 100 percent to 50 percent.

(2) Telecommunications Demonstration Program. (Department of Education). The legislation does not reauthorize this program.

(3) Corporation for Public Broadcasting (CPB). The bill reauthorizes funding for the Corporation for Public Broadcasting for FY 1984-1986 at $160 million, $145 million, and $130 million, respectively, compared to the present authorization of $220 million. The system of 5-year advanced authorization is thus continued.

The legislation provides for the appointment to the Corporation's Board by the President of two representatives of public television stations, and two representatives of public radio stations. A new procedure is also established for the purpose of filling vacancies to the Board, whereby the President's appointees to the CPB Board should be selected from a list of qualified individuals submitted by CPB, and such a list would include any individuals submitted for consideration by the public broadcast stations.

(4) Financing of Public Broadcasting. The legislation devises a formula for the efficient allocation of Federal funds appropriated for expenditure by the Corporation for Public Broadcasting. The statutory formulation provides for the following allocation:

(a) Not more than 5 percent of the money appropriated for CPB will be available for the administrative expenses of the Corporation;

(b) Not less than 5 percent of appropriated funds is available for research, training, educational support, engineering, payment of interest on indebtedness, satellite costs, and the payment of programming royalty and copyright fees. Expenditures for these matters or for the CPB's administrative expenses cannot exceed 10 percent of the funds appropriated for the Corporation.

(c) Of the remaining sum, which will equal at least 90 percent of appropriated funds, 75 percent is to be expended for public television, and 25 percent is to be expended for public radio.

(d) Of the funds to be allocated to public television, 80 percent of those funds are to be paid directly to the television stations in the form of unrestricted Community Service Grants (CSG's). The remaining 20 percent of the funds allocated for public television are to be expended by CPB on national television programming.

(e) Of the funds to be allocated to public radio, at least 50 percent of those funds are to be paid directly to the radio stations in the form of CSG's. Up to 50 percent of the remaining funds allocated for public radio are to be expended by CPB on national programming.

(f) Under this formula, the operating expenses relating to interconnection will be assumed by the stations.

The legislation also provides that the United States Treasury will distribute appropriated funds to the Corporation on an annual, rather than quarterly, basis.

(5) Logograms, Advertisements, and Editorials. The legislation permits public television and radio stations to broadcast logograms identifying the underwriters of programming, but a logogram announcement may not interrupt regular programming. The bill prohibits public broadcast stations from broadcasting any advertisements. It is further provided that no non-commercial broadcast licensee which receives Federal funds from CPB is permitted to editorialize.

(6) Income Producing Activities. Public broadcast stations are explicitly authorized to provide services, facilities, or products in exchange for remuneration, provided, however, that no Federal funds may be used to subsidize such activities, and that such activities do not interfere with the provision of public telecommunications services. Stations are not allowed to broadcast advertisements. The legislation requires the public stations to establish an accounting system that identifies the revenues derived from and the costs related to the provision of such commercial services. Stations are not allowed to broadcast advertisements. In addition, the bill provides for a study to be undertaken in order to identify additional sources of revenue for public broadcasting.

ALLOCATION OF FEDERAL FUNDS UNDER H.R. 3238

	Fiscal year 1984	Fiscal year 1986	Fiscal year 1981 CPB actual
Total available funds	160.0	130.0	167.8
CPB (10 percent):			
Administrative expenses, contingency	8.0 (5%)	6.5	8.03
			.59
Interest, satellite copyright, research, training of minorities, educational support, engineering	8.0 (5%)	6.5	12.16
Total CPB	16.0 (10%)	13.0	20.78 (12%)
Television and radio (90 percent): Balance after CPB	144.0	117.0	147.02
Television (75 percent)	108.0	87.75	111.78 (76%)
* CSG's and interconnection (80 percent)	86.4	70.2	86.5 (77%)
** National program fund (20 percent)	21.6	17.55	25.28 (23%)
Radio (25 percent)	36.0	29.25	35.25 (21%)
* CSG's interconnection expansion, improvement (15 percent minimum)	18.0 min.	14.62 min.	21.15 (60%)
** National programing (50 percent maximum)	18.0 max.	14.62 max.	14.1 (40%)
* Total station support	104.4 (65%)	84.82 (65%)	107.65 (65%)
** Total programing	39.6 (25%)	32.17 (25%)	39.38 (23%)

CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATION AND APPROPRIATIONS HISTORY

(In millions of dollars)

Fiscal year—	Authorization	Appropriation
1969	9	5.0
1970	20	15.0
1971	35	23.0
1972	35	35.0
1973	45	35.0
1974	55	47.5
1975	65	62.0
1976 [1]	110	87.5
1977	103	103.0
1978	121	107.2
1979	140	120.2
1980	160	152.0
1981	180	162.0
1982	200	172.0
1983	220	172.0

[1] Includes transition quarter.

Mr. COLLINS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa (Mr. TAUKE).

Mr. TAUKE. Mr. Chairman, I think it is appropriate to begin these remarks by commending the chairman and ranking minority member, together with the other members of the subcommittee, for the deliberate consideration which has been given to this public broadcasting measure.

We are facing difficult times in many areas of our economy, but I think it is fair to say that, in view of those difficult times, the subcommittee has done a great service in developing this legislation which deals fairly, in my judgment, with public broadcasting.

There have been differences of viewpoint on our subcommittee and on the committee about the content of this legislation. I am generally supportive of the measure because I believe that we have struck the proper balance between the desire to hold down expenditures at the public level while at the same time preserving the important services of public broadcasting.

It is very difficult to anticipate what economic conditions will be like in 1984, 1985, and 1986. Yet, that is what, in essence, we are asked to do in this legislation because we are making authorization levels for 1984, 1985, and 1986. It is essential that we plan that far in advance in order to retain the independence of the public broadcasting system. That method of forward authorization was established for that purpose, of maintaining the independence of the system, and while it is very good from that standpoint, it does make it difficult for those who are trying to make projections into the future.

Because of my confidence in the ability of the subcommittee to turn around under the policies proposed by the administration, I have not gone as far as the administration would like in terms of cuts in the authorization levels. However, I do think it is important to note that we have made very substantial cuts in those authorization levels, from $220 million for the operation of the public broadcasting system this year, down to $160 million in 1984, $145 million in 1985, and $130 million in 1986.

We have also made cuts in the facilities, the telecommunications facilities program, moving from $40 million authorization for the current fiscal year to $25 million for the 1982 fiscal year, $20 million for the 1983 fiscal year, and $15 million for the 1984 fiscal year. I am hopeful that these cuts will be considered substantial and adequate by the full House when we are considering this legislation.

But, because we have made substantial cuts in the public broadcasting system funding, we are faced with another very serious problem. That is, how do we keep these stations on the air, how do we continue to extend public broadcasting services to the people of our country? In order to address that issue, the subcommittee has looked at several income-producing avenues. We have authorized in this legislation the use of logos on public broadcasting in order to encourage corporations and others to provide funds for the operation of public broadcasting facilities and for programing. We have also authorized the use of public broadcasting facilities on a rental basis by outsiders who may wish to use those facilities, and in that way we hope to generate some income for the public broadcasting system and for the stations.

I believe, however, there is one other thing we should do in order to insure the financial stability of public broadcasting in the future. When we in the subcommittee considered this issue of providing for the financial stability of public broadcasting in the future, we considered the possibility of institutional adverstising as a means of future income for public broadcasting.

My good friend, the gentleman from Texas (Mr. COLLINS) offered an amendment which would have provided for institutional advertising.

□ 1230

In the discussion of that amendment, it became clear that we really had very little information on hand that would provide us with the data that we need in order to make a good decision about advertising on public broadcasting. We did not know how much revenue it would generate. We had no idea what impact it would have on programing. We had little idea about what other impact it would have on audience participation and so on; so, as a result, the subcommittee was reluctant to adopt an institutional advertising provision in this legislation.

What we have done, however, I think, is develop an amendment, which I intend to offer, which I think has general support in the subcommittee and committee, which would provide for an experiment on advertising on public broadcasting stations.

What we intend to do is allow for an 18-month period during which up to 10 public radio licensees and up to 10 public television licensees would have the opportunity to offer advertising during programing on their stations. These advertisements could not interrupt regular programs. The advertisements would be limited to 2 minutes at any one time. The advertisements would have other limitations placed upon them.

For example, there would be no political endorsements permitted through these advertisments. After this 18-month period, the blue ribbon commission that would be established to conduct the experiment would make a report to Congress to indicate what the impact had been of advertising on the public broadcasting stations and what the impact had been on the audiences, programing, and what sources of revenue had come to the station as the result of this experiment.

With this information, I think we would be able to make sound decisions in the future as to the direction we should go on advertising on public broadcasting.

I can assure my colleagues that I have some of the same concerns and misgivings about advertising on public broadcasting that I am certain many of them do; but I think until we conduct a proper experiment, in order to determine the impact of advertising on public broadcasting, it will be very difficult for us to discuss this issue any more intelligently in the future than we have been able to do so in the past.

So I urge support for the legislation that is before us, and I hope that the House will see fit to endorse the advertising experiment that I will be offering.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. Yes, I would be happy to yield.

Mr. WIRTH. Just at this point in the RECORD, Mr. Chairman, I want to commend the gentleman from Iowa for some very, very creative work. We have, as the gentleman has clearly pointed out, terribly delicate areas here between what is commercial broadcasting, what is public broadcasting, and what we know about experiments.

The gentleman has put together an amendment, working with the majority and the minority, that I believe we all agree to, that provides a limited experiment, and which will give us the data upon which to make judgments in the future.

I have here the gentleman's summary of the amendment, which I ask him if he would like to include in the RECORD at this point.

Mr. TAUKE. I would be pleased to have it included in the RECORD.

Mr. WIRTH. Mr. Chairman, without objection, perhaps we could include the description of the Tauke amendment to H.R. 3238, a demonstration program regarding advertising, which is the limited amendment discussed by the gentleman from Iowa, that I believe we will all agree to tomorrow during the amendment process.

The Tauke amendment requests the Corporation for Public Broadcasting (CPB) to select up to ten public television licensees and up to ten public radio licensees from a voluntary pool for the purpose of establishing an experimental program to determine the effect and impact of advertising on public broadcasting outlets. The report given Congress no later than October 1, 1983.

The 18-month test will study the influence and effect of advertisements on programming, audience response and reaction, and the acceptance of this new advertising outlet to businesses and organizations.

The selection of stations to participate will be done on a representative geographic distribution nationwide. The selection will also ensure representation of radio and TV licensees providing formats to audiences of various sizes.

PROVISIONS

(1) Participation is entirely voluntary on the part of the licensees. The CPB will make selections from those licensees wanting to take part in the study.

(2) Up to ten public television licensees and up to ten public radio licensees may take part in the experiment.

(3) The CPB will make selections based upon guidelines ensuring representation by: (A) Geographical distribution on a nationwide basis; (B) Licensees serving audiences and markets of various sizes; (C) Licensees with operating budgets of various sizes; (D) Licensees holding different types of broadcasting licenses; and (E) Public radio station licensees with different types of programming formats.

(4) The study will run for 18 months, beginning no later than January 1, 1982, and ending no later than June 30, 1983.

(5) The Temporary Commission on Alternative Financing for Public Telecommunications (TCAFPT), a blue-ribbon panel established in H.R. 3238, will oversee the study.

(6) Upon completion of the study, a report will be issued to Congress no later than October 1, 1983, detailing the results of the study and making recommendations as to the feasibility of continuing advertising on public broadcasting outlets.

(7) The study will incorporate both institutional advertising and product advertising. The TCAFPT will determine which form of advertising will be carried by individual licensees taking part in the experiment.

(8) The broadcasting of either religious or political announcement is prohibited.

(9) Strict guidelines are included regarding paid announcements used during the study: (A) Advertisements may not interrupt regular programs; (B) Advertisements may only be broadcast at the start or end of programs; (C) Advertisements may not exceed two minutes in duration; and (D) No more than four minutes of advertising may be broadcast during any one hour.

(10) The broadcasting of advertisements which espouse particular viewpoints on matters of national or local interest are prohibited.

(11) The TCAFPT will prescribe regulations to specify types of advertisements, using the above guidelines, which may be broadcast.

(12) The Federal Communications Commission (FCC) has the sole authority to determine, in the case of a dispute, if any advertisements broadcast violate the standards contained in the amendment or those established by the TCAFPT.

(13) The TCAFPT will prescribe regulations relating to the sale of broadcast time by individual licensees.

(14) The TCAFPT will prescribe regulations relating to the placement of announcements by individual licensees.

Mr. TAUKE. Mr. Chairman, I thank the chairman for his remarks. I again wish to commend the chairman, the ranking member, and the other members of the subcommittee and the committee for their cooperative and very excellent work on this legislation.

Mr. COLLINS of Texas. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, tomorrow a bill will come before us that has been debated extensively. I want to commend the chairman of our subcommittee, the gentleman from Colorado (Mr. WIRTH) who has worked long and hard on this bill; however, we still have coming before us tomorrow several points on which we are not in agreement.

I do not know how it is in any particular hometown, but down in Texas, inflation is the No. 1 concern. Inflation is caused by the Federal Government spending too much money—by Congress passing spending bills that are excessive. Last year the national debt was increased $80 billion. As Congress continues to print more money, the value of money goes down and prices go up. This bill breaks the line on the Reagan budget by authorizing $160 million for fiscal 1984. Now we have a chance to either fish or cut bait. The question is, Are we going to hold the line? Are we going to stop spending? Are we going to cut back or not? You as Members of Congress have an opportunity to stand up and be counted and to bring this bill back into line with President Reagan's budget proposal.

Well, you say that the difference between the committee's proposal and President Reagan's budget is only $50 million but $50 million is 45 percent more than the Reagan budget calls for.

What we are talking about is 1984. That is 2½ years in advance, 2½ years from now. We want public broadcasting to make an orderly transition toward sound funding. We have given them 2½ years. If the Corporation were a private business and you told them to get their budget in line, they would get it in line next month. They would not sit and waste time; but in the Government we do not move very fast, and we do not expect others to move very fast. Therefore, the President's budget gives the Corporation 2½ years to get its budget in line.

It is amazing to me, because of the extensive hearings and the significant principle that is involved here, how few people really understand what is going on. As I came over to the floor, I went back to my legislative section. I asked them, "Have we had one single letter that has said, 'Jim, would you cut back on that spending bill?' "

I said, "I just want to know if we had one."

We have not heard from anybody.

I tell you, if I went to San Francisco to one of those fine seafood restaurants, people, there would tell me they are concerned with inflation. If I were at a farm in Franklin County, Tex., out in east Texas, and asked "What are you concerned with?" they would say, "We are concerned with stopping spending by Congress." If I were in Cape Cod, Mass., they would tell you to cut spending.

You can look up at the press galleries and you will see that they are empty. There is nobody from the press interested in this. The only people interested in it are the people who receive these funds.

Now, believe you me, we have heard from them. They are probably the only ones that are listening to this broadcast right now. They know what is going on because they are the ones that will receive less Federal money.

Somebody needs to speak for the American people. When we are talking about cutting funding on educational projects, when we are talking about cutting funding on hospitalization, on medical needs, on basic essentials, when we go down the line and talk about cutting funding, why can we not cut funding in public broadcasting?

Tomorrow, we will ask you to consider several amendments. First, we will ask you to vote to discontinue funding for new public broadcasting facilities. Public TV is now accessible to 90 percent of the public. Now, that includes what they get in broadcasting and what they get on cable; but if you are already reaching 90 percent, do we need to finally get that last guy sitting out there on a mountain in Alaska? Did you know that Alaska has the highest per capita income in this country? They have a lot of things going for them in Alaska. It just might be that we should not be using Federal money to give Alaska another public broadcast station. We can hardly afford to keep in operation the facilities we already have. We certainly ought to cut out funds for expanding facilities even further.

Another feature in this bill will be disastrous. The bill says that when we give the Corporation money, we are going to give it annually in advance—annually in advance.

Now, just imagine what that will do. That will make bankers out of them. Now, they understand inflation. They know what it means. These people in public broadcasting are smart. They want to get all the money in advance, then they want to sit down there and put it out at an interest rate of 18 to 20 percent. Now, if that is not the most stupid thing we have recommended this month, I want to know what is.

There is no justification, there is absolutely no justification in paying this money annually in advance. The reason we did it, the committee wanted to find a way to sweeten up the bill for a segment of the industry, and I can understand why they want to sweeten it up, but frankly, we are living in a sour financial climate. It is time we took a sour attitude on these things instead of trying to figure out how we can sweeten the budget at the expense of the American people. Therefore, we will offer an amendment that asks you to pay them quarterly instead of paying them annually in advance and letting them make a profit on the American taxpayers.

Another amendment that we will offer—the President has asked that we do not place a 45-day limit for appointments. They want to consider every board member carefully and extensively. If you will notice, when President Reagan, the great leader who in history I think is going to prove to be the greatest President this country has ever seen, when he started naming the people to fill different positions, he did not act in haste; he is still appointing—here it is June.

I would tell you, as far as I am concerned, I would a lot rather that he take his time and name good men and women than run down there and try to name somebody by next Monday.

There is an old saying down in Texas. Davy Crockett said it. He said, "Be sure you are right, then go ahead."

Now, they said they want to be sure they have time to make good appointments and that seems logical to me.

In summary, I ask for your support on three basic amendments.

First, cut back on the Reagan budget level. In other words, cut from $160 million to $110 million. If you said you supported the budget, vote for the budget tomorrow. Vote to bring it back to $110 million.

Second, when we are trying to support existing facilities, let us not add more facilities and make and overcomplicate the problem worse than it is.

□ 1245

Third, let us reject the suggestion of paying annually in advance. Let us go back to quarterly. Let us to back and give the money as we go along instead of having the Federal Government borrow to give money annually.

Now, what it all boils down to is this: It boils down to the fact, Are we going to balance the budget in Congress? Are we going to balance the budget?

Remember, last year this Congress spent $80 billion more than it took in—$80 billion more. Even if we made every suggested cut, such as this one, if we made every one of these cuts, we would still spend $35 billion more than we did last year. In other words, if we do everything we can, we are going to end up increasing the debt $115 billion this year.

So the least we can do is vote for a cut when this bill is put to the floor.

Now, those Members who said they wanted a balanced budget, stand up and vote. Those Members who believe that President Reagan is on the right track, that the big problem in this country is to end inflation, stand up and vote.

There are some essential things in this country. We need the health and we need the security. But one group that must cooperate, one group that must help us, is public broadcasting. They must get by on less funding.

Mr. Chairman, on the floor, the House discusses inflation and how to end it. Inflation is the No. 1 concern of America. Congress with its overspending has caused 14 percent national inflation.

But Congress with courage in voting to cut spending can end inflation—we voted for budget cuts.

Here is the bill that spells out a cut in spending. In the Commerce Committee, they turned their back on cutting spending. We will ask you to join in my amendment to reduce the 45 percent excess in the authorized funding in this bill. Cut 45 percent excess so that we can do our part to meet the Reagan budget.

We call on the Members who voted for a sound budget to cast their vote for ending inflation by voting on my amendment that will cut back the 45 percent excess in funding that is now in the authorization.

Our priority today is to control Federal spending. The President's position on public broadcasting reauthorization reflects the overriding importance of this administration's basic budgetary goals. For this reason, we are obligated, using H.R. 3238 as our vehicle, to help create an environment in which public broadcasting stations can become more self-sufficient and place less reliance on Federal tax dollars.

Today's public broadcasting environment is much different than it was some 20 years ago when the Government assumed responsibility for creating a noncommercial television service. Public broadcasting, both radio and television, is now part of our mass media, and we believe it can grow and flourish without Federal assistance.

To the Members of Congress, it is time to reduce public broadcasting's dependence on the Federal purse so that this country can get on with the business of economic recovery. With these budgetary goals in mind, there are four issues that must be addressed.

THE LEVEL OF PUBLIC BROADCASTING'S AUTHORIZATION EXCEEDS THE ADMINISTRATION'S PROPOSAL

The administration strongly recommends termination of funds for the public telecommunications facilities program and reduction in the level of Federal appropriations for the Corporation for Public Broadcasting. Both of these proposed budget cuts are in line with those that have been proposed for a number of special purpose Federal support programs. In short, public broadcasting has not been singled out for unduly harsh treatment by the administration.

The administration believes that CPB should bear its fair share of budget cuts that will affect a variety of special programs and constituencies. When all the pressures on the Federal tax dollar are taken into account, we simply cannot endorse a higher authorization for public broadcasting than was recommended in the President's budget proposal.

ELIMINATION OF THE PUBLIC TELECOMMUNICATIONS FACILITIES PROGRAM

The public telecommunications facilities program is one of a number of special purpose grant and aid programs proposed for elimination by the President. This cutback is part of a general elimination of special purpose grant programs which is necessary to achieve more control over Federal expenditures.

The facilities program was established in 1962 at a time when there was little noncommercial broadcasting. The facilities program was an important pioneering effort that was extremely successful in getting public broadcasting off the ground. It was intended to do just that—to provide seed money so that public broadcasting facilities could be established to bring an alternative broadcast service into the homes of Americans. Federal funding of public broadcasting facilities has accomplished its mission and has been successful in providing a sound and lasting base.

Somewhat over 90 percent of the public currently has access to public TV, either from broadcast stations or cable systems. Currently, public radio reaches 70 percent of the country, and with completion of facilities currently under construction, coverage would increase to 75 percent. Taking into account the number of stations that could be activated if all frequencies were available, coverage would increase to only 80.6 percent under existing FCC rules. Terminating the facilities program now would not, therefore, affect this existing high level of substantial service. Additionally, Federal funds have always been only a part of public broadcasting's capital improvement financing.

There are many ways in which the Federal Government can continue to help public telecommunications entities meet their future development needs without direct Federal payment. For example, current restrictions on the noncommercial use of facilities could be relaxed. Eliminating the facilities program, therefore, should not precipitate any immediate difficulties for public broadcasting entities. With our need to exercise fiscal restraint, there is no justification for continuing to fund public broadcasting facilities. In fact, the Government has an even greater reason to create an environment in which these services can carry on without Federal dollars.

ANNUAL DISBURSEMENT OF FUNDS TO PUBLIC BROADCASTING

Unnecessary Federal spending does not conform to the mandate given to the Congress by the President. In this time of increasing inflation, the Federal Government can ill afford the U.S. Treasury borrowing at high interest rates so that CPB can receive annual Government funds which then accrue interest.

It is clear that for the next few years, this country will need to substantially reduce Federal spending. To ask the Government to borrow at high interest rates in order for public broadcasting to be subsidized above its appropriation level is contrary to President Reagan's efforts to reduce Federal spending.

To assert more control over Federal spending, we urge a return to the 1978 act's quarterly disbursement method. With the critical need to manage Federal funds more efficiently, we believe that a quarterly system is the most effective way to see this is accomplished.

FORTY-FIVE-DAY TIME LIMIT FOR THE PRESIDENT TO APPOINT CPB BOARD MEMBERS

The administration recognizes that public broadcasting is entering one of the most critical stages of its development. Because the economy must be pulled into line, some areas previously funded must be reevaluated and given national priorities. Although Federal dollars for public telecommunications is one of the targeted areas for reduction, the administration is still concerned that public telecommunications entities deliver quality services. Consequently, the administration is opposed to placing a time limit on the President's ability to appoint members to the CPB board.

In any event, were a time limit to be imposed, 45 days is insufficient to conduct extensive background checks and interview candidates. Additionally, it does not allow sufficient time to expand the search if necessary.

While filling CPB vacancies quickly may satisfy the CPB board, it may not always be in the best interest of public broadcasting's best service to the country. We believe Presidential consent has always been important, and will be even more important in the years ahead.

We endorse several amendments which we feel will greatly improve this legislation.

However, at a time when all Federal programs are undergoing intense scrutiny and budget cutbacks, we feel the funds authorized in this bill are excessive and are beyond the level of Federal support needed to insure the continuation and growth of public broadcasting. We support the following amendments which would bring funding authorized by the bill within President Reagan's budget.

The Collins of Texas amendment to reduce authorizations for the Corporation for Public Broadcasting (CPB) from the levels in the bill—$160 million for fiscal year 1984, $145 million for fiscal year 1985, and $130 million for fiscal year 1986—to $110 million for fiscal year 1984, $100 million for fiscal year 1985, and $100 million for fiscal year 1986.

It should be emphasized that this reduced level of Federal funding would not take effect until fiscal year 1984, which would give public broadcasting stations time to plan for it. In addition, the bill provides for allocation of a higher percentage of CPB funds directly to the stations, and it allows stations to engage in several types of activities designed to bring in revenues from private sources. Public broadcasting stations will thus have 2 years to use this new authority to adjust to reduced Federal funding.

The Collins of Texas amendment to terminate the public telecommunications facilities program of the National Telecommunications and Information Administration, authorized in the bill at $25 million for fiscal year 1982, $20 million for fiscal year 1983, and $15 million for fiscal year 1984. The facilities program provides matching grants to establish and expand public broadcasting stations. We feel that this program has essentially fulfilled its purpose. Public broadcasting reaches approximately 90 percent of the American public, and spectrum limitations and geographic distribution of the population make expansion of service difficult.

The Bliley amendment to retain quarterly disbursement of funds to CPB, rather than change to annual disbursement. In order to provide CPB with its full appropriation at the beginning of the fiscal year, as this bill would require, the Government would be forced to borrow at prevailing high interest rates. CPB could invest this money and earn interest on it from the beginning of the fiscal year until it is distributed to stations. This is nothing more than a backdoor way to increase CPB's budget outside of the authorization and appropriation process. We favor the retention of the present system of quarterly disbursement.

These amendments are supported by the Reagan administration and will restore this legislation to the administration's budget plan. We urge your support for them on the House floor.

As the Congress recognizes and prepares for dramatic advances in communications technology, a greater diversity of news, entertainment, and other information is becoming available. Therefore, the market failure premise on which Federal support for public broadcasting is based is no longer valid. Because Federal spending is literally out of control, the public broadcasting reductions proposed by the administration are even more necessary.

Broadcasting is changing. In a few years, cable will be a dominant factor in home reception. Public broadcasting has an opportunity now to make the transition toward independence.

Mr. WIRTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not want to get, at this point, into debate on the various amendments. I just wanted to point out for the record, as the gentleman from Iowa (Mr. TAUKE) has pointed out, that the authorization bill in front of us cuts the Corporation for Public Broadcasting's authorization by 40 percent. The administration would like to cut it by 100 percent. And I just think that that is not appropriate for the some 50 million viewers across the country, which are increasing every year, to cut a program as valuable and as increasing in interest as public broadcasting, to cut it by 100 percent.

I cannot find very many programs in the budget that are cut by even 40 percent, as we have already done in this. I think the Corporation for Public Broadcasting has taken its fair share.

I was also interested in the comments of the gentleman from Texas about borrowing money for the purpose of paying it out with respect to the annual disbursement of CPB funds. I did not know that we were here to debate the Reagan tax cut package which, I understand, does exactly this—by borrowing some $50 billion; by going into the capital markets—that is, borrowing money for the purpose of paying out a tax cut. But that is not what we are here to debate.

Mr. Chairman, I yield 5 minutes to our esteemed colleague from the State of Washington (Mr. SWIFT) who has been so very helpful in putting the bill together.

Mr. SWIFT. I thank the gentleman from Colorado for yielding.

It seems to me that one of the things that has been happening a great deal in the committees and on the floor of this House, Mr. Chairman, when we talk about spending cuts, is to obscure the fact that we are really debating how much to cut, not whether or not to cut.

I think it is important to point out on the record clearly that the bill before us cuts spending enormously.

The amount authorized for the year 1984 is less than that appropriated for this year. The trend clearly has been in the past, in the funding of public broadcasting, on the rise. Each year, with inflation and other needs, it has increased. This decreases it sharply so that in 1984, the first year that we would be authorizing under this bill, it would drop below 1981 appropriations. The authorization would be below 1981 appropriations.

And then what is the trend after 1984? Well, we go from $160 million; to 1985, $145 million; to 1986, to $130 million. The trend is clearly down.

We are arguing here not whether or not we must reduce spending; we are arguing here how much you can reduce it and have public broadcasting survive.

One of the points that has been made here is that 90 percent of the people have public broadcasting available to them. And the suggestion was made that it may be some outpost in Alaska that is being overlooked and should we really spend any money for it.

The committee took testimony from McCarthey Coyle, from a group interested in public broadcasting, that pointed out to us that the State of Montana, the entire State of Montana, has no public broadcasting service at all. Not just a little outpost hidden away behind a large mountain in the State of Alaska.

In addition to which, the facilities program which would help the State of Montana is not only used to create additional stations; in fact, it is used to enable the stations that are in existence to serve better.

An example: In Tacoma, Wash., an educational station there had its tower blown down in a terrible wind. It is now on the air with a jerry-rigged tower. It has no money to rebuild the tower. It is covering a tiny fraction of its service area. And without sufficient facilities funding, it is not likely to ever be able to return to covering its full service area for which it is licensed. In other words, the money that we are spending in that particular service area is not even being spent efficiently, or it is possible that it could not be spent efficiently, because of cuts too great in the area of facilities funding.

The bottom line, Mr. Chairman, that I am trying to make here is that the bill, as reported out of the committee, cuts severely into the authorization of funding for public broadcasting. We believe that it is a responsible cut; we believe that public broadcasting must share in the overall cuts that are going on across the board in this Congress and across all Government programs. We concur with that and have responded by coming up with an authorization for 1984 that is less than the appropriation for 1981, and an authorization which goes down each year of the 3 years authorized rather than the traditional up.

But we also believe that the funding at this very substantially reduced level is funding that will permit public broadcasting to survive and to continue to serve well the people in this country.

Mr. WIRTH. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, it looks as if it is no more than coincidental that I should follow my distinguished fellow Texan from Big D, or Richardson, Tex., and yet I had no idea because I had not realized that he was active on this committee level. And I noticed that the chairman was quite puzzled about my distinguished Texan's introduction of the matter of the President's tax package into this discussion.

I think there ought to be two things that, as a Texan, I ought to point out here, one, that our distinguished colleague from Dallas is running pretty hard for the U.S. Senate at this time, and so we have to understand these things. These are parochial things, but they bring a little enlightenment as to the reasons, perhaps.

The other thing is our philosophies. I come from San Antonio, which in Dallas is considered across the tracks from Big D, so to speak, and I am delighted, though, because my concern that I have expressed for at least 10 or 12 years on public broadcasting, I know now where to go, and it was enlightening to hear his remarks.

But I must point out to the distinguished chairman of the subcommittee that my distinguished colleague from Texas and I differ philosophically, and his philosophy is well established in Texas and respected, and all. But he is like Dorothy Parker's "Little Hen."

Higgledy-piggledy, my little white hen,
She lays eggs only for gentlemen;
I can't persuade her with pistol or lariat
To come across for the Proletariat.

The public broadcasting bill we have before us makes the best out of a very bad situation. I can only support this bill because there is no better alternative.

In every nation of the world, there is a clear commitment to public broadcasting. The present administration, however, wants to end that commitment for our citizens. It wants to turn public broadcasting into a kind of high-toned commercial network, through the universal device of its budget cuts. Public broadcasting merits a better fate than this; it is a venture that is only now coming into its own, only now beginning to realize its potential. It is no threat to the commercial networks; it is purely and simply a public service that cannot be rendered in any commercially feasible way. It is the one and only remaining true public trustee of the airways that belong to the public. This bill offers us at least the hope of maintaining public broadcasting as the true public service operation that it is, and I support it for that reason.

The assumption is that every community in the country of any significant size has a reasonably good public broadcasting service. That is not true. San Antonio is a good example of a major city that lacks adequate public service broadcast facilities.

The station serving San Antonio is KLRN, and it began as an adjunct to the educational station in Austin. The trouble with KLRN is that its signal is too weak to serve San Antonio. It cannot attract public support to improve itself because it cannot reach the people it serves. The only way the station can build the support it needs is to provide better service, and that will take new facilities. The administration, however, has frozen grants for new facilities. Unless action is taken, San Antonio will remain without adequate service.

The public broadcasting station in San Antonio uses a transmitter facility at Canyon Lake, some miles northeast of the city. Only 10 percent of the people in the station service area are able to get a class A picture. Maybe 30 percent get a class B picture. In short, more than half the people in the KLRN service get no service at all.

The only way to improve this would be to build new transmitter facilities in a central location. This would cost $1.5 million, and KLRN is seeking a 50-percent grant to build the needed facility. But the application has been frozen since February.

The administration is telling us that we have to do with 40 percent less money for public broadcast facilities. San Antonio is one clear case that tells us the need is far from met. There is no way to overcome the service gaps that exist within the kind of money the administration is willing to spend on public broadcasting. And the money required is not great—less than the cost of a modern fighter airplane or two, to provide adequate facilities support for the whole country.

The committee rightly recognizes that there is a need to insulate public broadcasting from special interest influences—political, commercial, or any other kind. Past administrations have tried to exercise control over what is broadcast, and that was fair warning: Congress cannot be too careful in its efforts to be sure that public broadcasting operates free of political pressure, the kind of pressure that too easily comes with the quick and brutal revisions of budget and financial policy sought by the present administration.

I realize and recognize that with budget cuts there must be efforts to find new ways of financing public television. Yet San Antonio's case makes clear that this financing cannot be found unless service is better, and service cannot be improved unless the administration is willing to let funds already appropriated for that purpose be used, and additional money is spent to complete the public broadcast system to some reasonable degree of quality. As for financing continued operations, I urge the Committee to stick to its course of not being bullied into any plan that would make public broadcasting a pale imitation of commercial broadcasting, nor any plan that would open public broadcasting to censorship or political pressure from any source, nor any plan that would lead to the demise of the independence that makes American public broadcasting the artistic and journalistic prize that it is. Where we have a good thing going, we should keep up our commitment to it, and public broadcasting is one of those good things.

Mr. WIRTH. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. I thank my distinguished colleague and friend, the gentleman from Colorado (Mr. WIRTH), the able and distinguished chairman of the subcommittee, for yielding to me. I wish to commend him for an outstanding job well done on this piece of legislation.

Mr. Chairman, I rise in support of H.R. 3238, the Public Broadcasting Amendments Act of 1981. This bill reauthorizes the Corporation for Public Broadcasting for fiscal years 1984, 1985, and 1986 at $160 million, $145 million, and $130 million, respectively. These figures represent substantial reductions from current funding levels—by 1986 real dollar funding for public broadcasting will be less than 50 percent of the present funding level.

Thus, this bill provides that public broadcasting will more than share in the general budget reductions for federally funded programs. There will be amendments offered to cut funding for public broadcasting even more deeply, and I urge the Members to reject those amendments, for they would insure the demise of public broadcasting as a high quality source of diverse and alternative programing. The committee bill provides the minimum level of funding necessary to avert that catastrophe.

The committee bill also contains important provisions that would permit public broadcasting stations to engage in revenue-raising activities to supplement reduced Federal funding. These activities could be undertaken if they would not interfere with the provision of public broadcasting or interfere with program content or quality. The bill permits the stations to offer services, facilities, and products on such basis. Moreover, a carefully drawn amendment will be offered to permit product and institutional advertising on a limited, experimental basis to ascertain its revenue potential and to determine whether such advertising can be undertaken without adversely affecting the fundamental mission of public broadcasting to provide a high quality and diverse source of alternative programing.

The bill also establishes for 1 year a temporary Commission on Alternative Financing for Public Telecommunications to identify and monitor revenue-generating activities designed to keep public broadcasting on a rising curve in terms of both quality and diversity of programing and availability to increasing numbers of citizens. The temporary Commission would have balanced membership, including station input, to insure representation of the full spectrum of views on issues vital to the future of public broadcasting.

Mr. Chairman, the committee bill assures that, in spite of deep funding cuts, public broadcasting will not be consigned to second-rate status, but instead will have the opportunity for continued growth and improvement in quality. I want to compliment Mr. WIRTH, the chairman of the Telecommunications Subcommittee of the Committee on Energy and Commerce, for the outstanding job he has done in balancing difficult and competing concerns to preserve the integrity of public broadcasting with reduced dependence on Federal funding.

Mr. Chairman, I urge support of the committee bill.

Mr. WIRTH. I thank my chairman for his remarks. Mr. Chairman, I yield 7 minutes to the gentleman from New York (Mr. PEYSER).

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Mr. PEYSER. Thank you, Mr. Chairman, I appreciate having this time.

I listened with great interest to the first speaker, the gentleman from Texas (Mr. COLLINS), on the floor. I also listened with great interest to the second speaker, the gentleman from Texas (Mr. GONZALEZ). It just proves that Texas is a very big State and has a very great variety of interest represented.

However, I am really concerned over the discussions I have heard on public broadcasting because in the report itself, actually in the minority views of the report, it speaks of the fact that public broadcasting and public television are serving a tremendous amount of the public. That is exactly what it says in here and this is the minority report that is signed by the gentleman from Texas (Mr. COLLINS).

I agree with that. The inference that I was getting from the gentleman's (Mr. COLLINS) talk was that really public broadcasting did not reach a great many people and it was sort of a way of keeping some people working and spending a lot of the taxpayers' money and not doing a great deal.

But the facts are that public broadcasting is one of the major communications, telecommunication methods we have in this country of the public being able to view programs that are not necessarily tied into advertisers or tied into the commercial field.

I think it is important in our country that we do have a viable public broadcasting system, both in television and in radio. It gets, as my friend said, to a matter of priorities. I am wondering, when we talk about priorities and how the taxpayers' money is spent, how the vote, particularly on the Republican side of the House, may go when we in a few weeks' time are going to raise the question of the elimination of programs such as the sugar program, and the peanut subsidy programs that has also enjoyed considerable support on the Republican side of the House. Yet, these are programs that run into billions of dollars of the taxpayers' money. The question is whether we ought to be spending that kind of money to serve a handful of people who operate the peanut farms under allocated programs.

You know, in this country today it is pretty amazing, but unless you have a special governmental allocation you cannot even grow peanuts. It is against the law. Now, that does not make sense to me that we should be spending money on these kinds of programs, far more money, incidentally, than we are talking about in public broadcasting or public television.

It is also interesting for me to note that one of the great expenditures in this country today, probably when we get down to it, second only to defense, is the amount of money we spend on medical programs and hospital costs. Yet, a year ago on the floor of this House we had the opportunity of passing a cost containment bill for hospitals to hold down hospital costs. I am sure everybody is fully aware of the implications of hospital costs. Yet, when that came to a vote on which we should have hospital cost containment, much of the Republican side voted against it, including my good friend, the gentleman from Texas (Mr. COLLINS).

Now, here was a chance of really saving a lot of taxpayers' dollars, and yet they voted against it.

I think what we have to begin to recognize the things that are important to people of this country today. Certainly, one of the things vitally important to them are things like inflation, things like the high interest rate, and many programs like education. I put public broadcasting as part of that.

One of the things in the report from the minority suggests that we shift into dignified advertising on public broadcasting. I am not quite sure what dignified advertising is.

But if what we are really suggesting is that we turn public broadcasting over to another form of commercial advertising in competition with private industry, that would seem to be counterproductive to what the Reagan administration would certainly want to support and most Representatives in this House would want to support.

So I suggest that saying that they can make their money up through advertising, dignified or otherwise, is really very misrepresentative of what is being presented and should not be considered.

So, Mr. Chairman, in closing I would like to say that public broadcasting serves a major function in this country. It is of the utmost importance. We truly should be thinking of increasing funds for public broadcasting for the public good and not decreasing it. It is my hope that when the vote comes on the amendment of the gentleman from Texas (Mr. COLLINS), that it will be soundly defeated and the bill itself will be passed.

I yield back the balance of my time.

The CHAIRMAN. The Chair announces that the gentleman from Colorado (Mr. WIRTH) has 3 minutes remaining, and the gentleman from Texas (Mr. COLLINS) has 9 minutes remaining.

Mr. COLLINS of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have enjoyed hearing my two friends with their statements. One of the real privileges in the House is to hear the distinguished gentleman from San Antonio (Mr. GONZALEZ). He is a legend in Texas. Some of his remarks were interesting. He said the gentleman from Texas, referring to me, was interested in the bill because he had other political aspirations.

I would like to remind the gentleman that if ever there is an unfavorable and unpleasant position to take, it is to take the position on which I now stand. I have not heard one soul speak on behalf of my position, not one letter or phone call. But the people interested in public broadcasting, every one of them knows about my position. In politics, you like to get where the noise is. I heard the distinguished gentleman from New York (Mr. PEYSER), who is a great friend. He was talking about priorities and how we need this. I was reminded of the mayor of New York City, Mayor Koch, who served with us for many years here. Now that he has moved up to the city of New York as mayor, he is much, much more objective. What the mayor says now, he says he cannot understand how we spend money down here. He says it does not make sense, there is no logic to it. I have not heard him on public broadcasting, but if I asked the mayor of New York City what was the most important thing in New York City, was it the sewer, the garbage, or public broadcasting, he will tell you that the most significant problem is what to do about the sewer system and mass transit. Public broadcasting would be so far down on the list you would not get to it until you get to page 38 on his list.

Today, the problems this Nation faces require that we set priorities.

My good friend from Washington, who is one of the finest Members with whom I have ever served, hardworking, very objective, very diligent, referred to my statement where I said that on some of the mountains in Alaska the Eskimos cannot hear public broadcasting. Then he came back with the illustration of Montana and said that it does not have public broadcasting. When the gentleman said that, I started jotting down what the people of Montana are concerned with. I just listed 10 subjects, but I will tell you, if you stood in Billings, Mont., today and said list for me the things you consider important, you would stand there a long time before they would tell you, we want public broadcasting in Montana. I will tell you what they would do. They would tell you the same thing they do on Main Street in Dallas, Tex. They would say what we want is to end inflation, stop spending in Washington. The second thing they would probably tell you is that taxes are too high. Because that guy on Main Street knows 43 cents out of every dollar today is going to taxes. He will tell you that he is worried about national defense, and he will say that should be a priority. You talk to the lady and she will tell you education of her children is a top priority and she is concerned about that. One that really concerns me is social security. The reason social security is in trouble is because we have inflation and because we are not building those reserves. We need to concentrate on social security. We also need to work on highways for a developing State like Montana.

Up in Montana they also talk about national parks.

I just started down the line. What I am saying is this: In the Congress we have priorities; I do not know how it is in your hometown, but when we get ready to cut that budget, let us just cut back where we can afford to cut. In 1978, the funds that we gave public broadcasting were $107 million. It was only a couple of years ago when we gave them $107 million, and they lived with it. What we are saying is, let us cut back to $110 million, which is more than they were getting in 1978. When I said that, my staff said, well, remember inflation, it takes more. I said, what caused inflation? What caused inflation is Government spending, so if we will just simply bring down all this spending, $110 million will be what $110 million used to be. We must face up to it and the place to start is with the public broadcasting bill.

Mr. Chairman, I reserve the balance of my time.

● Mr. WAXMAN. Mr. Chairman, I am pleased to be a cosponsor of H.R. 3238, and want to express my appreciation to the chairman of the subcommittee, TIM WIRTH, for his outstanding leadership on this bill.

I know personally of the deep commitment he has to public broadcasting. I have thoroughly enjoyed working with him on this legislation, and look forward to supporting his efforts in the years ahead.

Public broadcasting faces a serious crisis. It has been precipitated by the drastic budget reductions proposed by the Reagan administration.

These cuts threaten the very ability of public broadcasting to survive. They will result in substantially less support for public television and radio stations across the country—and may ultimately drive some off the air altogether. They will severely impair the ability of the Corporation for Public Broadcasting to develop new and exciting programing—to the detriment of audiences across the country who are seeking alternatives to commercial broadcasting.

It has therefore fallen to our subcommittee to draft a bill that will help public broadcasting effectively face the Reagan administration's budget cuts. Accordingly, we believed it important, first, to provide greater budget authority for CPB than the administration requested and, second, to take firm steps to protect CPB's two highest concerns—support for the stations and for national programing.

At the same time, we have maintained access by independent producers to public broadcasting, and reiterated the reform adopted in 1978 relating to public broadcasting's accountability: The requirements for open books and records, the establishment of community advisory boards, and so forth.

In my judgment, however, there are not sufficient funds available—even under the amendment I will offer tomorrow to cap CPB's authorizations at $160 million—for public broadcasting to meet the needs Congress recognized in 1967.

The funding levels in this bill simply will not insure the completion of the facilities program—essential if all Americans are to be able to receive public television and radio signals.

The funding levels in this bill simply will not permit CPB's program fund to expand in the years ahead—even though it is needed more than ever before. The program fund was established, at our urging, to encourage the development of programs that would not be undertaken by anyone else. The existence of an unrestricted pool of money is essential to the success of this effort. The reductions in funds for this program will adversely affect program development.

The Reagan budget cuts have also forced a reassessment of the wholly noncommercial status of public broadcasters. If stations are to stay on the air—in spite of the unwillingness of the administration to provide an adequate Federal commitment to public broadcasting—we have no other choice but to open new opportunities to generate outside revenue. Accordingly, H.R. 3238 enables the stations to lease out their facilities for commercial use. It also permits the broadcast of a program underwriter's logo. And a comprehensive study of the advertising issue, including a limited experiment with several television and radio stations, will be completed within 2 years.

Commercial activities in public broadcasting, however, are a two-edged sword. Additional revenue will certainly be generated—but at what cost to public broadcasting's independence and integrity? Will the search for dollars compromise its creative genius? Will there be strings attached to the money that is given to public broadcasting so that the most courageous and needed programs are not funded for fear of controversy—or simply fear itself?

These are the questions that public broadcasting executives must face. The values involved are all too fragile and all too vulnerable to commercial pressures. It will take enormous vigilance throughout public broadcasting for the system to retain the creative freedom it now enjoys.

I reject the contention that public broadcasting must remain pure—but poor. Nevertheless, the managers of public broadcasting must appreciate the public trust that is at stake here. We are making your job extraordinarily more difficult by not providing sufficient levels of funding. But that simply makes your responsibility all the greater. I urge you not to fail.

Mr. Chairman, I yield back the balance of my time.●

The CHAIRMAN. The gentleman from Texas has 4 minutes remaining and the gentleman from Colorado has 3 minutes remaining.

Mr. COLLINS of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WIRTH. Mr. Chairman, if the gentleman from Texas (Mr. COLLINS) has no further requests for time, I have no further requests for time and I would yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SWIFT) having assumed the chair, Mr. SKELTON, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 3238) to amend the Communications Act of 1934, to extend certain authorizations of appropriations contained in such act relating to public broadcasting, and for other purposes, had come to no resolution thereon.

Mr. PANETTA. Mr. Speaker, I am inserting in the RECORD today a "Dear Colleague" sent by the gentleman from Ohio (Mr. REGULA), the ranking Republican on the Budget Committee's Reconciliation Task Force, and myself, summarizing the work of the committees under the reconciliation process.

In total, the committees have reported reductions in almost 250 programs. Also, 85 percent of the programs targeted for cuts by the President and the Latta-Gramm resolution have been reduced.

I would urge Members to consider the work of the committees and what they are reporting to the House in making any judgments with regard to what I assume will be a proposal to cut spending further. The letter follows.

DEAR COLLEAGUE: The June 12 deadline for submission of legislation reducing spending was formally met by fourteen House committees, and the fifteenth committee has submitted majority and minority packages, both of which meet that committee's reconciliation target. The Congressional Budget Office has calculated the savings that would be achieved by the legislation submitted and in almost every case the committees met or surpassed the reconciliation instructions set in the first budget resolution. Also, the total savings figure of $35.1 billion in outlays for fiscal year 1982 has been surpassed by $2.4 billion.

The total reductions directed for all committees and the reductions submitted are as follows:

[In millions of dollars—fiscal years]

	Instructions to committees			Committee submission		
	1982	1983	1984	1982	1983	1984
Budget authority	50,694	57,599	66,016	54,705	61,412	67,986
Outlays	35,116	46,312	55,572	37,489	46,551	55,587

Attached is a summary of the reduction achieved by each committee package and a description of what programs were reduced.

Sincerely,

LEON E. PANETTA,
Chairman, Reconciliation Task Force.

RALPH REGULA,
Ranking Republican,
Reconciliation Task Force.

SUMMARY

AGRICULTURE

[In millions of dollars—fiscal years]

	Instructions to committee			Committee submission		
	1982	1983	1984	1982	1983	1984
Budget authority	2,208	3,006	3,671	2,247	2,917	3,907
Outlays	2,521	2,842	3,525	2,596	3,552	4,382

The reconciliation submission of the Committee was approved in a formal mark-up on June 9.

The package includes cuts in the dairy price support program, the food stamp program, CCC administrative expenses, rural water and waste grants, the P.L. 480 program, USDA salaries and expenses, USDA conservation programs and the Farmers Home Administration's Rural Development and Agricultural Credit Insurance Funds. The Committee also approved the elimination of the first year interest subsidy for the grain reserve and user fees for inspection of grain, tobacco and cotton.

ARMED SERVICES

	1982	1983	1984	1982	1983	1984
Budget authority	966	899	511	966	897	513
Outlays	966	899	511	966	897	513

The reconciliation submission of the Committee was approved in an executive session on June 10.

The package achieves savings through a once-a-year COLA for military retirees (subject to similar benefits being enacted for civilian retirees), stockpile sales and open enrollment in the military survivor benefit plan.

BANKING, FINANCE, AND URBAN AFFAIRS

	1982	1983	1984	1982	1983	1984
Budget authority	13,177	15,572	17,827	13,207	17,476	19,490
Outlays	640	1,398	2,369	760	1,870	4,264

The reconciliation submission of the Committee was approved in a full committee markup on June 9.

The package includes reductions in subsidized housing, Export-Import Bank, CDBG, UDAG, rural housing loans, National Consumer Cooperative Bank, HUD grants (neighborhood self-help development assistance grants, Section 701 planning assistance grants), Solar Energy Conservation Bank, Section 202 Housing for the Elderly and Handicapped, FmHA housing grant programs, FEMA flood studies and reductions in salaries and expenses for eight agencies and bureaus. HUD Section 312 Rehabilitation loans and the Congregate Services program are terminated in the committee package, and contributions to the Inter-American and Asian Development Banks are reduced.

DISTRICT OF COLUMBIA

	1982	1983	1984	1982	1983	1984
Budget authority	39	56	72	39	56	72
Outlays	40	64	69	40	64	79

On June 10 the Committee approved language placing a $155 million per year ceiling on capital loans to the District of Columbia.

EDUCATION AND LABOR

	1982	1983	1984	1982	1983	1984
Budget authority	12,099	14,907	18,341	12,321	15,323	19,095
Outlays	10,084	13,522	17,020	9,768	13,632	16,848

The full Committee marked-up its reconciliation legislation on June 9 and June 10.

The package includes reductions in the following programs: Special milk; summer feeding; school lunch; juvenile justice; vocational education; other education programs; student assistance; guaranteed student loans; impact aid; CETA PSE; CETA training; the National Endowments for the Arts and Humanities; Youth Conservation Corps; Vocational Rehabilitation; runaway youth; child abuse; Indian Education; Headstart; Institute for Museum Services; Work Incentive (WIN); Community Services Employment for Older Americans; elderly nutrition; ACTION; and services for Cuban-Haitian refugees. The Çommittee has also proposed a user fee which would be used to finance the Black Lung Trust Fund.

The Committee expressed its disapproval of the proposed cuts by a vote of 23-4.

ENERGY AND COMMERCE

	1982	1983	1984	1982	1983	1984
Budget authority	5,385	5,980	6,285	7,336	7,026	5,919
Outlays	5,184	6,315	7,036	6,274	7,554	6,580

Although the Committee met and adjourned without formally reaching a decision on a reconciliation package, separate majority and minority packages have been submitted to the Budget Committee and both meet the reconciliation targets set in the first budget resolution. The numbers above reflect the majority package.

FOREIGN AFFAIRS

	1982	1983	1984	1982	1983	1984
Budget authority	250	275	300	250	275	318
Outlays	130	200	300	172	247	300

The reconciliation submission of the Committee was approved in a full Committee meeting on June 9.

The package includes reductions for American Schools and Hospitals Abroad, International Organizations and Programs, international narcotics control, international disaster assistance, Inter-American Foundation, Peace Corps, assessed contributions to international organizations, the Board for International Broadcasting, the International Communications Agency, Arms Control and Disarmament Agency and the P.L. 480 Food For Peace Program.

INTERIOR AND INSULAR AFFAIRS

	1982	1983	1984	1982	1983	1984
Budget authority	755	736	714	1,095	690	993
Outlays	309	504	594	818	771	922

The reconciliation submission was approved by the Committee in a formal session on June 11.

The package includes reductions for the Department of the Interior, the Indian Health Service, Water Resources Council and uranium supply activities under the Department of Energy. Also included are significantly increased user fees for uranium enrichment and filing and leasing fees for noncompetitive oil and gas lands.

MERCHANT MARINE AND FISHERIES

	1982	1983	1984	1982	1983	1984
Budget authority	339	439	562	242	317	341
Outlays	207	411	551	105	287	328

The reconciliation submission was approved by the Committee on June 10.

The package includes a repeal of the merchant seaman entitlement for health care and the deauthorization of the MARAD Construction Differential Subsidy 1982 program, and reduction of the 1983 and 1984 program. Program oilspill liability legislation and an ocean dumping user fee are also included.

POST OFFICE AND CIVIL SERVICE

	1982	1983	1984	1982	1983	1984
Budget authority	4,737	6,304	7,390	5,246	6,463	7,203
Outlays	5,163	6,324	7,371	5,309	6,629	7,418

The Committee voted on June 9 to report its reconciliation package with a recommendation that it not be approved.

The package includes a provision to cap Federal pay in fiscal years 1982-1984, a provision to reduce the civil service pay of retired military personnel, the elimination of dual pay for civil servants who are on leave for active duty in the National Guard or Reserves and a provision directing the Postmaster-General to develop a plan to achieve $100 million in savings.

PUBLIC WORKS AND TRANSPORTATION

	1982	1983	1984	1982	1983	1984
Budget authority	6,346	5,122	6,241	6,374	4,929	6,036
Outlays	1,218	3,565	5,720	1,647	3,550	5,691

The Committee did not have a formal mark-up, but has submitted a package that reduces obligations for federal highway programs, cuts highway safety grants, urban mass transit construction grants, the Economic Development Administration, Regional Commissions EPA sewage and wastewater grants, EPA research and development, Corps of Engineers-related projects, a TVA energy project, Airport Development and Planning Grants and the Civil Aeronautics Board. The package also includes an oil-spill liability user fee.

SCIENCE AND TECHNOLOGY

	1982	1983	1984	1982	1983	1984
Budget authority	78	90	102	1,581	1,741	1,852
Outlays	39	59	83	751	1,437	1,740

The Committee approved its reconciliation package in a formal session on June 11.

The package includes reductions in the Department of Energy, EPA research and development, and FAA research engineering.

SMALL BUSINESS

	1982	1983	1984	1982	1983	1984
Budget authority	526	564	554	526	564	554
Outlays	390	541	533	390	541	533

The Committee approved reconciliation legislation in a formal markup session on June 9.

The package includes cuts in SBA business loans and disaster loans.

VETERANS AFFAIRS

	1982	1983	1984	1982	1983	1984
Budget authority	110	108	106	110	108	106
Outlays	110	108	106	116	113	110

The Committee transmitted on June 11 a report reflecting savings recommendations agreed to at a March 26 meeting.

The package provides for the termination of VA flight and correspondence benefits and VA class II dental benefits. Also included is legislation limiting non-service-connected burial benefits to those veterans whose income (and spouse's) did not exceed $20,000 in the year prior to the veteran's death.

WAYS AND MEANS

	1982	1983	1984	1982	1983	1984
Budget authority	4,677	4,954	5,158	4,268	4,097	3,443
Outlays	9,241	10,559	11,248	9,240	7,431	8,440

A Committee bill containing spending reduction legislation was reported on June 10.

The Committee package proposes reductions in Social Security, Trade Adjustment Assistance, Unemployment Compensation, Public Assistance, Child Support Enforcement, Low-income energy assistance, Supplemental Security Income, Social Services Training, and Medicare.

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RAILROAD INVESTMENT INCENTIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. EVANS) is recognized for 5 minutes.

● Mr. EVANS of Iowa. Mr. Speaker, the strength and continued vitality of our Nation's economy depends on a reliable and efficient transportation system. Our railroads are an important element of that national network, yet there are few of us here today who would deny that the problems facing

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many of our railroads are more serious than at any time in our Nation's history.

One of the most serious long-term aspects of this problem has been the decay of the physical condition of many roadbeds due to deferred maintenance and inadequate capital investment. Our railroads have repeatedly become caught in a cycle wherein revenue problems lead to maintenance reductions, which result in loss of traffic, and this is turn leads to further revenue problems. Capital investment, which could be used to offset the effects of this vicious cycle, has been discouraged by the rail industry's low rate of return on investment.

The railroad industry has demonstrated that it has the ability to overcome obstacles which threaten continued operation, and recent legislative actions have provided some relief in regulatory procedures, rate determination, and abandonment decisions. These measures are not sufficient, however, to overcome the burden of over $4 billion in deferred maintenance which our railroads are carrying as we enter this decade. Nor will they do much to help attract the $16 billion in new investment that the U.S. Department of Transportation has projected will be needed by 1985.

Mr. Speaker, the railroads of this country are not alone in their efforts to solve these problems. In my own State of Iowa there are numerous examples of efforts by the State and local governments, shipper groups, and many public and private organizations to provide support and assistance to insure adequate rail service. The same is true in many other Midwestern States and across the country. However, these efforts have not been enough to reverse this tide of railroad failures. The important element which is missing from these efforts is the private capital needed to repair and rehabilitate the neglected roadbeds over which these railroads operate.

Congress must provide the tools and incentives our railroads, our local governments, and our financial institutions need to attract the large amounts of capital needed to carry out this task.

Today I am introducing three bills which will help provide these badly needed incentives.

The first of these measures establishes a procedure for groups of investors to purchase materials such as ties and rails to be used for railroad rehabilitation projects and lease these materials to railroads. The bill further provides that such a lease arrangement qualifies for favorable tax treatment to provide incentives for railroad investments.

The second measure extends the Federal income tax exemption on industrial revenue bonds used for transportation projects to include the rehabilitation of railroad property. Bonds have and will continue to play a vital role in efforts by many of our States to provide assistance for rehabilitation efforts. This bill will provide additional support for efforts to market these bond packages.

The third measure provides that the investment credit for railroad property be refundable in cases where the railroad has operated at a loss or has been only marginally profitable and is therefore unable to take the regular investment credit deduction. This would extend the same incentives which are currently available to more profitable railroads to those lines which need them most.

Each of these measures represents an effort to redirect and focus existing tax practices on an effort to solve a problem facing one of our basic industries. Our railroads employ a large number of workers. They provide the best means of moving large quantities of bulky products on land and are highly energy efficient. In the face of huge investment needs, their earnings are not adequate to attract new capital.

Our rail beds are truly a national asset. Unfortunately one does not have to look far in any part of this country to find a rundown branch line or a main line operating at reduced speeds for safety reasons. We have an opportunity to provide additional tools to help in the effort to rebuild our Nation's railroads. Mr. Speaker, I urge you and my fellow Members of this House to consider the need for this legislation carefully, and I welcome your support.●

REAUTHORIZING THE LEGAL SERVICES CORPORATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. McKinney) is recognized for 5 minutes.

● Mr. McKINNEY. Mr. Speaker, last week, the House passed H.R. 3480, reauthorizing the Legal Services Corporation, by a vote of 245 to 137. I am proud to have been among the supporters of this legislation, and I commend my colleagues on the Judiciary Committee for their success in drafting the bill. This measure represents a balanced compromise between the need to reduce Government spending and our obligation to provide legal assistance to those persons unable to afford legal counsel. The bill also includes several appropriate restrictions on activities which may be funded through the Legal Services Corporation. With these conditions, the House has approved a measure which achieves a savings over previous authorization levels, and which allows this vital program to continue to serve truly needy individuals.

The Legal Services Corporation has traditionally enjoyed broad, bipartisan support. Regardless of political affiliation or philosophy, it is generally agreed that citizens of this Nation should have the ability to protect their rights through legal representation. Last year, the Legal Services Corporation handled 1.5 million cases involving low-income people who could not otherwise exercise their right to equal justice under the law. Further, most of the Corporation's cases are related to basic needs: 30.3 percent are cases involving domestic relations, such as divorce, child custody, support payments, and spouse abuse; 17.6 percent are housing-related, such as landlord/tenant conflicts; 17.2 percent revolve around income maintenance programs such as food stamps and social security; and 13.7 percent are related to consumer finance difficulties, such as loans, contracts, and bankruptcy. Less than 1 percent of cases are class action suits, and H.R. 3480 included a provision restricting the filing of such suits against State, local or Federal governments until the National Board of Directors adopts new guidelines for such suits. I believe that with this assurance that the Legal Services Corporation's main function will be to serve needy individuals, this bill deserved our support.

While the Judiciary Committee has been cognizant of the problems which confront the Corporation and its grantees, it was forced to balance their needs against the serious fiscal crisis which faces the Nation and the need to reduce overall Government spending. The 1982 authorization figure of $260 million represents a 25-percent cut over the Carter-proposed budget, and will result in a reduction in Legal Services Corporation services. However, the Corporation's excellent record of cost effectiveness merits its reauthorization as a separate entity. Less than 3 percent of the Legal Services Corporation's budget, is spent on administrative expenses, and the average salary for Legal Services Corporation lawyers is far below that of those in the public or private sector. About 85 percent of all cases are resolved out of court, and of the 15 percent which actually result in litigation, Legal Services Corporation attorneys and their clients win 80 to 85 percent. This high quality of service to low-income people cannot be abandoned.

The ability of our citizens to have access to the courts, regardless of income, is fundamental to our national commitment to the principle of equal justice under the law. We must not be satisfied with the perception of equal justice—we must demonstrate our firm commitment to its permanent realization by supporting an independent Legal Services Corporation. I commend my colleagues who reaffirmed their commitment to the ideal of adequate legal representation for all by voting for H.R. 3480.●

KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes and to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ. Mr. Speaker, I rise to resume my concern expressed over the last 2½ years with respect to the apparent unbroken control and domination of our society by what I call "king crime." The reign of king crime proceeds undiminished in our country, and specifically the atrocious cases of the attempted murder—or assassination—of the assistant district attorney for the western district, at that time, James Kerr; and the murder—or assassination—of the district judge for the western district, John W. Wood, on the last day in May 2 years ago; both crimes are unresolved.

The reason I first raised my voice in the attempted assassination of James Kerr was that, again locally, I had expressed concern over the course of years about the intrusion willy-nilly and undiminished by any ability of the law inforcement agencies on any level to successfully attack, much less reduce or control, the incidence of sophisticated crime that had finally led to, in my book, the first assault on one of the branches of our Government, the judiciary. So that, when the attempted murder of James Kerr was reported by the newspapers in November of 1978, which will be 3 years this coming November, it did no more than emphasize what I had predicted over the course of months.

But, it was not only demoralizing and shocking, that subsequent to that attempt at predicting and follow-through, the murder of Judge Wood would occur exactly 6 months after the attempted murder of James Kerr. Now, in the meanwhile, and really the only voice speaking out on this in an official capacity locally, State, or national, was mine.

After the attempted murder of James Kerr, I went to the highest level, the President, and managed to meet with his chief domestic adviser, who brought in three men. One was a representative of the Drug Enforcement Agency; one of the Justice Department; and one of the counterparts on the White House staff. About the only thing that was done to follow through was my suggestion that the day was long overdue that there should at least on the Federal level be coordination. Forget about coordination between Federal, State, or local law enforcement agencies, but just coordination in the affected areas in the departments and agencies on the Federal level.

This amounted to about five, believe it or not; the Drug Enforcement Agency, the Justice Department, the FBI, the Immigration and Naturalization Service, the Border Patrol, and Customs—and believe it or not, the Department of Agriculture.

I pointed out, and only after I pointed out in specific instances where it was obvious that this lack of coordination was unpardonable, and I pointed out in specific areas where there would be cases where one agency, actually either in the air through airplane or helicopter, would be following a traffic pattern of dope pushing internationally into the United States, while the Drug Enforcement agents on the ground were oblivious to that fact, and the Justice Department in total ignorance, and the FBI not even knowing what the other law enforcement agencies were doing.

So, something did rev up as of December 1978, but not too much; and then seeing that the case was going to lapse into forgetfulness, I then took this forum in the beginning of the Congress in 1979 to speak out on the attack on Kerr, and after making a number of speeches which I felt stretched the limit of toleration, I ceased, but only after, as the record will show, I had had a conversation and a visit and for the first time met the assistant district attorney, James Kerr, in May exactly 4 days before the assassination of Judge Wood. The reason I met Mr. Kerr was that the Justice Department decided to award him some kind of a medal that the Justice Department gives to people in its service for valor or something, and he had to come to Washington. One thing he did out of his kindness and courtesy was to ask the Attorney General that I be present when he was given this medal, but I could not be there because it conflicted with a meeting of the House of Representatives, and I have always made it a point since my election that if the House is in session, I would be present and accounted for.

So, I then invited Mr. Kerr to have breakfast with me the following day, which was the Thursday preceding the May 30 date of the assassination of Judge Wood. To my surprise, I discovered for the first time, through the person of James Kerr, that he was still under surveillance, and in fact had been detached from duty and was hiding out under protection of U.S. marshals, but that the protective custody that had been extended Judge Wood had been removed for over 3 months at the insistence and request of Judge Wood, who considered it an intrusion and an intolerable situation for the daily presence of the agents in his residence and all, were objected to.

I became alarmed, and asked Mr. Kerr to please immediately communicate with Judge Wood and tell him that I felt it was critical that he reimpose and ask for a resumption of U.S. marshal custody. Well, the rest is history, because I go back to my district every weekend, and I flew back that weekend not knowing whether or not Mr. Kerr would communicate with Judge Wood.

On Tuesday morning, because Tuesday was the day following Memorial Day holiday, I was still in San Antonio, I was the first person called by the newspapers upon the notice of the shooting death of Judge Wood at about 8:15 in the morning outside of his living area. Why they called me, I guess, was because I was the only one that had been talking out and predicting these attempts. They wanted a comment, and I said, "how can I comment? I do not know any of the details other than that this is a shame, I am shocked, I am dismayed, I am depressed that a judge should have lost his life this way."

I said, "I would say this: Just from the meager facts you have given me, there is no question that this is a well thought-out and long-planned affair, and given the nature of the meager facts provided, I would say that it is inexcusable that Judge Wood should have been exposed to death."

I said, "That is gone, though," and I said, "the only thing we can do now is go back and make sure that both crimes are pursued until the perpetrators from the hit level to those who engineered and ordered it are brought out, exposed, punished, because if we do not—if we do not this will be an abject confession that American society is completely proscribed, surrendered, prostrate before the dominance, the wilfullness, and the sophisticated crime of organized crime."

I had pointed out, and I have done so repeatedly from this forum, that this crime is so sophisticated, so well organized, that it has for years penetrated the Government, the political, on the highest level; and the pattern of traffic just on the international dope traffic—and I am the only one who has spoken out on the peculiar nature of this traffic beginning a few years before the attack on James Kerr, in which I pointed out that in a matter of less than 1 year they are moving into this sector of organized crime, or the syndicate, as I call it, and that is the trade in stolen automobiles or vehicles and parts thereof, and particularly the stolen trade of these vehicles into Mexico in exchange for, in return for the flow of dope and drugs.

In fact, the business has become so sophisticated that a certain make or model of a car brings a certain equivalent amount in a given drug, whether it is cocaine or brown Mexican heroin or marihuana. A 1980 Chevrolet pickup will mean so many thousands of kilos of marihuana.

I pointed out in detail the three screens in this traffic. This traffic continues unabated. It is more than $1½ billion illegal business. It is costing America much just in terms of dollars, but when you couple that with the heinous crime of the unprecedented murder of a Federal judge, which 2 years and 1 month after its perpetration there has not even been an indictment even though there have been a lot of noises in the press. That is one good thing, let me say this. I do not mock that because I was afraid that through overlooking, or through silence, this case would follow the case of Jimmy Hoffa. Let us not forget that Jimmy Hoffa's body has not even been found, much less resolved a resolution of that case. I predict that unless again we give the highest priority and insistence on the Judge Wood case, it too will go into the dust of history and oblivion as the present status of the Jimmy Hoffa case. These cases have grevious implications to each and every one of us, because in effect, it is the death knell of our liberties, of our democratic form.

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For as in the case of political assassination, in which again I was frustrated in trying to get the Congress to accept the responsibility they are in, over 10 years of political violence on the highest level and political assassination, which has impacted our Government, which has impacted our democracy, and yet you would not think so. Even the shocking attempt on President Reagan should be a clear alarm bell in the middle of the night that we have not done our job on this level; but more important than that is the assassination of Judge Wood is the first and up to now successful attack and consequent intimidation of the third branch of our Government, the judiciary.

Let me point out that since that murder, there have been millions and millions and millions of dollars spent just to provide the continuing protective custody of the judiciary in that district and all of the agents of the judiciary, just that fact alone.

So that I had ceased from speaking because I thought, well, with the formation of a special grand jury and this special grand jury has met and it has had tremendous headlines; in fact, just week before last Newsweek had a big story, and what did it say? It said, why, we have information showing that whoever it was that murdered Judge Wood got paid $1 million for doing it.

Yet when I introduced a resolution, all it was was a sense of the House. It was not an appropriation. It was not asking that we commit the money. All it was that it would be the sense of the House that the President should let the Justice Department know that he would be willing to make up the $3 million available to the Justice Department for the purpose of obtaining information leading to the arrest and the conviction of those responsible.

You would think they would receive reports. The only time two colleagues, both of them minority Members, expressed support they were called by the Member who represents that section of town, where Judge Wood was murdered, and bawled out and compelled to withdraw support, why? I do not know to this day, for I have certainly not injected politics into this matter. If I had, I would never have spoken, for both Judge Wood and James Kerr were and are Republican.

PADEREWSKI—POLISH PIANIST AND PATRIOT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues the 40th anniversary of the passing of Ignacy Jan Paderewski, the great statesman, composer, patriot, and pianist of Polish descent.

Paderewski was born on November 18, 1860, at Kurylowka in Podolia, Russian-occupied Poland, where he began a brilliant career in music. He was playing the piano at age 3, composing at age 7, and had already graduated from the Warsaw Conservatory and was teaching music at the age of 18.

Not only was Paderewski a great statesman, but he was great patriot, and at every opportunity and at every forum at his disposal, he always delivered the inspiring message of his vision of a strong and independent Poland.

When World Was I broke out in 1914, he dedicated himself to the cause of Polish independence. Through his efforts, enormous sums of money were collected and a powerful pro-Polish movement in the United States gained impetus.

At the conclusion of World War I, Paderewski returned to Poland and succeeded in forming a coalition government of which he became Prime Minister. He withdrew from politics in 1921 and retired to California where he continued his musical career, but when Germany attacked Poland in 1939, Paderewski became President of the new Polish Parliament in exile.

Paderewski died in the United States in 1941. His body was buried at his estate in Switzerland and "his heart is temporarily interred at the Mast of the Maine Memorial at Arlington National Cemetery to be one day returned to a free and independent Poland."

I am glad to have this opportunity to call attention to the outstanding career of Paderewski both in music and politics. On this anniversary of Paderewski's death, it is appropriate that we remember and honor him, for he kept alive the vision of a free Poland through some of Poland's most turbulent years, and rededicate ourselves to those principles of freedom and self-determination which he supported so staunchly.

A brief biography of Paderewski follows:

IGNACY JAN PADEREWSKI (1860-1941)

Ignacy Jan Paderewski, Polish pianist, composer and statesman, was born on November 18, 1860, at Kurylowka in Podolia, Russian Poland. He began to play the piano at age three, and to compose at seven; he graduated into an instructorship at the Warsaw Conservatory at the age of eighteen. He also studied music in Berlin, and Vienna where he was a pupil of the great Theodor Leschetizsky.

Following debuts in Vienna (1887), Paris (1889), London (1889) and New York (1891), Paderewski quickly gained world reknown which made him the highest-paid instrumental artist in history and placed his name alongside that of Franz Liszt as one of two greatest pianists of all time. His first considerable work was the Opera Manru, played first at Dresden on May 29, 1901, and in 1902 in New York. The Minuet in G, originally one of six humoresques for piano solo, has come to rival that of Beethoven in popular favor.

Paderewski's unprecedented success as a pianist all over the world never caused him to forget his own country, and to the Poles of America he delivered the following inspiring message: "The vision of a strong and independent Poland has always been the lodestar of my existence. Its realization is still the great aim of my life."

When World War I broke out in 1914, he dedicated himself to his country's service. He was president l'honneur of a non-party group of Poles who organized a "General Committee of Assistance for the victims of the War in Poland." Paderewski established branches in Paris and London; he went to the United States, where he remained four years, giving numerous concerts and championing the cause of Poland. He collected enormous sums and created a powerful pro-Polish movement in the U.S. The value of his propagandist work was realized when, on January 22, 1917, President Wilson alluded to a "united, independent and autonomous Poland."

After the victory of the allies, Paderewski returned to Poland on December 23, 1918. He declared himself independent of all political parties and succeeded in forming a coalition ministry, of which he became prime minister. He went to Paris on April 6, 1919, as Poland's first delegate to the Peace Conference.

He abandoned his political career in 1921, and retired to his California estate and resumed his musical career. Many recordings and one motion picture (The Moonlight Sonata, 1936) have preserved samples of his unique art for posterity.

Later, he established his home in Morges, Switzerland. When Germany attacked Poland in 1939, and President Moscicki fled for Romania, Paderewski was asked to succeed him, but declined because of ill health.

In January, 1940, in France, he became president of the new Polish Parliament in Exile. In December of 1940, Paderewski came to the United States and died seven months later on June 29, 1941. His body was buried at his estate in Switzerland and his heart is temporarily interred at The Mast of The Maine Memorial at Arlington National Cemetery to be one day returned to a free and independent Poland.●

SENTENCING OF BRAILOVSKY PROTESTED AT MADRID CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FASCELL) is recognized for 5 minutes.

● Mr. FASCELL. Mr. Speaker, outlasting all expectations, the Madrid review meeting of the Conference on Security and Cooperation in Europe is still in session. The 35 delegations are attempting to reach an agreement on a concluding document that will foster progress in the military security, economic, and humanitarian fields. Since the beginning of the review meeting, the objectives of the U.S. delegation and our allies at Madrid have remained the same, our commitment to the Helsinki process has been sustained, and our resolve to achieve a substantive result, steady. Approaching their eighth month of deliberations, the U.S. delegates mark painstakingly slow progress, but have not lost sight of the fact that the meeting holds a significance beyond its utility as an international forum for negotiation; that the Helsinki Final Act has a meaning beyond its usefulness as an international negotiating instrument. All along, the U.S. delegation has felt a responsibility to use the review meeting and the Helsinki accord to make improvements in the lives of people. We have felt a special responsibility for the victims of Soviet oppression, and throughout the course of the meeting have made a point of identifying them by name in illustration of the principles for which they are made to suffer.

On November 13, 1980, precisely 2 days after the opening of the Madrid meeting, Viktor Brailovsky, a prominent Jewish activist and internationally respected cyberneticist, was arrested in Moscow. His arrest was thought by many to be a signal from the Soviet Government that it would not permit the Helsinki conference to be used to pressure the U.S.S.R. on human rights. By raising the Brailovsky and other cases time and again at the meeting, the United States and other Western countries signaled back the clear message that unless the Soviet Union adhered to its human rights commitments under Helsinki, it would continue to face harsh international criticism.

As slowly as the months of deliberation have gone for the negotiators in Madrid, they must have seemed infinitely longer to Dr. Brailovsky, who spent them in pretrial detention in Moscow's Butyrskaya investigation prison. After 7 months of waiting, the 1½-day trial began, closed to all but Mrs. Brailovsky and son Leonid. Friends, foreign diplomats from the United States, Canada, and Great Britain, foreign press, and the relatives of other imprisoned dissidents and of human rights activists, including the mother of Anatoly Shcharansky and wife Andrei Sakharov, stood vigil in the rain outside the court building.

Dr. Brailovsky was tried under article 190-1 of the RSFSR Criminal Code, "circulation of fabrications known to be false, which defame the Soviet state and social system." The evidence brought against the defendant read more like an indictment of the hypocrisy of the Soviet authorities. The charges centered on the unofficial journal "Jews in the U.S.S.R.", which Dr. Brailovsky coedited from 1973-79 and on two letters he wrote to the U.S. Congress and President Carter in 1976 seeking support for the imigration movement of Soviet Jews. Also cited were the now famous Sunday scientific seminars for ostracized refusenik scientists, which had been taking place in the Brailovsky apartment for 3 years. Inevitably, Dr. Brailovsky was found guilty and sentenced to 5 years of internal exile, reduced in actual time to be served to 3 years and 3 months of exile in consideration of his having spent 7 months in pretrial custody. The conviction is bitterly ironic and Kafkaesque, for Dr. Brailovsky did nothing more than tell the truth. As a man of integrity and of science, he simply described the Soviet reality around him accurately.

Appropriately, the Western delegations who began their work last November in Madrid protesting Dr. Brailovsky's arrest, spoke out once again to protest his trial and sentence. Last Friday, June 19 in plenary session, the United Kingdom, the United States, and the Soviet representatives engaged in a heated 40-minute exchange on human rights, which had been precipitated by the mentioning of the Brailovsky trial by the British delegate.

When the sixth anniversary of the signing of the Helsinki Final Act is observed on August 1, it is uncertain whether the Madrid meeting will still be in session. With certainty, however, Dr. Brailovsky will have reached his place of internal exile; countless other refuseniks will remain far from Israel; scores of Soviet political prisoners will be in confinement; and, Sakharov will remain banished to Gorky. But come August 1, whether across a conference table in Madrid, on the floor of Congress, in the eyes of the Western public and pages of the Western press, or in the dreams of refuseniks and in the hearts and conscience of Soviet human rights activists and political prisoners, the human rights principles embodied in the Helsinki Final Act will live on.●

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the bill, H.R. 3238, Public Broadcasting Act amendments, which was considered earlier today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DANIELSON (at the request of Mr. WRIGHT), for this week, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. ROUKEMA) to revise and extend their remarks and include extraneous material:)

Mr. EVANS of Iowa, for 5 minutes, today.

Mr. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. WIRTH) to revise and extend their remarks and include extraneous material:)

Mr. SHAMANSKY, for 15 minutes, today.

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FASCELL, for 5 minutes, today.

Mr. ECKART, for 60 minutes, on June 23.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. ROUKEMA) and to include extraneous matter:)

Mr. ARCHER.

Mr. JEFFORDS.

Mr. KEMP.

Mr. KRAMER.

Mr. CLINGER.

Mr. COLLINS of Texas in three instances.

Mr. LOTT.

Mr. DERWINSKI in three instances.

Mr. NAPIER.

Mr. EMERY.

Mr. DORNAN of California.

(The following Members (at the request of Mr. WIRTH), and to include extraneous matter:)

Mr. LEHMAN in three instances.
Mr. GARCIA.
Mrs. CHISHOLM.
Mr. STOKES.
Mr. HAMILTON in five instances.
Mr. MCHUGH.
Mrs. SCHROEDER.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. BROWN of California in 10 instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. SKELTON.
Mr. HUBBARD.
Mr. LAFALCE.
Mr. PEYSER.
Mr. WAXMAN.
Mr. LOWRY of Washington.
Mr. PEPPER.
Mr. UDALL.
Mr. BONKER.
Mr. MILLER of California.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 823. An act to provide for the payment of losses incurred as a result of the ban on the use of the chemical Tris in apparel, fabric, yarn, or fiber, and for other purposes; to the Committee on the Judiciary; and

S. Con. Res. 18. Concurrent resolution relating to the restoration of the free exercise of religion in Ukraine; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 33 minutes p.m.), the House adjourned until tomorrow, Tuesday, June 23, 1981, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1650. A letter from the Assistant Secretary of the Air Force (Research, Development and Logistics), transmitting notice of the proposed conversion to contractor performance of the school bus service function at Ellsworth Air Force Base, S. Dak., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1651. A letter from the Secretary of Education, transmitting proposed final regulations governing research in education of the handicapped, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1652. A letter from the Secretary of Transportation, transmitting a final rule requiring the retrofit of Department of Transportation specification 105 tank cars with self-couplers, pursuant to section 16(b)(2) of Public Law 96-423; to the Committee on Energy and Commerce.

1653. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the international energy program to be held on June 29 in Paris; to the Committee on Energy and Commerce.

1654. A letter from the Assistant Secretary of State for Congressional Relations, transmitting Presidential Determination No. 81-10, finding that it is important to the security interests of the United States to furnish certain assistance to El Salvador from amounts appropriated for assistance to Israel and Egypt for fiscal year 1981, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee of Foreign Affairs.

1655. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

1656. A letter from the Executive Director, Pennsylvania Avenue Development Corporation, transmitting a report on the Corporation's activities under the Freedom of Information Act during calendar year 1980, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

1657. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of proposed changes in an existing records system of the Office of the Secretary of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1658. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system for the Office of the Secretary of Defense, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1659. A letter from the Assistant Secretary of Human Development Services, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1660. A letter from the Assistant Secretary for Human Development Services, Department of Health and Human Services, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1661. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

1662. A letter from the Chief Scout Executive, Boy Scouts of America, transmitting the 1980 annual report of the organization, pursuant to section 8 of its charter; to the Committee on the Judiciary.

1663. A letter from the Administrator, U.S. Small Business Administration, transmitting the first annual report of the Presidential Advisory Committee on Small and Minority Business Ownership, pursuant to section 7(j)(3)(A) of the Small Business Act, as amended (92 Stat. 1764), and Executive Order 12190; to the Committee on Small Business.

1664. A letter from the Secretary of Energy, transmitting the third quarterly report on biomass energy and alcohol fuels, covering the period ended March 31, 1981, pursuant to section 218(a) of Public Law 96-294; jointly, to the Committees on Agriculture, Energy and Commerce, and Science and Technology.

1665. A letter from the Acting Comptroller General of the United States, transmitting a report on health systems plans (HRD-81-93, June 22, 1981); jointly, to the Committees on Government Operations and Energy and Commerce.

1666. A letter from the Chairman, U.S. Commission on Civil Rights, transmitting a report on civil rights of American Indians, pursuant to section 104(c) of Public Law 85-315; jointly, to the Committees on the Judiciary and Interior and Insular Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Filed June 19, 1981*]

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3518. A 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; with amendment (Rept. No. 97-102, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 3603. A bill to provide price and income protection for farmers, assure consumers an abundance of food and fiber at reasonable prices, continue food assistance to low-income households, and for other purposes; with amendment (Rept. No. 97-106, Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

[*Pursuant to the order of the House on June 18, 1981, the following report was filed on June 19, 1981*]

Mr. JONES of Oklahoma: Committee on the Budget. H.R. 3982. A bill to provide for reconciliation pursuant to section 301 of the First Concurrent Resolution on the budget for the fiscal year 1982 (Rept. No. 97-158). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A BILL SEQUENTIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following actions were taken by the Speaker:

[*Omitted from the Record of June 19, 1981*]

The Committee on Post Office and Civil Service discharged from consideration the bill (H.R. 1311) and was committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ATKINSON:

H.R. 3983. A bill to amend title 38 of the United States Code to provide hospital and medical services under title 38 to certain individuals who served in the Yugoslavian armed forces during World War I or World War II; to the Committee on Veterans' Affairs.

By Mr. EMERSON:

H.R. 3984. A bill to amend the Bankruptcy Act regarding farm produce storage facilities, and for other purposes; to the Committee on the Judiciary.

By Mr. EVANS of Iowa:

H.R. 3985. A bill to amend the Internal Revenue Code of 1954 to make the investment credit for railroad property refundable; to the Committee on Ways and Means.

H.R. 3986. A bill to amend the Internal Revenue Code of 1954 to provide that the interest on certain obligations issued to finance the acquisition or rehabilitation of railroad facilities shall be exempt from Federal income tax; to the Committee on Ways and Means.

H.R. 3987. A bill to amend the Internal Revenue Code of 1954 to encourage the rehabilitation of railroad track; to the Committee on Ways and Means.

By Mr. MONTGOMERY (by request):

H.R. 3988. A bill to amend title 38, United States Code, to make adjustments and improvements in the vocational rehabilitation and education programs administered by the Veterans' Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DREIER:

H.J. Res. 294. Joint resolution to clarify and reaffirm that it is the basic policy of the Government of the United States to rely on the competitive private enterprise system to provide needed goods and services; to the Committee on Government Operations.

By Mr. PEPPER (for himself, Mr. RINALDO, Mr. ANDREWS, Mr. AUCOIN, Mr. BAFALIS, Mr. BAILEY of Pennsylvania, Mr. BINGHAM, Mr. JOHN L. BURTON, Mr. COELHO, Mr. CORCORAN, Mr. CROCKETT, Mr. DE LA GARZA, Mr. DICKS, Mr. DOUGHERTY, Mr. DOWNEY, Mrs. FENWICK, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FRENZEL, Mr. FROST, Mr. GREEN, Mr. GORE, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. HERTEL, Mr. HOLLENBECK, Mrs. HOLT, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HUGHES, Mr. JOHNSTON, Mr. LANTOS, Mr. LONG of Maryland, Mr. MCCLORY, Mr. MADIGAN, Mr. MARKS, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOTTL, Mr. MURPHY, Mr. NAPIER, Mr. NEAL, Mr. OTTINGER, Mr. PASHAYAN, Mr. RAHALL, Mr. RATCHFORD, Mr. RICHMOND, Mr. ROE, Mr. ROYBAL, Mr. SANTINI, Mr. SCHEUER, Mr. SOLOMON, Mr. VENTO, Mr. WINN, Mr. WIRTH, Mr. WYDEN, and Mr. ZEFERETTI):

H.J. Res. 295. Joint resolution to authorize and request the President to designate the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week"; to the Committee on Post Office and Civil Service.

By Mr. OBERSTAR (for himself, Mr. BARNES, Mr. BEDELL, Mr. BEILENSON, Mr. BONIOR of Michigan, Mr. BONKER, Mr. D'AMOURS, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. FASCELL, Mr. FOGLIETTA, Mr. FORSYTHE, Mr. FOWLER, Mr. FRANK, Mr. FRENZEL, Mr. GREGG, Mr. HOLLENBECK, Mrs. HOLT, Mr. HORTON, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. VENTO, Mr. WEISS, Mr. WINN, Mr. OTTINGER, Mr. MINETA, Mr. KILDEE, Mr. MARKEY, and Mr. GIBBONS):

H. Con. Res. 152. Concurrent resolution expressing the sense of the Congress concerning the establishment of a North American Air Quality Commission; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

135. By the SPEAKER: Memorial of the Legislature of the State of Nevada, relative to eligibility of mobile homes for loans under the U.S. Housing Act of 1937; to the Committee on Banking, Finance and Urban Affairs.

136. Also, memorial of the Senate of the State of Michigan, relative to the Occupational Safety and Health Administration; to the Committee on Education and Labor.

137. Also, memorial of the Legislature of the State of Nevada, relative to Americans missing in Vietnam; to the Committee on Foreign Affairs.

138. Also, memorial of the Assembly of the State of New York; relative to Ireland; to the Committee on Foreign Affairs.

139. Also, memorial of the Legislature of the State of Nevada, relative to balancing the Federal budget; to the Committee on Government Operations.

140. Also, memorial of the Legislature of the State of Nevada, relative to the transfer of unreserved, unappropriated public lands to the State in which the lands are located; to the Committee on Interior and Insular Affairs.

141. Also, memorial of the Legislature of the State of Nevada, relative to repeal of Federal estate and gift taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. PRICE introduced a bill (H.R. 3989) for the relief of Lidia Jaramillo Cameron, which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mr. STUMP, Mr. BLILEY, and Mr. LOWERY of California.

H.R. 52: Mr. HUBBARD, Mr. KAZEN, Mr. LONG of Maryland, and Mr. ROBINSON.

H.R. 248: Mr. WOLPE.

H.R. 747: Mr. LUKEN.

H.R. 1005: Mr. SAM B. HALL JR., Mr. HEFNER, and Mr. EVANS of Indiana.

H.R. 1053: Mr. BURGENER, Mr. CARMAN, Mr. CARNEY, Mr. EMERSON, Mr. HANSEN of Utah, Mr. MCDONALD, Mr. PATTERSON, Mr. PRICE, and Mr. SILJANDER.

H.R. 1177: Mr. DOUGHERTY.

H.R. 1300: Mr. ROTH.

H.R. 1400: Mr. PATTERSON and Mr. NELLIGAN.

H.R. 1596: Mr. CONYERS.

H.R. 1854: Mrs. COLLINS of Illinois.

H.R. 2467: Mr. BENJAMIN and Mr. HERTEL.

H.R. 2617: Mr. MAZZOLI and Mr. WOLPE.

H.R. 2967: Mr. GILMAN.

H.R. 3116: Mr. LAFALCE, Mr. ROSENTHAL, Mrs. BOUQUARD, Mr. CORRADA, Mr. LEHMAN, Mr. STOKES, Mr. GOODLING, Mr. DASCHLE, and Mr. KOGOVSEK.

H.R. 3204: Mr. ERDAHL, Mr. DASCHLE, and Mr. WOLPE.

H.R. 3205: Mr. ERDAHL, Mr. DASCHLE, and Mr. WOLPE.

H.R. 3225: Mr. LIVINGSTON.

H.R. 3269: Mr. GINN, Mr. ST GERMAIN, Mr. MARTIN or New York, Mr. BARNARD, Mr. ENGLISH, Mr. CAMPBELL, Mr. DICKINSON, and Mr. PICKLE.

H.R. 3393: Mr. MURPHY.

H.R. 3396: Mr. BINGHAM.

H.R. 3504: Mrs. COLLINS of Illinois, Mr. DYMALLY, Mr. FAUNTROY, Mr. PEPPER, Mr. SUNIA, Mr. DWYER, and Mr. SIMON.

H.R. 3550: Mr. CONYERS, Mr. DUNCAN, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. GINGRICH, Mr. HORTON, Mr. JACOBS, Mr. LANTOS, Mr. LEBOUTILLIER, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. ROE, Mr. RICHMOND, Mr. SUNIA, Mr. WILSON, Mrs. CHISHOLM, Mr. FROST, Mr. OTTINGER, Mr. PANETTA, And Mr. RALPH M. HALL.

H.R. 3582: Mr. BRODHEAD, Mr. CONYERS, Mr. DUNCAN, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FOWLER, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. GINGRICH, Mr. HORTON, Mr. JACOBS, Mr. LEBOUTILLIER, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROE, Mr. SUNIA, Mr. WILSON, Mrs. CHISHOLM, Mr. CROCKETT, Mr. OTTINGER, Mr. PANETTA, Mr. EDWARDS of Oklahoma, Mr. DIXON, Mr. RALPH M. HALL, and Mr. DAUB.

H.R. 3607: Mr. PHILLIP BURTON, Mr. CONYERS, Mr. CORRADA, Mr. CROCKETT, Mr. FASCELL, Mr. MURPHY, Mr. NEAL, Mr. RICHMOND, and Mr. ROE.

H.R. 3613: Mr. HEFTEL, Mr. LEHMAN, and Mr. CONYERS.

H.J. Res. 125: Mr. HANSEN of Utah.

H.J. Res. 253: Mr. BEILENSON, Mr. BRODHEAD, Mr. CLAY, Mr. CONYERS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. GINGRICH, Mr. HORTON, Mr. JACOBS, Mr. LANTOS, Mr. LEBOUTILLIER, Mr. MITCHELL of Maryland, Mr. MOLINARI, Mr. RANGEL, Mr. RICHMOND, Mr. ROE, Mr. SUNIA, Mr. WILSON, Mrs. CHISHOLM, Mr. CROCKETT, Mr. FROST, Mr. OTTINGER, Mr. PANETTA, Mr. UDALL, Mr. RALPH M. HALL, and Mr. YATRON.

H. Con. Res. 118: Mr. AKAKA, Mr. ANNUNZIO, Mr. ARCHER, Mr. ASHBROOK, Mr. ASPIN, Mr. BAILEY of Pennsylvania, Mr. BEDELL, Mr. BEVILL, Mr. BOLAND, Mr. BOLLING, Mr. BONKER, Mrs. BOUQUARD, Mr. BREAUX, Mr. BROWN of Colorado, Mr. JOHN L. BURTON, Mrs. BYRON, Mr. CHAPPELL, Mr. CHAPPIE, Mr. COLLINS of Texas, Mr. CONYERS, Mr. CORCORAN, Mr. JAMES K. COYNE, Mr. WILLIAM J. COYNE, Mr. PHILIP M. CRANE, Mr. CROCKETT, Mr. DASCHLE, Mr. DELLUMS, Mr. DONNELLY, Mr. DREIER, Mr. DUNN, Mr. EARLY, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. ERTEL, Mr. EVANS of Georgia, Mrs. FENWICK, Mr. FISH, Mr. FITHIAN, Mr. FOLEY, Mr. FORD of Michigan, Mr. FRENZEL, Mr. FUQUA, Mr. GLICKMAN, Mr. GOLDWATER, Mr. GRADISON, Mr. GRAY, Mr. GUARINI, Mr. HATCHER, Mr. HAWKINS, Mrs. HECKLER, Mr. HEFTEL, Mr. HERTEL, Mr. HOLLENBECK, Mrs. HOLT, Mr. HORTON, Mr. HUGHES, Mr.

HUNTER, Mr. IRELAND, Mr. HOYER, Mr. JONES of North Carolina, Mr. KEMP, Mr. KOGOVSEK, Mr. KRAMER, Mr. LAFALCE, Mr. LANTOS, Mr. LEE, Mr. LELAND, Mr. LONG of Louisiana, Mr. LUKEN, Mr. MICA, Mr. MINETA, Mr. MOLINARI, Mr. MOTTL, Mr. NEAL, Mr. NOWAK, Mr. PATTERSON, Mr. PAUL, Mr. PEASE, Mr. PERKINS, Mr. PORTER, Mr. PURSELL, Mr. REUSS, Mr. RODINO, Mr. ROEMER, Mr. ROSENTHAL, Mrs. ROUKEMA, Mr. ROUSSELOT, Mr. ST GERMAIN, Mr. SAWYER, Mrs. SCHNEIDER, Mr. SHAMANSKY, Mr. SHAW, Mr. SIMON, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. STUDDS, Mr. TAUZIN, Mr. TRIBLE, Mr. VOLKMER, Mr. WALGREN, Mr. WASHINGTON, Mr. WATKINS, Mr. WEBER of Minnesota, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILLIAMS of Montana, Mr. WILSON, Mr. WINN, Mr. WORTLEY, Mr. YOUNG of Alaska, and Mr. ZEFERETTI.

H. Con. Res. 130: Mr. CLAY, Mr. CONYERS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. GINGRICH, Mr. HORTON, Mr. JACOBS, Mr. LEBOUTILLIER, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. RICHMOND, Mr. ROE, Mr. SUNIA, Mr. WILSON, Mrs. CHISHOLM, Mr. FROST, Mr. OTTINGER, Mr. PANETTA, Mr. EDWARDS of Oklahoma, Mr. DIXON, Mr. RALPH M. HALL, and Mr. YATRON.

H. Con. Res. 132: Mr. BEILENSON, Mr. CLAY, Mr. CONYERS, Mr. FAUNTROY, Mr. FOGLIETTA, Mr. GINGRICH, Mr. FORD of Tennessee, Mr. HORTON, Mr. JACOBS, Mr. LEBOUTILLIER, Mr. MITCHELL of Maryland, Mr. RANGEL, Mr. ROE, Mr. RICHMOND, Mr. SUNIA, Mr. WILSON, Mrs. CHISHOLM, Mr. CROCKETT, Mr. FROST, Mr. OTTINGER, Mr. PANETTA, Mr. EDWARDS of California, Mr. DIXON, and Mr. RALPH M. HALL.

H. Res. 143: Mr. WYDEN, Mr. RICHMOND, Mr. RAHALL, Mr. WEISS, Mr. FOGLIETTA, Mr. HORTON, Mr. PEYSER, Mr. COELHO, Mr. LUJAN, Mr. SCHEUER, Mr. PEPPER, Mr. NAPIER, Mr. DWYER, Mr. LEHMAN, Mr. FRENZEL, Mr. MURPHY, Mr. SCHUMER, Mr. HARKIN, Mr. BEDELL, Ms. FERRARO, and Mr. DYSON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

The SPEAKER presented a petition of the Erie County Legislature, New York, relative to Americans missing in Southeast Asia, which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3238

By Mr. TAUKE:

—Page 18, after line 20, insert the following (and redesignate the subsequent section accordingly):

(2) The Commission shall reconvene after the termination of the demonstration program conducted under section 12 for the purpose of carrying out the functions of the Commission specified in section 12(e). The Commission shall terminate at the end of the ninety-day period following the date of the submission of the report required in section 12(e).

DEMONSTRATION PROGRAM REGARDING ADVERTISING

SEC. 12. (a) The Temporary Commission on Alternative Financing for Public Telecommunications established in section 11 shall establish a demonstration program in accordance with this section for the purpose of determining the feasibility of permitting public television station licensees and public radio station licensees to broadcast advertising announcements.

(b)(1)(A) The Commission shall establish the demonstration program as soon as practicable after the date of the enactment of this Act. The Commission shall permit public broadcast station licensees to begin the broadcasting of qualifying advertising not later than January 1, 1982, except that such licensees may begin such advertising before such date if the Commission completes the establishment of the demonstration program before such date.

(B) Such broadcasting of qualifying advertising shall be carried out during the eighteen-month period beginning January 1, 1982 (or beginning on such earlier date as may be authorized by the Commission under subparagraph (A)), except that such broadcasting of qualifying advertising shall terminate not later than June 30, 1983. The demonstration program shall terminate at the end of such period.

(2)(A) The Corporation for Public Broadcasting, in consultation with the Commission, shall select not more than 10 public television station licensees and not more than 10 public radio station licensees to participate in the demonstration programs.

(B) Such selection shall be made from among licensees which have expressed to the Corporation a desire to participate in the demonstration program, except that any public television station licensee or public radio station licensee which is represented on the Commission under section 11(b)(3) shall not be eligible to participate in the demonstration program.

(C) If a licensee elects not to participate in the demonstration program, after receiving notice of its selection from the Corporation, then the Corporation shall select an alternate licensee.

(D) The exemption from income tax of any public broadcast station licensee under section 501(a) of the Internal Revenue Code of 1954, relating to exemption from taxation, shall not be affected by the participation of such licensee in the demonstration program.

(3) The Corporation shall make selections under paragraph (2), to the extent practicable, in a manner which ensures that—

(A) a representative geographical distribution of public broadcast station licensees will be achieved;

(B) licensees serving audiences and markets of various sizes will participate in the demonstration program;

(C) licensees with operating budgets of various sizes will participate in the demonstration program;

(D) different types of licensees will participate in the demonstration program; and

(E) in the case of public radio station licensees, licensees with different types of programming formats will participate in the demonstration program.

(c) Each public television station licensee or public radio station licensee which is selected by the Corporation for Public Broadcasting under subsection (b) shall be authorized to broadcast qualifying advertising in accordance with subsection (d).

(d)(1)(A) Except as provided in subparagraph (B), any qualifying advertising announcement which is broadcast by any public television station licensee or any public radio station licensee may be broadcast only at the beginning or at the end of regular programs, and may not interrupt regular programs.

(B) In the case of any regular program which is 2 or more hours in duration, any public radio station licensee may broadcast (subject to paragraph (2)) a qualifying advertising announcement during the program, but only (i) during a break in the program scheduled for station identification; or (ii) at other times which will not unduly disrupt the program.

(2) Any qualifying advertising announcements which are broadcast consecutively by any public television station licensee or any public radio station licensee may not exceed 2 minutes in duration. Such licensees may not engage in any such consecutive broadcasts of qualifying advertising announcements more than once during any thirty-minute period.

(3)(A) The Commission shall prescribe regulations which specify the types of advertisements which may be broadcast by licensees during the demonstration program. The Commission may authorize licensees participating in the demonstration program to broadcast institutional advertisements and advertisements relating to specific products, services, or facilities. Licensees shall not be authorized or required to broadcast any advertisement which—

(i) is intended to promote any opinion or point-of-view regarding any matter of public importance or interest, any political issue, or any matter relating to religion; or

(ii) is intended to support or oppose any candidate for political office.

(B) The Federal Communications Commission shall have authority to determine in disputed cases whether any advertising announcement shall be considered to be qualifying advertising for purposes of this section.

(4) The Commission shall prescribe regulations which establish requirements relating to the sale of broadcast time for advertisements during the demonstration program. Such regulations may authorize—

(A) the assignment of broadcast time for advertisements through a system of random selection;

(B) the sale of broadcast time for advertisements which will be broadcast at the beginning or at the end of particular programs, or during particular portions of the broadcast day; or

(C) any other method for the sale of broadcast time which the Commission considers appropriate.

(5) The Commission shall have authority to prescribe regulations under paragraph (3) and paragraph (4) which establish different criteria and requirements applicable to the various licensees participating in the demonstration program, to the extent the Commission considers the establishment of such different criteria and requirements to be necessary to assist the Commission in preparing the report, and making the recommendations, required in subsection (e).

(6) Any issue regarding compliance with the provisions of this subsection shall be resolved by the Federal Communications Commission in accordance with its authority under the Communications Act of 1934 (47 U.S.C. 151 et seq.).

(e)(1) The Commission, as soon as practicable after the termination of the demonstration program under subsection (b)(1)(A), shall analyze the results of the demonstration program and shall submit a report to each House of the Congress regarding the demonstration program. Such report shall be submitted not later than October 1, 1983, and shall include—

(A) an examination of whether qualifying advertising had any influence or effect upon programing broadcast by the public broadcast station licensees involved;

(B) an analysis of the reaction of audiences to the broadcasting of such qualifying advertising;

(C) an examination of the extent to which businesses and other organizations engaged in the purchase of broadcast time for the broadcast of qualifying advertising;

(D) an analysis of whether the broadcasting of qualifying advertising had any impact upon the underwriting of programs; and

(E) any other findings or information which the Commission considers appropriate.

(2) Such report also shall include such recommendations for legislative or other action as the Commission considers appropriate, including a recommendation regarding whether public broadcast stations should be permitted to broadcast qualifying advertising on a permanent basis.

(f) For purposes of this section:

(1) The term "Commission" means the Temporary Commission on Alternative Financing for Public Telecommunications established in section 11.

(2) The term "demonstration program" means the demonstration program established by the Commission in accordance with this section.

(3) The terms "public broadcast station", "public television station", and "public radio station" have the same meaning as the term "public broadcast station" in section 397(6) of the Communications Act of 1934 (47 U.S.C. 397(6)).

(4) The term "qualifying advertising" means any type of advertising specified by the Commission under subsection (d)(3)(A).

Page 15, after line 17, insert the following new paragraph (and redesignate the subsequent paragraphs accordingly):

(2) The Commission, in addition to carrying out the functions established in this section, shall carry out the functions assigned to the Commission under section 12.

Page 16, line 8, strike out "paragraph (2)" and insert in lieu thereof "paragraph (3)".

Page 16, line 12, strike out "paragraph (2)" and insert in lieu thereof "paragraph (3)".

Page 17, line 3, strike out "subsection (b)(2)" and insert in lieu thereof "subsection (b)(3)".

Page 18, line 18, strike out "(j) The" and insert in lieu thereof "(j)(1) Except as provided in paragraph (2), the".

SENATE—*Monday, June 22, 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.

Almighty God, Thou art the Sovereign Lord of the universe. The planets in their courses obey Thee. Our spaceship Earth rotates and revolves according to Thy prescribed plan. Our most sophisticated space science is totally dependent upon Thine universal order.

Thou art the Sovereign Lord of history. The millennia, the centuries, the decades, the years, and the hours unfold according to Thy plan.

History's events, good or evil, serve Thy purpose.

Thou dost work in everything for good to those who love Thee and are called according to Thy purpose.—Romans 8: 28.

Thou art the Sovereign Lord of the nations. Empires rise and fall according to Thine economy. But Thou dost not work in a vacuum, Thou dost Thy work through people who seek Thy will. Help all in authority in this Nation to realize that Thy wisdom, Thy power are available to those who seek Thee. The problems we face are not too big for Thee. Nothing is too hard for Thee. Nothing is impossible to Thee. Thou dost hold the whole world in Thy hand.

Gracious God, give to the Senators and those who labor with them Thy wisdom and Thy power for this day. Let Thy will be done in this place as it is in heaven. 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 thank the Chair. I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no need for my time under the standing order. I will be happy to yield my time or any portion thereof to any Senator or to yield it back.

Before I do that, I point out there is a period for the transaction of routine morning business already ordered, following the recognition of the two leaders under the standing order and after the execution of the two special orders.

Mr. President, I might say, as well, that I have no need for my time under the special order, and I will be pleased to yield all or any part of that time to any Senator.

Does the minority leader have any need for any additional time?

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. I have no need for additional time.

Mr. BAKER. I thank the minority leader.

Mr. President, does the Senator from Maryland have any need for part of my time?

Mr. MATHIAS. The majority leader is very kind this morning, but the Senator from Maryland has no immediate need for time.

Mr. BAKER. Or the Senator from Idaho? My time seems to be unwanted.

ORDER VITIATING TIME OF THE MAJORITY LEADER

Mr. BAKER. In view of that, Mr. President, I ask unanimous consent that the time allocated to me under the special order be vitiated.

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

ORDER OF PROCEDURE FOR THE NEXT SEVERAL DAYS

Mr. BAKER. Mr. President, before I yield back my time remaining under the standing order, I wish to say one thing: I hope we can finish the Department of Justice authorization bill today. When we resume consideration of that bill the Helms second-degree amendment, a substitute amendment for the Helms first-degree amendment, will be the pending business.

After we do that or, if necessary, prior to the completion of the Department of Justice authorization bill, it is necessary for us to proceed to the consideration of the budget reconciliation bill which is on the calendar and available for action today, as I understand it.

I hope to be able to confer with the minority leader today, with his consent, to talk about whether we go to the reconciliation bill this afternoon or tomorrow.

It is not my intention to begin consideration of that bill until well into the day today in any event, but it is my hope that we can proceed to consider that bill either by consent or by motion late today or in any event early tomorrow.

Mr. President, shortly I shall also inquire of Senators on this side of the aisle about the number of amendments they have and whether they will require rollcall votes. A number of Senators are necessarily absent from the floor, at least for a part of the day today, and I would like to ascertain as best I can what amendments will be called up, how many will require rollcalls, and at least explore the possibility of arranging those votes, if any, which are ordered to accommodate the maximum convenience of Senators.

So if those who hear me now will let us know of their intentions in that respect, it would materially assist the leadership in trying to schedule the activities for today and tomorrow.

With that statement, Mr. President, I yield back my time remaining under the standing order.

SECRETARY DREW LEWIS

Mr. BAKER. Mr. President, I would like to take just a moment of the Senate's time this evening to extend my congratulations and my appreciation to Secretary Drew Lewis of the Department of Transportation on the successful culmination of his negotiations to avert a job action by the Nation's civilian air traffic controllers.

I have known Secretary Lewis for some time and therefore was not at all surprised by the resolution of negotiations with the air controllers. Secretary Lewis personifies the proper blending of patience, tenacity, flexibility, mediation, and conciliation so necessary to successfully negotiate such sensitive and crucial matters.

There surely could be no more sensitive and crucial a matter, Mr. President, than that of the air traffic controllers. As one who flies often, both in commercial and private aircraft, I full well understand and appreciate the magnitude of their duties.

Furthermore, as one who advances and supports the budgetary restraints mandated by President Reagan, I am equally cognizant and dedicated to a higher degree of fiscal integrity at the Federal level.

On both scores, I believe Secretary Lewis has succeeded. Following his personal supervision of some 44 hours of final negotiations, a contract was tentatively agreed upon which will both substantially address the concerns of the air traffic controllers and also remain within the budgetary guidelines specified by the President.

For that accomplishment—the avoidance of a labor dispute which could have severely impaired so many facets of American life—I again, for myself, and for all Members of this body and all Americans, wish to express my genuine admiration and sincere appreciation to Secretary Lewis. His was a difficult job done exceedingly well.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Senator from West Virginia.

DANGERS TO THE BUDGET PROCESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed an article which appeared in the Washington Post on yesterday, written by Mr. Stuart Eizenstat calling attention to the dangers to the budget process of including in the reconciliation bill legislation which has no budgetary impact but which otherwise would be brought to the floor in the usual course of things and debated and amended in accordance with whatever needs exist.

I think it was a good article and touched upon a subject that Senator PROXMIRE spoke on last week and in connection with which I had a few remarks. I recommend it to the attention of my colleagues.

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

THE HILL'S BUDGET STAMPEDE: MISUSE OF THE 1974 REFORMS COULD TURN CONGRESS INTO A RUBBER-STAMP PARLIAMENT

(By Stuart E. Eizenstat)

The fate of Congress' bipartisan efforts to implement reforms in its budget-making process proves the Washington axiom that all solutions create new problems.

The Congressional Budget and Impoundment Control Act, enacted in 1974 to give Congress more power over the federal budget, is now being used in ways that will lead to precisely the opposite result: reduced congressional control and a shift of substantial additional power to the executive branch. Moreover, misuse of a once little-known provision in the act called "reconciliation" is doing exactly what Congress sought to avoid: undermining the role of its authorizing and appropriating committees and creating laws with inadequate consideration of the consequences.

Unless this misuse of "reconciliation" is curbed, members of Congress, of whatever political persuasion, will soon discover that they have dramatically altered the method by which Congress has legislated since the earliest days of the republic.

This is not an argument about defeating the Reagan administration's program; Congress has ample opportunity to act on the president's proposals. Nor is it an argument against providing presidents with more authority; as someone who served two presidents in the White House, I have considerable sympathy with the need for enhanced presidential power.

But the dramatic consequences of the budget actions soon to be taken by Congress in the reconciliation bill should occur only after careful consideration, with deliberate and well understood legislative procedures, not by short-circuiting critical parts of the legislative process.

The unintended uses to which "reconciliation" are being put; the possibility of a substitute, sponsored by David Stockman's Office of Management and Budget, being passed by the House within two weeks and undoing the work of House committees, and the hasty inclusion of substantive changes in authorizing laws without any budget savings—all undermine the intent of the 1974 budget act.

That law, one of the most important pieces of legislation in our history dealing with the structure of American government, was enacted a month before President Nixon's resignation, for two overriding reasons. First, Congress felt the president had unconstitutionally refused to spend money it had appropriated, thus weakening Congress's control of the purse strings. Second, Congress wanted to restore the capacity it had lost to the presidency to establish clear budget priorities, to reassert control over burgeoning spending and to adjust its decisions better to prevailing economic conditions.

Nowhere in that law or its history can anyone find an intent to short-circuit congressional control of spending and taxation—certainly not in its "reconciliation" provision. Indeed, the legislative history makes it clear that Congress intended to rely on its authorizing committees for policy decisions and on its appropriating committees to control spending—jobs they had performed well in the past.

A reconciliation was a process to be used late in the congressional term to reconcile actions taken by congressional committees on individual bills with overall and binding budget figures set in the second budget resoluton. As the Senate report accompanying the budget act noted, reconciliation permits "effectively the changes, if any, directed in the second required budget resolution."

The first budget resolution, setting earlier budget targets in mid-May, was not to be binding. It certainly was not intended to preempt the appropriations process. As the House report accompanying the act stated, the "first concurrent resolution on the budget would set tentative targets . . . to guide Congress during its subsequent consideration of the various spending bills," and it "would not restrict the processing of appropriations measures through Congress."

In fact, Congress explicitly rejected efforts to make the first resolution binding. As the House report again stated, after Congress "reviewed the many problems associated with early ceilings, we agree that targets offer the most workable approach to genuine spending control." This was in no small part because early spending limits "downgrade the utility of the appropriations process."

The budget act itself could not be more clear: Only after the second, binding resolution is enacted in September are the taxwriting, appropriating and authorizing committees to adjust revenue or spending programs. These changes are reported to the Senate or House Budget Committee, which "shall report to its house a reconciliation bill or reconciliation resolution, or both, carrying out all such recommendations without any substantive revision."

Yet this entire mechanism, designed to protect the integrity of the legislative process while allowing Congress to exert more control over the budget, has been overextended. The Congress is now, in June, working under a binding "reconciliation" provision included in the first budget resolution—even though there is nothing to "reconcile" at this early stage in the process.

How can this remarkable turnabout have occurred? While it may be legal—based on a catch-all provision in the budget act related to the first May budget resolution—it was never the intent of the budget act for binding reconciliation to be included with the first resolution.

Doing so is bad policy—but by no means a partisan one. Except for a fleeting use in 1976, it was the Carter administration in 1980 which first proposed—and a Democratic-controlled Congress which first accepted—use of a binding "reconciliation" at the early stage of the budget process. I doubt that anyone in the Carter administration foresaw this one-time action last year as precedent for what is being done now.

Stockman's OMB, through a reconciliation provision in the first budget resolution crafted by Reps. Phil Gramm (D-Tex.) and Delbert Latta (R-Ohio), has carried matters to new lengths:

Gramm-Latta is binding not merely for one fiscal year, as was the Carter bill, but for three. Thus Congress will be unable to review its decisions effectively for the foreseeable future.

Reconciliation instructions proposed by President Carter affected only appropriations bills and entitlement programs leading to direct budget savings. The Gramm-Latta instructions go further, directing congressional committees to reduce basic authorizations. This forces reductions in appropriations through the authorization process.

Stockman, together with some House members is preparing a substitute for the reconciliation bill now being compiled by the House Budget Committee, resulting from the cuts made by individual committees. This substitute is being written without a single congressional committee hearing. Known as "Son of Gramm-Latta," it would not only cut the budget differently from the responsible House committees but would include substantive proposals—such as block grants eliminating scores of federal programs—without such changes ever having passed through a committee.

These problems, moreover, are being compounded by the decisions of several congressional committees to use the reconciliation bill to make other substantive legislative changes unrelated to spending cuts. These include denying federally assisted housing funds to rent-control cities, amending major energy legislation, altering controversial environmental policies and significantly modifying the Community Development Block Grant program. Since a reconciliation bill is virtually veto-proof, it becomes a convenient place for such substantive legislation.

If Congress follows through with the Gramm-Latta reconciliation and accepts an OMB-sponsored reconciliation substitute, the effect would be dramatic. First, Congress would be throwing into question its independence in fashioning the budget, which more than any other measure reflects the priorities, values and direction of the nation.

Second, passage of a Stockman-sponsored substitute on the House floor would create something akin to a parliamentary system, in which the prime minister's legislative package is voted on with little committee action and limited capacity for modification. Here, the White House's basic legislative package, potentially including significant changes in the welfare system, Social Security and jobs programs, would be passed as part of the budget process, with limited floor amendments or floor debate under the terms of the budget act. (In the Senate, of course, one effect of this would be to prevent filibusters.)

In short, Congress would be forced to make the most sweeping changes in a generation in the substance of federal programs without going through the historic deliberative process to assure sound results or paying heed to the work of its own committees.

Third, the sound role played by the appropriations committees over the years will be significantly undercut. The Gramm-Latta reconciliation in effect says that the appropriations committees cannot be trusted to control spending and that Congress is incapable thereafter of reconciling appropriations bills to the budget.

Fourth, the budget committees would in effect become "super committees"—precisely what Congress sought to avoid in the 1974 budget act. The House report on that act specifically stated that the budget committees "must not be given extraordinary power in the making of budget policies." The budget committees have successfully walked a fine line through the budget process in their relationship with other committees. Altering this would be a serious mistake.

Last, joining reconciliation to the first budget resolution restricts Congress' ability to adjust to the inevitable changes in economic conditions which directly affect the budget.

At this point, the current reconciliation process has gone too far and too many committees have put extraordinary effort into complying with its directives to try to stop it in is tracks. But a number of steps can and should be taken.

"Son of Gramm-Latta" should not be accepted. Disapproval should not be for partisan reasons but because it further distorts the budget process and threatens the authority of every congressional committee, regardless of party majority. As with any other legislation, some amendments may be appropriate to the reconciliation bill. But if some believe the package as a whole is so unsatisfactory as to warrant restructuring, that should be done in the committees with the knowledge and experience to do the job properly, not by the blunt instrument of a floor substitute.

In addition, reconciliation in the future should not be be permitted to be used for changes in basic authorizations unrelated to budget savings and should not be a repository for substantive legislation. Next, the appropriations committees' process must be respected; appropriations committee chairmen are able men dedicated to budget discipline.

Finally, reconciliation in subsequent years should return to its rightful place—in the second budget resolution. It would be unfortunate if this could only be done by having to amend the 1974 act itself, which potentially would open the entire process to substantive changes. It would be preferable for Congress simply to reject any future proposal to include a reconciliation provision in the first budget resolution.

The new budget process has been built with bipartisan support. Its discipline is critical in an era of limited fiscal resources. But the process itself will be imperiled if reconciliation continues to be extended beyond its original design, threatening the authority and expertise of authorizing and appropriating committees. The budget act is too important for the nation's long-term economic vitality to be endangered by whatever short-term advantage may accrue to OMB and its allies by use of the reconciliation process in ways Congress never intended.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

RECOGNITION OF SENATOR ROBERT C. BYRD

The PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. Mr. President, I thank my good friend, the Democratic leader.

ARMS SALES POSE HAZARD TO U.S. PREPAREDNESS AND SPUR ARMS RACE

Mr. PROXMIRE. Mr. President, the rush is on—the rush to renew U.S. arms sales around the world. Having passed out of the era of paper restraints imposed by the Carter administration, the new policy seems clear. We will sell weapons to anyone, anywhere for any reason. We will sell to friend, foe, democratic, totalitarian, rich or poor. Distinctions make no difference.

Where we once sought to keep high technology weapons out of South America, now we seek to introduce them. Concerns over the nuclear proliferation attempts by Pakistan no longer stand in the way of arms sales there. If foreign sales have an adverse effect on U.S. defense readiness, then we look the other way and pretend they do not.

How ironic it is. Under the Carter administration there was strong rhetoric against arms sales but they continued almost at the same levels as before. Now even the rhetoric is gone and the green flag has been waved to the defense contractors to sell, sell, sell.

Never mind the long-term consequences of arms sales to the People's Republic of China—just start exporting. Forget nuclear nonproliferation, after all it is not our business anyway, the President said. So what if the new French Government has expressed interest, for the first time in memory, in restricting arms sales—it is time for us to accelerate.

In terms of sales to the Third World, the non-Communist nations sell twice as much as the Communist bloc. The United States and the Soviet Union supply about an equal amount. But within the Western nations, the United States outsells the French by 2.5 to 1; the British by 4 to 1; the West Germans by 25 to 1; the Italians by 30 to 1.

The type and amounts of equipment delivered to the Third World are staggering. The Soviets ship tanks in great quantity while the United States specializes in major surface vessels, and armored personnel carriers. Both nations export vast quantities of artillery, combat aircraft and surface-to-air missiles.

One of the truisms about arms shipments is that eventually they are put to use. Sometimes for self-defense. More often they are used to suppress local populations or to invade neighboring nations.

It is not only a policy without a plan but it can be a detriment to our own defense needs. We short change our own defenses in order to sell abroad and when we do sometimes our most sophisticated and valuable weaponry falls in the hands of our adversaries. We spent billions developing the F–14 and its Phoenix missile only to have it compromised to the Russians in Iran.

If we are not careful the same will happen with our newest fighter—the F–16—which apparently we intend to spread around the world. This is a shortsighted and dangerous policy.

Mr. President, I ask unanimous consent that a table and article from the New York Times of Sunday, June 21, 1981, be printed in the RECORD.

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

THE HARDWARE STORE IS OPEN AND CUSTOMERS COME RUNNING

(By Judith Miller)

WASHINGTON.—The Reagan Administration has still not announced a policy on weapons sales, but last week it demonstrated that deeds can speak louder than words. Laying aside the policy of restraint preached by President Carter, within 24 hours it announced new arms-supply arrangements with China and Pakistan. A week before, plans were disclosed to sell F–16 jet fighters to Venezuela.

Under Secretary of State James L. Buckley, providing an advance glimpse of the new policy, told aerospace company representatives last month that sales of American weapons abroad "complement and supplement our own defense efforts and serve as a vital and constructive instrument of American foreign policy." In contrast to the Carter Administration's putdown of arms sales as "inherently evil or morally reprehensible," Mr. Buckley said, the new Administration would use arms transfers as an instrument of "facing up to the realities of Soviet aggrandizement." He said the goals of the new policy included enhancing the "state of preparedness of our friends and allies," revitalizing American alliances, fashioning "more coherent" policies affecting East-West relations and "buttressing our own defense production capabilities."

ADMINISTRATION GOALS MAY CONFLICT

The Buckley speech, though short on detail, outlined general standards for evaluating foreign requests for weapons. In assessing such requests, Mr. Buckley said, the Administration would consider the military threat facing the recipient, how the weapons would affect stability in tense regions and how effectively the recipient could use the arms.

Critics of the Carter policy, which ultimately came to be honored in the breach as much as in the observance, praised the new approach. But the sales of F–16's to Venezuela and Pakistan stirred concern and debate in foreign policy circles. Some analysts argued that the sales were questionable precisely because they appeared inconsistent with the Administration's goals as stated by Mr. Buckley. Pakistan and Venezuela had not previously had jet aircraft as advanced as the F–16's; officials privately wondered whether the planes could be quickly or effectively absorbed by either nation's military forces. Moreover, the officials added, the sales risked fueling regional tensions, in direct conflict with another of the Administration's stated goals.

The Air Force, in particular, objected that the F–16's were not an appropriate response to the military threats facing Pakistan, and certainly were not appropriate for Venezuela, which had sought 16 to 24 of the planes. The sales, the Air Force and the Office of Management and Budget also argued, might increase the cost of the planes and delay deliveries to American forces. Concern about the impact of the sales was expressed in an internal document prepared in April by the Defense Department's Office of Program Analysis and Evaluation. According to the memorandum, foreign sales of F–16's were having "an adverse effect on the readiness of U.S.A.F. [Air Force] units." Aerospace companies, the document said, were raiding United States military forces "for officers able to provide the training and support commitments that accompany such sales."

"This may be very good for G.D.," the document stated, referring to General Dynamics, builder of the planes, "but it seriously threatens U.S.A.F. F–16 support ability." The Pentagon memo also warned that the sale of the F–16's to Venezuela—Peace Delta, as the project is called—might "generate demands from other countries in the region that they also must have F–16's as a symbol of U.S. esteem and trust."

As the document had forecast, proponents of the sale of F–16's to Pakistan argued that the Administration could not offer smaller, less costly F–5 fighters, although many officials believed they were better suited to Pakistan's military requirements, because it had just approved the sale of F–16's to Venezuela.

Even more serious concerns were generated by President Reagan's decision to supply "lethal" arms to China. Senior officials argued privately that the announcement would "confirm the worst fears" of hard-liners in the Kremlin, thereby intensifying the chill in Soviet-American relations and possibly reducing the Administration's ability to deter Soviet military intervention in Poland.

PEKING OPPOSES JETS FOR TAIWAN

Other controversial arms sales under consideration include proposals to sell advanced jets to South Korea, Taiwan and Austria. Resistance in Congress to at least some of the sales is expected. Last week, for example, the entire House Foreign Affairs Subcommittee on East Asia, headed by Representative Stephen J. Solarz, Democrat of New York, signed a letter to President Reagan urging him, "in the light of our national interest," not to sell the FX fighter plane to Taiwan. Peking has adamantly opposed the deal. The Administration also faces stiff opposition to plans to sell Saudi Arabia AWACS electronic surveillance planes and equipment that would expand the capabilities of its American-supplied F-15 fighter planes. Many Congressmen fear that the Saudi sales would damage Israel's security.

Administration officials respond that many of these sales were initiated by the Carter Administration, which they argue was ultimately forced to abandon the substance, if not the rhetoric, of restraint. The Carter policy, which portrayed arms sales as an "exceptional" foreign policy instrument, was widely criticized. Opponents on the left complained that the policy was hypocritical. The Administration countered that some sales were required to support allies and friends as well as to reduce trade deficits and to pay for oil imports. Conservative critics saw the restraints as naive and detrimental to American weapons producers.

Indeed, when the Carter Administration at first exercised restraint, other countries did not follow its lead. Negotiations to make the restraints multilateral stalled in 1978 and weapons sales to the third world by the Europeans and the Soviet Union soared. In a 1980 report, the Senate Foreign Relations Committee concluded that, while the Carter Administration had effected modest reductions in United States arms exports, the policy had been "oversold." The committee advocated a "balanced policy," which would combine "elements of restraint with an understanding that prudent arms transfers can serve important foreign policy and national security functions." Administration actions last week left some officials asking whether the pendulum had swung too far.

THE ARMS MERCHANTS
WEAPONS SALES TO THE THIRD WORLD[1]
[In millions of current U.S. dollars]

	1974	1975	1976	1977	1978	1979
Total	23,521	22,329	21,394	27,356	24,198	29,978
Non-Communist total	16,581	17,979	14,254	17,606	20,458	19,258
United States	11,921	11,614	10,669	9,976	11,268	10,388
France	2,030	2,300	1,025	2,800	2,500	4,000
Britain	760	1,400	630	1,550	1,800	2,420
West Germany	725	790	360	1,170	2,220	400
Italy	425	990	220	960	1,360	360
Other	720	885	1,350	1,150	1,310	1,690
Communist total	6,940	4,350	7,140	9,750	3,740	10,720
Soviet Union	5,900	3,600	5,900	9,000	2,900	9,800
Other	1,040	750	1,240	750	840	920
Dollar inflation index (1974=100)	100	109	118	127	136	148

[1] Foreign data are for calendar year; U.S. data for fiscal year. Prices include sale of weapons, construction, military assistance and spare parts. Third World category excludes Warsaw Pact, NATO countries, Europe, Japan, Australia, and New Zealand.

TYPES OF WEAPONS DELIVERED (1973-79)

	United States	Soviet Union	Western Europe
Tanks and self-propelled guns	7,007	12,565	2,395
Artillery	4,341	5,675	975
Armored personnel carriers and armored cars	14,071	10,545	3,425
Major surface ships	89	7	24
Minor surface ships	162	135	264
Submarines	19	9	24
Guided missile boats	0	82	30
Supersonic combat aircraft	1,452	2,950	475
Subsonic combat aircraft	924	580	57
Helicopters	1,352	940	1,500
Other aircraft	973	385	945
Surface-to-air missiles (SAM's)	8,935	19,495	945

Source: U.S. Government.

SOCIAL SECURITY—A SUPERB ACCOUNT

Mr. PROXMIRE. Mr. President, yesterday's Washington Post included an article by Spencer Rich which is about the best and most balanced account of the problems of the social security system, the proposals put forward by President Reagan and Secretary Schweiker, and the extent to which the problems have been exaggerated.

It is a superb account.

Spencer Rich has followed this issue closer than almost any other national reporter. As usual his report is thorough, objective, and accurate. He has read the documents, followed the hearings, and interviewed the experts. As is true of so many issues and problems, a thorough understanding of them leads almost automatically to the answers.

There is a problem with the social security system. But it is nothing as large as the President and the Secretary have stated. There are answers to the problem as well. But they need not be as draconian as the administration proposed.

For both an articulate and superb outline of the problem and some of the answers, I commend Spencer Rich's article "Social Security: Patching Up The Safety Net" to the Senate and the public.

I ask unanimous consent that the article be printed in the RECORD.

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

SOCIAL SECURITY: PATCHING UP THE SAFETY NET

(By Spencer Rich)

Social security, which will pay out $164 billion in cash aid to 36 million people next year, is the nation's largest and most successful social program.

But while Social Security has done marvelous things for America, rescuing the aged from poverty and protecting the disabled from destitution, it is in trouble.

Nobody looking at the deficit projections for the old-age trust fund is complacent. A year or so down the road, the fund simply won't have enough income from the payroll tax to meet all its obligations.

That wasn't the way it was supposed to be when Congress in 1977 legislated a stiff new schedule of payroll taxes, the largest peacetime tax increase of any type in history. That increase was widely trumpeted as guaranteeing that the old-age and disability trust funds would stay in balance well into the next century.

Now, only four years later, the program is facing a funding crisis with predictions that some time in 1982, the cash window for the old-age program will be closed, and tens of millions of people whose economic security absolutely depends on Social Security will get truncated benefits or none at all.

"The question before Congress is whether the 36 million Americans who currently depend on the Social Security system can count on any check at all less than two years hence," Office of Management and Budget Director David Stockman warned a House subcommittee recently.

"The most devastating bankruptcy in history will occur" some time in the fall of 1982, he predicted.

That is pretty strong language and a great national debate has now begun over just how sick the system is, how it got that way and how to fix it.

J. J. Pickle, the Texas Democrat who heads the House subcommittee on Social Security, repeatedly has said he believes the old-age and disability trust funds are going to need about $100 billion more over the next five years than will be produced by the payroll tax that is levied 50-50 on employers and employees.

Two of the nation's most unyielding opponents of cuts in Social Security, former commissioner Robert Ball and former HEW secretary Wilbur Cohen, think this figure is way out of line, far too high, based on an exceptionally pessimistic view of developments in the national economy.

And the administration, in what can only be called a fit statistical schizophrenia, has declared that the economy will do so well that, actually, Social Security will need only about $11 billion extra over the next five years to pay all benefits and build up trust fund reserves a bit—but then has turned around and asked for $82 billion in cuts.

Social Security has become the main income transfer mechanism in the economy, taking billions of dollars each year from workers through the payroll tax and transferring the money to those forced out of work by disability and age and to survivors of workers who died.

It operates on a pay-as-you-go basis, keeping only enough money in the trust funds to pay a quarter or half a year's benefits. The taxes of people working today are used to pay off the benefits of the generation now retired; and when today's workers retire, their benefits will be paid by the next generation of workers.

Eligibility and monthly benefit amounts are related to how much a person earned in jobs covered by Social Security during his working life; but, unknown to most people, the benefit structure is highly progressive, favoring lower-income workers.

A person who worked all his life at around the minimum wage will have benefits under existing law equal to about 55 percent of his final year's salary prior to retirement. One who worked for average pay during his lifetime (about $13,800 a year at present) will have benefits of about 41 percent of his final year's pay. And one who worked at the maximum taxable wage all his life will get benefits equal to about 28 percent. (The system was designed to provide part of a person's income in retirement, but not all of it.)

On the other hand, the tax structure is regressive, weighing more heavily on the low-income person because there is a ceiling on taxable wages.

This year, for example, the ceiling is $29,700. A worker earning $10,000 a year pays 6.65 percent of his earnings, or $665, in Social Security taxes. But a worker earning $50,000 only pays 6.65 percent of the first $29,700, or $1,975 in Social Security taxes. His tax on his overall $50,000 income is only 3.95 percent. And of course, he gets credit only for the $29,700 on which he paid.

Until 1972, there was no provision in law for automatic annual cost-of-living increases for Social Security beneficiaries and it was the common practice of Congress in the 1950s, 1960s and early 1970s to raise benefits periodically, often in election years, to help keep benefits up with inflation. This was easy to do, even without massive tax increases, because the system, having started only in 1935, didn't yet have a full complement of beneficiaries on the rolls.

Partly because of these increases and partly because of the "maturing" of the system and the widening of the scope of benefits brought more people onto the rolls, the number of elderly people below the poverty line fill dramatically. In 1959, the poverty rate for people 65 and over was 35.2 percent; by 1979, it was about 15 percent.

Social Security had more to do with lifting people out of poverty than all other programs combined; in 1976, it was estimated, three-fifths of the elderly got at least half their income from Social Security payments. That doesn't even count millions of younger people who are on the rolls because they are disabled or are the children or dependents of disabled or deceased workers; all told, one American in seven is dependent on Social Security.

Partly to restrain its own instincts for increasing benefits, since the elderly were becoming an increasingly potent political bloc (and more so today), Congress in 1972 moved to put the system on automatic pilot, providing for automatic "indexing" (annual increases based on wages and costs of living) of both taxes and benefits.

The cost-of-living feature for persons who are already retired and receiving benefits is an absolutely crucial security protection for the aged and disabled, who generally are less able to work and have fewer ways to make up income loss when inflation hits. It guarantees that the value of your Social Security benefit will not shrink to a pittance because of inflation, as is often the case with private pensions which seldom have an automatic cost-of-living provision.

The underlying assumption of the indexing decision was that productivity in the United States would continue to increase rapidly and that wages would therefore rise faster than prices each year. That would provide Social Security with enough tax income from wages to pay for anticipated benefits.

But this hasn't happened. Basically, the reason Congress and the president are facing a crisis is that the planners in 1977 made a terrible booboo, not just those in the Social Security administration but all the top economists government-wide.

They simply failed to foresee the soaring inflation and high unemployment that began only a year or two after President Jimmy Carter had happily placed his signature on the 1977 Social Security bill.

With price increases outrunning wages, indexed benefits began growing much faster than expected; and with unemployment higher than expected, payroll tax income to the system grew proportionately slower.

This collapse in the growth of productivity in the economy is unusual and isn't expected to continue long, but for the moment it has produced Social Security's short-term problem, the one evoking all the immediate hysteria; a shortfall of money in the old-age and survivors' insurance trust fund a year or so down the road.

But there is also a long-term problem, though it won't become serious until after the turn of the century. As the post-World War II baby boomers move through the system and eventually retire starting in 2005, there will be a huge load of beneficiaries and a relatively shriveled active labor force (because of low birth rates after the boom ended) to support them. Today the aged constitute about 11 percent of the population; this will rise to about 16 percent in the first quarter of the next century.

Today there are about three active workers contributing payroll taxes into the system for each retiree; by the end of the first quarter of the next century, the ratio is expected to be 2 to 1.

Since Social Security is essentially a pay-as-you-go system, this could mean a crushing tax burden on the active labor force to support the retirees. Of course, the demographics could change and the picture could turn out to be less troublesome than it now looks, especially since people will also have fewer children to support and might find it easier to pay taxes to support the elderly; but the outlook is certainly for heavy burdens.

These developments set the stage for President Reagan's call for sharp reductions in Social Security benefits for those first going on the rolls after the end of this year. Instead of raising more money by raising payroll taxes or by infusing general Treasury revenues into the trust funds to meet the deficit, Reagan prefers to cut benefits by $82 billion over the next 5 years.

The Reagan proposals include, for starters: elimination of the $122 a month minimum benefit; elimination of the student benefit (normally a dependent minor goes off the rolls at age 18, but he can keep on another four years if in college), and elimination of the $255 lump-sum burial benefit in some cases. In addition, Reagan would:

Change the basic formula for future retirees, so that a worker making the average salary would have an initial benefit equal to about 38 percent of his final month's wage instead of 41 percent. This represents a cut of about one-twelfth in basic benefits. It would save many billions and is the biggest saver among all the Reagan proposals.

Sharply reduce eligibility for Social Security disability insurance, cutting back the program by about a third and forcing many disabled to seek welfare.

Drastically reduce benefits for persons choosing to retire in the future before reaching 65. At present, an individual retiring at 62 (the minimum age) gets benefits equal to 80 percent of the amount he'd get at 65. The Reagan plan cuts this to 55 percent. Combined with the basic benefit formula change, this proposal would mean some future age-62 retirees would receive 43 percent less in monthly benefits than under current law and some would retire with a benefit permanently cut to only one-fifth of their final paycheck.

Carry out a Reagan campaign pledge and remove altogether by 1986 the current $5,500 annual limit on what a retiree of 65 or over can earn without any loss of Social Security benefits. The added cost to the trust funds would be offset by the proposed cuts.

Most of these changes would not affect people already on the rolls, and would apply only to future retirees, a point repeatedly stressed by Reagan. But the elimination of student benefits and minimum benefits and a three-month postponement of the 1982 cost-of-living increase would be applicable to those already on the rolls as well as to future retirees.

The Reagan proposals brought a firestorm of protest from Cohen, Ball and organizations representing millions of workers and beneficiaries.

Cohen and Ball called the cuts savage and Draconic and far deeper than needed just for the solvency of the system.

The whole argument turns, essentially, on what you expect to happen in the economy, and on that, Cohen and Ball would seem to have a point even if you don't swallow their whole argument.

Take the short-run problem first. Reagan's official, optimistic projection is that unemployment will be dropping below 6 percent by 1986 and inflation to 4.2 percent by 1986.

Under the administration's own calculations, if indeed this proves to be the case, then Social Security will be able to pay all benefits and build the trust funds rapidly up to a 17 percent reserve merely by allowing borrowing among the three trust funds and finding $11 billion in cuts or new revenues from 1982 to 1986. Yet the administration has asked for cuts that will total $82 billion over those years. It says the extra $70 billion could be used to build the trust funds up to an even larger reserve.

Let's say they really don't have that much confidence in their rosy projections. Under their most pessimistic scenario, unemployment will be nearly 10 percent in 1983 and inflation won't drop below 10 percent until 1986; in that case, Social Security would need roughly $111 billion in new funds or cuts over the next five years to stay solvent and build up trust fund reserves substantially.

SOCIAL SECURITY TAXES: EMPLOYER AND EMPLOYEE (EACH)

Year	Rate (percent)	Maximum taxable wage	Maximum amount paid
1967	4.4	$6,600	$290.40
1970	4.8	7,800	374.40
1975	5.85	14,100	824.85
1978	6.05	17,700	1,070.85
1980	6.13	25,900	1,587.67
1981	6.65	29,700	1,975.05
1982	6.70	[1] 32,100	[1] 2,150.70
1984	6.70	[1] 39,000	[1] 2,613.00
1985	7.05	[1] 42,300	[1] 2,982.15
1986	7.15	[1] 45,600	[1] 3,260.40

[1] Estimated.

But this short-run scenario seems unduly pessimistic. Inflation and unemployment already are both substantially lower than envisioned in the pessimistic scenario. Unless Reagan wrecks the economy, things will be better in the 1980s than the pessimistic scenario assumes.

In short, the administration is probably asking for too big a cut to meet the immediate crisis (and, of course, you could also meet it by raising taxes or infusing general revenues instead of cutting). Interestingly enough, Stockman all but conceded that the $82 billion figure may be too high when he told a congressional committee that the real size the next five years probably will be somewhere between the $11 billion figure and the $111 billion.

The same analysis holds for the long-range deficit. There is very little reason to use either the most optimistic demographic and economic assumptions or the most pessimistic in judging the system's financial condition beyond the turn of the century.

The pessimistic assumptions, after all, assume virtually no growth in the productivity of the economy for the next few years and an extremely low rate beyond that.

As in the past, the Social Security Administration has made its long-range forecasts using the middling projections, as seems the most prudent, but then, inexplicably, it has asked for cuts totaling almost exactly twice as much as needed to cover the projected long-range deficit.

For both the short term and long term, the administration justifies its request for cuts bigger than really seem to be needed by saying an extra margin of safety is being sought, in case the economy turns out worse than hoped.

That is a reasonable argument, but the proposed cuts are so far out of proportion to what seems to be needed except in the most pessimistic case (they even allow for cancellation of part of the scheduled 1985 Social Security tax increase) that one suspects there is something more at work here.

One suspicion is that what Reagan is really seeking to do here is balance the overall federal budget at the expense of Social Security benefits. Stockman actually has made no secret of the fact that he expects horrendous difficulties in balancing the budget and that Social Security can make a contribution to this process. Secretary of Health and Human Services Richard S. Schweiker, on the other hand, has denied that general federal budget matters were involved in his recommendations on Social Security, saying he simply wanted to have an extra margin of safety in case the economy turns sour. Yet the suspicion remains.

There is something more. Some of the economists and advisers clustering around the Reagan administration seem to have an ideological vision of Social Security as properly a leaner system than now, relating benefits more to how much you pay in and eliminating what are called "welfare aspects" of Social Security, such as a variety of special dependents' benefits, the minimum benefit, the student benefit and aspects of disability eligibility that are based on age and skills as well as physical impairment for work.

Stockman and Schweiker have repeatedly said that to fill some of the protective gaps left by cuts they propose, there is a welfare system and there is no reason why people should be getting Social Security benefits of some types as a matter of right when protection for them exists on a need-tested basis in the welfare world.

The Reagan package, in short, seems to be fashioned in part on the basis of a world view that sees the system as having grown too large, and as attempting to do too much, and therefore as costing too much. Administration talk of Social Security's role in the "safety net" seems to emphasize the retirement benefits received by a worker as the primary benefit in the system and regard much else as merely "fringe benefits."

Both Schweiker and Stockman have expressed the view that one of the problems of Social Security is that too many fringe benefits have been loaded onto it in recent years in the laudable, but ultimately unmanageable, hope of providing virtually everyone with true economic security of a sort.

They argue that the student benefit is one example; another, the minimum benefit which goes in some cases to well pensioned civil servants who get plenty from federal civil service pensions and worked in Social Security-covered employment only a few years. They say disability benefits should go only to those with the most severe physical ailments; others can go on the charity disability welfare program entailing a needs and income test.

They say the basic level of benefits under current formulas are a little too rich. They say people who want to retire at 62 and enjoy leisure while others are laboring until 65 must pay the financial penalty.

Only by cutting back these "fringe" benefits will it be possible to guarantee financing for what must remain the primary function of the system, they argue: a basic pension for retirees.

Critics of the administration proposals have counter-arguments on most of these contentions: Ball, for example, has said that a recent study shows that 57 percent of those who retire at 62 actually do so because they are in ill health, and another 14 percent because they are out of work and can't find jobs.

This being so, they argue, a proposal that would cut back early retirement monthly benefit levels as much as two-fifths from present law and leave a benefit equivalent to only 20 percent of what the individual earned before retirement is not merely an adjustment but a tremendous rip in the safety net.

Others argue that two-thirds of those receiving student benefits are of relatively low income and may have to discontinue education if student benefits are killed at the same time that guaranteed and direct college loans are being cut back as part of Reagan's proposed cuts in education programs.

There are already considerable signs that members of Congress believe the Reagan plan overreached and asked for too much. The Senate, on a 96-to-0 vote, signaled a few days after the Reagan plan was announced that it would not accept it and Reagan had to offer a promise to compromise to help calm things down. Undoubtedly, Reagan's proposals have left a residue of suspicion and enmity among affected groups and in general among opponents of social program cuts.

But in the long run, the political damage may not be too great. There is generally a perception that something must be done, that it may require either higher tax burdens or some surgery (if much less than he asked), and that some bipartisanship is needed to fashion a solution. If he can reach a genuine compromise with Congress, everybody may be so happy the problem is solved that he may get off relatively lightly.

THE LEGACY OF THE HOLOCAUST PASSED ON

Mr. PROXMIRE. Mr. President, the first worldwide gathering of victims of the holocaust ended June 18 as 5,000 survivors of Hitler's death camps transmitted a legacy of the holocaust to their children. The New York Times reported on June 19 that the survivors united at Jerusalem's Wailing Wall to remember the horror which killed 6 million Jews. In the face of what many survivors see as revisionism and growing antisemitism, they passed on a legacy to keep the memory of the Holocaust alive in succeeding generations.

The legacy was read aloud to the gathered survivors. It began:

We take this oath! We take it in the shadow of flames whose tongues scar the soul of our people. We vow in the name of dead parents and children. We vow, with our sadness hidden, our faith renewed. We vow, we shall never let the sacred memory of our perished six million be scorned or erased.

The purpose of this testament is not simply to mourn for the nightmare of the past. It warns that man is still capable of inhumanity, and courageously condemns such actions. Their legacy looks to the past to remind us that the future may hold new horrors.

The survivors of the most horrible genocide campaign the world has witnessed have united to tell us to learn from the holocaust. They unite to tell us that the world can be better if we will make it so.

Mr. President, I ask my colleagues what our legacy to future generations will be. Are we to leave to our children a heritage of indifference and irresponsibility? If genocide is committed in the future, are our children to have a crippled stance in stopping it? The answer must be a resounding no.

The holocaust survivors have passed to their children the responsibility to remember the past and protect the future. I ask that this Senate consider its responsibility to help end the crime of genocide. I urge swift adoption of the Genocide Convention.

Mr. President, I thank my good friend, the Democratic leader, and yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I yield my time to any Senator who wishes to have the time.

Mr. President, I yield back the remainder of my time under the special order.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. SYMMS). Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond 30 minutes with statements therein limited to 5 minutes each.

THE UTILITY OF THE SOLAR ELECTRONIC PROPULSION SYSTEM

Mr. HEFLIN. Mr. President, on Sunday, June 7, 1981, an article entitled "What Earthly Purpose to Peeking at Planets?" by Edward P. Stafford, a former Special Assistant for External Affairs at NASA, and a naval aviator for 25 years, was published in the Washington Star. This article is one of the most cogent arguments I have read in quite some time explaining why it is important for us to continue our study of our solar system and highlights some of the lessons that we hope to learn from this endeavor. As Mr. Stafford states—

The ways in which new knowledge from the planets will combine to create new benefits to humanity and what those benefits will be are as unknowable as the future. The only certainty is that they will come.

I ask unanimous consent that the entire text of this article appear at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HEFLIN. The Solar System Exploration Committee at NASA is currently pondering this Nation's planetary exploration program. I have given the committee the benefit of my views on this subject and I would like to take just a minute to share with the rest of the Members of this body my thoughts along these lines. I was particularly grateful to be given the opportunity to give my views in writing to the Solar System Exploration Committee since, as I understand it, the charter of that Committee is to develop and recommend to NASA a plan for solar system explorations for the remainder of the century.

Mr. President, we have all witnessed the spectacular discoveries of the *Voyager* spacecraft as they flew by Jupiter and Saturn. My pride in what this country has been able to accomplish in planetary exploration was at its peak with the recent pictures from Saturn. This Nation has been at the forefront of planetary exploration and I hope the Congress will view its responsibility as one that will result in a continued U.S. preeminence in this area.

Obviously, Mr. President, I am not a planetologist and cannot provide scientific rationale or my views on planetary explorations. However, I have been exposed to numerous eloquent testimonies before the Senate Science, Technology, and Space Subcommittee and I have talked to quite a number of experts in this field and I do have an opinion. This Nation has undertaken a vigorous planetary program to date and I feel that we are capable of becoming the first nation on Earth to develop a comprehensive understanding of the solar system. This understanding has already permitted increased knowledge not only of the other planets, but also of our Earth. There are many benefits for mankind that will be derived from a comprehensive knowledge of our neighbors and the way the solar system has evolved. We have also benefited from the technological advances that were made to enable our spacecraft to make the significant discoveries and transmit them back to Earth over billions of miles. As I have studied our planetary exploration program, I have come to the conclusion that—faced with a hiatus of 7 years from the last launch to the next planetary launch—our position of international leadership, scientific and technological benefits, and public pride is now in serious jeopardy. The American team of planetary scientists and engineers is in real danger of dissipating. The Soviet Union and France are embarking on joint ventures to Venus and Haley's Comet, and Europe and Japan are developing deep space probes and a significant space science capability. I have an increasing concern that just as we are beginning cooperative ventures with others in the world, our dedication to planetary exploration begins to falter.

The current administration's plan provides that Galileo, ISPM, and VOIR will provide a return to deep space but not until 1985. Galileo and ISPM, initiated in fiscal year 1978 and 1979 have been delayed from their original launch dates by 3 years. These delays have pointed up the fact that our space transportation system capabilities, both schedule and performance, were not attained when needed.

As a result of this, NASA now recommend replacing the shuttle upper stage to meet the higher requirements associated with the new launch dates. I do not want to belabor the well known history of these two projects, but there is a very good lesson we should have learned: We counted on schedule and launch vehicle performance of new and complex systems. The conditions changed—spacecraft weight grew, launch vehicle performance was low and delays in launch opportunities resulted. We in the Congress must keep this lesson firing in our minds as we try to find a proper balance between capabilities, flexibility, and requirements.

I would now like to borrow a portion from a recent statement of Dr. Al Cameron, chairman of the Space Science Board to the House Subcommittee on Space Science and Applications. In that testimony, Dr. Cameron stated that the major bodies of the solar system divide naturally into three distinct classes: The large, low-density outer planets; the smaller, high-density inner planets; and the primitive bodies—comets and asteroids. A comprehensive study of our solar system should be based upon a strategy of exploration of all three classes. To date, our program has focused quite naturally on our neighboring planets—the inner planets and recently the outer planets. Galileo will add significantly to our knowledge of one of the outer planets—Jupiter. While, as Mr. Stafford also points out in his article, we have not yet completed our studies of the inner planets and have just begun to study the outer planets, we should now begin to focus attention on the third element of Dr. Cameron's triad—the primitive bodies.

I am certainly not advocating this focus be to the exclusion of continued studies of the inner and outer planets. I do believe, however, that we are at a decisive point in our planning for the future because of the recent decision by the Congress to continue the funding for the solar electric propulsion system (SEPS), despite a recommendation by the administration that it be canceled. According to the testimony I have heard, I conclude that without SEPS there is no capability to undertake serious studies of the "primitive bodies"—comets and asteroids, and very little, if any, capability to continue studies of the outer planets beyond Galileo. It is for this reason that I feel the Congress wisely chose to continue funding and defer rather than cancel SEPS. Deferring SEPS provides us the opportunity to maintain this option for a period of time, but the restoration of full development status may depend upon the signals the Congress sends about the direction NASA should take in the latter part of the eighties' and early nineties'. I personally believe that an aggressive plan to utilize SEPS for exploration of comets, asteroids and outer planets should be seriously considered by NASA, and I so informed the Solar System Exploration Committee.

As I understand the background, SEPS technology has been in development for over 20 years, yet if this technology is permitted to be terminated due to, as the administration puts it, lack of an approved mission—we will have been shortsighted indeed Mr. President, I would just like to quote from a letter from Prof. Eugene H. Levy from the University of Arizona where he serves in the Department of Planetary Sciences, Lunar, and Planetary Laboratory to Congressman BOLAND dated May 27, 1981. Professor Levy states—

Clearly, development of solar electric propulsion is inevitable: the United States will need it in the relatively near future. It is not rational to wait until the first mission for which it will be needed is also started. Recent experience has shown us that such a policy is not wise and can lead to unconstrained cost growth as a result of unforeseen delays in propulsion development.

Mr. President, I ask unanimous consent that the entire text of Professor Levy's letter also be printed at the conclusion of my remarks. I think that Professor Levy makes the case very forcefully and I certainly want to associate myself with his position.

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

(See exhibit 2.)

Mr. HEFLIN. In my judgment, the people of this country will not easily understand why NASA, despite all its capabilities and foresight, has permitted this Nation to be a sideline viewer for the upcoming return of Haley's Comet. We have all but missed this opportunity, but will we have a logical plan that will translate to the public that we are moving forward with an aggressive exploration plan for other comets, the asteroids, and outer planets? I am convinced that we should aim high, for if we do not do it now, our ability to achieve future goals may be beyond our reach. We must go forward to reclaim the momentum in planetary exploration for our scientists, engineers, and the Nation.

As a final word, Mr. President, I think that Members of this body at large, not just members of our Space Subcommittee should help shape the future course of solar system exploration by urging NASA to adopt a plan that results in this Nation having the capability to complete Dr. Cameron's triad. The next initiative, it seems to me, should be to explore the primative bodies—comets and asteroids. Such a plan is required now to let our planetary scientists and engineers, and the general public know that we intend to excel.

EXHIBIT 1

[From the Washington Star, June 7, 1981]

WHAT EARTHLY PURPOSE TO PEEKING AT PLANETS?

This month another spacecraft focuses its electronic eyes on Saturn and begins to beam its images back to Earth.

This Voyager—the second—is still some 60 million miles from the ringed planet but it is closing fast. Very fast. About 50,000 miles an hour. And it will speed up as the big planet's gravity continues to pull it in. By early August Saturn will loom so large to Voyager's narrow-angle camera that it can be no longer be captured in a single frame.

At 11:24 p.m. EDT on August 25, the spacecraft will flash past the outer rings at a distance of 23,600 miles with all its sensors busy gathering as much data as they can. On its way out of the Saturn system Voyager will observe six of the planet's 15 known moons.

During the final days of August and the first week in September a lot of dramatic pictures of Saturn will appear on newsstands and TV screens, and the accompanying captions and stories will be widely read. There will be considerable interest accompanied by a certain amount of pride in what we have been able to accomplish, which is to send an extension of our own intelligence with great precision hundreds of millions of miles out into space to make highly accurate scientific observations.

But by mid-September, except for a relatively few scientists, Voyages II's encounter with Saturn will have faded from public attention, remembered, if at all, as an interesting, isolated space spectacular.

But that memory will be wrong. Interesting, yes. Spectacular, in its own way. But certainly not isolated. Because although it is not generally recognized, the rendezvous of Saturn and Voyager is just one incident in a carefully planned, progressive, systematic exploration of the solar system, aimed, in the long run, at improving the human lot on planet Earth.

Voyager II is only the present link in a chain of planetary explorations which extends 22 years into the past and unless it is severed by the budget axe, far out into the future. Voyager II itself was part of that past and will be part of that future, budget axe or no budget axe. It sailed through the mini-solar system of Jupiter in the summer of '79, and with luck in the winter of '86 it will give us our first close look at remote Uranus, twice as far from the sun as Saturn, a frigid, greenish gas-ball spinning around the sun on its side.

With still more luck, it could even reconnoiter yet more distant Neptune, the eighth planet from the sun, in the fall of '89. Luck in the case of Voyager means the continued functioning of its generators, its computers, its instruments and its radio.

Voyager II is very much part of a plan. Its mission from the beginning was to follow its traveling companion, Voyager I, through the systems of Jupiter and Saturn, picking up scientific data the first spacecraft missed and taking another look at objects or happenings of special interest, and then to head out for Uranus and Neptune. The mission of Voyager I was to learn as much as possible about Jupiter, Saturn, and their moons, period.

But both Voyagers fit into a master plan conceived back in 1965 which calls for exploring the planets in three stages: reconnaissance, or a first quick look to see what the planet is really like; exploration—closer, larger study, usually by orbiting spacecraft; and intensive study—getting the answers to specific and important questions about the planet—what is it made of, how is it changing and why, what kind of an atmosphere does it have, does it have a magnetic field as Earth does, and the most interesting question of all, does any form of life exist there?

The two Voyagers come under the heading of exploration. A couple of Pioneers with much less capable instruments did the reconnaissance of Jupiter and Saturn back in the middle '70s.

But when Voyager II arrives at Uranus, and later at Neptune, it will definitely be a reconnaissance, the first man-made device ever to approach those distant, icy worlds. And when (and if) Voyager II focuses its sensors on Neptune and what they "see" is transmitted back to Earth (it will take five and a half hours to get here at light's speed of 186,000 miles a second) we will have completed reconnaissance of eight of the Sun's nine planets; only the frozen rock of Pluto, far out on the fringe of the solar system, will remain unvisited.

Already we are in the exploration stage at Venus, as well as at Jupiter and Saturn, having probed its caustic atmosphere at four locations and mapped its permanently invisible surface from a radar orbiter.

At Mars we have advanced to intensive study with the Viking-lander laboratories and their orbiting partners.

Sometime in 1985 the Space Shuttle will launch another exploratory mission to Jupiter, not a flyby like the Voyagers, but an orbiter which will stay and observe for some 20 months, and a probe to enter and sample the giant planet's swirling atmosphere.

* * * * *

A better radar will go to Venus to map its surface in more detail. There is talk of a follow-up flight to Mars which would return a sample of its enigmatic soil for analysis here on Earth. Scientists expect that by around 1990 materials and instruments will have been developed which will enable us to land sensors on the 900-degree surface of Venus and the 600-degree rocks of Mercury.

In the early '90's the planets will be lined up in a way that will give us a chance for a first look at Pluto and a second (or first) inspection of Neptune.

CONTINUING ADVENTURE

It is an exciting and continuing scientific adventure, perhaps the greatest ever. We have discovered sulfuric acid clouds, crushing pressures and hellish temperatures on Venus, long thought to be our sister planet and imagined by many to be populated with exotic, intelligent beings. We have found no canals but dried-up water courses on the rusty surface of Mars, and mountains and canyons which dwarf anything on Earth. We have analyzed the red planet's soil with landed laboratories and found more questions than answers.

We have witnessed sulfur-belching volcanic eruptions on Jupiter's moon Io, the only active volcanoes in the solar system other than those on Earth. We have seen lightning flashing through the banded ammonia clouds of Jupiter, observed "braided" rings at Saturn which seem to defy the known laws of orbital mechanics, repeatedly penetrated with impunity the belt of asteroids between Mars and Jupiter, dispatched four spacecraft (the Pioneers and the Voyagers) on eternal journeys among the stars—the first man-made objects to leave the solar system.

Interesting. Exciting. Even fascinating to many of us. But expensive. And how does all this improve the human lot on Earth? "What's in it for me?"

More than you think.

For starters, planetary exploration can teach us to preserve our beautiful and varied planet as the only home for mankind in all the universe. Venus is about the same size and age as Earth and only a little closer to the sun, yet a man stepping out of a spacecraft on Venus would be simultaneously crushed by pressures about the same as those 3,000 feet down in the sea, and fried by temperatures above the melting points of lead and zinc.

What happened? Apparently there was a buildup of carbon dioxide in the atmosphere which trapped the heat from the sun—the so-called "green-house" effect. We are putting a lot of carbon dioxide into our own atmosphere by burning coal and oil. Can the same thing happen here? Knowledge of what happened on Venus can show us how to prevent it.

LIFELESS, RUSTY DESERT

Mars is smaller but otherwise much like Earth and only a little farther from the sun. Apparently it once had an atmosphere perhaps as dense as ours, and surface water like that in which life on Earth began. Now the Martian atmosphere is thin and tenuous and the surface water is gone. Mars is an apparently lifeless, rusty desert. What happened? Can it happen here? Studies of Mars can answer both questions and perhaps prevent disaster.

Observation of the evolution, geology and movement of the crusts of other planets and their moons can give us a better understanding of those same elements on Earth—and thus a better ability, among other things, to predict earthquakes and to pin-point likely locations of oil, coal and mineral deposits.

Studies of cloud movements and weather patterns on other planets are giving us new insights into how the weather works at home—new insights mean more accurate, longer-range forecasts with perhaps an eventual ability to control some aspects of our weather.

In the long run it may well be that access to the rest of our solar system will mean access to a new and literally limitless supply of materials and energy at just about the same time our own planet is running out.

But in the end the exploration of the solar system, by Voyager II, its predecessors and successors, will improve the human lot in precisely the way it has always been improved, by the simple enlargement of human knowledge. The ways in which new knowledge from the planets will be combined to create new benefits to humanity, and what those benefits will be, are as unknowable as the future. The only centainty is that they will come.

That is the real meaning of the endless odyssey of Voyager II as it accelerates towards Saturn this summer.

EXHIBIT 2

THE UNIVERSITY OF ARIZONA,
Tucson, Ariz., May 27, 1981.

Hon. EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR MR. BOLAND: I understand that your Committee will shortly undertake to review the desirability of including funds for continued development of the Solar Electric Propulsion System in the current NASA appropriations bill. I would like to submit my views for your consideration in this matter. While I am writing as an individual I am, at the same time, drawing heavily on conclusions and recommendations of the Committee on Planetary and Lunar Exploration of the Space Science Board and on deliberations of the NASA Solar-System Exploration Committee.

It is essential that the planning and development of launch and propulsion capabilities be carried out with a view to the long-term requirements and objectives of our continuing space activities in all areas of national importance. The low-thrust, solar electric propulsion system will provide a unique operational capability, complementary to the shuttle and upper stage combination and will, together with them, give the United States access to a large part of the solar system for scientific and technological endeavors.

While I have no doubt that such low thrust propulsion systems eventually will find important use also in Earth orbital applications, for maneuvering large space structures that will not have the mechanical rigidity to withstand the stress of acceleration by conventional rockets, here I want to concentrate on the need for this propulsion capability to realize the United States' objectives in space science.

The United States presently occupies a leading, but rapidly eroding, position in space science. This erosion of our position is the result of shrinking national foresight through several recent administrations. If we are to arrest this erosion and recover, then we must plan in a sensible way for future needs. Several major steps in capability are offered by low thrust propulsion systems; these include: substantial increases in spacecraft capacity, freedom from many launch window constraints that are common with conventional ballistic vehicles, and the ability to reach important but otherwise inaccessible objects. The capabilities of solar electric propulsion would facilitate, in a major way, our ability to carry our investigations of comets, asteroids, Mercury, Saturn, and Mars.

It is not now clear to me what level of vigor we will be able to look forward to in U.S. scientific programs over the next ten or twenty years, but it is clear what many of the major questions are. For example, we have made great progress in understanding the nature of our solar system and we expect that large and unique steps toward understanding its origin can be taken by detailed study of comets and asteroids—the best preserved known remnants of the original stuff from which we are made. Any reasonable national science policy will meet the challenge posed to us by these primitive bodies; a low-thrust propulsion system, such as SEP, is essential to that endeavor.

Clearly, development of solar electric propulsion is inevitable; the United States will need it in the relatively near future. It is not rational to wait until the first mission for which it will be needed is also started. Recent experience has shown us that such a policy is not wise and can lead to unconstrained cost growth as a result of unforeseen delays in propulsion development. I believe that you yourself were early in pointing out such a possible danger to the Galileo mission during the development of the space shuttle. We should learn from our past experiences. When problems arise in development of new technologies they can be signals, of shortcomings in the way we do things; but they also are signals that we are undertaking technical challenges that are worthy of our abilities and that will provoke those abilities to growth. We have seen that happen many times in our space programs. However, it is important that we proceed in a way that rationally minimizes the extended influences of unforeseen problems. Beginning development of solar electric propulsion now would be the right step.

Sincerely,

EUGENE H. LEVY,
Associate Professor.

WASTE, FRAUD, AND ABUSE REDUCTION ACT

Mr. HEFLIN. Mr. President, I rise today to speak in favor of a bill that I believe is long overdue, the Waste, Fraud, and Abuse Reduction Act of 1981. I strongly commend my colleague from Wisconsin, Senator KASTEN, for his leadership in this important area and I am pleased to be a cosponsor of this legislation.

Waste, fraud, and abuse within the Federal Government costs the American taxpayers untold billions of dollars each year—this is not money that goes to feeding the poor or to defending our Nation—this fraud and waste represents billions of dollars that is simply lost as far as the public good is concerned. This type of irresponsibility and corruption cannot be allowed to continue.

The Waste, Fraud, and Abuse Reduction Act is a simple, sensible, and systematic way to put waste and fraud in check. Further, this bill will encourage—not discourage—senior Government personnel to report waste and abuse when they see it.

Under the terms of the bill, the Congress would withhold a certain percentage of each Federal agency's funds at the beginning of each fiscal year. Each agency would then have 4 months to report to the Congress on their antiwaste, antifraud, and antiabuse efforts. Following a careful review of these efforts, Congress could lift the "hold" on the funds or return these funds to the Treasury if the antiwaste efforts were insufficient.

Senator KASTEN likes to call this his 2-percent solution because the percentage withheld at the beginning of each year would be 2 percent. While I enthusiastically support the concept involved here, I cannot help but wonder if the percentage could be raised. This is a matter that I will explore for later discussion on this legislation.

The Senate Budget Committee has estimated that this bill could save American taxpayers as much as $7 billion in fiscal years 1983 and 1984. I believe these savings could be achieved even sooner and be even more substantial if action were taken on this important legislation quickly.

Some Members of this body may be concerned that this legislation would infringe upon the normal appropriations process, thus interfere with the Congress constitutional duty to appropriate moneys. I do not share those concerns because the bill is carefully designed not to infringe upon this responsibility.

The Waste, Fraud, and Abuse Reduction Act does not single out any one agency, but would apply to all Federal agencies in an equal manner. Each agency would have to prove that it is doing its best to fight waste and fraud.

Mr. President, the American people are fed up with paying high taxes and then seeing their hard-earned tax dollars wasted by a big and uncaring, wasteful Government. We must take action to see that waste within the Federal Government is stopped. I believe this legislation will do much to accomplish this goal.

NOTICE OF INTENTION TO SCHEDULE CERTAIN MEASURES

Mr. BAKER. Mr. President, as we did last week, I wish to call attention to certain items that might be dealt with by unanimous consent or under brief time agreements if available so that Members may be aware of these measures and the possibility that we will take action on them.

I have not yet had an opportunity to confer with the minority leader on this subject, but I shall do so shortly. I urge all Senators to assume that the five calendar items I am about to list are likely to be disposed of very promptly:

Calendar Order No. 37, S. 271, the Communications Act, from the Commerce Committee; Calendar Order No. 103, S. 816, the so-called Pfizer bill, from the Judiciary Committee; Calendar Order No. 167, Senate Resolution 87, a sense of the Senate resolution in respect to social security, from the Finance Committee; Calendar Order No. 174, Senate Resolution 144, a resolution regarding Lebanon, from the Foreign Relations Committee; and Calendar Order No. 176, Senate Resolution 141, a sense of the Senate resolution, from the Judiciary Committee dealing with crime.

Mr. President, I do not propose to deal with these matters now, but Senators should be on notice that the leadership may attempt to move these bills either by unanimous consent or on short time limitations in the immediate future.

AUTHORIZING APPEARANCE AS AMICUS CURIAE BY THE SELECT COMMITTEE ON ETHICS

Mr. BAKER. Mr. President, I sent to the desk a resolution. This has been cleared on the minority side for immediate consideration. I ask unanimous consent for its immediate consideration.

THE PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 157) to authorize appearance as amicus curiae by the Select Committee on Ethics.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

The resolution (S. Res. 157) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 157

Whereas, Article I, Section 5, Clause 2 of the Constitution empowers the Senate to consider allegations of misconduct by its members, and the Senate has authorized and obligated the Select Committee on Ethics to investigate such allegations;

Whereas, the Committee is conducting a preliminary inquiry into the conduct of Senator Howard W. Cannon in connection with the sale of a parcel of land owned by the Teamsters Union Central States Southeast and Southwest Areas Pension Fund;

Whereas, for this inquiry the Committee subpoenaed the Department of Justice to produce, in executive session, electronic surveillance recordings obtained by the Department;

Whereas, the Department of Justice agreed to provide the recordings, under an arrangement with the Committee that the contents of the recordings will not be disclosed publicly at this stage of the Committee's proceedings, and will not be disclosed at any later stage without due notice to the Department;

Whereas, the defendants in *United States v. Allen M. Dorfman, et al.*, No. 81 Cr. 269, pending in the United States District Court for the Northern District of Illinois, have moved the court for an order which would, in effect, direct the Department of Justice not to comply with the Committee's subpoena;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978 (2 U.S.C. §§288b(c)), 288e(a), and 288l(a) (Supp. III (1979)), the Senate may direct its Counsel to appear as amicus curiae in the name of a committee of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae, in the name of the Select Committee on Ethics of the United States Senate, in *United States v. Allen M. Dorfman, et al.*, for the purpose of presenting the right of the Committee to obtain, by its lawful process, evidence it deems necessary for its proceedings.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

WHY CONGRESS BARRED BRIBERY ABROAD

Mr. PROXMIRE. Mr. President, on June 18, 1981, the New York Times published an article by Karin M. Lissakers, a senior associate at the Carnegie Endowment for International Peace, titled "Again, Why Congress Barred Bribery Abroad."

Ms. Lissakers' article is well worth reading because it reminds us of the strong foreign-policy reasons why bribery overseas is such a disaster and why the Senate should oppose S. 708—which is now pending in the Senate Committee on Banking, Housing, and Urban Affairs—proposed legislation to amend the Foreign Corrupt Practices Act, which, in my judgment, would effectively gut, destroy, our prohibitions against bribery abroad.

I ask unanimous consent that Ms. Lissakers' article be printed in the RECORD.

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

AGAIN, WHY CONGRESS BARRED BRIBERY ABROAD

(By Karin M. Lissakers)

Judging from the debate over proposals to water down the Foreign Corrupt Practices Act of 1977, the Congress has forgotten just why it forbade the bribery of foreign government officials by United States corporations and required internal accounting controls adequate to ensure that such illegal payments would not be made.

A bill offered by Senator John H. Chafee, Republican of Rhode Island, would narrow the accounting requirements and limit corporate liability. The Administration has recommended eliminating the accounting requirements and easing the definition of bribery. Testifying Tuesday before the Senate Banking Committee, John S.R. Shad, chairman of the Securities and Exchange Commission, took middle ground.

Passage of the law was not, as critics now charge, a misguided desire to impose American standards of ethics and morality on other countries. Nor did Congress assume that the prohibition on bribery would be cost-free in terms of lost business opportunities. Rather, Congress acted because it had become convinced, after an exhaustive investigation and a year-long series of hearings by a Senate Foreign Relations subcommittee chaired by Frank Church that the damage to the United States' foreign-policy interests from permitting these corrupt practices to continue far outweighed any short-term gains in exports and overseas-investment opportunities.

Senate hearings in 1975–76 revealed, among other things, that the Lockheed Corporation had paid more than $106 million in secret "commissions" to promote its foreign sales, including $7 million to a well-connected Japanese "agent" who was also the head of a fanatic right-wing youth movement. Lockheed also made large secret payments to Prince Bernhard of the Netherlands to influence his recommendations as inspector general of the armed forces concerning fighter-plane purchases by the Dutch Government. Exxon funneled more than $50 million to Italian political parties and Cabinet members to buy favorable tax and energy legislation. The Northrop Corporation had agreed to pay, to a mysterious Swiss company, 1.5 percent of all its overseas earnings for the sale of the F–5 but testified that it did not know who the company's shareholders were, or what services the fee would entail.

The act was not directed at "baksheesh" given to minor functionaries but at the wholesale buying, by American companies, of cabinet ministers, chiefs of armed forces, and legislators in Europe, in Asia, in the Middle East, and in Latin America, which was revealed in those hearings. Mr. Church summed up the act's foreign policy rationale this way: "While bribes and kickbacks may bolster sales in the short run, the open participation of American firms in such practices can in the long run only serve to discredit them *and* the United States. Ultimately, they create the conditions which bring to power political forces that are not friends of ours, whether a Qaddafi in Libya or Communists in Italy." (Or, it could now be added, a Khomeini, in Iran.) Mr. Church also noted: "Morality in the business community is not our responsibility, nor is enforcing the law in other lands. What this Government and this Congress must concern itself with are the very real and serious political and economic consequences that spreading corruption can leave for U.S. interests both at home and abroad."

Before the Congress decides to gut the law, it should ask itself whether it serves our security interests to have North Atlantic Treaty Organization allies and other friendly governments base their arms-procurement decisions on the size of bribes offered by various arms manufacturers rather than on defense needs; whether democratic forces are strengthened when American corporations participate in the subversion of the legislative and electoral processes of other countries by pumping hidden millions of dollars into the Swiss bank accounts of officials and the coffers of political parties and parliamentary groups; whether our efforts to promote economic development in third-world countries are helped when these countries pay an extra 10 or 20 or 50 percent for needed imports because kickbacks are part of the deal; and whether American business is well-served when hidden bank accounts, dummy corporations, and false filings are considered a normal part of doing business and when honest corporations are left without legal protection against shakedowns and extortion by corrupt foreign officials.

There is pending in the United Nations a draft treaty on corrupt practices that would protect the competitive position of American business abroad without sacrificing our broader foreign-policy interests. The Administration's energies would be better directed at seeking adoption of an international agreement in the United Nations or in the Organization for Economic Cooperation and Development to parallel our own tough and apparently effective anticorruption law.

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I say, "Good morning" to the Chair, and I thank the Chair for recognizing me.

I ask unanimous consent that the order for the quorum call be rescinded.

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

CRIPPLING EFFECTS OF HIGH INTEREST RATES

Mr. BOREN. Mr. President, again today I want to take the floor as I have for the last 4 days to call the attention of my colleagues to the crippling effects that high interest rates are having on the key productive sectors of our economy.

As you know, I intend to address this crucial problem each day on the floor of the Senate until the administration and responsible policymakers devise a program to combat these outrageous interest rates which are continuing to strangle the productivity of our Nation. Mr. President, we simply cannot delay action on this matter any longer. We do not have to look very hard to find examples of the effects interest rates are causing. The industry of agriculture in America, one of the most productive and vital segments of our economy, is likewise feeling the tremendous burden of high interest rates.

Total interest costs in agriculture have doubled in the last 4 years to reach an all time high of $14 billion. The interest costs on a $45,000 PCA loan at 15 percent amounts to $6,750 per year. Cattle feeders are paying $35 a head per year just in interest charges on the money borrowed to pay for the steers. Interest charges on a $400 heifer calf brought today would be $160 for 2 years. The charge, then, for 100 replacement heifers would be $16,000. Assuming the heifers produce 90 calves for sale in the fall of 1983, the interest cost per calf to the farmer would be $178. The figure does not even include the interest he pays as a percentage of other production costs such as fertilizer, equipment, and feed, which has gone up 27 percent in the last year alone.

Mr. President, interest rates are forcing 25,000 fulltime farmers out of work a year. The word farmer in America used to mean a person who worked all day on his own farm to make a living for his family. For another 75,000 farmers each year, farming is becoming their secondary source of income. How long can our farmers continue to produce for us under these disastrous conditions?

Again, I urge the President, the Secretary of the Treasury, those in the Federal Reserve, and the economic advisers of the administration to take note of this national emergency and to resolve the crisis while we still have farmers who are willing to produce.

I yield the floor.

PUBLIC OPINION ON THE FEDERAL JUDICIARY

Mr. THURMOND. Mr. President, the Heritage Foundation recently commissioned a public opinion study which was performed by Sindlinger and Company, Inc. The study assessed public attitudes toward the Federal judiciary and public opinion of the proper role of the Federal judiciary under the Constitution.

I believe the results of the study are valuable in understanding the extent of decline in public confidence in our Federal court system.

I also believe that the Federal judiciary itself could reflect profitably on public attitude toward the Federal courts. Perhaps through the process of self-examination the Federal courts might see fit to take the lead in returning their activity to the limits of Federal judicial authority specified in the Constitution.

I ask unanimous consent that the results of the study conducted for the Heritage Foundation be printed in the RECORD.

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

A STUDY CONDUCTED FOR THE HERITAGE FOUNDATION BY SINDLINGER & CO., INC., MEDIA, PA.

	Total			Male			Female		
	Sample	Percent	Proj. (thousands)	Sample	Percent	Proj. (thousands)	Sample	Percent	Proj. (thousands)
Base—Total adults interviewed	2,713	100.0	165,991	1,322	100.0	80,520	1,391	100.0	85,471
Question 1: In the United States, the appointive method is used for Federal judges—that is, they are appointed for life. This, however, is not so for State judges. The majority of States provide that State judges must be reconfirmed periodically, in some States, by popular election. In your opinion, do you think that Federal judges should be reconfirmed periodically?									
1. Yes	1,999	73.7	122,277	1,027	77.7	62,552	972	69.9	59,725
2. No	441	16.3	26,978	223	16.9	13,582	218	15.7	13,395
3. Don't know	273	10.1	16,736	72	5.4	4,385	201	14.5	12,351
Question 2: Would you, yourself, support the direct election of Federal judges?									
1. Yes	1,853	68.3	113,343	959	72.5	58,410	894	64.3	54,932
2. No	512	18.9	31,328	246	18.6	14,983	266	19.1	16,345
3. Don't know	348	12.8	21,320	117	8.9	7,126	231	16.6	14,194
Question 3: It is almost unheard of for Congress to impeach a Federal judge. In your opinion, do you think that Congress should at least scrutinize the rulings of Federal judges in order to insure that they do not go beyond the bounds of the Constitution?									
1. Yes	2,345	86.4	143,460	1,161	------	------	1,184	85.1	------
2. No	104	3.8	6,364	49	------	------	55	4.0	3,380
3. Don't know	264	9.7	16,161	112	------	------	------	10.8	9,340
Question 4: Would you prefer to have a sensitive issue like busing, abortion, and voluntary prayer decided in State courts or Federal courts?									
1. State courts	1,671	61.6	102,230	829	62.7	50,492	842	60.5	51,737
2. Federal courts	614	22.6	37,560	311	23.5	18,942	303	21.8	18,618
3. Both courts	112	4.1	6,854	52	3.9	3,167	60	4.3	3,687
4. Don't know	316	11.7	19,347	130	9.8	7,918	186	13.4	11,428
Question 5: When the Supreme Court considers a case, would you favor requiring a two-thirds "super-majority" of the Court to declare a State or Federal law unconstitutional?									
1. Yes	2,177	80.2	133,151	1,146	86.7	69,800	1,031	74.1	63,351
2. No	392	14.5	24,022	121	9.2	7,370	271	19.2	16,652
3. Don't know	144	5.3	8,819	55	4.2	3,350	89	6.4	5,469
Question 6: Should we allow Congress to overturn a Supreme Court ruling by a two-thirds majority vote?									
1. Yes	1,482	55.0	91,290	720	54.5	43,854	772	55.5	47,436
2. No	807	29.7	49,366	411	31.1	25,035	396	28.5	24,333
3. Don't know	414	15.3	25,336	191	14.4	11,653	223	16.0	13,302
Question 7: Would you favor elimination of "intervenor funding" whereby Federal agencies pay attorneys to present their views in regulatory hearings?									
1. Yes	1,490	54.9	91,135	779	58.9	47,447	711	51.1	43,688
2. No	567	20.9	34,697	265	20.0	16,141	302	21.7	18,557
3. Don't know	656	24.2	40,159	278	21.0	16,932	378	27.2	23,226
Question 8: Would you favor limiting the authority of Federal regulatory agencies to initiate lawsuits against businesses and citizens?									
1. Yes	1,742	64.2	106,549	909	68.8	55,365	833	59.9	51,184
2. No	392	14.5	24,002	158	12.0	9,623	234	16.8	14,378
3. Don't know	579	21.4	35,440	255	19.3	15,531	324	23.3	19,908
Question 9: Would you favor congressional efforts to withdraw Federal court jurisdiction over cases involving issues such as busing?									
1. Yes	2,206	81.3	134,973	1,072	81.1	65,293	1,134	81.5	69,679
2. No	396	14.6	24,222	205	15.5	12,486	191	13.7	11,736
3. Don't know	111	4.1	6,796	45	3.4	2,741	66	4.7	4,055
Question 10: Do you support the current proposal to abolish the federally funded Legal Services Corporation, a program costing $321,000,000 in the current fiscal year?									
1. Yes	1,407	51.9	86,075	705	53.3	42,940	702	50.5	43,135
2. No	723	26.6	44,226	371	28.1	22,597	352	25.3	21,629
3. Don't know	583	21.5	35,691	246	18.6	14,983	337	24.2	20,707
Question 11: Do you feel the Federal judiciary reflects your personal views?									
1. Yes	281	10.4	17,186	149	11.3	9,075	132	9.5	8,111
2. No	2,096	77.3	128,247	1,010	76.4	61,517	1,086	78.1	66,730
3. Don't know	336	12.4	20,558	163	12.3	9,928	173	12.4	10,630

U.S. INTEREST IN SOUTHEAST ASIA

Mr. THURMOND. Mr. President, It is most appropriate today to draw the attention of the Senate toward Southeast Asia in view of the statement yesterday by Secretary of State Alexander Haig that the United States would "shore up those who are under threat and danger" in that area.

As perhaps the last Member of Congress to visit South Vietnam and Cambodia before their fall to Communist forces, and as one who deplores the mass murders in Cambodia and the enslavement of the people in South Vietnam, I believe more attention is needed by the United States in Southeast Asia.

In keeping with this interest, I wish to draw to the attention of my colleagues an article written by Brig. Gen. J. D. Hittle, a retired Marine officer, entitled "A Continuing Conflict in Southeast Asia."

General Hittle is a former Assistant Secretary of the Navy and holds a master's degree in oriental history. His article is perceptive and worthy of the attention of Members of the Congress.

General Hittle's article appeared in the June 1, 1981, issue of the Navy Times, and I ask unanimous consent that it be printed in the RECORD.

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

A CONTINUING CONFLICT IN SOUTHEAST ASIA

(By Brig. Gen. J. D. Hittle, USMC (Ret.))

The tragic drama of U.S. surrender in Vietnam may be over, but the end of the continuing conflict in Southeast Asia isn't even in sight.

There are, of course, a lot of local and side issues involved in the continuing turmoil in Southeast Asia, but the basic source of trouble is the continuing and relentless expansionist policies of the Soviet Union.

It is all too clear that our run-out solved nothing. We could, and did get out of war, but the realities of strategy, geography and Russian aggression have made it impossible for the United States to escape from the consequences of our voluntary defeat.

The anti-war zealots and faint hearts urged that Vietnam be left to the Vietnamese, Laos to the Laotians and Cambodia to the Cambodians. They poo-pooed the possibility of a red reign of terror in Vietnam, a genocidal effort to exterminate the hill people who trusted us in Laos, or a bloodbath in Cambodia. But, as history has so rapidly and lamentably written, all this has come to pass. Wishful dreaming won't change a single blood- or tear-soaked fact.

The inescapable fact that has emerged from our surrender is that, whether we like it or not, we cannot as a nation isolate ourselves from what has happened and what is happening in Southeast Asia. The reason is a simple one: Southeast Asia was, and is, inextricably intertwined with the survival of the United States and our allies.

At the southern end of the peninsula are the Straits of Malacca. This is the narrow-water corridor, the choke point, through which streams the Mideast oil that fuels the fires of Japanese industry. The endless procession of ships through the straits carries, too, much of the other materials from the Persian Gulf/Indian Ocean basin on which Japanese, United States and other free world economies depend.

No wonder the Malacca Straits have been high on the Kremlin's target list for so long! That narrow-water corridor is what so much of the Vietnam war was all about. Vietnam, Cambodia and Laos comprise what was once French Indochina. From Moscow's standpoint, this area was the strategic stepping stone to control in Southeast Asia.

U.S. surrender opened the floodgates to continuation of the Russian advance in Southeast Asia. The result is that the red tide of conquest is now pushing against the borders of Thailand. Thailand, as the result of the U.S. surrender in Vietnam, has been thrust into the front-line role in defense of what remains free in Southeast Asia. In terms of basic strategy, Thailand has a crucial role in free world defense against modern Russian imperialism.

As the result of her geographic position, Thailand is the central barrier that blocks continuation of Russia's expansion through Southeast Asia. Thus, the dark clouds of growing crisis swirl lower over Thailand's long and imperiled Laotian and Cambodian border lands.

The deadly seriousness of Thailand's situation—and that of the United States as well—was sharply underlined by recent reports from Cambodia. Cambodia, according to news stories from Phnom Penh, is no longer solely a Vietnamese operation backed by Moscow. Now that the Vietnamese aggressors have pushed the Pol Pot Red Khmer butchers into the mountains, Russia has openly moved into Cambodia. Press reparts say that "advisers" are there in the hundreds. The Russian embassy there has issued press notices outlining plans for social, economic and agricultural reconstruction. What wasn't highlighted was military rebuilding.

There are also press reports that diplomatic sources in Thailand say Russia began shipping arms by sea to the Cambodian port of Kampong Sam and by air from Vietnam. Phnom Penh has announced that Cambodians have been sent to Russia for pilot training.

What Moscow is now doing in Cambodia follows the familiar pattern of Russian exploitation and development of a new satellite. It means that Moscow is consolidating its position in Cambodia, just as it has been doing in Laos and earlier in Vietnam.

Such consolidation of the Russian position in the nations bordering Thailand offers nothing but growing peril for that nation. The strategic equation is plain and uncomplicated: If Russia pushes further into the Southeast Asian peninsula, Moscow must take or neutralize the Thai barrier.

If the Thai barrier falls, the Russian thrust through Southeast Asia would become two-pronged. One would turn southward toward Malaysia and Singapore and the Straits of Malacca beyond.

But, what so many overlook is Thailand's strategic role in the struggle for control of the vital Persian Gulf/Indian Ocean area. A glance at the map tells why. Thailand stands astride the eastern approaches from the Russian-backed Cambodia-Laos-Vietnam area to Burma.

So, the second prong would branch northwestward against Burma, and Burma, in Moscow's sphere, would give Russia control of the eastern rim of the strategic Bay of Bengal and the land approaches to Bangladesh, the northern border area of India and Pakistan. Such a pattern of Russian expansion would, if successful, mean the outflanking of the Persian Gulf/Indian Ocean area from the East. Just because such a pattern is so large doesn't mean it is empty theory. Russian strategy is global. Nations and continents are but intermediate objectives.

When viewed in this geopolitical context, it can be said with reason that seldom in history has such a crucial strategic role been forced on a nation by others' actions as that which U.S. surrender and Russian persistence have assigned to Thailand.

Like other dramatic developments, this, too, has an ironic twist. In the latter 1800s, England and France were locked in a fierce competition of colonial expansion in Southeast Asia. France was focusing on Laos, Vietnam and Cambodia. England had her sights on exploitation of Singapore, Malaysia, and Burma.

This put the two powers on a collision course. The diplomatic maneuvering was intense and complicated. But, a simple geographic fact was recognized. It was the location of Thailand. That country was in the key position as a buffer between French goals in Indochina and the British objectives in Malaysia and Burma. It was in the British and French interests to have such a buffer. The result was that Thailand was permitted to remain independent, outside of and separating the French and British spheres.

The sad twist of history is that the strategic geography that was so much of the reason for Thailand's independence then, is the source of so much of Thailand's peril today.

But Thailand's critical role in the Russian-United States confrontation is not a mere accident of history. This idea of Russian goals in Southeast Asia and Thailand's strategic role in the U.S.-Russian confrontation is not hindsight.

It has been clearly predicted in these words: "It requires no sage to predict events as strongly foreshadowed . . . It seems to me that the people of America will have brought within their embrace the multitudes of islands of the great Pacific . . . and I think, too, that eastward and southward will her great rival of future aggrandizement (Russia) stretch her power to the coast of China and Siam (Thailand) and thus . . . will meet once more, in strife or friendship, on another field. Will it be friendship? I fear not."

The speaker was Commodore Matthew C. Perry, USN. The place was New York City. The year was 1856.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

ELEVENTH SPECIAL MESSAGE FOR FISCAL YEAR 1981—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE RECESS—PM 60

Under the authority of the order of the Senate of June 19, 1981, the Secretary of the Senate, on June 19, 1981, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Labor and Human Resources, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Environment and Public Works.

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report 6 new proposals to rescind a total of $321.0 million in budget authority previously provided by the Congress. In addition, I am reporting 13 new deferrals totalling $220.1 million, and revisions to five previously reported deferrals increasing the amount deferred by $78.1 million.

The rescission proposals affect programs in the Departments of Agriculture, Education, Health and Human Services, and Housing and Urban Development as well as the Environmental Protection Agency. The deferrals affect programs in the Departments of Agriculture, Defense, Health and Human Services, Interior, and State as well as the National Foundation on the Arts and Humanities.

The details of each rescission proposal and deferral are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *June 19, 1981.*

MESSAGE FROM THE HOUSE

At 11:17 a.m., a message from the House of Representatives delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill in which requests the concurrence of the Senate:

H.R. 3480. An act to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3480. A bill to amend the Legal Services Corporation Act to provide authorization of appropriations for additional fiscal years, and for other purposes; to the Committee on Labor and Human Resources.

BILL PLACED ON CALENDAR

The Committee on the Judiciary was discharged from the further consideration of the bill (S. 736) to provide for the control of illegally taken fish and wildlife, and the bill was placed on the calendar.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1408. An original bill to authorize certain construction at military installations for fiscal year 1982, and for other purposes (together with additional views) (Rept. No. 97-141).

S. Res. 159. Original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1408; referred to the Committee on the Budget.

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. BOREN:

S. 1405. A bill entitled the "Carl Albert Congressional Research and Studies Center Endowment Act"; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself, Mr. GARN, Mr. PROXMIRE, and Mr. D'AMATO):

S. 1406. A bill to amend the Depository Institution Deregulation and Monetary Control Act of 1980; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PRYOR (for himself, Mr. HEINZ and Mr. CHILES):

S. 1407. A bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; to the Committee on Governmental Affairs.

By Mr. THURMOND (from the Committee on Armed Services):

S. 1408. An original bill to authorize certain construction at military installations for fiscal year 1982, and for other purposes; placed on the calendar.

By Mr. HEINZ (for himself, Mr. CHILES, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. GRASSLEY, Mr. DURENBERGER, Mr. DOLE, Mr. DENTON, Mr. D'AMATO, Mrs. HAWKINS, Mr. QUAYLE, Mr. PRESSLER, Mr. COCHRAN, Mr. DANFORTH, Mr. GLENN, Mr. MELCHER, Mr. PRYOR, Mr. BRADLEY, Mr. BURDICK, Mr. DODD, Mr. WILLIAMS, Mr. MOYNIHAN, Mr. BAUCUS, Mr. CRANSTON, Mr. FORD, Mr. DECONCINI, Mr. SASSER, Mr. BENTSEN, Mr. CANNON, Mr. LUGAR, Mr. CHAFEE, Mr. HAYAKAWA, Mr. HATCH, Mr. MATHIAS, Mr. INOUYE, Mr. MCCLURE, Mr. SPECTER, Mr. SYMMS, Mr. WARNER, Mr. KASTEN, Mr. TSONGAS, Mr. SARBANES, Mr. STENNIS, Mr. ZORINSKY, Mr. EAGLETON, and Mr. KENNEDY):

S.J. Res. 92. Joint resolution to authorize and request the President to designate the week of September 6, 1981, as "Older Americans Employment Opportunity Week"; to the Committee on the Judiciary.

By Mr. HAYAKAWA (for himself, Mr. HATCH and Mr. NICKLES):

S.J. Res. 93. Joint resolution to clarify that it is the basic policy of the Government of the United States to rely on the competitive private enterprise system to provide needed goods and services; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOREN:

S. 1405. A bill entitled the Carl Albert Congressional Research and Studies Center Endowment Act; to the Committee on Labor and Human Resources.

CARL ALBERT CONGRESSIONAL RESEARCH AND STUDIES CENTER ENDOWMENT ACT

● Mr. BOREN. Mr. President, today I am delighted to introduce legislation which will provide support for the newly founded Carl Albert Congressional Research and Studies Center at the University of Oklahoma.

The center was established in 1979 by the Oklahoma State regents for higher education and the board of regents of the University of Oklahoma. This action was taken pursuant to a joint resolution of the Legislature of the State of Oklahoma. The Carl Albert Center is devoted to research, instruction, and to the development of scholarly resources on the U.S. Congress. It performs two related functions: First, the development of the University of Oklahoma Congressional Archive, currently one of the largest in the country, numbering the papers of 25 Representatives and 12 Senators, with commitments from several more; second, the development of academic programs on the graduate and undergraduate levels in congressional studies in cooperation with the department of political science of the University of Oklahoma. In addition, the center sponsors conferences, lectures, and other related academic activities.

While the center focuses its attention on the Congress, it does so in the broadest sense. Incorporated into the mission of the center is the study of the structure, personnel, history, processes, and policies of the Congress. In addition, since the Congress is a legislative institution, study of State and foreign legislative experience is germane to the mission of the center. In the broadest sense, the center seeks to foster in an understanding of the role of representative democracy in the modern world.

As Speaker THOMAS P. O'NEILL, JR., said at a dinner honoring Speaker Albert in Oklahoma City recently, Congress has been called the "Forgotten Branch" of government, often ignored by scholars and the press. "The Presidency has been studied obsessively by academics the world over but little of this interest has spilled over to the Congress," he said.

> Students are being graduated from universities throughout this Nation with shallow knowledge about the "people's branch" of government.

I have received letters expressing strong endorsement of this legislation from eminent professors from over the Nation. Dr. Charles O. Jones, Maurice Falk professor of politics at the University of Pittsburgh, commented:

> The U.S. Congress remains the model by which legislatures throughout the world are measured. It is essential that units like the Carl Albert Center prosper. The student orientation of the Center itself deserves special notice. Congress has been heavily criticized in recent years—often deservedly so. We need to teach young people the strengths of the institution, thereby encouraging them to enter politics themselves.

Dr. Gilbert C. Fite, Richard B. Russell, professor of American history at the University of Georgia, wrote:

> The Carl Albert Center is ideally situated and organized so that the role and importance of Congress can be systematically studied in greater depth. The Center has access to one of the most extensive collections of papers and files of Congressmen and Senators outside of Washington. Funds are needed for a wide variety of specific and useful activities at the Center, all of which will enhance our understanding of Congress and its role in American political and economic life.

Professor Walter Rundell, Jr., of the University of Maryland's department of history, wrote:

> Having been a president of the Society of American Archivists, I know how effective it is to have students, both graduate and undergraduate, making regular use of archival collections. Such collections that exist within an academic structure have a high rate of use, thus offering excellent justification for their financing.
>
> Currently, I serve as vice president of the United States Capitol Historical Society, which has cooperated with the Catholic University of America in offering graduate work in Congressional studies. Our program, one of the first in the country, has filled a definite need, but by no means exhausts the possibilities for such academic work. The geographic setting of the Albert Center, with its two-fold purposes, enables it to perform great national services.

This center provides an excellent opportunity to improve the study of Congress. It is fitting that it carries the name of a preeminent scholar of the Congress—the only living former Speaker. Speaker Albert has granted both the people of his State and his country a lifetime of uncommon service and leadership. As Speaker of the U.S. House of Representatives—1 of 47 in history—his light of moral guidance shone with transcending strength during one of the most turbulent periods in our Nation's history. Those of us who had the privilege to know this rare man, and observe him in action, will never forget, nor fail to appreciate, his unfaltering integrity. At a moment when our Nation cried out in despair, he stepped forward and humbly offered his assistance. His life has been, and continues to be, truly inspirational.

This bill does more than merely acknowledge Speaker Albert's beneficience; it will allow the congressional research and studies center bearing his name to continue to prepare tomorrow's governmental leaders for the great task they are destined to inherit. These young people, and others like them, are hostages to the future we are presently forging. They represent our most solid hope for a better America. If we support the Carl Albert Research Center, we will participate in an active tribute to a most worthy statesman, and will foster in many of our youth an appreciation for tenacity, courage, and ethical idealism in the political profession.●

By Mr. LUGAR (for himself, Mr. GARN, Mr. PROXMIRE, and Mr. D'AMATO):

S. 1406. A bill to amend the Depository Institutions Deregulation and Monetary Control Act of 1980; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT DEREGULATION AND AVAILABILITY ACT OF 1981

● Mr. LUGAR. Mr. President, I introduce today the Credit Deregulation and Availability Act of 1981. I am pleased to be joined by the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee, Senator GARN; the distinguished former chairman of the committee, Senator PROXMIRE; and the distinguished Senator from New York, Senator D'AMATO, in this important and timely initiative.

This legislation completes the process begun last year by the Congress in the area of home mortgage interest rate ceilings and business and agricultural credit. Congress saw the distorting and economically damaging impact that State home mortgage interest rate ceilings were having on buyers, sellers, and builders of residential real estate. A similar picture was painted for the business and agricultural credit situation. The Congress must now look beyond these sectors to all remaining areas of our economy. Any purchaser, seller or manufacturer of items dependent on the availability of consumer credit understand the problems now posed by State consumer credit ceilings.

Mr. President, restrictive interest rate ceilings have been discussed in the past as a local problem with certain States receiving substantial attention for their harsh limits and procedural difficulties in modifying them. Such discussions simply are not valid. Restrictive interest rate ceilings are a problem of national scope and importance. Consumers and industries nationwide are being severely damaged by the paucity of credit that has resulted from consumer credit interest rate ceilings.

Industries critical to the economic well-being of Indiana, such as the auto and recreational vehicle manufacturers, are finding their businesses stagnating because of the inability of consumers in other States to obtain financing. These industries, as well as manufacturers of other big-ticket items, are unable to market their products because of the lack of available financing. By the same token, consumers who desire to purchase these items and who are willing to pay higher rates, simply cannot get credit and are thereby deprived of these products.

As a result of the evidence from my own State of Indiana, I sensed that the conditions created by restrictive interest rate ceilings were of nationwide significance. Therefore, in preparation for the recently completed Senate Banking Committee oversight hearings on financial industry issues, I requested the witnesses to comment on usury and the impact of State consumer credit interest rate ceilings. The response to this request confirmed my beliefs. The testimony substantiated the fact that usury ceilings tend to distort financial markets and depress the economy. In addition, I found that there is overwhelming support for us to continue the process begun in the last Congress by completely preempting State usury laws for all credit transactions.

Today, I introduce the "Credit Deregulation and Availability Act of 1981" which accomplishes this objective. This bill completely preempts all State usury ceilings on consumer credit and also eliminates the Federal ceiling that controls the rate of interest that can be charged by Federal credit unions. It continues the precedent set by the Depository Institutions Deregulation Act of 1980 in the area of mortgage credit and thereby frees up the market for all types of consumer credit transactions.

The bill also completes the process begun in the last Congress for business and agricultural credit. While the law enacted last year only went so far as to establish an alternative Federal rate limitation for a 3-year period, this bill completely deregulates the rates that can be charged for business and agricultural credit and lets the free market operate.

I want to stress for the benefit of my colleagues that this bill follows precedent by giving the States 3 years to reject the Federal preemption. Just as in the Deregulations Act of 1980, States are given the prerogative to assert control over the rates that can be charged by institutions within their boundaries and reestablish interest rate ceilings if they so choose. In addition. the legislation very carefully carves out those States that have already rejected last year's Federal preemption and does not reimpose Federal preemption on them.

Finally, I wish to make it very clear that while the bill preempts State consumer credit interest rate laws, it does not interfere with the State's right to establish and regulate consumer protections, licensing requirements, and standards of supervision. These State laws are not preempted by the legislation, and States are free to change these laws or even enact more stringent consumer protection and licensing laws as they deem appropriate.

As I stated earlier, the Senate Banking Committee's oversight hearings firmly convinced me of the seriousness and national nature of the interest rate regulation problem. Just as persuasive were the general economic arguments questioning the efficacy of interest rate ceilings and establishing the fact that such rate regulation is counterproductive in competitive markets. However, probably as telling as anything is the number and diversity of witnesses who favored the abolition of such ceilings.

The administration, through Treasury Secretary Regan, stated that they favor preemption for all loans in the manner prescribed in the Deregulation Act. It is the administration's opinion that "usury ceilings only distort financial markets and credit flows and do not reduce the cost of credit in the economy. Instead, these ceilings simply alter or hide the cost and result in credit being allocated by nonmarket criteria."

The Federal Home Loan Bank Board supports Federal preemption of State interest rate limitations on business, agricultural and consumer credit transactions. They believe that "usury ceilings have a generally depressant effect on the economy of a State where market interest rates exceed the usury ceiling." More importantly, restrictive usury ceilings are preventing savings and loans from taking advantage of their new authority to engage in consumer lending, which is very unfortunate since such short-term loans could help provide the asset-side flexibility important to the viability of the thrift industry.

The National Credit Union Administration and the Comptroller of the Currency also support full preemption legislation. Both have stated that they are concerned about the adverse effects that usury ceilings have upon the availability and allocation of credit, particularly during periods of high interest rates. They recognize that consumers are better served by the removal of usury ceilings, since such ceilings "start a process of credit rationing where the least qualified borrowers find it increasingly difficult to secure credit." Resultantly, both consumers and businesses suffer.

Industry support for Federal preemption of usury ceilings is also very significant. During the oversight hearings, numerous trade associations representing banks, thrifts, credit unions, finance companies, retailers, auto dealers, bank card companies, et cetera, spoke out in opposition to State interest rate regulation and in support of Federal action to eliminate such laws. Their testimony also substantiated the need for rate relief by providing striking evidence as to the detrimental effects that restrictive ceilings are having upon various industries and consumers.

The National Auto Dealers Association estimates that approximately 30 percent of all consumer retail finance contracts are being turned down by financial institutions. In many cases, the inability of a bank to charge the going rate, and not the credit worthiness of an individual, has resulted in a refusal to extend credit. At current interest rates, personal auto loans are unattractive, due to usury law limitations, to banks in 36 States, which account for about 59 percent of all auto sales. The attrition rate of small business auto dealers is staggering. As of last January, over 2,000 dealers had closed their doors in the prior 16-month period and over 125,000 dealership employees had lost their jobs.

The credit card industry is faring little better. VISA showed a net loss of $335 million in 1980 and because of the high cost of funds is expecting to show a continuing loss during 1981. Retailers are experiencing the same problem due to the high cost of funds. As stated in their testimony:

It is fair to say that the majority of retailers must borrow at interest rates several points in excess of the rates they are permitted to charge on their receivables.

Finance companies are also feeling the effect of these price controls imposed upon the use of money. Small independent finance companies are often dependent upon rediscount companies for funding at rates 4 percent or more above the prime rate. With a prime hovering around 19 percent, the cost of funds for these companies can be 23 percent or more. It is impossible to make ends meet, let alone make a profit, in those States that limit the interest on consumer loans to 18 or 19 percent.

These are just a few of the examples of the effect of usury ceilings on the availability of consumer credit and their impact upon consumers and businesses. The Senate Banking Committee intends to gather more evidence on the scope and nature of this problem through additional hearings to be held in the near future. I fully expect that those hearings will continue to evidence extremely widespread and diversified support for the specific legislation I, and my cosponsors, are introducing today.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

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

S. 1406

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 "Credit Deregulation and Availability Act of 1981."

TITLE I—BUSINESS AND AGRICULTURAL CREDIT

SEC. 101. Section 511 of the Depository Institutions Deregulation and Monetary Control Act of 1980 (94 Stat. 161; Pub. L. 96-221) is amended to read as follows:

"SEC. 511. (a) The provisions of the constitution or the laws of any State prohibiting, restricting, or in any way limiting the rate, nature, type, amount of, or the method of calculating or providing or contracting for interest, discount points, a time price differential, finance charges or other fees or charges that may be charged, taken, received, or reserved shall not apply in the case of business or agricultural credit.

"(b) 'Agricultural credit' means credit extended primarily for agricultural purposes to a person that cultivates, plants, propagates, or nurtures an agricultural product. 'Agricultural purposes' include the production, harvest, exhibition, marketing, transportation, processing, or manufacturing of an agricultural product and the acquisition of farmland, real property with a farm residence and personal property and services used primarily in farming. 'Agricultural product' includes agricultural, horticultural, viticultural, and dairy products, livestock, wildlife, poultry, bees, forest products, fish and shellfish and any products thereof, including processed and manufactured products and any and all products raised or produced on farms and any processed or manufactured products thereof.

"(c) 'Business credit' means credit extended primarily for business or commercial purposes, including investment, and any credit extended to a person other than a natural person.

"(d) 'Credit' includes all secured and unsecured loans, credit sales, forbearances, advances, renewals and other extensions of credit.".

SEC. 102. Section 512 of the Depository Institutions Deregulation and Monetary Control Act of 1980 is amended to read as follows:

"SEC. 512. (a) Except as provided in subsection (b) of this section, the provisions of this part shall apply with respect to business and agricultural credit extended on or after April 1, 1980.

"(b) The provisions of this part shall not apply to any business or agricultural credit extended in any State after the effective date (if such effective date occurs on or after April 1, 1980, and prior to three years after the effective date of the Credit Deregulation and Availability Act of 1981) of a State law or a certification that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such State does not want the provisions of this part to apply with respect to credit extensions subject to the laws of such State, except that such provisions shall apply to any credit extended on or after such date pursuant to a commitment to extend such credit which was entered into on or after April 1, 1980, and prior to such later date.

"(c) Credit shall be deemed to be extended during the period to which this provision applies if such credit extension—

"(1) (A) (i) is funded or made in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to April 1, 1980;

"(ii) was made prior to or on April 1, 1980, and bears or provides for interest during such period on the outstanding amount thereof at a variable or fluctuating rate; or

"(iii) is a renewal, extension, or other modification of an extension of credit made prior to April 1, 1980, and such renewal or extension or other modification is made during such period with the written consent of any person obligated to repay such credit; and

"(B) (i) has an original principal amount of $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980 or any amount on or after the date of enactment of the Credit Deregulation and Availability Act of 1981); or

"(ii) is part of a series of advances if the aggregate of all sums advanced or agreed or contemplated to be advanced pursuant to a commitment or other agreement therefor is $25,000 or more ($1,000 or more on or after the date of enactment of the Housing and Community Development Act of 1980 or any amount on or after the date of enactment of the Credit Deregulation and Availability Act of 1981); or

"(2) is a renewal, extension, other modification or use of a credit agreement or extension made during such period, including an agreement entered during that period that contemplates future extensions of credit from time to time in which the charges that are assessed for or in connection with credit are calculated from time to time, in whole or in part, on the basis of the outstanding balance and the credit is extended not later than eighteen (18) months after the effective date of the State law or certification.".

TITLE II—CONSUMER CREDIT

SEC. 201. Title V of the Depository Institutions Deregualtion and Monetary Control Act of 1980 (94 Stat. 161; Pub. L. 96-221) is amended by adding at the end thereof the following new subpart:

"PART D—CONSUMER CREDIT

"SEC. 531. The provisions of the constitution or laws of any State prohibiting, restricting, or in any way limiting the rate, nature, type, amount of, or the manner of calculating or providing or contracting for covered charges that may be charged, taken, received or reserved shall not apply to an extension of consumer credit made by a creditor.

"SEC. 532. (a) As used in this part, the terms set forth below shall be defined as follows:

"(1) 'Covered charges' means—

"(A) interest, discount points, a time price differential, fees, charges or any other compensation paid to the creditor or arising out of the credit agreement or transaction for the use of credit or credit services. The term shall not include, however, fees, charges or other amounts paid to the creditor or arising out of the credit agreement or transaction that are paid or arise solely as the result of the failure or refusal of the debtor to comply with the terms and conditions of the debtor's agreement with the creditor; and

"(B) fees or charges paid for the availability of credit, payment mechanism services, or for similar purposes, including periodic, transaction and access fees.

"(2) 'Credit' includes all secured and unsecured loans, credit sales, forbearances, advances, renewals and other extensions of credit, all without regard to the nature of any property that might secure its repayment.

"(3) 'Creditor' means any person that regularly makes extensions of consumer credit, which, for purposes of this definition, shall include extensions of credit that are subject to the provisions of Section 501(a) of this title. A person is not a 'creditor' with respect to a specific extension of consumer credit if, except for this part, in order to assess or collect covered charges in connection with that transaction, the person would be required to comply with licensing requirements imposed under State law, unless such person is licensed under applicable State law and such person remains, or becomes, subject to the applicable regulatory requirements and enforcement mechanisms provided by State law.

"(4) 'Extension of consumer credit' means any credit extended to a natural person primarily for personal, family, or household purposes, except that it does not include credit sub'ect to the provisions of Section 501(a) of this title.

"SEC. 533. (a) Except as provided in subsection (b) of this section, the provisions of section 531 shall apply with respect to any extension of consumer credit made by a creditor on or after the effective date of the Credit Deregulation and Availability Act of 1981.

"(b) (1) The provisions of section 531 shall not apply to any extension of consumer credit in any State made on or after the effective date (if such effective date occurs on or after the effective date of the Credit Deregulation and Availability Act of 1981 and prior to a date three years after such effective date) of a State law or a certification that the voters of such State have voted in favor of any provision, constitutional or otherwise, which states explicitly and by its terms that such

State does not want the provisions of this part to apply with respect to extensions of consumer credit subject to the laws of such State, except that such provisions shall apply to any consumer credit extended on or after such date pursuant to an agreement to extend such credit which was entered into on or after the effective date of the Credit Deregulation and Availability Act of 1981 and prior to such later date.

"(2) Credit shall be deemed to have been extended during the period to which this provision applies, if it—

"(A) is funded or extended in whole or in part during such period, regardless of whether pursuant to a commitment or other agreement therefor made prior to that period;

"(B) was made prior to such period and bears or provides for covered charges that may vary or fluctuate during that period;

"(C) is a renewal, extension, or other modification of a credit extension made before such period and such renewal, extension or other modification is made during such period with the written consent of any person obligated to repay such credit; or

"(D) is extended in accordance with an agreement entered during that period that contemplates future extensions of consumer credit from time to time in which the covered charges are calculated from time to time, in whole or in part, on the basis of the outstanding balance and the credit is extended not later than eighteen (18) months after the effective date of the State law or certification.

"(c) Any law or certification adopted by a State or its voters pursuant to subsection (b) of this section may specify that portion of the extensions of consumer credit made in such State, or those types or kinds of covered charges, to which the provisions of Section 531 will not apply.

"SEC. 534. The Board of Governors of the Federal Reserve System is authorized to publish Board interpretations regarding the scope and application of section 531 of this part. Upon its own motion or upon the request of any creditor, State, or other interested party which is submitted to the Board in accordance with procedures it establishes, within sixty days the Board shall issue an official interpretation regarding the scope of section 531 and its relationship to specific provisions of State law, or shall make public a Board determination (accompanied by an appropriate explanation) that the question presented does not involve a significant issue or does not affect a substantial number of creditors or extensions of consumer credit.".

TITLE III—FEDERAL CREDIT UNIONS

SEC. 301. Section 1757(5)(A)(vi) of the Federal Credit Union Act is amended to read as follows: "rates of interest shall be established by the board of directors of the Federal credit union;".

TITLE IV—EFFECTIVE DATE

SEC. 401. The effective date of this Act shall be the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

This bill would amend Title V of the Depository Institutions Deregulation and Monetary Control Act of 1980 to extend the preemption of various state usury ceilings.

TITLE I—BUSINESS AND AGRICULTURAL CREDIT

Section 101.—Existing law preempts state rate ceilings in business and agricultural credit extensions of $1,000 or more, subject to an overall rate limitation of 5 percent over the Federal Reserve discount rate including any surcharges then in effect. This section eliminates that federal rate ceiling on business and agricultural purpose credit transactions. In addition, it eliminates the $1,000 threshold amount that now must be involved in order for the federal preemption provision to be available. The section also adds definitions that describe the types of credit to which this section applies. These definitions would assure that all credit not specifically covered by existing section 501 (a) of Title V of the Depository Institutions Deregulation and Monetary Control Act of 1980 or by section 531 of the Title (which is added by Section 201 of this bill) would be covered by this section. In addition, "credit" has been defined to include all types of credit, which, of course, would include refinancings.

Section 102.—This section makes the business and agricultural credit provision permanent, subject to the right of a state to reject the federal preemption within three years of the passage of this bill. State rejection of the federal preemption that has taken place since April 1, 1980 would still be effective. This bill would not reimpose federal preemption in those states that have rejected it. Under existing law, the agriculture and business purpose credit preemption will expire on March 31, 1983. In addition, this section contains certain transitional provisions that reflect existing provisions in the law. In a change from existing law, the section would add a transition provision that would apply if a state acted to reject the federal preemption. Under this change, the federal preemption will continue to apply to certain activities in connection with credit agreements entered during the preemption period so long as the credit is extended within eighteen months of the state law or certification rejecting the federal preemption.

TITLE II—CONSUMER CREDIT

Section 201.—This section adds a new Part D to Title V of the Depository Institutions Deregulation and Monetary Control Act of 1980. The new Part D consists of sections 531, 532, 533, and 534.

Section 531 preempts all state usury laws in connection with extensions of consumer credit made by a creditor. The section depends heavily on the definitions contained in section 532. In effect, this provision does away with all rate ceilings and mechanisms that attempt to limit the rates or types of charges that may be assessed in connection with consumer credit transactions. The provision does not extend to state consumer protection laws that deal with restrictions, limitations or prohibitions against certain types of creditor activity, which are unrelated to enumerated charges assessed in connection with credit transactions. That is true even if the state provision only applies to specific transactions that may be partially defined by the level or type of charges being assessed. For example, a state law providing that credit transactions with an interest rate in excess of 18 percent cannot be secured by real estate or a law that limits attorneys fees in those transactions would continue to apply.

Other state provisions that would not be affected by this provision include: state laws or regulations that restrict the use of the rule of 78ths in connection with calculating rebates upon the prepayment of credit transactions that involve a precomputed charge; provisions limiting or prohibiting the use of penalties that are imposed solely as a result of the voluntary prepayment in full of a credit transaction; provisions dealing with refinancing responsibilities when a transaction involves a balloon payment; and requirements that contracts use plain English.

In addition to these types of specific provisions, at a more general level the preemption does not extend to: state licensing provisions, even if an element of the licensing standard involves the type or level of charges assessed (for instance, a state requirement that persons extending credit at more than 18 percent must be licensed, would not be affected by the bill); state limitations on the amount or term of a credit transaction; or state limitations on specific charges for goods or services even though they may be sold in conjunction with an extension of credit (for example, state insurance regulatory provisions, including those dealing with permissible premiums for insurance sold in connection with credit extensions, would remain unaffected by the bill).

In effect, section 531 contains the preemptive language and therefore describes the extent of the federal preemption. As noted above, matters that do not fall within its scope are not preempted. This coverage combined with the limitations in the "covered charges" definition contained in the next section, leave intact the states' consumer protection regulatory structures except as they relate to covered charges.

Section 532 provides a series of key definitions that are used in describing the preemptive effect and scope of the bill.

The term "covered charges" identifies the types of charges that are displaced by the bill, and, to an extent, it also limits the preemptive effect of the bill. It is divided into two parts, reflecting the fact that certain charges are assessed for the use of credit while others may more appropriately be characterized as charges for specific services including payment mechanisms that may or may not involve extensions of credit. Both types of fees and charges are preempted under the legislation. Excluded from the definition are fees and charges that arise solely from the debtor's failure to comply with his or her obligations under the credit agreements. As a result, since the preceding section preempts only "covered charges", state limitations on the maximum amount of late charges would not be affected.

The definition of "credit" is similar to that contained in the business and agricultural preemption provisions, simply to make clear that all credit as it is commonly known would be included. The coverage, of course, extends to all kinds of credit extensions, including those secured by any lien on real estate, as well as refinancings.

The term "creditor" refers to persons that regularly make extensions of consumer credit including mortgage credit. In effect, this provision will apply to virtually all persons who are engaged in extending consumer credit. The second sentence deals with the fact that in many states restrictions are tied directly to the interest rate of the credit transaction and licensing provisions. For example, a state may provide that any person who wants to extend credit at a rate in excess of an 8 percent rate contained in the general usury law must be licensed. A lender that wants to make a loan at a rate in excess of 8 percent, for instance 12 percent, must have a license to do so. Various restrictions, including certain "consumer protection" provisions, may be required of those who obtain licenses in order to charge the higher rate. A total preemption would do away with the general usury law and thus the need for a creditor to obtain a license. Since the lender would not need a license, the lender would not have to follow the consumer protection provisions. For that reason the term "creditor" as used in the bill does not include persons who, but for this bill, would have to be licensed under state law in order to assess charges at a specific rate, of a particular nature or type, or in a specific amount or manner, unless that person complies with applicable state licensing requirements. In the example described above, the lender wishing to make a loan at a rate of 12 percent would still have to be licensed and thus follow consumer protection provisions required of licensees. This assures that consumer protections that apply only to licensed creditors will continue to be applied as they are now. For purposes of determining whether licensing would be required, the rates used would be those in effect in the state before the bill was adopted, subject, of course, to those rates later being changed by the states. Just as is now the case, those who must be licensed would conform to state law requirements as they are interpreted, implemented and enforced by state governments. Requirements relating to covered charges that are preempted by the bill, of course, would not be followed. Persons who are not required to be licensed (because of the type of credit they extend, the rates they charge for credit or otherwise) would not be affected in any way by this part of the creditor definition.

Finally, the term "extension of consumer credit" defines the types of transactions to which the provision will apply. It adopts the general test that all credit extended primarily for personal, family or household purposes is to be included in this preemption.

Section 533 gives the states the right to reject the federal preemption at any time within three years of the date that the bill becomes effective. This section also includes several transitional provisions that answer questions about transactions undertaken at the beginning of the preemption period and, in one case, after a state has rejected the federal preemption. The transitional provisions dealing with the beginning of the preemption period are drawn largely from provisions contained in current law in connection with the preemption of rate ceilings in business and agricultural credit. The transitional provision dealing with activities after the state rejects the federal preemption provides for a phasing-out of the federal preemption. It applies only in the case of open-end credit transactions and then only in connection with credit extended within an eighteen-month period following the state action.

This provision will allow for an orderly transition for creditors who have issued credit cards under the terms and conditions permitted during the preemption period, thus permitting them the time necessary to modify or eliminate those programs if required by the reimposition of usury ceilings. This section also provides that a state may, in addition to an outright rejection of the federal preemption provisions, provide that only certain types of transactions or charges are taken out from under the federal preemptions. It is anticipated that, in order to be effective, state provisions to displace the federal preemption must be clear and precise as to the areas in which the state law has replaced the preemption, with uncertainty being resolved in favor of continued preemption.

Section 534 provides authority to the Board of Governors of the Federal Reserve System to publish official Board interpretations regarding the coverage of the preemption provision. The authority is limited to official Board interpretations in order to permit creditors and other interested parties to have access to a non-judicial interpretative mechanism but to limit the role of the Board to those issues of significant concern to affected parties. As a result, it is anticipated that there will not be a significant regulatory impact due to the use of this interpretative power, which should be used only to resolve clear questions of coverage under the Act.

TITLE III—FEDERAL CREDIT UNIONS

Section 301.—This section amends the Federal Credit Union Act to bring it into conformity with the basic Congressional determination reflected throughout the bill that artificial governmentally-imposed rate ceilings are inappropriate. That conclusion is no less sound for federal ceilings than it is for state ceilings. Rates that may be charged by federally-chartered credit unions are set by federal law. This section reflects that federal as well as state imposed ceilings should be removed, with the rate structure for a particular credit union being determined by its own board. Without this amendment, federally-chartered credit unions would be the only type of creditor still subject to rate ceilings. Thus, this section assures that federal credit unions are not placed at a competitive disadvantage vis-a-vis other creditors.

TITLE IV—EFFECTIVE DATE

Section 401.—This section specifies the effective date of the Act as the date of enactment.●

● Mr. GARN. Mr. President, I rise today as a cosponsor of the Credit Deregulation and Availability Act of 1981 in order to voice my support for this measure that is being introduced by the Senator from Indiana. I believe it is time for the Congress to complete the process begun last year, by deregulating the interest rates that can be charged for consumer credit and by eliminating the restrictions that apply to the Federal preemption of interest rate ceilings on agricultural and business credit.

In the last Congress, as part of the Depository Institutions Deregulation Act of 1980, State usury ceilings on first mortgage credit were preempted in order that funds would be available for consumers wishing to purchase a home. In addition, the Federal law preempted State rate ceilings on agricultural and business credit, to the extent of establishing an alternative Federal ceiling of 5 percent above the discount rate. While the mortgage preemption was permanent, subject to the right of States to reimpose ceilings during a 3-year period, the alternative Federal ceiling for business and agricultural credit is due to expire on May 31, 1983.

I am relating this bit of legislative history in order to refresh the memories of my colleagues as to the extensive precedent for this bill that is being introduced today. It is also important to recognize that the combination of the provisions of the Deregulation Act and the provisions in this bill will remove usury ceilings for all types of credit and thereby permit interest rates to be set by the marketplace.

The Deregulation Act that was enacted last year is also relevant to this legislation for another reason. That law provides for the phase out of interest rate ceilings on deposit accounts, eventually resulting in the complete decontrol of depository institutions' liabilities. It is inherently obvious that financial institutions will never be able to pay market rates on their deposit accounts, if they are not permitted to charge market rates for credit.

This point was emphasized by Treasury Secretary Regan when he indicated, in recent oversight hearings held by the Banking Committee, that the administration favors the preemption of usury ceilings for all loans. He stated that it is unfortunate that the "Federal Government has * * * removed controls on depository institution liabilities faster than it has decontrolled their asset powers." Secretary Regan went on to say: "The most pressing need at this time is for further decontrol of asset powers, to enable depository institutions to better utilize the high cost deposits * * *."

This bill would carry out the views of the administration, and the position of the Congress as evidenced by the enactment of the Deregulation Act last year, by eliminating all remaining usury ceilings.

In order to complete the deregulation of usury ceilings for agricultural and business credit, this bill abolishes the Federal ceiling of 5 percent over the discount rate, as well as the $1,000 threshold, that were contained in last year's legislation. The Federal Reserve Board has always had strong reservations about using the discount rate for indexing permissible loan rates, since it imposes a short-term rate on markets that often involve long-term lending and because it singles out an administered rate which is a tool of monetary policy for a purpose that should be market-oriented. The bill also makes the preemption permanent by eliminating the May 31, 1983 expiration date, subject, of course, to the right of the States to reassert authority over interest rates within their jurisdiction.

The main thrust of this legislation, however, is the removal of usury ceilings for all consumer credit. Enactment of this bill will free up the credit market for consumers with all types of needs, rather than just for homebuyers. First, it permits the market to establish the rate that is charged by Federal credit unions by removing the Federal rate that is contained in the Federal Credit Union Act. It makes infinite sense for the Congress to begin by eliminating the one usury ceiling that is solely within our own jurisdiction. Second, it preempts State usury ceilings governing consumer credit. It is very important, though, to recognize that States retain the authority to override the Federal preemption, provided they take action within 3 years.

Usury ceilings, which are merely "price controls" on money, have become economically counterproductive. During the recent Banking Committee oversight hearings, we heard time and time again about the adverse effects that restrictive usury ceilings have upon consumers, industries and the economy. Interest rate ceilings depress the economy, distort financial markets and result in the unavailability and allocation of credit.

These views on the adverse impact of such ceilings are shared by many industry groups, as well as the administration, the Comptroller of the Currency, the Federal Reserve Board, the Federal Home Loan Bank Board, and the National Credit Union Administration. Even the Federal Trade Commission, while questioning whether there is sufficient competition in credit markets to regulate rates in the absence of rate ceilings, has recognized that "* * * there is substantial evidence that unrealistically low usury rates restrict the supply of credit * * *."

There is no doubt in my mind that the credit market is extremely competitive. There are numerous sources of consumer credit, including banks, finance companies, retailers, credit unions, auto dealers, secondary financing sources, and as of last year even savings and loans. In fact, interest rate controls obstruct competition as more and more creditors are forced to abandon the marketplace and as new competitors are discouraged from entering the credit market.

In the oversight hearings, the National Auto Dealers Association cited some alarming facts. Commercial banks are now getting out of the auto financing business, resulting in the issuance of automobile credit shifting from commercial banks to finance companies. Even more frightening is the fact that during a 16-month period preceding last January, over 2,000 auto dealers had to close their doors. In my own State of Utah, which has a fairly stable economy, there were 34 changes in ownership of dealer franchises, out of 170 new car dealers, during 1980. That is a 20 percent turnover rate. I am also aware that during a 90-day period late last year, 10 percent of the auto dealers in New Mexico went out of business.

Another example of the anticompetitive impact of usury ceilings is the effect that such ceilings are having upon the ability of the thrift industry to take advantage of the consumer lending authority granted them during the last Congress. As stated in the July 1980 "Report of the Interagency Task Force on Thrift Institutions," thrifts have little incentive to diversify into consumer lending so long as restrictive rate ceilings make such lending unprofitable. The Federal Home Loan Bank Board is supporting usury preemption as one of the measures to assist the ailing thrift industry, since short-term loans would help to diversify their asset portfolios.

Usury ceilings should be eliminated because of the impact they are having in the marketplace. Rather than protecting consumers against an industry that is not competitive, which is one of the principal arguments in support of such price controls, we find that the credit industry is highly diversified and competitive and usury laws are instead having a contrary, anticompetitive impact. Within this very competitive credit market, consumers are free to shop around for an acceptable rate of interest. In fact it has been 12 years since we passed the Truth in Lending Act which assists consumers in making these market choices.

In conclusion, I want to emphasize two very important aspects of this bill. Although this legislation preempts State usury ceilings, it preserves the States' right to reject the Federal action and reimpose rate limitations of any amount and in any form. This is identical to the approach that was contained in the preemption provisions of last year's Deregulation Act. Just as important, is the fact that this bill does not interfere in any way with State consumer protection and licensing laws. Substantive contract and consumer protection law remains solely within the jurisdiction of the individual States. This bill merely eliminates the restrictions on rates or types of charges that may be assessed for credit.

I join Senator LUGAR in voicing my unequivocal support for this measure we are introducing today.●

By Mr. PRYOR (for himself, Mr. HEINZ, and Mr. CHILES):

S. 1407. A bill to amend title 39, United States Code, by strengthening the investigatory and enforcement powers of the Postal Service by authorizing inspection authority and by providing for civil penalties for violations of orders under section 3005 of such title (pertaining to schemes for obtaining money by false representations or lotteries), and for other purposes; to the Committee on Governmental Affairs.

POSTAL SERVICE AMENDMENTS OF 1981

● Mr. PRYOR. Mr. President, today I am introducing legislation which I hope will represent a major breakthrough in protecting our Nation's citizens from fraudulent mail practices through the strengthening of the enforcement powers of the U.S. Postal Service in dealing with mail fraud. This measure will correct the serious limitations currently placed on the Postal Inspection Service which prevent effective investigation of schemes which involve the obtaining of money by means of false representations.

The need for this legislation has been well documented. Mail fraud has grown in epidemic proportions in the last few years and has cheated citizens out of billions of dollars. Ongoing investigation done by staff of the House Select Committee on Aging under the able direction of my distinguished colleague, Chairman CLAUDE PEPPER, has uncovered numerous examples of this type of fraud. We have found cases where elderly citizens have paid $700 for guaranteed cancer cures that turned out to be a set of hypodermic needles and injectible bottles full of seaweed, vitamin B-12, and large doses of poisonous bacteria.

Other common fraudulent ads include those for phony gold coins, bogus land deals, worthless work at home schemes, cures for glaucoma, pills and products to restore sexual potency, and phony arthritis cures from water said to be from Lourdes, but actually from a pond in California.

As a member of the Special Committee on Aging, I was particularly alarmed to learn that over 60 percent of the victims of these frauds are elderly citizens, most of whom are living on fixed incomes and are literally counting their pennies. The Arthritis Foundation estimates that a billion dollars a year is lost in phony arthritis cures alone.

In order to investigate these cases of fraud, the postal service must send a postal money order for the suspected item and have the product tested. If false representation is apparent, the service must solicit the judgment of an administrative law judge as to whether the representations constitute fraud. If considered fraudulent, the service must conduct further investigation until the case is strong enough to be taken to the U.S. attorney.

By the time the postal service recognizes a suspected quack offer, orders the product and submits it for testing, the companies have often closed down their operation or moved it to another State. Even if the company is still in existence, the postal service's only recourse under present law is to ask for a hearing and a court order to block incoming mail from being delivered to the address advertised.

This legislation would correct current law in the following ways. First, it would give the chief postal inspector, the inspector general of the postal service, subpena authority with respect to enforcement of title 39 of the United States Code. Second, in addition, the bill gives the inspection service the authority to tender a money order and immediately receive the suspicious product in order that their investigation may begin at once. Third, the bill gives the postal service the right to approach an administrative law judge and after due process hearings, allow for a court order prohibiting engagement in fraudulent schemes. Companies violating this order would be subject to a fine of up to $10,000 for each violation.

Congressman CLAUDE PEPPER, the distinguished chairman of the House Select Committee on Aging, has introduced an identical measure in the House of Representatives.

Mr. President, I urge prompt enactment of this measure in order to correct this oversight.●

● Mr. HEINZ. Mr. President, as chairman of the Senate Special Committee on Aging I am proud today to be an original cosponsor in the Senate of a measure which would help protect the elderly as well as all citizens by improving the ability of the U.S. Postal Inspection Service to combat mail fraud.

A similar measure is being introduced by my distinguished counterpart, CLAUDE PEPPER, chairman of the House Aging Committee.

Our postal service has about 650,000 employees who last year, in some 40,000 facilities, handled nearly 100 billion pieces of mail. For that same period it generated cash receipts of nearly $18.5 billion. This volume constitutes a full half of the world's mail. Operations of the post office affect millions of people daily.

Most of the mail carried by the postal service consists of personal correspondence and business related materials. While the vast majority of mail is for legitimate purposes, some is not. This latter type, is used by unscrupulous con artists, charlatans, and quacks to defraud our citizens of their hard earned money. Testimony by Postal Inspection Service personnel suggests these frauds, estimated to involve billions of dollars per year, are on the increase.

While these schemes affect all citizens, they are of particular consequence to the elderly. Postal authorities estimate that 60 percent of mail fraud is perpetrated upon older Americans. Although many of the elderly are far from rich, as a group their income approaches $150 billion per year. The elderly are under siege by armies of predators using a staggering array of schemes to spirit away the cash of their victims.

Low individual incomes can limit an older American's mobility. Fear of street crime and poor health also contribute to the elderly's reduced mobility and increased reliance on mail order sales.

Physical impairments or chronic illness, which afflict 86 percent of our seniors, make them more susceptible to phony claims that offer relief and restored youth. Many cheats and swindlers target the elderly because they often die before prosecutorial proceedings or are too frail to serve as witnesses.

The Inspection Service serves the inspector general function for the post office. It has developed a good track record of combating those who abuse the mails. Noting that the elderly are prime targets for the unscrupulous mail order swindlers, service officials have designated the area of postal crimes against the elderly one of their highest priority programs. The national complement of some 2,000 postal inspectors, 2,500 uniform security personnel, administrative support personnel and six forensic science laboratories are highly respected by their peers in the law enforcement community.

The Inspection Service has effectively put an end to innumerable schemes which were costly and potentially dangerous to the elderly consumers they targeted. Phony work at home, travel, investment, and land deals have been exposed and prosecuted. Some of these schemes netted orders amounting to tens of thousands of dollars daily. Quack remedies sold through the mails which have offered relief from cancer, arthritis, failing vision, and poor hearing have also been successfully ended. Frauds amounting to millions of dollars in potential losses are stopped each year. In addition, many of our elderly have been protected from dangerous quack home remedies.

While the Postal Inspection Service has accumulated an impressive track record, much more needs to be done. The service reports several obstacles impede its efforts to obtain an even greater number of successful prosecutions and to permanently ban those convicted of wrong doing from reestablishing their fraudulent operations by simply changing their name or address. This bill would abolish the impediments which prevent even more effective enforcement of postal laws; provide those tools necessary to assist in the prompt gathering of evidence; and close a technical loophole which permits offenders to reactivate their schemes.

Currently, the Inspection Service does not have subpena authority which is routinely granted to all other inspector generals. In order to evaluate whether a product measures up to its advertised claims, the service must send for it in much the same way as a citizen does. Once the product is received, which can be 3 months or more, they must have it evaluated by experts and then approach an administrative law judge or a U.S. attorney for action.

The critical factor is the delay caused by the service having to wait to receive the product before their investigation and enforcement efforts can begin. Those who prey upon the elderly know the nature of this procedure. As a result, they commonly place an ad, take orders for several months, and fill all the orders at one time as they close down their business operation, sometimes reopening under another name someplace else. By the time the Inspection Service receives the product the perpetrators and their assets have vanished.

This bill, which gives the chief postal inspector subpena authority, is one very good solution to this problem. In addition, the bill gives the Postal Service the authority to appear at the address mentioned in a suspicious ad, present a postal money order for the amount of the purchase, and receive immediate access to the product.

A third item in the bill would give the service the authority to move, after a proper due process hearing, and obtain an order barring named individuals from further engaging in the scheme which was the subject of a prior action. Violations of this order could be met with civil penalties up to $10,000 for each violation.

This measure is a responsible approach to a serious problem. The bill adds no new significant costs to the Treasury. This new authority will go a long way toward providing the Inspection Service with the tools necessary to move promptly and effectively against those who victimize our Nation's elderly. I urge my colleagues in the Senate to join in sponsoring this measure and assuring its timely passage.●

● Mr. CHILES. Mr. President, today I am introducing a bill with my colleague Senator PRYOR to strengthen the ability of the postal service to halt fraudulent mail schemes.

The bill we are introducing would give the chief postal inspector subpena authority and immediate access to materials which are being advertised through the mail which the postal inspector has reason to suspect are being misrepresented to consumers. The bill also provides authority for the postal inspector to issue an order to an advertiser to stop activity, and to impose civil penalties of up to $10,000 for each violation of the stop order. These actions could only be taken after appropriate due process hearings.

Using the authority of mail fraud statutes under current law, the Postal Inspection Service has done its job of investigating suspected mail fraud very well in the past. Most cases have been initiated by complaints from consumers who have been bilked out of their life savings by confidence men and dishonest promoters. With the additional authority this bill would give to the chief postal inspector, however, many investigations could be greatly speeded up. In many cases, fraudulent mail-order schemes could be stopped—and the consumer protected—without having to go through the costly and time-consuming criminal court system.

There is certainly precedent for this action. I have been a very active supporter of the inspectors general in all Federal departments and agencies. Legislation which I sponsored in 1978 created statutory inspectors general in 14 major departments and agencies. Last year, Senator PRYOR and I introduced legislation to grant civil penalty authority to the inspector general of the Department of Health and Human Services.

This civil penalty legislation, which will allow HHS to much more effectively combat medicare and medicaid abuse, has been approved by both the Senate Finance Committee and the House Ways and Means Committee and should shortly become law. Earlier this month, I introduced a bill, S. 1327, to give each of the other statutory inspectors general authority to take civil action and to impose civil penalties.

The bill Senator PRYOR and I are introducing today proposes to provide the Inspector General of the Postal Service with the same tools proposed for all other inspectors general.

One of the most vivid examples of how useful this legislation could be was illustrated by testimony I took as chairman of the Special Committee on Aging on fraudulent sales of health insurance policies to the elderly. In one scheme, a group of swindlers in a rural Texas area were virtually printing bogus health and life insurance policies and selling them to elderly women who were afraid of the rising costs of health care. They were, unfortunately, quite easily talked into turning over their life savings to these "insurance salesmen." They were even selling worthless automobile warranty policies—to elderly who did not own cars and who believed they were buying insurance policies.

A very aggressive investigation by the local district attorney finally led to the prosecution and indictment of this group of thieves. The district attorney said at the time he would never have been able to obtain conviction without the help of postal inspectors. It took months before the investigation could be taken to the U.S. attorney, and many more elderly fell victim to this scheme during this lengthy time period. If the legislation we are proposing today had been law at the time, this scheme might have been stopped by postal inspectors as soon as they saw what was going on.

Elderly are frequently victims of mail-order schemes. And once they fall victim, they are often hit again and again. According to the chief postal inspector:

> It is an unfortunate fact, and a commentary on the heartlessness of these fraudulent operators, that an elderly person once victimized derives no immunity thereby from further exploitation. He or she may well be added to a list of proven easy marks to be targeted again by the same fraudulent operator or his associates.

Examples of schemes which regularly recur with elderly persons as victims abound: Insurance policies are written with fictitious beneficiaries, then allowed to lapse after high commissions are collected. Worthless vacant lots are sold to elderly persons who are told they are buying paid-up insurance policies, or interest in a guaranteed real estate venture. Complicated home improvement schemes are devised with fictitious financing arrangements, and then no repairs. Mass mailings solicit homebound elderly people to work at home stuffing envelopes, or other forms of piecework, for a promised payment of very generous wages—but once the required "registration fee" is paid nothing more is heard. Phony "miracle cures" for illness and disabling conditions are also often sold through the mail.

Those who conduct such fraudulent business with the help of the U.S. mails are quick, and often manage to elude detection and prosecution by frequently moving their base of operations. The additional authority which this bill would give to postal inspectors will act as a strong deterrent to this fraud.●

By Mr. HEINZ (for himself, Mr. CHILES, Mr. DOMENICI, Mr. PERCY, Mrs. KASSEBAUM, Mr. COHEN, Mr. GRASSLEY, Mr. DURENBERGER, Mr. DOLE, Mr. DENTON, Mr. D'AMATO, Mrs. HAWKINS, Mr. QUAYLE, Mr. PRESSLER, Mr. COCHRAN, Mr. DANFORTH, Mr. GLENN, Mr. MELCHER, Mr. PRYOR, Mr. BRADLEY, Mr. BURDICK, Mr. DODD, Mr. WILLIAMS, Mr. MOYNIHAN, Mr. BAUCUS, Mr. CRANSTON, Mr. FORD, Mr. DECONCINI, Mr. SASSER, Mr. BENTSEN, Mr. CANNON, Mr. LUGAR, Mr. CHAFEE, Mr. HAYAKAWA, Mr. HATCH, Mr. MATHIAS, Mr. INOUYE, Mr. MCCLURE, Mr. SPECTER, Mr. SYMMS, Mr. WARNER, Mr. KASTEN, Mr. TSONGAS, Mr. SARBANES, Mr. STENNIS, Mr. ZORINSKY, Mr. EAGLETON, and Mr. KENNEDY):

S.J. Res. 92. Joint resolution to authorize and request the President to designate the week of September 6, 1981, as "Older Americans Employment Opportunity Week"; to the Committee on the Judiciary.

OLDER AMERICANS EMPLOYMENT OPPORTUNITY WEEK

Mr. HEINZ. Mr. President, I am pleased to introduce today, along with over 50 cosponsors, a joint resolution to authorize and request the President to designate the week of September 6 through 12, 1981 as "Older Americans Employment Opportunity Week." The chairman and ranking minority member of the House Select Committee on Aging, Representatives CLAUDE PEPPER and MATTHEW RINALDO, are introducing this resolution today in the House of Representatives.

This resolution is important for several reasons. First, older workers represent a large but neglected national resource. Only 22 percent of individuals over age 60 are presently employed. National polls and research findings indicate that many more would like to find full- or part-time jobs, but feel that the opportunity is not there. They are capable and often need job earnings to meet income needs in a period of high inflation.

Second, some employers are turning to older workers as a resource—recognizing that their skills and experience are of great value in the workplace. They are initiating hiring, retraining, second-career and job retention programs for older workers. Other employers, however, do not perceive older workers in such a positive light and often practice, consciously or unconsciously, age discrimination against them.

The resolution will call attention to both the potential of older workers and some of the problems which block employment opportunity for them. Special programs will be held around the country to mark this important week and to encourage employers to generate employment opportunities for older persons. Labor organizations, industry groups, and membership organizations which represent older Americans will be involved in this effort. Employers will become more aware of older workers as a resource and older workers will become more aware of job opportunities and job retention options. The results of the promotion will be of benefit to older workers, employers, and the Nation as a whole.

In addition, expanding job opportunities for older Americans who wish to continue working is one of the best long-term solutions to our present retirement income and social security financing problems. The Special Committee on Aging recently held a hearing on "Early Retirement: Implications for Social Security" at which experts, and representatives of labor and management testified. There was a clear consensus among all witnesses that we in the Congress should be more active in promoting employment opportunities for older workers.

Mr. President, I realize that this resolution is just a small step toward achievement of this goal, but it is a step that is worth taking now to help dramatize the need for action. As chairman of the Special Committee on Aging, I will be working actively toward the development of substantive policies to further greater employment opportunities. I believe that we can no longer ignore the vast potential contribution that these Americans are capable and desirous of making to our society. I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 92

Whereas our Nation's citizens over age 65, now representing over 11 percent of our population with this rate expected to increase steadily over the coming years and decades, constitute a major national resource;

Whereas increasing numbers of our older citizens, being willing and able, are looking for opportunities to gain employment, or remain in the work force in order to serve their communities and the Nation;

Whereas older citizens, having accomplished so much in the past for the Nation and who continue to contribute to the Nation's productivity and service to others, should be encouraged to continue in employment roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth and independence of older persons by facilitating their decisions and action, tapping their resources, experience, and knowledge, and enabling their continued contribution to society;

Whereas it has been demonstrated through title V of the Older Americans Act of 1965, which supports a part-time program for older Americans, that older workers are extremely capable in a variety of job roles;

Whereas recent studies conducted by the United States Department of Labor and other organizations indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to their high quality job performance and low rates of absenteeism; and

Whereas Congress recognizes the importance of the continued participation of senior citizens in our Nation's work force and encourages expanded careers and greater job opportunities for these individuals by increasing the awareness of the valuable experience and wisdom offered by our Nation's elders: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week", and calling upon—

(1) our Nation's employers and labor unions to give special consideration to older workers with a view toward promoting expanded career and employment opportunities for older workers who are willing and able to work and desire to remain employed and to retired seniors who wish to reenter the work force;

(2) voluntary organizations to examine the many fine service programs which they sponsor with a view toward expanding the important service roles older workers are engaged in;

(3) the United States Department of Labor to give special assistance to older workers through job training programs sponsored by the Comprehensive Employment and Training Act, job counseling through the United States Employment Service and additional support through its Older Worker Program; and

(4) the citizens of the United States to observe this week with appropriate programs, ceremonies, and activities.

● Mr. CHILES. Mr. President, today I have the privilege of cosponsoring a Senate joint resolution requesting the President to designate the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week." The more we study and investigate the desires and preferences of older persons, the more we learn that increasing numbers of older persons want to remain involved in productive activity well beyond the traditional age of retirement.

With the arrival of the 1978 amendments to the Age Discrimination in Employment Act, Congress ushered in a new era for America's older workers. The mandatory retirement age for Federal employees was eliminated completely, and the age in the private sector was raised from 65 to 70.

Mr. President, with the legal door now open to end mandatory retirement, and with vast numbers of today's workers due to reach their retirement years at the beginning of the next century, we must begin now to create new opportunities for the older worker. In the spring of 1980, I chaired a new series of hearings for the Special Committee on Aging on "work after 65: options for the 80's." We reviewed a 1978 national survey, conducted by the Harris poll, which provided detailed information about the desire of older persons to have expanded work oportunities—and sometimes also about the frustration which they feel in not being able to work.

Current employees and current retirees were asked what they would prefer as their retirement-work situation. About 25 percent of each group said they would prefer some kind of part-time work after retirement. But in a followup question, only 8 percent of the already-retired persons said they were in fact able to find part-time employment. Interestingly, the survey also asked all retired persons: "Assuming you would have had an adequate amount of retirement income, what would you have preferred to do when you reached retirement age?" Forty-nine percent of the current retirees responded that they would prefer work.

Mr. President, the witnesses at these hearings included psychologists, economists, labor force experts, and presidents and vice presidents of corporations with long histories of retaining and hiring older workers. All the witnesses agreed on a basic fundamental principle: not only do many older persons want to remain active on the job, but they are able, productive, enthusiastic, and flexible workers. The major missing piece to this jigsaw puzzle is simply opportunity. It is for these reasons, Mr. President, that I strongly urge my colleagues to support this resolution calling for the designation of the week of September 6 through 12, 1981, as "older Americans employment opportunity week."●

● Mr. DURENBERGER. Mr. President, in designating the week of September 6–12, Older Americans Employment Opportunities Week, Congress will reaffirm its commitment to the older worker. Labor Day week is an especially appropriate week for us to celebrate the achievements of older Americans and encourage continued support for their employment opportunities. At a time when all America's resources are being closely appraised, we cannot afford to ignore one of our greatest resources—our older workers.

We need only look to the White House to see a man well past retirement age doing an excellent job. At 70, Ronald Reagan is handling the most grueling job in Government. In the private sector, his 70th birthday would have marked the point of mandatory retirement. Instead, it marked the beginning of a new phase in his public service, and a new beginning for all Americans.

My friend and fellow Minnesotan, Warren Burger, is another older American serving the public well past normal retirement age. The Chief Justice will celebrate his 74th birthday this September as the highest official in our judicial system. As Chief Justice of the Supreme Court, he carries out his weighty responsibilities with wisdom and prudence. How much poorer would this Nation be if we deprived ourselves of men such as Warren Burger?

We cannot afford to dismiss the benefits of age too lightly. These men and hundreds of men and women like them are contributing to the welfare of our country well past the magic age of 65. But there are equally able Americans who see retirement not as a retreat, but as defeat. Through mandatory retirement regulations, veiled job discrimination and other barriers, many would-be older workers are forced out of the job market. This is an unacceptable situation. If this resolution does anything, it will reassert the positive contributions older workers have to give.

The opportunity to continue working is just as important as the opportunity to retire. We all gain when the older worker has the option of continued employment whether he or she stays in the same position, or chooses other alternative employment possibilities. We gain a senior citizen who is more economically self-sufficient. We gain a senior citizen who is a supporting member of our economy. We gain a senior citizen who feels a sense of purpose and usefulness.

We need to focus on what we in Congress can do to encourage employment opportunities among the older members of the work force. Through the interest and efforts of my colleague, Senator HEINZ, we on the Special Committee on Aging will continue to explore employment options for older workers. The needs and opportunities for older Americans is a challenge that grows 1,400 people stronger every day. I look forward to meeting this challenge and feel that this resolution is a vocal step in the right direction.●

By Mr. HAYAKAWA (for himself, Mr. HATCH and Mr. NICKLES):

S.J. Res. 93. Joint resolution to clarify that it is the basic policy of the Government of the United States to rely on the competitive private enterprise system to provide needed goods and services; to the Committee on Governmental Affairs.

PRIVATE INDUSTRY TO SUPPLY GOVERNMENT WITH GOODS AND SERVICES

Mr. HAYAKAWA. Mr. President, I introduce today, together with my colleague in the House, DAVID DREIER of California's 35th District, a joint resolution that reaffirms the policy now embodied in the Office of Management and Budget Circular A–76. Senators ORRIN HATCH and DON NICKLES are original cosponsors.

The joint resolution states:

It is the policy of the Government of the United States to rely on competitive private industry to supply the products and services it needs whenever competitive industry prices are available.

For some years I have observed the tendency of the Federal Government to assume and retain functions that should be left to the private sector of the economy. Though it has long been the government's policy to rely on the private sector for goods and services, that policy has not been applied equally throughout all branches of the government.

As a result, Federal employees, according to the GAO's estimates, perform 11,000 commercial or industrial activities that could be done by private firms. Taxpayers pay near $19 billion for these goods and services, and in doing so they directly subsidize competiton for private industry.

There are certain government functions that must be performed by the government, such as formulating policy. But I do not believe government resources should be used to duplicate functions that are properly available from the private sector at a lower cost.

This may sound like a philosophical problem, but to the owner of a small business it is a matter of economic survival. Struggling with inflation, interest rates and excessive regulation, the last thing a small business owner needs is competition from the government financed by tax moneys.

Let me give some examples of the government activities that duplicate efforts of the private sector: Printing and binding, data entry and processing, food service, laundry service, audio-visual production, library services, and research.

If the $19 billion spent on such goods and services were channeled into the private sector rather than into government agencies, three important things would happen:

First, the government would get the same services at reduced cost. That is because private enterprise has an incentive government agencies do not have: The profit motive. The Small Business Administration has conservatively estimated that $3 billion of that $19 billion could be saved.

Second, private industry would benefit by increased business that would stimulate the whole economy.

Third, and this is important, government workers and resources would be freed to concentrate on functions that must be performed directly by the government. In this time of increasing demands on government resources, this increased efficiency will help preserve or even increase the level of government service provided to the public.

The General Accounting Office has prepared a report, for release today, that examines the extent of government competition with the private sector. The GAO and the Office of Management and Budget agree that congressional action is needed to establish as a matter of policy throughout the government that private industry should be used to supply goods and services whenever that is practical and proper.

This is not a shift in government policy; it is a clarification of government's relation to private enterprise and a clarification of a policy that has been subject to varied interpretations and shifts in emphasis over the years.

As a further exploration of this issue, on Wednesday, June 24, the Small Business Subcommittee on Advocacy and the Future of Small Business—of which I am chairman—will open a series of hearings examining the effects of government competition on small business. We will examine specific industries in which that competition is a significant problem, and we will hear from owners of businesses that have been crippled or threatened with extinction by government decisions to provide similar goods and services.

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

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

S.J. RES. 93

Whereas it is the function of Government to establish Federal policies and manage Federal programs established by or pursuant to law; and

Whereas it is the function of the private enterprise system, which is the primary source of national economic strength, to provide goods and services needed in that endeavor; and,

Whereas optimum efficiency, economy, and productivity can be achieved if the Government relies on competitive procurements from private enterprise for its needed goods and services; and

Whereas in a democratic free enterprise system, the Government should not compete with its citizens: Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the general policy of the Government of the United States to rely on competitive private enterprise to supply the products and services it needs whenever competitive industry prices are available. This policy shall be administered by the Director, Office of Management and Budget in coordination with the Administrator, Office of Federal Procurement Policy.

ADDITIONAL COSPONSORS

S. 46

At the request of Mr. THURMOND, the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 46, a bill to amend title 5 of the United States Code to permit present and former civilian employees of the Government to receive civil service annuity credit for retirement purposes for periods of military service to the United States as was covered by social security, regardless of eligibility for social security benefits.

S. 85

At the request of Mr. BENTSEN, the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1954 to exempt independent producers and royalty owners from windfall profit tax on the first 1,000 barrels of daily production.

S. 1175

At the request of Mr. BOSCHWITZ, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1175, a bill to amend the Internal Revenue Code of 1954 to exclude fringe benefits from the definition of gross income.

S. 1214

At the request of Mr. BOSCHWITZ, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1214, a bill to amend the Internal Revenue Code of 1954 to eliminate the limitation on the interest deduction for interest paid or accrued on investment indebtedness.

S. 1235

At the request of Mr. D'AMATO, the Senator from Alabama (Mr. DENTON), the Senator from Florida (Mrs. HAWKINS), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Utah (Mr. HATCH) 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. 1237

At the request of Mr. HEFLIN, the Senator from Louisiana (Mr. LONG) was added as a cosponsor of S. 1237, a bill to provide grants to the 1890 land-grant colleges, including Tuskegee Institute, for the purpose of assisting these institutions in the purchase of equipment and land, and the planning, construction, alteration, or renovation of buildings to strengthen their capacity for research in the food and agricultural sciences.

S. 1310

At the request of Mr. BOSCHWITZ, the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1310, a bill to amend the Internal Revenue Code of 1954 to provide certain community development, employment, and tax incentives for individuals and businesses in depressed areas.

SENATE JOINT RESOLUTION 74

At the request of Mr. MATHIAS, the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of Senate Joint Resolution 74; a joint resolution designating the week of October 4 through October 10, 1981, as "National Diabetes Week."

SENATE RESOLUTION 158—RESOLUTION TO HONOR UNIVERSITY CITY, MO., ON ITS 75TH ANNIVERSARY

Mr. DANFORTH (for himself and Mr. EAGLETON) submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 158

Whereas, this year the people of University City, Missouri, celebrate the seventy-fifth anniversary of the city's incorporation;

Whereas, from its beginnings, University City, Missouri, has been a leader in devising progressive, innovative, and successful responses to perplexing municipal problems;

Whereas, in 1920, University City, Missouri, pioneered in the field of city planning by creating a City Plan Commission, and, through planning, secured, for the residents of the city, beautiful and functional parks, quiet and tree-lined residential streets, and a unique commercial district commonly known as the Loop;

Whereas, in 1947, the City of University City, Missouri, became the first municipality in St. Louis County to adopt a home rule charter providing the council-manager form of government;

Whereas, the City of University, Missouri, distinctive among cities for racial, ethnic, and religious diversity of its populace, has fostered harmony and unity in the community; and

Whereas, University City, Missouri, is an example for the Nation in achieving fair and open housing and integrated schools, and in providing an extensive program of services for its senior citizens; Now, therefore, be it

Resolved, That the Senate honors the City of University City, Missouri, and its people and leaders during their Diamond Jubilee celebration and commends the City of University City, for exemplary achievements and continuing leadership in urban planning and development.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the City of University City, Missouri.

● Mr. DANFORTH. Mr. President, on behalf of myself and my senior colleague from Missouri, Senator EAGLETON, I am pleased today to offer a resolution in honor of the people of University City, Mo., a city which celebrates its 75th anniversary this year.

University City is a place of extraordinary ethnic, religious, and racial diversity. However, this diversity—which has meant conflict and strife for many cities—has been a source of strength for the people of University City. University City stands as an example for the Nation for the achievements it has made in securing open housing and integrated schools, for the harmony and unity that characterize the city. It has not been a city without problems—but it has faced its problems and emerged stronger for the experience.

Novelist Stanley Elkin once observed, University City "looks like what cities are supposed to look like." Above all, it is a nice place to live.

I ask unanimous consent that Stanley Elkin's homage to University City, "Why I Live Where I Live," be printed at this point in the RECORD.

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

WHY I LIVE WHERE I LIVE

(By Stanley Elkin)

Because, to me, it has always looked like what cities are supposed to look like. Like silhouette architecture in funny papers. Moon Mullins's downtown, Krazy Kat's, warehouse style, a wholesale modality, the furrier's provenance, the jeweler's. Gilt lettering in upper-story windows. And brick from the golden age of brick. Bricks so high it could be the dumping ground of brick, stacked as counter on a wondrous roll. And because grand juries seem as if they would meet here, returning true bills, parsing corruption: racketeers whose rackets are oldtimey and flagrant and tinged with muscle—teamster stuff, laundry trucks that don't leave the garage, taxis crippled and tampered axles under the trucks that bring the milk, the bread, the paper. Vending-machine brutalities. Soft-drink killings.

And because I'm an American of the vaguely professional class, a tenured academic, the least mobile of men, and you live where they ask you in this business and get maybe two or three solid offers in a working lifetime, and because I've been luckier than most or less brave perhaps and have only received one—two if you count the feeler, pursued halfheartedly on both our parts, from the University of California in Santa Barbara thirteen years ago, and we tried it for a summer and didn't much like it, my wife because it made her nervous to go for bread at eighty miles an hour and me because, as I say, I'm not brave and didn't know if I'd like my friends.

Which is really why I live where I live.

I live in University City, Missouri, a block from the St. Louis limits. (The city of St. Louis is self-contained as an is'and, exists in no county, is, in a way, a kind of territory, a sort of D.C., a sort of Canal Zone, gerrymandered as Yugoslavia, its limits fixed years ago, before the fact, staked out, one would guess, by a form of sortilege, a casting say, of vacant lots, working farms and nineteen miles of the Mississippi River into the equation, the surveyor's sticks and levels and measures doing this tattoo of the possible, of the one-day-could-be, shaping a town like a stomach, stuffing it with ellipses, diagonals, the narrows of neighborhood.) University City is not so much a suburb as St. Louis's logical western addendum. There are over ninety incorporated municipalities surrounding St. Louis, closing it off like manifest destiny, filling it in like some jigsaw of the irrefutable, Mondrian's zones and squares like a budgeted geometry. And I live where I live because of the civilization here.

On the third Tuesday of every month there is a salon at the home of Eli and Lee Robins. The Insight Lady is there (I shall not blow her cover here but can tell you that she is a heroine of song and story, prose and poetry, and, like her husband—you couldn't drag her name from me—the older man and downtown lawyer Albert Lebowitz, a native) putting out her insights like hair or finger-nail. Deans are there, chairmen of departments in street clothes. It's all very brilliant.

Eli's spread (both he and his wife are scientists, but the money is Texas) is smaller, I think, than the palace at Versailles but much grander than Madame Récamier's. And because, like me, he is a multiple sclerotic, much of the house is tricked out in the customized hardware of the handicapped, all the expensive gym-crackery of safety: stands of parallel bars like private roads, handles that bloom from the doorways like a steel ivy, cunning chair lifts like an indoor Aspen, Eli's electric cart, Eli's motor pool. We gather on these Third Tuesdays in the smaller of the two living rooms, the library really but with its phones hard by the furniture—I want to sit on the leather chair and call the couch—it could be some plush boiler-room operation. There are discrete files, the latest in dictating equipment, everything state-of-the-art, everything convenient; and for dark reasons I am at home in this house. (I'm crippled too.) And once a month, at the Robinses', I feel free to go public, to clumsy my coffee on the furniture, to crumb the carpet and ash my neighbors as myself. But chiefly to talk. At the top of my voice at the top of my form, vicious, a gossip, clever as a fag, with, to save me, only this: that I am never the hero of my ancedotes but always—I'm crippled too—the fall guy, whiner take all. (On New Year's Eve of 1963, before Eli's disease, before my own, Joan and I were invited to a party at the Robinses'. I had not really known about them, that they lived in a house as big as all outdoors. I had assumed that I assume about everyone I meet, that their backgrounds are the same as mine, that we drive the same cars, get the same mpg, earn the same salaries, and blue is our favorite color. That we're all each other's doppelgängers—how otherwise could we meet in this life?—that we all serve the same conditions, that we share the world like weather. The main party was going on in the larger of the living rooms, a room like a grand salon on an ocean liner, and though there might have been a hundred people in it, I swear to you it looked empty. We left just after midnight, and outside our third-floor walk-up Loop apartment building I kicked dents in the door of our '62 Chevrolet Biscayne. I ripped the ring off the steering wheel. I rent my clothes like an Orthodox. Why not? This was grief, this was grief too. It was years before we went back. When we owned our own home. When disease had collateralized us, when demyelination had doppelgänged us again.)

And this is the point, I think. I live where I live for the odd safety there really is in numbers. Are the crippled as comfortable in Santa Barbara? Could I aspire to Eli Robins's fail-safe gewgaws, his remote-control life, his disease's nifty setup like a model railroader's?

I have been keeping track now since the first Third Tuesday and have never seen the same hors d'oeuvre twice. And that's another thing about St. Louis, about University City. It is the hors d'oeuvre hub and honeypot of the world, its quiche capital. The deli is lousy and the entrées only middling—I mean its steaks and roasts, its chops and chickens—but there are knives, forks, spoons, and stars in its appetizers and something in its soups to float your heart. (It could be the water. Nowhere I have ever been is it ofter. In the shower soap comes apart in your hands. It lathers like spindrift, froths and foams like the trick floors of discos. You're clean five to ten minutes sooner than you are in New York or California.)

There is, I think, an appetizer vision, the aperitif heart, something in the soul or character that bumps up hunger without the means or even desire to satisfy it, a teaser temperament—*forshpeiz* forsooth, foreplay forever. All I know is that I love that hour to hour and a half before we go in to dinner (it's no longer Third Tuesday; we're at Martha Rudner's, at the Stangs', the Teitlebaums', the Gasses', the Pepes'), when the pâtés are passed, the barbecue chicken wings, the plates of pot stickers, the stinging dips and smarting cheeses, all that spicy consubstantiation, the lovely evening's high season of high seasoning, and the talk is general and the gazpacho melts in my mouth. And I live where I live, could be, because I am such a good guest, comfortable in other people's houses as a man in his club and under no obligation to bring wine, flowers, houseplants, the candy gifts and door-prize alms (empty-handed even in a hospital room), taking hospitality for granted as a Greek in an epic, never the first to leave though always the first to leave the dinner table, eschewing tea, coffee, the sugar-silted linen and the sedimental crumbs, no coffee klatcher but the Brandy-and-Soda Kid himself, cordial at cordials and drawn by a drawing room.

Inviting the others, ready to do business, calling "Come here, come here, the fire's still going. Bring your cups. Come where it's comfortable." And I live where I live because they come when I call them—well, what are friends for?—and know things I don't. And because I love to hear Julie Haddad, the Deep Throat of real estate, give the latest market quotation on a neighbor's house, or not *even* a neighbor's, a stranger's, someone the next town over, and Patty Pepe explain the complicated peerage of west-county Jews.

I don't mean gossip in the ordinary sense. There is little hanky-panky where I live. In the twenty years I've lived here only one of my friends has been divorced. No one seems to have affairs. Missouri lust is career-oriented, not sexual. It's one on oneself, not one on one. We want Nobel Prizes, things within Pulitzer's gift, National Book Awards, grants, honors, invitations, hosannas. We talk the ego's bottomless line. Or *I* do. And I live where I live because there are people who will listen to me speak Self like a challenge dance. Not boasting, understand, not look-Ma-no-hands but something involuntary, reflexive as perspiration, not loose lip, loose *tooth*, worrying away at this sweet-and-sour tooth I have in this city whose specialty is appetizer and whose shape on a map looks like a stomach. I sound awful but it's not what you think.

I haven't seen Bill Gass for a month, say. I bring him out, I draw him forth like a man doing card tricks, I work him close up as a Vegas mechanic, my sleight-of-mouth circumstances and the opening bid of my own poor itinerary in my juggler's distracted jabber. The same with Steve Teitlebaum, John Morris, Howard Nemerov, the same with everybody. (Not boasting, understand. *I* know where I've been. I need to know where *these* guys are.) All right, it *is* what you think; but win or lose, it clears my air.

And *this* occurs to me. The estimated population of the city of St. Louis on January 1, 1980, was 479,000, that of the greater metropolitan area, 2,410,628. I've lived here twenty years and have only two friends who work downtown. How many people living in Houston could say the same? Who in greater Omaha could? Who in Chicago? Boston? the Bronx? (Who, for that matter, in St. Louis?) When I moved here in 1960, the city's population was just over 750,000. Urban flight shapes my skyline. It cozies connection and snugs my skyscrapers. It's good, I mean, for the architecture and, the city emptied out, lends a scaled-down look to things. Downtown seems someplace foreign. Or no. *Not* foreign. An American city, but an American city like some Brechtian projection. St. Louis like the City of Mahagonny. And I live where I live because there's nothing beautiful to look at in the store windows. Because reality looms in them like a loss leader, furniture people as low company or the circumstances of people on fixed incomes, the fashions dated as nurses' uniforms, a dry-goods sort of town, a hardware one. And I look. I do. Once or twice a month, at night, in the warmer weather, we cruise downtown's empty streets. We park, we window-shop.

Me, most of my friends, we don't dress well. We are barely presentable. And if we're out of the shower ten minutes quicker than New Yorkers, we're out of the bedroom fifteen. We are not laid back. Laid back is studied, sandaled and lightly leathered, capped and cute. It goes with the hairdo. We don't have hairdos. I'm fifty years old and dress like someone on *Bowling for Dollars*, like a guy driving cross-country. Third Tuesdays *and* downtown. The sweet-and-sour heart.

And I live where I live because I am comfortable, because the climate is equable, because the movies come on time but the theater is a road show, second company, because the teams are dull but we get all the channels, because there can't be four restaurants in the city that require jackets and ties and there's a $25,000 ceiling on what city employees may earn and I make more than the mayor, the head of the zoo. Because I feel no need to take the paper. Because I feel no need.

And finally because nowhere I have been do so many other people seem to live so well. St. Louis, and University City too, is a city of sealed neighborhoods, gated as railroad crossing of blocked-off streets and private places chartered as nation, zoned as meteorological maps, the enclaves and culs-de-sac of stalled weather. Not fortress but subdivision America, everything convenient, stone's-throw as Liechtenstein. My subdivision, Parkview, is separated from Ames Place, the subdivision just west of it, by a walk called the Greenway (I could throw a ball into it, but it's almost a mile by car—the closed-off streets, the wrought-iron gates that are opened on some complicated schedule I have never been able to learn), and, like so many other of the city's private neighborhoods, it is very beautiful. The houses are large. They are brick or stone, two stories or three, with slate roofs, red-tiled, green. Eighty percent of the homes were built between 1906 and 1915 in Gustav Stickley's Craftsman Style. No two are alike, but I have a sense of snowflake disparities, a fraternal-twin aesthetics.

One Third Tuesday a few months back I was telling the Insight Lady's husband that there was nothing I really wanted anymore, that I was just about consumered out. I have a videotape recorder, the TV camera that goes with it, a pool (Parkview looks like something out of *Meet Me in St. Louis*, but we're pooled now as Beverly Hills), quad, the middle-class works. It wasn't time yet to go into the electric golf cart; there was nothing I wanted. Well, maybe *one* thing, but . . . I described plaques I had seen on houses in London where authors had lived. A few weeks later Al brought over a replica of what I'd described. A dark lead slab with raised copper letters:

STANLEY ELKIN
1967–

He drilled holes into the brick for the screws and mounted it on my house.

I'm waiting for Joan. We're going to Bobby's Creole for the barbecue shrimp and then to a movie. I'm sitting on the top stair, next to the railing, at the foot of our walk. Across the street is a triangular park with its honey locusts and tall old pines and oaks. I look toward Pershing at the beautiful homes, seventy-five years old some of them, good as new, better. How lovely, I think. How fortunate we are. Up and down my street, Westgate, the houses make a long gentle convex. Three blocks off, beyond the northern gates, is Delmor Boulevard, a sort of student village, the shops recycled, periodically changed as marquee, head shops where kosher butchers once thrived, the Varsity theater with its 3-D festivals, the Tivoli, which changes its double bill nightly, health food stores and bike shops, record stores, book, boutiques and the co-op grocery, the open-air market, a gallery, Bobby's Creole, where we're going. An odd nostalgia seems to hang over it all, a sawdust chic, grubby and moving. There's a store that sells old movie posters and Blueberry Hill, a pub where the serious darts players go. I lived off Delmar once, as I do now, when it was a ghetto for Orthodox Jews. But one sort of earnestness is not so different from another. Kids', old folks'. I've come a long way from St. Louis. Three or four blocks.

I live where I live. I have a plaque that says so. I wait for my wife and feel fine, within the gates, enjoying for as long as the tenure holds my tucked-in, deck-chair life.●

● Mr. EAGLETON. Mr. President, the city of University City, Mo., will celebrate its 75th anniversary of incorporation during 1981. It is a fitting tribute that we pay to the citizens of University City in adopting this resolution commemorating the city's diamond jubilee.

University City has distinguished itself in numerous ways throughout its history. It was a leader in progressive government; it pioneered the field of city planning; it has traditionally maintained a high-quality, livable environment for its diverse citizenry; and it holds the promise of future leadership in these and many other fields.

Mr. President, I ask that we adopt this resolution congratulating all of University City on its achievements.●

SENATE RESOLUTION 159—ORIGINAL RESOLUTION REPORTED WAIVING THE CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on Armed Services, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 159

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1408, a bill to authorize certain construction at military installations for fiscal year 1982, and for other purposes.

Such waiver is necessary because section 402(a) of the Congressional Budget Act of 1974 provides that it shall not be in order in either the House of Representatives or the Senate to consider any bill or resolution which, directly or indirectly, authorizes the enactment of new budget authority for a fiscal year, unless that bill or resolution is reported in the House or the Senate, as the case may be, on or before May 15 preceding the beginning of such fiscal year.

For the foregoing reasons, pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to S. 1408 as reported by the Committee on Armed Services.

AMENDMENTS SUBMITTED FOR PRINTING

DEPARTMENT OF JUSTICE AUTHORIZATION ACT

AMENDMENT NO. 98

(Ordered to be printed and to lie on the table.)

Mr. BIDEN (for himself and Mr. HEFLIN) submitted an amendment 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.

AGRICULTURE AND FOOD ACT OF 1981

AMENDMENT NO. 99

(Ordered to be printed and to lie on the table.)

Mr. LUGAR (for himself, Mr. PELL, Mr. TSONGAS, Mr. COHEN, Mr. DANFORTH, Mr. DURENBERGER, Mr. HAYAKAWA, Mr. JEPSEN, Mr. PERCY, Mr. STAFFORD, Mr. HATFIELD, Mr. RIEGLE, Mr. LEVIN, Mr. HUMPHREY, Mr. BOSCHWITZ, Mr. GARN, Mr. GORTON, Mr. HATCH, Mr. HEINZ, Mr. QUAYLE, Mr. SPECTER, and Mr. GRASSLEY) submitted an amendment intended to be proposed by them to the bill (S. 884) to revise and extend programs to provide price support and production incentives for farmers to assure an abundance of food and fiber, and for other purposes.

PRICE SUPPORT PROGRAM FOR PEANUTS

● Mr. LUGAR. Mr. President, today I am submitting an amendment to S. 884 that would eliminate the current system of acreage allotments and poundage quotas for peanuts and substitute a straight-forward loan support program parallel to those for corn, wheat, soybeans, rice, and other crops.

Twenty-one of my colleagues have joined me in my efforts to free peanut farmers, processors, and consumers from the highly restrictive peanut program. My amendment also has the support of the AFL-CIO, U.S. Chamber of Commerce, and the National Taxpayer's Union.

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

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

AMENDMENT No. 99

On page 197, beginning with line 13, strike out all down through line 2 on page 212 and insert in lieu thereof the following:

REPEAL OF EXISTING PROGRAM

SEC. 701. (a) Effective beginning with the 1982 crop of peanuts, part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357–1359), relating to peanuts, is repealed.

(b) Effective beginning with the 1982 crop of peanuts, the Agricultural Act of 1949 is amended—

(1) by strikng out "and peanuts" in section 101(b); and

(2) by striking out "peanuts," in section 408(c).

PRICE SUPPORT FOR PEANUTS

SEC. 702. Effective beginning with the 1982 crop of peanuts, section 201 of the Agricultural Act of 1949 (7 U.S.C. 146) is amended—

(1) by inserting "peanuts," after "honey," in the language preceding subsection (b); and

(2) by adding at the end thereof a new subsection (g) as follows:

"(g) the price of the 1982 and subsequent crops of peanuts shall be supported at such level as the Secretary considers appropriate, taking into consideration the eight factors specified in section 401(b) of this Act, the cost of production, any change in the index of prices paid by farmers for production items, interest, taxes, and wage rates during the period beginning January 1 and ending December 31 of the calendar year immediately preceding the crop year for which the level of support is being determined, the demand for peanut oil and meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets, but not less than $ per ton.".

On page 212, line 7, insert ", as amended by section 702," before "is amended".

On page 212, line 12, strike out "(g)" and insert in lieu thereof "(h)".

On page 213, line 23, insert ", as amended by section 702," before "is".

On page 214, line 6, strike out "(h)" and insert in lieu thereof "(i)".●

OMNIBUS RECONCILIATION ACT OF 1981

AMENDMENT NO. 100

(Ordered to be printed and to lie on the table.)

Mr. MOYNIHAN (for himself, Mr. CRANSTON, Mr. BRADLEY, and Mr. BOREN) submitted an amendment intended to be proposed by them to the bill (S. 1377) 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).

NOTICES OF HEARINGS

SUBCOMMITTEE ON THE CONSTITUTION

Mr. HATCH. Mr. President, I would like to announce that the Subcommittee on the Constitution, of which I am chairman, will hold public hearings to examine the Freedom of Information Act and proposed legislation to amend the act. The first two hearings will be held on July 15, 1981 at 9:30 a.m. and July 22, 1981 at 9:30 a.m. in room 2228 Dirksen Senate Office Building.

The Freedom of Information Act, first passed in 1966 and amended in 1974, has done much to promote public confidence in government. Nevertheless, a number of problems have threatened to undermine the benefits of FOIA. For instance, some legitimate law enforcement and intelligence activities have been impaired. Individuals and businesses cannot adequately protect their trade secrets from unfair disclosure to competitors. And the administrative burden of time and money has been much greater than ever anticipated when the bill and its amendments were passed.

Several bills addressing these problems have been referred to the Subcommittee on the Constitution. Senator DOLE has introduced S. 1247 to help submitters of information to government agencies protect their business secrets from disclosure. Senator D'AMATO has introduced S. 1235 to add certain exemptions for classified CIA files. And I have introduced S. 587 which will provide exemptions for law enforcement agencies for information such as personnel rosters, and confidential investigative techniques. In addition, this bill deals with a number of administrative problems arising out of the Freedom of Information Act.

The hearings will afford a comprehensive overview of the act, and will not be limited in scope to the bills that have been mentioned. The subcommittee expects to receive additional recommendations concerning the act.

Individuals and organizations interested in presenting oral testimony at the hearing should submit their request to be heard by telephone, to be followed by a formal written request to Randall R. Rader, counsel, Subcommittee on the Constitution, 108 Russell Senate Office Building, Washington, D.C. 20510; telephone (202) 224-4906. The initial telephone request must be received by the subcommittee not later than the close of business June 30, 1981. Notification to those scheduled to appear will be made by telephone as soon as possible after the filing deadline. For those who wish to file a written statement for inclusion in the printed record, five copies must be submitted by the close of business, September 4, 1981.

SUBCOMMITTEE ON FEDERAL EXPENDITURES, RESEARCH, AND RULES

Mr. DANFORTH. Mr. President, on July 2, 1981, the Subcommittee on Federal Expenditures, Research and Rules of the Committee on Governmental Affairs will hold a field hearing in Kansas City, Mo., to identify problems which Federal contractors encounter in doing business with the Federal Government. The hearing will be held in the chambers of the Jackson County Legislature on the second floor of the Jackson County Courthouse and will begin at 9 a.m.

The following witnesses will testify at that hearing:

WITNESSES

CONSTRUCTION INDUSTRY

Mr. William Dunn, Sr., President and Chairman of the Board, J. E. Dunn Construction Company; Chairman, Minority Business Advisory Council, Kansas City Area HUD Office; First Vice President, Associated General Contractors, Kansas City Chapter.

Mr. Charles Garney, President, Garney Companies, Incorporated; President, The Heavy Constructors Association of The Greater Kansas City Area.

Mr. Bruce Patty, Partner, Patty Berkebile Nelson Associates Architects, Incorporated; Regional Director, Central States, American Institute of Architects.

STEEL AND ELECTRONICS INDUSTRIES

Mr. Robert Zimmerman, Vice President for Marketing, Wilson Electric, Incorporated.

A representative from Armco, Incorporated.

SMALL BUSINESS

Mr. James Brettell, Executive Vice President, Libby Corporation.

Mr. Donald J. Loeb, President, Rite-Made Paper Converters, Inc.

Mr. Eric Dunkley, President, Eric's Foods, Incorporated.

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. DURENBERGER. Mr. President, I would like to announce that the Subcommittee on Intergovernmental Relations of the Governmental Affairs Committee has scheduled a hearing on S. 1042, a bill to amend the Intergovernmental Personnel Act of 1970 as amended. The hearing will be conducted at 2 p.m. in room 3302 Dirksen Senate Office Building on June 24, 1981. Those wishing to submit written statements to be included in the printed record of the hearing should send five copies to Ruth M. Doerflein, clerk, Subcommittee on Intergovernmental Relations, room 507 Carroll Arms Building, Washington, D.C. 20510.

For further information on the hearing, you may contact Susan Fritschler of the subcommittee staff at 224-4718.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Envionmental Pollution of the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Monday, June 22, at 2 p.m. to hold a hearing on clean water legislation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate today, June 22, to hold nomination hearings on Eugene V. Rostow to be Director of ACDA.

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

ADDITIONAL STATEMENTS

THE INFLUENCE OF THE U.S. CONSTITUTION ABROAD

● Mr. HATCH. Mr. President, the Subcommittee on the Constitution of the Judiciary Committee, of which I have the honor to serve as chairman, has been involved in preliminary planning for the 200th anniversary of the U.S. Constitution in 1987. A major part of this commemoration of our bicentennial is a study of the influence of this, the world's oldest constitution, on the constitutions of the other 157 nations of the world. I am pleased to report to you on the progress of this important mission.

The project's findings will be published ad seriatum in journals and reviews throughout the world from 1983 to 1986, and will be combined into several major commemorative volumes in 1987. These studies will also be the basis for the summary analytic volume to be prepared by Albert P. Blaustein, professor of law, and Jay A. Sigler, professor of political science, both of Rutgers University.

More than 75 scholars from more than 50 countries have already joined editors Blaustein and Sigler in this project. Professor Blaustein is coeditor of the 15-volume work "Constitutions of the Countries of the World" and its companion six-volume work, "Constitutions of Dependencies and Special Sovereignties," as well as the author of "The American Lawyer," "Desegregation and the Law," and "Civil Rights and the Black American." Professor Sigler's works include "The Legal Sources of Public Policy: American Rights Policies," and "Contemporary American Government." Professors Blaustein and Sigler have also coedited "Independence Documents of the Nations of the World," published in 1977 to commemorate the bicentennial of our Declaration of Independence.

Professor Blaustein was a consultant in the preparation of the Bangladesh Constitution of 1972 and the Peruvian Constitution of 1978. He was special counsel to Prime Minister Abel T. Muzorewa at Lancaster House in 1979 in preparation of the new Zimbabwe Constitution.

WORLD-WIDE SCHOLARS

Many of the scholars who have joined this project also participated in drafting the constitutions of their own countries. They include Kamal Hossain (Bangladesh), former minister of law and chief architect of the Bangladesh Constitution; Julian Santa Maria (Spain), who played such an important part in drafting the new Spanish Constitution; Joseph Cooray (Sri Lanka) who later became a justice of the Sri Lanka Constitutional Court; Domingo Garcia-Belaunde (Peru), S. O. Gyandoh, Jr. (Ghana), D. J. Murray (Kiribati) and D. I. O. Eweluka (Nigeria) among others. Isi Foighel (Denmark), who chaired the drafting of the Greenland Constitution, will write on his native Denmark.

Among the high-ranking legal dignitaries are Chief Justice Enrique M. Fernando, the scholarly leader of the Philippines' Supreme Court; Venezuela Minister of Justice Guillermo Andueza; Thailand's Minister of Justice Marut Bunnag; Sudan's ex-Attorney General Zaki Mustafa; Japan's Supreme Court Justice Massami Ito; Nepal's Secretary of the Ministry of Law and Justice Dhruba Bar Singh Thapa, and W. S. Plavsic of the Prime Minister's Office in Belgium.

Because of the special relationship between the U.S. Constitution and France's constitutional history, the final French Study will be written in five parts. Three outstanding scholars have already agreed to participate. Jacques Godechot will cover the period of the French Revolution and Napoleon I (1789) to 1815); Odile Rudelle will write on the Third Republic (1871 to 1946), and Judge Jean-Luis Debre will write on the Fifth Republic (1958 to present). Scholars are still being sought for the period between Napoleon I and Napoleon III and for the post-World War II constitution of the Fourth Republic.

The German study, which will trace the influence of the American Constitution in the early German states, including Brandenburg, Wurttemberg and Bavaria, as well as the unified German will be prepared by a team of German and American scholars headed by Notre Dame Law Professor Donald P. Kommers.

Other outstanding scholars include:

John W Poulos (Afghanistan). University of California at Davis; Jorge R. A. Vanossi (Argentina), University of Buenos Aires; Alex C. Castles (Australia), ex-dean University of Adelaide Law School; Felix Ermacora (Austria). University of Vienna, a member of the

United Nations Human Rights Committee; Amir Ul-Islan (Bangladesh), an outstanding practitioner; J. Vanderlinden (Belgium, Zaire), Free University of Brussels; Leo E. Rose (Bhutan), University of California at Berkeley; Ahmad Ibrahim (Brunei, Malaysia, dean of the University of Malaya Law School; Bill Ramsden (Botswana, Lesotho, Swaziland), University of the West Cape, South Africa; David Steinberg (Burma), legal counsel, U.S. AID, and Filip Reyntjens (Burundi, Rwanda), University of Antwerp.

Clare F. Beckton (Canada), Dalhousie University; M. Necati Munir Ertekun (Cyprus), president's office, Cyprus; James C. N. Paul (Ethiopia), founding dean, University of Addis Abbaba, now at Rutgers; Dr. Renaldo Galindo Pohl (Ecuador); Michel Ajami (Gabon), National University of Omar Bonga; Upendra Baxi (India), former dean, University of New Delhi; S. N. Jain (India), director, Indian Law Institute; Changiz Z. Vafai (Iran), now with Columbia University School of International Affairs; Amos Shapira (Israel) University of Tel Aviv; Giovanni Bognetti (Italy), University of Pavia, and Lawrence W. Beer (Japan), University of Colorado.

H. W. Okoth-Ogendo and Kivutha Kibwana (Kenya), University of Kenya; A. Peter Mutharika (Malawi), Washington University, St. Louis; M. P. Jain, 2d, Asmi B. Abdul Khalid (Malaysia), University of Malaya; John G. Hangin (Mongolia), Indiana University; Ger. F. M. Van Der Tang (Netherlands), Erasmus University; Roger S. Clark (New Zealand), Rutgers University; Rafi Raza (Pakistan), a former minister; Leslie Wolf-Phillips (Pakistan), London School of Economics and Political Science; Waclaw Szyszkowski (Poland), University of Mokolaja Koperniku W. Toruniu, and Marcelo Rubelo de Sousa (Portugal), University of Lisbon.

S. Jayakumar (Singapore), University of Singapore; W. S. Marcus Jones (Sierra Leone), University of Fourah Bay; Martin R. Ganzglass (Somalia), now a Washington, D. C. attorney; Mohamud Ali Turyare (Somalia), attorney; Ellison Kahn (South Africa), former dean of law, University of Witswaterrand; F. E. M. Mitrasing (Suriname), University of Suriname; Amibal Luis Barbagelata (Uruguay), University of Uruguay; John N. Hazard (U.S.S.R.), Columbia University; Douglas Pike (Viet Nam), legal adviser, U.S. State Department; Smiljko Sokol (Yugoslavia), University of Zagreb; L. S. Zimba (Zambia), University of Zambia, and G. R. J. Hackwill (Zimbabwe), University of Zimbabwe.

I now want to call to the attention of my colleagues a summary of this important project.

THE INFLUENCE OF THE UNITED STATES CONSTITUTION ABROAD

Scholarly studies and public celebrations are planned for the commemoration of the 200th anniversary of the U.S. Constitution, drafted in 1787 and ratified in 1789. For this has been the most successful constitution in the history of the world and its bicentennial is an occasion for worldwide recognition.

While most of the studies will be directed toward the impact of the Constitution upon the American people, there is an international role which likewise demands study.

For this was the first single-document constitution, and it is by far the longest lived. The whole world has looked to the U.S. experience as a possible precedent to be considered in each country's own constitution-making.

There is a desire and need to examine and report on the ways in which the U.S. constitutional guidelines were accepted, adopted, adapted, avoided, and abjured during the two centuries past. By studying and analyzing the U.S. model in a multiplicity of foreign contexts we will inevitably gain greater insights into the meaning of our Constitution and its continuing viability. And the explanation of how the U.S. Constitution influenced the other constitutions of the world should contribute to its continuing influence.

PLANNED PUBLICATIONS

There will be two final publications: First, a one-volume, 500–600 pages, comprehensive study, publication date: Fall 1986; and second, a two-volume, 1,500–2,000 pages, library reference documentary, collecting the nation-by-nation analyses which will form the research background for the study, publication date: Fall 1987.

The country-by-country analyses will be published ad seriatum as completed in scholarly reviews devoted to law, history, and political science.

THE PROJECT

Objective scholarship is the one indispensable guidepost for this project. This will not be a public relations exercise in American aggrandizement.

But scholarship must not neglect the fact that the making of a constitution is one of the most critical events in nationhood. And the drama must not be lost in the footnoting.

Nor can the students of the influence of the U.S. Constitution limit their thinking to the spread of democratic ideals which had their first successful flowering in this country. The very concept of a single-document constitution is peculiarly American. And on the eve of the 200th anniversary of the U.S. Constitution, only 6 of the world's 165 nations are without such a charter: the United Kingdom, Canada, New Zealand, Israel, Oman, and Saudi Arabia.

Even in the totalitarian states—even in the nations which totally deny their citizens any real individual freedoms—there is often a U.S. influence. This influence is manifested in institutional and structural contributions: The concept of federalism, a presidential system, an electoral college, or a separate national judiciary appointed by the President with the approval of a parliamentary upper chamber.

The studies will not be speculative; they will be grounded upon hard data. Since the past two decades have constituted an unparalleled era of constitution making, many of the draftsmen are still alive, and their experiences will provide a priceless source of information in the preparation of the monographs.

The monographs will include consideration of:

First, misapplication and misunderstandings about the U.S. model;

Second, competition between the U.S. model and other models;

Third, successes and failures in the application of the U.S. models; and

Fourth, application of the U.S. model in actual practice as well as theory. Specifically, thought will be given to the following:

First, the U.S. Constitution as a symbol;

Second, the borrowed concept of "constitution workshop";

Third, the idea of a single-document constitution;

Fourth, the separation of powers;

Fifth, checks and balances;

Sixth, American-style federalism;

Seventh, bicameralism;

Eighth, enumerated legislative powers;

Ninth, the electoral college;

Tenth, the presidential system;

Eleventh, the amending process;

Twelfth, judicial review;

Thirteenth, the idea of a bill of rights; and

Fourteenth, specific bill of rights safeguards and prohibitions.

I will be looking forward to the progress of this important project in the months and years ahead.●

LONG-TERM HEALTH CARE

● Mr. COCHRAN. Mr. President, rising health care costs continue to be a very serious problem, especially for older citizens who require long-term care in nursing homes.

Federal programs should be reviewed very carefully by Congress to insure that the costs are reduced as much as possible and that those who must have Government assistance to meet essential health care needs are not neglected.

Mr. J. Donald Jernigan, senior vice president of Mediplex, Inc., has written a paper calling for more effective cooperation in this effort between Government and industry. His ideas deserve the careful consideration of Congress as we work to improve our response to citizen needs for long-term health care.

I ask that a copy of "Care for the Aged and Infirm—Where Do We Go From Here?" be printed in the RECORD.

The material follows:

CARE FOR THE AGED AND INFIRM—WHERE DO WE GO FROM HERE?

America is the greatest nation on the face of the earth! We have been and are a nation which can solve the various problems with which we are confronted from the invention of the colt revolver to replace the one-shot musket to the blast off from Cape Canaveral of "Columbia".

We have been a nation of new people, new ideas, new things, new development to conquer the frontiers which loom upon the horizon. We have emphasized these new things in a culture of our own development which has emphasized youth over maturity, the tangible over the intangible, the passing over the permanent. One illustration should suffice: The American Automobile. Henry Ford made one basic mistake in that he made a car that would last. In fact, it lasted so well that the market for cars did not develop until someone got the idea that cars should not be made to last and the designs should be changed as often as possible to enhance the market. It is interesting to note that new, 1964 Ford Falcons are still being made in Argentina!

In our generation we have witnessed a changing America. Our frontiers have been conquered; our resources are being depleted; our factories have grown old; our air and water have been contaminated and we are growing old. Old, yes, a greying America. This has been brought about through research in medicine with dedicated doctors, scientists, nurses, technicians, etc. who have pledged themselves to one goal: The preservation of life. This has created havoc with the social security system since people were supposed to retire at 65 and die soon thereafter.

The Nursing Home Industry has been no less dramatic! In 1962 the writer was commissioned to design his first Nursing Home project in Florence, Alabama.

This project was an 80-bed facility since 40-beds constituted a "nursing unit" at that time. This was later changed to 50 beds per nursing unit and in some cases the only restricting factor is to be within a certain distance of the nurses station. Shortly after completing this project it became evident that a need for additional beds existed. However, it was thought that the need would begin to decline within 5 years or so. Such has not been the case. Instead there has continued to be a growing need which has escalated at an alarming rate.

Since the writer's main area of experience has been in the State of Alabama, it will be referred to as a typical basis for remarks. However, it should be pointed out that all States have similar laws and policies.

In 1955, Alabama passed the Medical Clinic Act which provided for municipal-type, taxfree bonds to provide for the financing of medical facilities which included Nursing Homes. Most States have similar laws. This provided for the resources to build the facility.

Developers, including the writer and his associates began to seek out areas where a real need existed checking with the city officials and the local Department of Pensions and Security (welfare recipients). This was before the day that a "Certificate of Need" law was in effect. There was no difficulty in over-bedding since the various developers simply stayed clear of each other in a given area.

This was also before the day of Medicaid with all of its accompanying governmental regulations and "red tape". And, it should be noted that quality care was given at a flatrate of $275.00 per month! It should also be noted that Family Supplementation was an integral part of the reimbursement program not only utilizing patient resources with government assistance but also having a certain portion of the cost paid by the family of the patient which is only natural and proper and should have never been terminated by HEW.

Lo! and behold!, the Federal Government through the Department of Health, Education, and Welfare came riding upon the scene on a white horse: enter Medicaid. This occurred somewhat around 1970 and the various States then jumped on behind the saddle, holding on for dear life and donned a white hat singing the praises of this "manna from Heaven."

With the coming of the "Certificate of Need" law the States became party to, if not solely responsible for not only "restricting" over-bedding but actually "fostering" and encouraging the building of additional beds by certifying that additional beds were needed. This was often done disregarding the true need in a given area by relying solely on a preconceived statistical formula. Cases may be cited where several nursing homes in a certain area all had some empty beds and most, if not all, were losing money and since a "cost basis" was used for determining the per diem reimbursement rate, it is obvious that Medicaid was not being maximized to reach the greatest number of people.

For many years, nursing homes in Alabama had one level of care which was generally referred to as "Skilled" and even with the coming of Medicaid there was still the element of family supplementation. At this time the total cost per month for a nursing home patient was around $450.00 which was generally paid as follows:

Personal Resources	$100–150
Family Supplementation	100–150
Medicaid balance	200
	450

It is easy to see that the cost of the Medicaid program was well under control, especially in view of the fact that some 70–80 percent of the funds were Federal with 20–30 percent furnished by the State.

Several restrictive and costly factors were introduced by various governmental agencies which have continued to escalate the costs of Medicaid along with the continued increase of the minimum wage, increasing utility costs, increasing food costs, etc.

To name a few of the restrictive and costly factors, the following general areas will be dealt with in detail following their enumeration:

1. Life Safety Code Requirements.
2. Elimination of Family Supplementation.
3. Licensing of Nursing Home Administrators.
4. De-certification of Skilled to Intermediate.
5. Income Ceiling to Qualify for Medicaid.
6. Influx of Mental Health Patients.

1. Life Safety Code Requirements. We all agree that the elderly should be in a safe, clean environment. We all know that the old "rest home" of 30 years ago, which were two-story converted homes for the most part, were fire-traps and had to be eliminated but to require the multitudinous changes to the physical plant, some of which were preposterous served one ultimate purpose: The Medicaid rate was increased.

2. Elimination of Family Supplementation. This was the grandiose scheme of the HEW "do-gooders" to supplant the average nursing home resident who had a family sponsor paying part of the cost with lower income people, both white and black who had very little, if any personal and family resources; thus putting the entire cost on the back of Medicaid. By this time, with inflation, increase of minimum wage and extensive life safety code work, the average monthly rate was around $650.00 which looked something like this:

Personal Resources	$150
Family Supplementation	0
Medicaid	500
	650

Even a grade-school student can see the dramatic change in the cost of the Medicaid program.

3. Licensing of Nursing Home Administrators. While we in the nursing home field have no real argument against the licensing requirement for nursing home administrators, it is strange indeed that hospital administrators have no such requirement. Now, some States are moving toward increasing the requirements for licensing which basically does one thing: increase the cost of Medicaid. At one point in time (somewhere around 1965) some nursing home administrators were actually being paid less than the directors of nurses with some salaries as low as $550.00 per month, or around $6,000.00 to $7,000.00 annually. In contrast with this now, in order to secure and keep the services of a qualified, licensed nursing home administrator the salary range is from $16,000.000 to $20,000.000 annually or roughly triple the cost of 1965. Shove Medicaid up one more notch.

4. De-Certification of Skilled to Intermediate. But you inquire "How could this possibly increase the cost of Medicaid?" By increasing the number of beds available! The States have varied levels of care and in Florida for example, there are three basic levels of care: Skilled, Intermediate I and Intermediate II. Alabama chose to have two: Skilled and Intermediate. When Intermediate care came upon the scene there was a deliberate and systematic "De-Certification" of some 3,000 Skilled patients in Alabama, simply to comply with an arbitrary goal of some bureaucrat. Initially this was intended to "save money" by paying less for Intermediate Care and by paying this "out of another pocket" but in due time it simply came back under the umbrella of Medicaid with additional beds being built to care for the State-Certified increasing Intermediate Care level of need.

5. Income Ceiling to Qualify for Medicaid. This was an imposed requirement by the State of Alabama, which not only disenfranchises the middle-class "backbone" of our society, but also increases the cost of Medicaid in Alabama. It works like this: By arbitrary decree, if one has worked hard all of his life, paid his taxes and has been a good citizen and has, for example, a monthly retirement from all sources of "X" number of dollar (has ranged from $258.00 in 1975 to $421.00 at present) he or she is actually ineligible for Medicaid in Alabama. This means that the hard-working, honest, decent middle-class American who may need nursing home care cannot receive it unless his family, friends or church pay the monthly difference. In contrast to the arbitrary disenfranchisement of Alabama citizens, Tennessee makes no limiting restriction but takes any amount of personal resources and supplements the difference which is only fair, equitable and democratic alternative. But you ask, "How does this cost the Medicaid program more?" Very simply this: It is safe to assume that those disenfranchised Alabama citizens are cared for in the home using their limited resources to pay for a live-in practical nurse, while the nursing homes are filled with those who have little or nothing. I would certainly not advocate "throwing out" anyone by totally eliminating the Intermediate Care Program which the States have created but I would suggest that the law of "Supply and Demand", if it had not been tampered with by some bureaucrat would have resulted in one-half of nursing home patients being below the State-imposed ceiling to qualify for Medicaid and one-half being above the ceiling. Let us make a few assumptions as follows:

1. Assume 10,000 Medicaid Nursing Home Patients in the State of Alabama.

2. Assume the average cost of $750.00 per month.

With these assumptions, let us consider two situations; one with all patients below the State-imposed ceiling and one with only one-half below the ceiling and the other one-half above this ceiling.

Situation I (All patients below the ceiling):

10,000 Medicaid at $750.00/month	$7,500,000
Personal Resources at $150.00/month	1,500,000
Medicaid costs	6,000,000

Situation II (Half below and half above ceiling):

½ Below Resources at $150.00	750,000
½ Above Resources at $500.00	2,500,000
Medicaid costs	4,250,000

Thus, the Medicaid Program for Nursing Home Care in the State of Alabama would cost $1,750,000.00 less per month simply by reinstating the disenfranchised citizen. It is safe to assume a time factor to accomplish this but it would be a gradual step in the right direction. Of course, you may make your own calculations as to the exact amount of the State portion of this savings.

6. Influx of Mental Health Patients. When the Federal court ordered that Bryce and other State institutions remove certain type of residents who could be transferred to nursing homes, the nursing home industry "opened their arms" to cooperate with the State in a critical situation and proceeded to make additional beds available as required realizing that the cost of caring for a nursing home patient was less that half the cost in the State-operated institution. This was done with the thanks and blessings of the State. But, again, obviously, the cost of the Medicaid Program had to go up as Mental Health was intended to come down.

Over the past few years numerous attempts have been made to relay findings and recommendations to State officials as follows: A written report of the Medicaid dilemma was hand carried to the Governor in 1975 which stated some of the problems and trends in the nursing home field with several suggested remedies, among which were: (a) A moratorium on building additional beds until the problem of permanent and adequate funds was resolved; (b) A reinstatement of the disenfranchised Alabama citizen who happened to come above an arbitrary figure to qualify for Mediciad; and (c) Work to have HEW restore family supplementation. To this date no changes have been made.

Most States have had problems with Medicaid funding over the years in spite of the fact that from 60–80 percent is being paid by the Federal Government. Now, with the stated purpose of President Reagan's Administration to cut back on costs in order to keep our Ship of State afloat, it is obvious that the Nursing Home Industry must expect their share of limited spending. With the stated purpose of putting a "cap" on the Federal portion of Medicaid it becomes obvious that a greater percentage of the costs must be borne by the States even if "Zero" new beds were built. And yet, the States continue to Certify that new beds are needed. Unbelievable!

It is obvious that we cannot stick our heads in the sand and expect the problem to go away! If we are to solve the problem which we are perfectly capable of doing as a nation, it will require the concerted effort and cooperation of the Federal Government, the State Governments and the Nursing Home Industry.

First of all, let us consider the facts which are before us:

Fact No. 1: We have a Greying America. Each day that passes 4,000 people in the U.S. reach the age of 65. Each day that passes, 3,000 people in the U.S. over the age of 65 die, thus we are netting an increase of 1,000 per day!

Fact No. 2: Limited Personal Resources. Most nursing home patients have very limited resources available to help with their care.

Fact No. 3: Limited Medicaid Eligibility. As hereinbefore stated. (In Alabama)

Fact No. 4: No Family Supplementation Permitted. This was phased out by HEW.

Fact No. 5: No Funding for Lower Level Care. Custodial Care which will be addressed in possible solutions to the problem.

Fact No. 6: Present State Funding Problems. A constant recurring problem with some States talking about elimination of ICF beds (which they have certified to be needed) or with some States applying an illegal percentage of Medicaid patients in a given facility.

Fact No. 7: Federal CAP on Medicaid. Plan as stated by Reagan Administration.

Fact No. 8: Resultant increased State Deficits. All rising costs borne by the States.

Fact No. 9: Continued Increase in Number of Beds. States continue to issue Certificates of Need which escalates Medicaid costs.

Fact No. 10: A Projected Collapse of the Industry. Unless Facts No. 1 thru No. 9 are properly addressed immediately the entire industry could collapse within two years.

The situation which confronts the Nursing Home Industry is not a pleasant one but of greater concern and consequence is the problem with what to do with the growing multitudes in Greying America. One thing for certain is that America is not going to put the elderly and the infirm "out into the street". Therefore, we must find ways and means to solve the problem and we must act decisively and with all haste. It will require the cooperation of Federal, State and Industry officials to address the problems with all of the attendant ramifications.

While all the answers may not be readily apparent, it is believed that the proposals which follow could be a partial solution.

Asterisks denote:

*Federal Legislation Necessary.

**State Legislation Necessary.

A proposed pathway out of the wilderness:

Step No. 1: Limit the Growth of High-Cost Beds.

* **Immediately cease to issue any Certificates of Need for whatever reason. An immediate moratorium, if you please. Revoke any and all outstanding Con's that have not been fully implemented, meaning specifically unless permanent mortgage funds have been secured and at least $100,000.00 spent. In Mississippi alone, the number of beds increased from 10,659 in 1977 to 13,413 in 1979 or approximately 25 percent, or 12½ percent each year. This cannot continue with a concurrent solvency of the Federal and State Governments.

Step No. 2: Provide Funding for a Lower Level of Care.

*Custodial Care specifically which is non-nursing home care. The physical plant could be much less costly. The charges for this level of care should be approximately one-half the cost of Nursing Home care. Patients who might need some nursing oversight could be attended to by a Home Health Care Nurse.

Step No. 3: Nursing Home Bed Needs Met by Resultant Vacancy.

As patients are transferred from existing Nursing Homes to a lower level of care, the resulting vacancies will provide for the growing needs for the Nursing Home care without building new more expensive beds. Thus, the growth which seems to be inevitable can be at one-half the cost to the Medicaid Program.

Step No. 4: Multiple Use of Existing Facilities.

*** Some States require a "Distinct Part" for Medicare and Medicaid Skilled Patients while others permit "Dual Certification" but in no case can any part of the building be used for purposes other than Nursing Care. Suppose, for example, that a portion of an existing facility could be used for custodial patients while the remaining portion(s) could be used for SNF and/or ICF patients. If this were permitted, it would be possible to fill all facilities which would lower the per diem.

Step No. 5: No Limit on Medicaid Eligibility.

**Make all Americans eligible for Nursing Home Care under Medicaid. For those in Alabama for example who have some $500.00 per month who cannot now qualify, use that $500.00 to help pay the $900.00 to $1,000.00 monthly cost.

Step No. 6: Restore Family Supplementation.

*** Families who can pay should pay a portion of the cost of care for their relatives. It could be related to a percentage of the cost such as 25 percent for example. If the total charges per month are $900.00, then the family portion would be $225.00.

Step No. 7: Nursing Home Care Insurance.

Encourage Insurance Companies to design plans for supplemental coverage as determined actuarily. Several plans could be made available to provide ¼, ½ of full coverage as subscribed. This could be the long-range plan to keep Medicaid afloat in the years ahead.

Step No. 8: Actuarial Studies.

With the facts presented on a Greying American, it is time that actuarial studies be made to determine among other things, the following:

(a) What are the projected numbers of elderly who will need Nursing Home Care each year for the next 20 years considering the expected attrition?

(b) Are patient resources expected to increase, decrease or remain fairly constant? This could have a significant impact on the future.

The following table of assumptions should give some food for thought:

Table No. 1—New Nursing Home Beds—1982:

Assume 50,000 new Medicaid Nursing Home Beds in the U.S.

Assume a total cost of only $30.00 per day.

The total additional cost for 1982 will be $547,500,000.

Assume present average Patient Resources of $200/Month.

Assume that this could be increased to $300/Month.

Assume Family Supplementation of $225/Month.

Present situation:

50,000 × 30 × 365	$547,500,000
Patient Resources	120,000,000
Total Medicaid Cost	427,500,000

Possible situation:

50,000 × 30 × 365	$547,500,000
Patient Resources	182,500,000
Family Supplementation	135,000,000
	317,500,000
Total Medicaid Cost	230,000,000

A possible savings of $197,500,000 per year! However, it should be remembered that the increased cost to medicaid is what is addressed in this table.

Table No. 2—Total Nursing Home Beds—1982:

According to information from the National Center for Health Statistics there were 1,383,600 Nursing Home patients in the U.S. in 1977. If the increase in the number of Nursing Home beds in Mississippi from 1977 to 1979 is typical for the nation at 12 percent ± per year we may make the following assumptions:

Total Nursing Home Beds in the U.S. 1977, 1,383,600.

Total Nursing Home Beds in the U.S. 1978, 1,549,632.

Total Nursing Home Beds in the U.S. 1979, 1,735,588.

Total Nursing Home Beds in the U.S. 1980, 1,943,858.

Assume a present total of beds, 2,000,000.

Assume 60 percent Medicaid Beds, 1,200,000.

Assume $30/Day × 12,000,000 × 365 ⇒ $13,140,000,000.

Average Federal Medical Assistance percent = 60.1474 (say 60%).

Average State Medical Assistance percent = 40 percent.

Assume 20 percent could be Custodial ⇒ 240,000.

Present situation "A":

	In billions
1,200,000 Medicaid × 30 × 365	$13,140
Patient Resources (at 200/Month)	2,880
Total Medicaid cost	10,260
60 percent FMAP	6,157
40 percent SMAP	4,104

Situation "B"—Restore family supplementation:

	$10,260
225 x 12 x 1,200,000	3,240
Total Medicaid cost	7,020
60 percent FMAP	4,212
40 percent SMAP	2,808

Situation "C"—20 percent custodial:

	7,020
240,500 x 15 x 365 (Amount saved)	1,314
Total Medicaid cost	5,706
60 percent FMAP	3,424
40 percent SMAP	2,282

By utilizing restored family supplementation and providing for custodial care the total medicaid dollars could be reduced by 4.5 billion dollars annually which would translate into the following:

FMAP (Federal)—2.7 Billion Savings.

SMAP (State)—1.8 Billion Savings.

Needless to say, this would allow for an annual growth of 12 percent in Nursing Home beds for several years before ever reaching the present "cap" as proposed.

CONCLUSION

It is obvious that we are faced with following alternatives:

1. Continue the impossible spiral in costs which will require increasing taxes, Federal and State.

2. Close all existing facilities and move the patients into the street.

3. A cooperative plan by Federal, State and Industry to equitably meet the needs of the Greying Americans.

The Federal and State Governments have gone on record as being opposed to Item 1.

The American conscience will not even entertain the consideration of Item 2.

It is evident that we really have only one alternative. We must immediately pursue every possible avenue to:

1. Analyze where we are.

2. Project where we are going.

3. Design a multi-faceted Health Care delivery system.

4. Change or modify laws both Federal and State to accomplish the desired ends.●

TRIBUTE TO ROBERT STRANGE McNAMARA

● Mr. SARBANES. Mr. President, when Robert S. McNamara steps down at the end of this month as President of the World Bank, his 13 years of service and leadership at that important institution leading the way for economic development will come to an end, but the public service of Robert McNamara will endure.

In every activity he has undertaken Mr. McNamara has been a dynamic force for leadership and public service. Bob McNamara is a dedicated public servant, taking on and excelling in the most demanding assignments. In an interview published in yesterday's New York Times, Mr. McNamara reaffirmed his commitment in these words:

> I am willing to do anything that will be of assistance to either our government or other governments. I do believe in public service. I am interested in it, excited about it.

Whatever Bob McNamara undertakes, I am certain his leadership will exert a profound beneficial influence, for he is a true leader. Again his own words are most appropriate:

> I see my position as being that of a leader. I am here to originate, to stimulate new ideas and programs. You've got to do things differently or else you're not improving them.

During his tenure the World Bank has enjoyed the most exciting, pioneering period of its history, thanks to Bob McNamara's dynamism. In his statement at the time of his resignation, Mr. McNamara noted that—

> The World Bank has become by far the world's largest and most influential international development institution . . . responsible for providing economic advice and financial assistance to 100 developing countries with a combined total population of some 3.5 million people.

Perhaps of even greater significance than the growth measured in numerical terms was a change in emphasis from "economic programmes and investments directed simply towards maximising the rate of overall economic growth, to programmes and investments directed towards achieving that growth with equity." To meet these important goals Bob McNamara has guided the World Bank providing material assistance from the more subtle aspects of development such as education, public health, and rural development.

This focus of resources and technical assistance on the poor, raising their productivity and hence their output and real income will perhaps stand as one of Bob McNamara's most enduring contributions. The discovery that the resources of the Bank could be directed toward helping the poor and society simultaneously, is indeed his greatest accomplishment.

Bob McNamara will continue to serve as an adviser and board member to some of our most important institutions. I know we will all continue to benefit from his advice and counsel in the years ahead.●

GI BILL OF 1981

● Mr. ARMSTRONG. Mr. President, in this time of economic crisis at home, and rising tension abroad, we no longer can afford to ignore a simple, practical, proven measure which will save us money while it strengthens our defense.

President Reagan is prepared to go to historic and heroic lengths in his efforts to slow inflation and to get our economy growing again. The cutbacks he has proposed in domestic Federal spending are unprecedented in postwar American history. Already, the wails of anguished special interest groups are being heard throughout the land.

The President also is striving manfully to rebuild our shattered defenses in the face of an ominously growing Soviet threat. He has announced plans to spend the mind boggling sum of $1.2 trillion on defense—more than the United States has spent on defense from the birth of our Republic through the Korean war—in the next 5 years alone.

Few doubt the need for a defense buildup approaching the magnitude the President has proposed, but many fear we can not spend so much on defense in so short a time without catastrophic consequence for the President's plans for fighting inflation and stimulating economic growth.

Our defense needs are legion: We are building new fighter aircraft at a rate below the rate at which older aircraft are being retired from service; our Navy has shrunk by a third at a time when its commitments have grown; the Soviet Union has four times as many tanks as we have, and is producing new tanks at a faster rate then we are.

But our most critical defense need—overshadowing all the others—is for more and better military manpower. History has shown us time and time again that good people can get a lot of mileage out of inferior equipment. But all the military hardware in the world is only so much icing on a hot cake without the right numbers of the right kind of men and women to operate it.

The President has shown his appreciation of the primacy of the military manpower problem by giving his enthusiastic support to a substantial increase in pay and benefits for our career servicemen and women, especially our long-suffering noncommissioned officers (NCO's).

This pay increase will be expensive—about $4.2 billion in the next fiscal year—but is absolutely essential if we are to retain the servicemen with the special skills and experience required to operate the sophisticated equipment we have become increasingly dependent upon.

The proposed October pay raise largely will resolve the problem of retention, which has been the lion's share of the military manpower problem. But there will remain, especially in the Army, the increasingly serious problem of recruitment.

This is more a problem of recruit quality than it is of quantity. We are obtaining enough volunteers to maintain authorized peacetime strengths. The problem is that many of these volunteers have neither the aptitude nor the attitude required to properly perform their military duties.

Equally ominous for the Armed Forces of a democracy is the increasing disparity in the sociological mix of the enlisted grades from society as a whole. Our Army is becoming an army of the poor and the black defending a society that is predominantly white and middle class.

There are many, including the editors of the Wall Street Journal, who believe this problem cannot be solved without a return to peacetime conscription. But I believe they are mistaken.

The chief cause of the manpower problem has not been a return to our historic tradition of a volunteer military in peacetime, but years of pay caps, pay compressions, and neglect from Congress and preceding administrations that have driven military wages so low that patriotic servicemen have had to choose between their duty to their country, and their duty to their families.

The recruitment problem stems from a different source: The attitude of many of the architects of the All-Volunteer Force that service in the Armed Forces is a job like any other job, and that the ranks can be filled by young men and women responding to "marketplace incentives," chiefly cash up front.

Such a notion is insulting to our servicemen and women and dangerous to the security of our country.

If we describe service in the Armed

Forces as little different from clerking at the five-and-dime or pumping gas at the local filling station, then the upwardly mobile young men and women we need so badly will continue to ignore military service in favor of better paying jobs.

But if we present military service as a patriotic duty; as a rewarding, fulfilling experience in itself, and as a means of obtaining a step up on the ladder of success, then we will be able to obtain, voluntarily, the citizen-soldiers we require to keep our defenses strong.

What we require to make the Volunteer Force work is an incentive to convert the latent patriotism of our young people into a visit to the recruiting station; some reasonable compensation for deferring their career objectives for the 2, 3, or 4 years required to discharge their obligation to serve their country.

We need a new GI bill of rights.

It must be emphasized that the GI bill is not an untested theory, but a tried and proven alternative to both continued reliance on "marketplace incentives," and a return to the draft.

The plunge in recruit aptitude did not begin, as draft advocates suggest, when the draft ended in 1972; it happened after Congress terminated eligibility for the Vietnam-era GI bill in 1976.

The fourth quarter of the year is usually the poorest recruiting period for the Armed Forces. But the period between October 20, 1976, when termination of eligibility for the GI bill was announced, and December 31, when termination went into effect, was the best recruiting quarter in the history of the AVF.

We cannot say we didn't know this would happen. In September 1974, the Army took a comprehensive survey at Armed Forces entrance examining stations throughout the country. That survey revealed termination of the GI bill would reduce the pool of potential Army recruits by as much as 36.7 percent, all right off the top.

Prof. Charles Moskos of Northwestern University, the distinguished military sociologist who has done more and better work in this area than any other, estimates a properly drafted GI bill would increase by 50,000 to 100,000 the number of high-quality volunteers entering the Armed Forces each year, more than enough to offset the shortages that have plagued the Army in recent years, and to replace 15,000 to 20,000 volunteers in the lowest mental category with volunteers of greater aptitude.

And as it strengthens our defenses, a new GI bill will be saving taxpayers hundreds of millions of dollars.

It is almost as expensive not to have a GI bill as it is to have one. The Army is very concerned about its problem of attrition—servicemen who are found unfit for military service and are given administrative discharges prior to completion of their term of obligated service. High school dropouts attrit at half the rate of high school graduates, and college-eligible high school graduates attrit at only a fraction of the rate of high school graduates as a whole. The General Accounting Office estimates that each serviceman who attrits costs taxpayers $12,000. But the estimated per capita cost of providing a 4-year GI bill is only $10,000. So each time we replace a potential attritee with a GI-bill-motivated volunteer, we will be saving the taxpayer money.

Moskos estimates the countervailing savings to the Department of Defense as a result of enactment of a new GI bill could be as high or higher than $750 million a year. This includes savings through reduced attrition, plus savings in training costs—smarter people are easier to train; fewer disciplinary problems—high school graduates get into trouble less frequently than dropouts; and lower costs relating to the provision of benefits to dependents of married junior enlisted personnel—high school graduates are far more likely to be single.

Estimates for the stabilized annual outlays for the GI bill, by contrast, range from $750 million a year to $1.5 billion a year, depending on the level of benefits provided and estimates of their utilization. This means the net cost of the GI bill would range from zero to $750 million a year—about one-sixth of what we are now spending on the six direct loan and grant programs administered by the Department of Education.

But it would take at least 6 or 7 years for the GI bill to reach that stabilized annual cost. There would be no cost at all for 2 years, since potential beneficiaries would all be in the service earning their entitlement. Outlays would begin at about $200 million in the third fiscal year after enactment, and rise by slightly greater than that amount each year for 4 years, until there were four classes of beneficiaries in school at the same time.

The countervailing savings, on the other hand, would begin almost immediately. This means that for at least 4 and possibly for 5 years the annual savings resulting from enactment of a new GI bill would be greater than the outlays for it. It would take 8 or 9 years before the total outlays for the GI bill would overtake the savings it would generate.

In the long run, of course, the GI bill cannot help but be a good deal for the taxpayer. No definitive research has been done in this area, but those most knowledgeable guess that beneficiaries of the World War II GI bill ultimately will return to the Federal Treasury in higher tax payments as a result of their greater earning power about three times what it cost to provide them with their education. While we cannot expect anything approaching a commensurate return for a new GI bill—the economic, if not the psychic, benefits of a college education having declined since then—we have no reason to suppose that today's GI bill-educated veterans will not return to the Treasury more than what it cost to educate them.

Enactment of a new GI bill can do the Nation yet another service: it could be the first step in establishment of a system of voluntary national service, which would pay the Nation big dividends in areas far removed from the national defense. If we can move to a system of affirmative action where society's rewards and honors are based not on inherent characteristics such as race or sex, but on service to the Nation performed, that alone would be reason enough for it. When we add to this distant goal the fact that a new GI bill can solve our military recruitment problem without a wrenching and divisive resort to peacetime conscription, and can save us up to $3 billion in the next 2 critical fiscal years, it is easy to understand why enactment of a new GI bill of rights is the most important piece of defense legislation Congress can adopt this year.

HOUSING CRISIS DUE TO HIGH INTEREST RATES

o Mr. SASSER. Mr. President, this Nation's housing industry has been devastated by the continuing high level of interest rates we have experienced since October 1979 when the Federal Reserve Board embarked on its present tight money policy.

I have spoken out early and often on the need to bring interest rates down and thereby ease the housing crisis we are now experiencing.

My own State of Tennessee should be building about 60,000 housing units a year to meet the needs of a growing and changing population.

But in 1979, we fell about 20,000 units short of that goal and in 1980, we missed this goal by about 27,000 units. And unless our interest rates come down, we will continue to miss that mark, further denying the opportunity for young and middle-class Tennessee families to own their homes.

Mr. President, the American people are looking to the Congress and the President to take effective action in alleviating the housing crisis. That is the message contained in a recent editorial by the Nashville Banner which I ask to be printed at the conclusion of my remarks.

So let us move forward with the monetary and financial policies that are so necessary to bring down high interest rates and bring new life to the Nation's housing industry.

The editorial follows:

[From the Nashville Banner, June 5, 1981]

WE ARE IN A HOUSING CRISIS, AND WASHINGTON MUST ACT

This Nation's burgeoning housing crisis continues its perilous route with the disclosure that in April the average cost of a new house reached an appalling record $84,000. At prevailing mortgage rates of 15.25 percent, the monthly principal and interest payment on that average house, with 10 percent down and a 25-year mortgage, would be $943.49.

The Census Bureau and the Department of Housing and Urban Development found the average price of a new house somewhat lower in the South—$76,100. But elsewhere, regional averages exceeded the national figure. In the Northeast, it was $94,700. In the West, it was $91,400. And in the North Central states, the average was $90,700.

Inflation has increased the cost of the government's "constant house" of 1,700 square feet from $54,200 in 1977 to $79,900 after the first quarter of this year, and to $84,000 by April, when new-house sales fell 14 percent from March to 42,000, the second lowest monthly figure in 11 years, according to the National Association of Home Builders.

The rising costs of material and labor, plus steep interest rates for money to finance construction, have put Tennessee in an unprecedented housing crisis for the next five years, uniess 60,000 dwellings are built each year, said E. V. King, executive director of the Tennessee Housing Development Agency.

Statewide housing starts—private homes, apartments and mobile homes—dropped to 33,200 in 1980 from 40,500 in 1979, a THDA report shows. In 1978, there were 49,200 dwellings built in the state. Contributing to the growing housing shortage is the increase in apartment rents as availability of vacant apartments declines.

Mr. King said that "to cope with the housing shortage, a lot of young people are going to stay at home and live with their parents instead of renting or buying a home. And there will be an increase of people living together who are unrelated, but who can't find affordable living space. The long-term effect is not a good thing because in overcrowded conditions over a period of time people act out their hostilities in more violent terms."

Tennesseans with the lowest incomes will have the least chance to get adequate, affordable housing, said THDA research coordinator Carl R. Siegrist, Jr. His view was reinforced by Bob Sheehan, director of economic research for the home builders association, who said fewer than 3 percent of American families can afford to buy the average house. The main cause is the rise in new-home mortgage rates—247 percent in the past 11 years (as against a 104 percent rise in monthly earnings) plus escalating costs of material and labor, fueled by inflation, which caused new house costs to double in the past seven years. In January, the house that cost $76,300 could have been purchased for $38,900 in 1974.

The result is that developers are making great efforts—including "bargain" prices—to sell what they have rather than anything new. "As long as you have high interest rates, people are not beating on the doors to buy," commented Michael Sumichrest, the chief economist for the home builders association. "Financing is hard for buyers to get. It's not a very good way to do business."

In a full-page advertisement appearing in newspapers recently, the National Association of Realtors praised President Reagan for his leadership in attempts to slow government spending and thus help overcome inflation. The Realtors hope for a 2 percent decrease in inflation, a lowering of interest rates by 1 to 2 points, the provision of 2 million additional new homes, creating the opportunity for an added 4 million families to upgrade existing housing and producing 1 million new jobs and a balanced budget by 1984, which, they said, "would put us on the road to beat inflation and provide housing for many more Americans."

The Realtors pointed out that the nation is "desperately short of housing. We entered the 1980s more than a million houses behind. By the end of this year, we'll be short by more than 2 million. Just to keep pace with new families formed in the '80s, Americans must build at least 2 million homes each year."

Last year, the Realtors said, competition for housing and for financing drove up the typical home buyer's monthly payment from $460 to $630—a 35 percent increase long since eclipsed this year.

"Clearly, the dream of home ownership is fading for most Americans who don't already own a home," the Realtors said. "The battle for spending reductions is also the battle to earn tax relief. Tax relief must be tied to spending reductions to reduce the deficit and lower inflation and interest."

The Metro Department of Codes Administration said that in February residential construction permits in Nashville were for only 60 living units to cost $3.2 million, compared to 106 permits in February last year at $3.9 million. The slump in housing is taking a growing toll, not only in Nashville but nationwide, from sawmills to cement plants, from appliance stores to real estate firms.

Members of Congress on both sides of the aisle must agree there is a housing crisis of major proportions. Unless the pressures that have been building in recent years are relieved, the growing crisis will not abate and indeed may easily become explosive. The place to start is in Washington, and the time to start is now.●

STATE AND LOCAL GOVERNMENTS NEED AUTHORITY TO GO FORWARD WITH MORTGAGE REVENUE BOND PROGRAM

● Mr. SASSER. Mr. President, on June 9, along with Senators BAKER, BUMPERS, PRYOR, PELL, and PACKWOOD, I introduced legislation to amend the Mortgage Subsidy Bond Tax Act of 1980 in order to permit State and local governments to proceed with the issuance of mortgage revenue bonds for single and multifamily homes. Since June 9, Senators CHAFEE, MELCHER, DURENBERGER, ABDNOR, and HUDDLESTON have joined in cosponsoring S. 1348.

The importance of this legislation is highlighted by a recent analysis of the tax-exempt housing bond situation by Mr. Grady Haynes, chairman of the Tennessee Housing and Development Agency (THDA).

Mr. Haynes has served on THDA since 1973 and has been chairman of THDA since 1980. Grady Haynes has also been a former president of the Tennessee Building Materials Association and is a past president of the National Lumber and Building Materials Dealers Association. Grady Haynes knows the housing business, and his analysis of the need for the passage of S. 1348 attests to that fact.

Mr. President, I ask that Mr. Haynes' statement, "The Use of Tax Exempt Housing Bonds to Finance Single Family Housing," be printed in the RECORD at this point.

The statement follows:

USE OF TAX EXEMPT HOUSING BONDS TO FINANCE SINGLE FAMILY HOUSING

(By Grady R. Haynes)

The nation's low and moderate income homebuyers—and housing industry—would benefit under legislation introduced recently in Congress.

Sponsored by a bipartisan group of lawmakers, H.R. 3614 and S. 1348 offer technical "clean up" amendments to the Mortgage Subsidy Bond Tax Act passed in 1980. The legislation addresses several areas in the new bond law which have prevented housing finance agencies from issuing any bonds for single family housing this year.

The inability of the agencies to sell housing bonds has been a major contributing factor to the extremely low value of 1981 housing starts in our country. During 1979 and 1980, about $9.5 billion in housing bonds were issued each year to finance the purchase of single family homes for low and moderate income families. And, by this time last year, over $5 billion of these bonds had been issued. However, this year's "zero" bond-issuance has combined with high interest rates to seriously stymie low and moderate income homebuyers and the housing industry.

Relief for those homebuyers and the housing industry is being proposed through the "clean up" legislation—H.R. 3614 introduced by Rep. John Duncan (R-Tn.) and S. 1348 introduced by Sen. Jim Sasser (D-Tn.). Cosponsors on the Senate bill include Sens. Howard Baker (R.-Tn.), Dale Bumpers (D-Ark.), Bob Packwood (R-Oregon), Claiborne Pell (D-R.I.), and David Pryor (D-Ark.).

The federal law that became effective January 1, 1981 limits the total amount of tax exempt housing bonds issued by any state to finance single family housing to the greater of $200 million or 9% of the average of the total mortgages made to finance single family housing in a state over the past three years.

When this bill was debated in Congress, it was estimated that $188 billion worth of single family mortgages were originated throughout the country during the calendar year of 1979. If one assumes that this represents the average of the last three years—then Congress intended to permit $16.9 billion worth of these bonds to be issued this year. This would finance the purchase of approximately 325,000 homes (new and existing)—after the price restrictions under the new act are applied.

The total impact of bond-financed loans on the housing industry will be even greater than the numbers indicate because many of these loans will be used to finance the sale of low-priced existing homes, releasing the equity that has been accumulated by the present owner. The equity, in turn, will be used to purchase a better used home, or a new home—thereby increasing the sale of homes in all price categories. This "ripple" effect can be easily confirmed by any agency that has used housing bonds to finance single family housing in the past few years. Many Tennessee private lenders who originate and service THDA single family loans estimate they will make at least one larger regular loan for each Agency loan they originate. The very large dollar volume of equity released from the sale of existing homes is often overlooked by economists and its effects on the housing industry have been greatly underestimated.

With average rates for regular mortgage financing now a little over 16%, very few families can afford to meet the required monthly mortgage payments. If single family bonds could be issued by housing agencies at this time, their interest rate would be from 11.5% to 12%. The exact interest rate would be determined by the price the agency receives for its bonds, reflecting the condition of the bond market on the day of the sale. At the lower rates, many more families would be able to qualify to purchase their home.

The quick passage of H.R. 3614 and S. 1348 should be urged—and given top priority—by everyone in the shelter industry. It should also continue to receive bipartisan support in Congress.

While some states and local governments have not yet issued any housing bonds for single family homes, nearly all of the state housing agencies are now in a position to quickly get their programs underway. Many local governments also have their programs ready. Thus, low and moderate income homebuyers will find relief and the housing industry will get a big and quick boost—as soon as the "clean up" legislation passes and the necessary regulations are issued by the Treasury Department.

Mr. SASSER. Mr. President, I would urge that any Senator wishing to cosponsor S. 1348 contact Cathy Anderson of my staff at 224-9546.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time for morning business has expired.

DEPARTMENT OF JUSTICE AUTHORIZATIONS, 1982

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the pending business, S. 951, which will be stated by title.

The 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.

AMENDMENT NO. 96 TO AMENDMENT NO. 69

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina (Mr. HELMS) is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. DANFORTH). Without objection——

Mr. CHAFEE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

Mr. HELMS. Mr. President, I did not understand the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island objected.

Mr. HELMS. I see. Very well.

The PRESIDING OFFICER. The clerk will continue with the quorum call.

The assistant legislative clerk continued to call the roll.

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

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

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 951, to which are pending two amendments offered by the Senator from North Carolina.

Mr. HELMS. I thank the Chair. 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. HELMS. 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. HELMS. Mr. President, may I ask the Chair what is the pending business.

The PRESIDING OFFICER. The pending business is S. 951 to which are pending two amendments offered by the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. MATHIAS). Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 96 (AS MODIFIED)

(Purpose: To prohibit the Department of Justice from maintaining suits involving directly or indirectly, the mandatory busing of schoolchildren and to establish reasonable limits on the power of courts to impose injunctive relief involving the transportation of students)

Mr. HELMS. Mr. President, I send to the desk a modification of the pending amendment and ask that it be stated.

The PRESIDING OFFICER. The Senator may modify his amendment.

The modification will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes a modification of his amendment numbered 96.

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

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

The modified amendment is as follows:

In lieu of the language proposed to be inserted by the amendment of the Senator from North Carolina, Mr. Helms, insert the following:

minus $37,653,000;

(C) financial assistance to joint State and joint State and local law enforcement agencies engaged in cooperative enforcement efforts with respect to drug related offenses, organized criminal activity and all related support activities, not to exceed $12,576,000, and to remain available until expended: $50,-229,100;

(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.

Section 2.5. (a) This Section may be cited as the "Neighborhood School Act of 1981."

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or racial desegregation have proven an ineffective remedy and have not achieved unitary public school systems and that such orders frequently result in the exodus from public school systems of children which causes even greater racial imbalance and diminished support for public school systems;

(2) assignment and transportation of students to public schools other than the one closest to their residences is expensive and wasteful of scarce supplies of petroleum fuels;

(3) the assignment of students to public schools or busing of students to achieve racial balance or to attempt to eliminate predominantly one race schools is without social or educational justification and has proven to be educationally unsound and to cause separation of students by race to a greater degree than would have otherwise occurred:

(3½) there is an absence of social science evidence to suggest that the costs of school busing outweigh the disruptiveness of busing;

(4) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance and should be employed to the maximum extent consistent with the Constitution of the United States.

(c) The Congress is hereby exercising its power under Article III, section I, and under section 5 of the Fourteenth Amendment.

LIMITATION OF INJUNCTIVE RELIEF

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c) (1) No court of the United States may order or issue any writ directly or indirectly ordering any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

"(i) such assignment or transportation is provided incident to the voluntary attendance of a student at a public school, including a magnet, vocational, technical, or other school of specialized or individualized instruction; or

"(ii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds 30 minutes unless such transportation is to and from a public school closest to the student's residence with a grade level identical to that of the student; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds 10 miles unless the actual round trip distance traveled by schoolbus is to and from the public school closest to the student's residence with a grade level identical to that of the student."

DEFINITION

(e) The "school closest to the student's residence" with "a grade level identical to that of the student" shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the reassignment by whatever means, direct or indirect including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

SUITS BY THE ATTORNEY GENERAL

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88-352, section 407(a): 78 Stat. 241, section 407(a); 42 U.S.C. 2000c-6(a)), is amended by inserting after the last sentence the following new subparagraph:

"Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder."

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(i) It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

Mr. WEICKER. Mr. President, I ask for the yeas and nays on the amendment as modified.

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

The yeas and nays were ordered.

Mr. HELMS. Mr. President, the distinguished and able Senator from Louisiana (Mr. JOHNSTON) and I conferred over the weekend with a number of other Senators, including the Senator from North Carolina (Mr. EAST), the Senator from Utah (Mr. HATCH), the Senator from South Carolina (Mr. THURMOND), the Senator from Delaware (Mr. BIDEN), and others; and I have agreed to accept the amendment of the Senator from Louisiana as a modification of my amendment.

It occurs to me that the Senator from Louisiana might wish to discuss the provisions of his amendment at this time; and when he has done that, I will want to pose a few questions to him.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. I thank the distinguished Senator from North Carolina.

Mr. President, this amendment, which is offered on behalf of myself and the Senator from North Carolina, as well as Senators HATCH, THURMOND, EAST, STENNIS, BENTSEN, CANNON, MATTINGLY, EXON, ANDREWS, LAXALT, NICKLES, JEPSEN, and DECONCINI, is a compromise amendment to that I had originally intended to offer.

Mr. President, at this point, I ask unanimous consent to have printed in the RECORD, for the purpose of comparison, the original amendment I had intended to offer.

Mr. WEICKER. Mr. President, reserving the right to object, what is it? I was in conversation.

Mr. JOHNSTON. I asked unanimous consent to have printed in the RECORD, for the purpose of comparison, the original amendment I had intended to offer.

Mr. WEICKER. I have no objection.

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

At the end of the amendment to the bill add the following new section:

"Section ——. (a) This section may be cited as the "Neighborhood School Act of 1981."

(b) The Congress finds that—

(1) court orders requiring transportation of students to or attendance at public schools other than the one closest to their residences for the purpose of achieving racial balance or any racial composition have been an ineffective remedy and have not achieved unitary public school systems and that such orders frequently result in the exodus from public school systems of children which causes even higher racial imbalances and less support for public school systems;

(2) assignment and transportation of students to public schools other than the one closest to their residences is expensive and wasteful of scarce supplies of petroleum fuels;

(3) the pursuit of racial balance or racial composition at any cost is without constitutional or social justification and that the assignment of students to public schools or busing of students to achieve racial balance or to attempt to eliminate predominantly one race schools has been overused by courts of the United States and is in many instances educationally unsound and causes separation of students by race to a greater degree than would have otherwise occurred;

(4) assignment of students to public schools closest to their residence (neighborhood public schools) is the preferred method of public school attendance and should be employed to the maximum extent consistent with the Constitution of the United States.

(c) The Congress is hereby exercising its power to enforce, by appropriate legislation, the provisions of fourteenth amendment.

LIMITATION OF INJUNCTIVE RELIEF

(d) Section 1651 of title 28, United States Code, is amended by adding the following new subsection (c):

"(c)(1) No court of the United States may order or issue any writ ordering directly or indirectly any student to be assigned or to be transported to a public school other than that which is closest to the student's residence unless—

"(i) such assignment or transportation is provided incident to attendaance at a 'magnet', vocational, technical, or other school of specialized or individual instruction;

"(ii) such assignment or transportation is provided incident to the voluntary attendance of a student at a school; or

"(iii) the requirement of such transportation is reasonable.

"(2) The assignment or transportation of students shall not be reasonable and a court of the United States shall not directly or indirectly issue any writ ordering the assignment or transportation of any student if—

"(i) there are reasonable alternatives available which involve less time in travel, distance, danger, or inconvenience;

"(ii) such assignment or transportation requires a student to cross a school district having the same grade level as that of the student;

"(iii) such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the date of the order for such assignment or transportation plan or is likely to have a net harmful effect on the quality of education in the public school district;

"(iv) the total actual daily time consumed in travel by schoolbus for any student exceeds by 30 minutes the actual daily time consumed in travel by schoolbus to and from the public school with a grade level identical to that of the student and which is closest to the student's residence; or

"(v) the total actual round trip distance traveled by schoolbus for any student exceeds by 10 miles the total actual round trip distance traveled by schoolbus to and from the public school closest to the student's residence and with a grade level identical to that of the student.".

DEFINITION

(e) The "school closest to the student's residence" with "a grade level identical to that of the student" shall, for purpose of calculating the time and distance limitations of this Act, be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order, decree or writ resulting in the reassignment by whatever means, including rezoning, reassignment, pairing, clustering, school closings, magnet schools or other methods of school assignment and whether or not such court order, decree or writ predated the effective date of this legislation.

SUITS BY THE ATTORNEY GENERAL

(f) Section 407(a) of title IV of the Civil Rights Act of 1964 (Public Law 88–352, section 407(a); 78 Stat. 241, section 407(a); 42 U.S.C. 2000c–6(a)), is amended by inserting after the last sentence the following new subparagraph:

"Whenever the Attorney General receives a complaint in writing signed by an individual, or his parent, to the effect that he has been required directly or indirectly to attend or to be transported to a public school in violation of the Neighborhood School Act and the Attorney General believes that the complaint is meritorious and certifies that the signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder."

(g) For the purpose of this Act, "transportation to a public school in violation of the Neighborhood School Act" shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the effective date of this Act.

(h) If any provision of this Act, or the application thereof to any person or circumstance, is held in valid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

Mr. JOHNSTON. Mr. President, the amendment, as offered, exercises the power of Congress under section 5 of the 14th amendment and under article III of the Constitution.

Section 5 of the 14th amendment authorizes Congress to enforce, by appropriate legislation, the provisions of the 14th amendment. Article III provides that Congress shall provide for a system of inferior Federal courts and may provide for the jurisdiction of the Supreme Court, with such exceptions and with such regulations as Congress may provide.

These two provisions of the Constitution, we believe, give Congress wide latitude in what we are permitted to do in terms of enforcement of the 14th amendment.

The 14th amendment, of course, prohibits any State from denying any person of due process or equal protection. These operative words have been used by the Supreme Court, first, in the case of Brown against Board of Education, in 1954, to provide for the desegregation of schools.

Later in 1970 and 1971, the Supreme Court in the Green and Swann cases originating in North Carolina provided, in effect, that you must go beyond simple desegregation and eliminate, "root and branch" was the phrase, segregation in schools. The Court went further, in effect, to say that this elimination of segregation would require in some instances the busing of children.

Mr. President, this was a brave experiment of the Court, taken as against a background of the overriding national need to eliminate segregation, a goal to which I and I think the overwhelming majority of the Members of this Senate are committed. We want and are steadfast in our desire to do away with segregation in public schools and to permit access of all students on an equal and just basis to educational opportunities.

However, Mr. President, the brave experiment of the Green and Swann cases and its progeny has not worked, and it is time that this Congress recognize that this has not worked. It has not worked not only educationally, but it has not worked to achieve that goal of desegregation of public schools.

Mr. President, because of the Green and Swann cases and because of the extent to which the Supreme Court has gone, American education is now in turmoil. In my own State of Louisiana in Rapides Parish, or county, as it would be called in other States, what I call the brave experiment of school desegregation has been carried to the absolute ridiculous extreme of having children bused by court order between 30 and 40 miles in one direction, resulting in not only massive opposition of white students but massive opposition of black students as well, to the extent that in this particular area—and my colleagues will remember on CBS news when this was a running feud stretching over some weeks—the black and white students together formed a private school with black and white teachers in order to avoid this order of 30- to 40-mile busing.

So, Mr. President, in order to avoid that kind of ridiculous result what we have done is exercised those powers under section 5 of the 14th amendment as well as under article III of the Constitution to put limits on the degree to which courts can order this busing.

Mr. President, I allude to the fact that the Judiciary Committee is in the midst of hearings on this matter. We have had on my bill, and the original form of this amendment was offered as a bill in this Congress with a number of coauthors as S. 528, hearings in the Judiciary Committee. Nevertheless, the Judiciary Committee is continuing with hearings on this very difficult subject matter.

And it is the feeling of the many members of that Judiciary Committee, including Senator HATCH, that given more time with further hearings and with further consideration of this matter a more definitive resolution of this whole matter can be arrived at, so it is in that sense that Senator HATCH and Senator EAST have asked that we include the following provision as the last provision of this amendment:

It is the sense of the Senate that the Senate Committee on the Judiciary report out before the August recess of the Senate legislation to establish permanent limitations upon the ability of Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

This means that if this amendment passes and becomes law then the Judiciary Committee will be charged before the August recess with reporting out legislation which will be more definitive in nature, the shape of which I believe, Mr. President, will probably prohibit busing altogether, also using two provisions just referred to, that is, section 5 of the 14th amendment as well as article III of the Constitution.

Mr. President, the amendment as offered provides that after making certain findings as to the nonworkability of busing, findings of fact which the Constitution and the Supreme Court has said on a number of occasions that Congress is particularly well suited to do, we make certain findings of fact to the effect that busing has not been an effective remedy, to achieve desegregation of public schools because of the phenomenon of white flight and also because it is unsound education.

We further provide that no court may issue an order directly or indirectly ordering any student to be assigned to any school other than the school closest to his place of residence, unless, first, that the assignment is incident to the voluntary attendance of the student at the school, or second, that the requirement of transportation is reasonable. So in effect what we have done is prohibit court orders for busing unless that assignment is reasonable.

We further define "reasonable" to provide that the assignment or transportation of students shall not be reasonable if, first, there are reasonable alternatives which involve less time and travel, distance, danger or inconvenience; second, such assignment or transportation requires a student to cross a school district having the same grade level as that of the student, and by crossing a school district we mean to go from A, across B to district C. That would be prohibited and would be declared to be unreasonable. And, third, that such transportation plan or order or part thereof is likely to result in a greater degree of racial imbalance in the public school system than was in existence on the day of the order or is likely to have a net harmful effect on the quality of education.

What this means of course is that if the courts in their experience—and they are qualified I think to make these kinds of adjustments—should determine that to order busing to a certain extent would not result in desegregation, that the students would be likely not to go as they were in Rapides Parish when they closed the Forest Hill School, then the court in that instance is prohibited from ordering the busing because it would be declared unreasonable.

We further provide, Mr. President, that the assignment or transportation of students shall not be reasonable if the total actual daily time consumed in travel by school bus for any student exceeds 30 minutes, unless such transportation is to and from a public school closest to the student's residence with a grade level identical of that of the student, or if the total actual round trip distance traveled by school bus for any student exceeds 10 miles unless the actual round trip distance traveled by school bus is to and from the school closest to the student's residence with a grade level identical to that of the student.

We further define the school closest to the student's residence with a grade level identical to that of the student for purpose of calculating these time and distance limitations to be deemed to be that school containing the appropriate grade level which existed immediately prior to any court order or writ resulting in the assignment by whatever means directly or indirectly including rezoning, reassignment, pairing, clustering, school closing, magnet schools or other methods of school assignment and whether or not such court order or writ predated the effective date of this legislation.

To explain briefly what this means, Mr. President, we provide that you cannot bus where the total actual time exceeds 30 minutes or 10 miles round trip, 30 minutes or 10 miles. We provide that you can exceed 30 minutes or 10 miles if the transportation is to the school closest, with the appropriate grade level and we define school closest with the appropriate grade level to be that school with that grade level which existed prior to the court order if they are now under court order. So that, for example, if in 1980 a court ordered a school closed as, let us say, in Rapides Parish, La., so that that school is now closed that school would, nevertheless, be considered to be the school closest for the purpose of this amendment in calculating what the school closest is.

Further we provide, Mr. President, that the Attorney General of the United States is empowered to enforce the limitations of this amendment in precisely the same way as the Attorney General now enforces the provisions of the Civil Rights Act of 1964; that is to say upon the receipt of a complaint by any student that he is being bused in excess of the limitations of this amendment, then the Attorney General is empowered to bring a suit or to intervene in a suit in behalf of that student to prevent that busing.

In effect, what this means, Mr. President, is two things: It is, first, the Attorney General can enforce the personal right of that student who is now given a right not to be bused in excess of these distances; and, second, it provides, in effect, for a retroactive effect; that is, if there were a court order last year or 5 years ago which provides for this busing and if that busing is in excess of the limits provided in this amendment, then the Attorney General or indeed the student on his own behalf could bring a suit or intervene in a suit to seek that relief.

We make it explicitly clear that the amendment will have retroactive effect by providing that for the purpose of this act transportation to a public school in violation of the Neighborhood School Act shall be deemed to have occurred whether or not the order requiring directly or indirectly such transportation or assignment was entered prior to or subsequent to the date of this act.

We further provide, of course, for a severability provision so that if any provision of this amendment in any particular circumstance is rendered illegal or unconstitutional the remaining provisions of the amendment will not be affected.

Mr. President, I think it is a very fair and appropriate question to ask why this amendment; if in effect busing has been shown to not be workable as we believe the overwhelming evidence so revealed, why was the amendment in the first instance and why this amendment as a compromise amendment does not prohibit all busing in all circumstances?

Mr. President, there is a great difference of opinion among legal scholars as to what the proper reach of the powers of Congress are under the Constitution. There are some legal scholars who believe that Congress under section 5 of the 14th amendment may use those operative words "enforce by appropriate legislation" to select among remedies for the court to use but may not prohibit all remedies whatsoever with respect to school busing.

That is to say that the Congress in exercising its fact-finding power, in its power to select remedies, may, as in this instance, provide that the court is not stripped of either jurisdiction or power to order busing within these limits, but that to go further than that and to prohibit all busing would, according to some legal scholars, be illegal, be ultra vires the power of the Congress under the Constitution to make such an order.

So what we have done on this amendment, this compromise amendment, which is broadly supported in this Senate, would be to establish reasonable limits to tell the Supreme Court that what they have done has not worked but that the remedies still left and provided for in this amendment are likely to work. And we believe, Mr. President, that that would be appropriate under the Constitution so to do.

As I mentioned, there are other legal scholars, Mr. President, who believe that the Congress, under section 5 of the 14th amendment, has the power completely to prohibit busing and further that the Congress under article III of the Constitution has the power completely to withdraw jurisdiction from the lower Federal courts and from the Supreme Court itself in ordering that busing.

The last clause of this amendment which directs the Judiciary Committee to report out further legislation before the August recess will resolve that dispute insofar as the Judiciary Committee can come up with a consensus—and I believe that they can, and they will resolve that legal question in reporting out that legislation prior to August.

So it is not intended that this amendment be the final word and the final action of this Congress. Indeed, my colleague, Senator HATCH, refers to the amendment as an interim amendment and the amendment which he would report out of the Judiciary Committee as a definitive amendment. However characterized, it is very clear—and I want to emphasize this intent—that the passage of this amendment, if it should pass, and I trust it will, not only does not foreclose the Judiciary Committee from further and more definitive action but that in fact it is anticipated and in fact it is mandated in this very amendment that further action of the Judiciary Committee occur.

Mr. President, I have some further remarks but I see my distinguished colleague from North Carolina on his feet who may want to ask some questions, so at this point I would yield for such questions as he may have.

Mr. HELMS. Mr. President, I thank the distinguished Senator from Louisiana.

Let me say at the outset to my friend that I perceive that there is a great body of opinion not only in this Senate but across the country that forced busing should not be a remedy; that is to say, the majority of the American people are fed up to here with seeing their children and, in my case, grandchildren being hauled across cities and counties just to satisfy the whim and caprice of some Federal judge or some bureaucrat.

But the amendment which the distinguished Senator from Louisiana would have offered, and which I agreed with him over the weekend to accept as a modification to the pending amendment, is certainly a prudent, interim step. And I trust that it will take care of the problems with which he is peculiarly and uniquely conversant in his own State.

But just to nail this down for the legislative history, Mr. President, I would like to ask the distinguished Senator from Louisiana several questions.

The Senator has alluded to the fact that the pending amendment differs in a few respects from S. 528, the Neighborhood School Act.

For instance, it is correct, is it not, that the Senator has added a new section defining a "school closest to the student's residence."

How does the Senator define a "school closest to the student's residence"?

Mr. JOHNSTON. We define a school closest to the student's residence as that school with the appropriate grade level which existed immediately prior to the rendering of a court order. We further make clear that the court order we refer to may precede the effective date of this act.

So that if the court order was rendered in 1970 or 1965 or whenever rendered, if it either called for busing or the reassignment of students, you, nevertheless, use that school or consider that school which had the appropriate grade level closest to the student's residence as being the benchmark for consideration and definition of the school closest to the residence of the student.

Mr. HELMS. I thank the Senator.

Now, I notice on page 3, I believe it is, of the unprinted amendment, the section of the Senator's amendment which enumerates unreasonable assignment or transportation of students includes the word "or" at the end of subsection IV. What were the reasons that the Senator had in mind for adding this?

Mr. JOHNSTON. Well, that is to make it clear that we are using the disjunctive in each of these tests so that busing will be considered to be unreasonable if it exceeds either the time limitations, that is, the 30 minutes, or the distance limitations, which is the 10 miles, or indeed if it violates either of the other three tests, which are reasonable alternatives, crossing of the school districts in that it is likely to result in a greater degree of racial imbalance, or to have a net harmful effect on public education.

So if any of these factors exist, it will be declared unreasonable and be beyond the limits of permissible court orders.

(Mr. ANDREWS assumed the chair.)

Mr. HELMS. I thank the Senator. Mr. President, I am not leading the witness, but, as I say, I do want the legislative history on the amendment as modified to be absolutely clear.

I would further ask the able Senator from Louisiana this question: Noting that the Senator's amendment contains a new section which refers to "transportation to a public school in violation of the Neighborhood School Act," I would ask the Senator why was this section added and what is its meaning?

Mr. JOHNSTON. In subsection (f) we empower the Attorney General, when he receives a complaint that a student has been bused directly or indirectly in violation of the Neighborhood School Act, we wanted to make very clear what that phrase "violation of the Neighborhood School Act" meant. And what it means and how we have spelled it out is that it means violation, whether or not that court order causing the violation was entered prior to or subsequent to the effective date of this legislation. So in effect, it makes it retroactive.

Mr. HELMS. I thank the Senator.

I have no further questions.

Mr. MATHIAS. I have a question, if the Senator would yield.

Mr. HELMS. If the Senator would withhold for one moment.

Mr. MATHIAS. Surely.

Mr. HELMS. The key to all of this discussion on this floor is to be found, I believe, in a sense of the Senate statement that is the concluding portion of the amendment as modified. It reads:

> It is the sense of the Senate that the Senate Committee on the Judiciary report out, before the August recess of the Senate, legislation to establish permanent limitations upon the ability of the Federal courts to issue orders or writs directly or indirectly requiring the transportation of public school students.

I thank the Senator and I yield the floor.

Mr. MATHIAS. I am glad the Senator

from North Carolina did have an opportunity to make that last statement, because it leads directly into the question that I want to propound to the Senator from Louisiana. I believe that the Senator from North Carolina, as he so often does, has put his finger on the real gravamen of this whole issue. This is where it turns.

I would assume that when the Senator from Louisiana proposes language which says "The Judiciary Committee shall report," that could, of course, be a favorable report or it could be an unfavorable report, but that is in the womb of time. We do not know that yet.

But what I think is important to probe at this point is the basic, fundamental foundation upon which the Senator from Louisiana's amendment rests.

Now, some of the questions that the Senator from North Carolina has asked have dealt with some of the embellishments to this structure, some of the decoration that may appear upon the cornices and up near the roof. Let us get down to the foundation.

I believe the Senator from Louisiana said that his amendment rested on article III of the Constitution of the United States, did he not?

Mr. JOHNSTON. Well, I would say primarily upon section 5 of the 14th amendment, but also upon article III. If I had to choose between the two, I would, as we did in S. 528, choose section 5 of the 14th amendment.

However, I must say that we added in as part of the compromise the powers under article III, which to me are less clear but nevertheless somewhat persuasive.

Mr. MATHIAS. Well, I would agree that finding the authority for this amendment in article III would be less clear. In fact, I would find it very unclear.

I wonder what part of article III the Senator from Louisiana was referring to which seems to give any basis for such language.

Mr. JOHNSTON. Well, the pertinent operative part of article III provides that:

> The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

It further provides for jurisdiction of the Supreme Court. Then it provides that:

> In all other cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

So what we have is a broad grant of power here to the Congress to establish or not establish lower Federal courts and to provide for a further jurisdiction in the Supreme Court under such regulations and such exceptions as the Congress may make.

This has been interpreted to mean, and I think on its face means, that the Congress may withdraw jurisdiction in whole or in part from lower Federal courts.

In fact, for example, in the Norris-LaGuardia Act, Congress withdrew the power of lower Federal courts to issue injunctions in labor disputes. That was upheld by the Supreme Court as being an appropriate exercise under article III.

It seems to me, Mr. President, that that upholding of the Norris-LaGuardia powers—and I cannot recall the name of the case at this point, but I can provide it to the Senator later—is precisely on point as to showing that article III does give to Congress that power to remove jurisdiction.

The real question is, it seems to me, not whether Congress has the power to remove that jurisdiction but whether, in fact, that removal of that jurisdiction conflicts with the Fifth Amendment. That is the real question, it seems, not whether or not we have the power to remove the jurisdiction. In the later case, I think it is very clear we have that power.

Mr. MATHIAS. Let me ask the Senator from Louisiana to read section 2 of article III, which says that "the judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution," and so on.

I would read that as vesting in the judicial branch of Government the immutable not only right but duty to hear cases which involve constitutional questions. If the courts should determine that this is a constitutional question, then the language that the Senator from Louisiana has proposed would, in effect, be nullable, would it not?

Mr. JOHNSTON. I say to the Senator that while that language in section 2 of article III might be susceptible of that interpretation, if tortured just a bit, the courts have, in fact, said that that is not what it means. Indeed, a school desegregation case—excuse me. The power of the Congress to provide for jurisdiction has simply been recognized by the courts.

Mr. HATCH. Will the Senator yield on this precise point?

Mr. JOHNSTON. Yes, I yield.

Mr. HATCH. There is little controversy, in my opinion, Mr. President, that the constitutional power to establish and dismantle inferior Federal courts has given Congress complete authority over their jurisdiction. This has been repeatedly recognized by the Supreme Court in *Sheldon et al.* v. *Sill*, 49 U.S. 441 (1850); *Kline* v. *Burke Construction Co.*, 260 U.S. 226 (1922); and *Lockerty* v. *Phillips*, 319 U.S. 182 (1943).

This amendment would be only a slight modification of lower Federal court jurisdiction. These inferior Federal courts would no longer have the authority to use one remedy among many for a finding of a constitutional violation.

They would still have full authority to hear segregation cases and would still have full authority to enjoin any Government action violating the Constitution, or full authority to recommend other remedies for the offense. The only thing they could not do is require, directly or indirectly, mandatory busing.

So I think the Senator from Louisiana is more right.

I would hasten to add that this bill does not, however, restrict in any way the authority of State courts to enforce the Constitution as they wish, neither does it restrict in any way the power of the Supreme Court to review State court proceedings and insure full enforcement of constitutional guarantees.

In short, this is a very, very narrow amendment. It only withdraws a single remedy which Congress finds inappropriate from the lower Federal courts. This is not nearly as expansive an abridgement of Federal court jurisdiction as Congress has seen fit to undertake in the past.

It is hardly as expansive as the 1839 law to remove from Federal court jurisdiction the decisions of the Secretary of the Treasury on tax disputes; 5 U.S. Statutes 339.

It is not nearly as significant in terms of economics as the 1867 statute providing that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court"; 14 U.S. Statutes 475.

It is not as controversial as Congress 1932 decision as the Senator from Louisiana has pointed out, in the Norris-LaGuardia Act to deprive Federal courts of the power to issue injunctions in labor disputes; 29 U.S.C. 107.

In 1934 Congress used the Johnson Act to qualify the power of the courts to enjoin public utility rates ordered by State agencies; 28 U.S.C. 1341. In 1942, Congress limited injunctions under the Emergency Price Control Act to an emergency court of appeals; 50 U.S.C. 901.

Finally in 1974, Congress barred court challenges to the Alaska pipeline for crude oil based on environmental grounds alone, which is something all of us remember as being very recent; 43 U.S.C. 1651. This is not nearly so sweeping as these past uses of article III of the Constitution. This merely deals with a single remedy, a single remedy that hardly anyone can say has worked smoothly, or worked at all.

The Constitution gives Congress power to set remedies for constitutional violations by vesting in us the authority to make laws "necessary and proper," to use constitutional terms for the carrying out of constitutional mandates.

I might add on this issue, for too long has Congress been silent. The courts have filled that vacuum with a remedy for racial discrimination that is in itself discriminatory.

I think it is time for Congress to speak, although I have my problems with this amendment, as the distinguished Senator from Louisiana knows. It is soft speaking but at least it will clarify that busing or discriminatory assignment of students to public schools is not an appropriate remedy for racial discrimination.

I might add that the distinguished Senator from Louisiana has made it abundantly clear that this is a temporary amendment. It is put on this particular bill in good faith that it will resolve conflicts and problems until our committee can come up with an amendment that, hopefully, will be a broad consensus amendment that the majority of the Members of the Senate can approve.

I do not, however, see any problems with constitutional arguments regarding the favorability of this type of amendment.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator from Utah for his exegesis on the legality, the power of Congress under article III to restrict jurisdiction. I think it is abundantly clear, as his more full and definitive statement of cases has indicated.

I do say one thing: he stated this is a temporary amendment. It is not, of course, temporary according to its terms; it is temporary only in the sense that we ask, mandate, the Committee on the Judiciary to come up with a more definitive version, which we all hope will resolve these questions of the full reach of the power of Congress under section 5 of the 14th amendment and article II.

Mr. MATHIAS. But is it not true—the Senator from Louisiana says it is abundantly clear. I am sure it is abundantly clear to him and the proponents of the amendment. But is it not true that there is a kind of general limitation which exists over all congressional language, when it has to be viewed in its relationship to the comprehensive powers that are contained within the Constitution?

In other words, we relate the exercise of the specific grant of congressional authority to, say, limitations that are contained in the Bill of Rights. Is that not true? There may be a perfectly clear exercise of congressional authority granted by the Constitution, but it has to be exercised in conformance with the restrictions of the Bill of Rights.

Mr. JOHNSTON. The Senator is correct. When I say it is perfectly clear that Congress has the power to establish lower Federal courts and provide for their jurisdiction, I do think that is clear. As I said earlier, the central question is the reach, how far we can go in doing that as against the fifth amendment, which provides for due process, and, of course, the Supreme Court has said that the due process provisions of the fifth amendment are co-extensive for purposes of civil rights with those of the 14th amendment.

Mr. MATHIAS. So that, as we view these different powers that check and balance each other in this remarkable document, the Constitution, we do have to consider how they work amongst themselves, for and against themselves.

Mr. JOHNSTON. The Senator is entirely correct and I shall candidly tell him that the reason I did not take a more direct approach of prohibiting busing altogether is, frankly, that my view at this time, without the benefit of the hearings that will transpire in the Committee on the Judiciary between now and the August recess, it was my fear and my tentatively held opinion that to prohibit any form of busing would run into the restrictions of the fifth amendment.

Accordingly, this amendment does allow the court not only those remedies which the distinguished Senator from Utah referred to—that is, the power of the State courts to issue orders without any restrictions, the power of the court to do anything other than busing—and, indeed, it does not restrict their power up to the 10-mile and 30-minute limitations.

Mr. MATHIAS. Mr. President, I think the Senator from Louisiana obviously is familiar with the language that is the point of *Williams* v. *Rhodes*, 393 U.S. 23, 29 (1968) which has held that the Constitution is filled with provisions that grant Congress or the States specific power to legislate in certain areas. These granted powers are always subject to limitation that they may not be exercised in a way that violates other specific provisions of the Constitution.

So I think that what the Senator said and what we both agree on, apparently, is that although Congress creates the Federal courts and assigns them certain jurisdictions under cases that arise under the Constitution, Congress does not thereafter have a total and unrestricted authority to curtail that jurisdiction when such curtailment might violate other parts of the Constitution.

Mr. JOHNSTON. The Senator is entirely correct, but let me, at this point, point out that the right to bus or the duty to bus, should I say, was one that was created in—I believe the first case was Swann against Charlotte-Mecklenburg. It seems to me that was 1971. And Green against Board, I think, was 1969. Prior to that time, school busing or the assignment of students to schools other than that closest to their residence was not considered by the court to be a constitutional right. Brown against Board of Education dealt with desegregation and access to public schools.

It was only in those two cases and their progeny that this right and duty was discovered by the Supreme Court. Let me point out this central fact, though: The Supreme Court relied heavily on James Coleman's 1966 study on equal educational opportunity survey, also known as the Coleman report. What proof Coleman found was that black and white students do better in an integrated situation. So, using the findings of that study, the Supreme Court said, "We can help integration, we can help education by busing."

However, the overwhelming evidence accumulated since this brave experiment has been tried shows that precisely the opposite has resulted.

First, Mr. Coleman himself reversed himself, and in a recent study conducted by Mr. Coleman, he pointed out that busing does not help the educational experience but, rather, results in white flight from central cities.

The Senator will recall that, after Mr. Coleman came out with his second study criticizing busing, pointing out that it resulted in white flight, that, in turn, sparked a series of other studies. There are now hundreds of studies on the issue and almost all of them come to that same conclusion, that it has not worked.

The Armour study, by David J. Armour in 1973, is a study of court-ordered mandatory desegregation in large school districts with significant minority enrollment. He found precisely what I have pointed out, that school busing simply does not work; that it results in massive white flight.

In Boston, for example, in 1972, there were 57,000 whites. By 1977, it was down to 29,000. A decline about 60 percent—that is, 16,000 students—was due to the busing, according to the studies.

So, Mr. President, what we found is that the newly discovered right to bus, newly discovered in 1970 and 1971, has always been found not to work and not be effective.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I delivered before the Judiciary Committee on this subject.

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

STATEMENT OF THE HONORABLE J. BENNETT JOHNSTON

"THE NEIGHBORHOOD SCHOOL ACT"—INTRODUCTION

Mr. Chairman and distinguished members of the Committee, I am indeed pleased to have the privilege of appearing before you in support of S. 528, the "Neighborhood School Act of 1981", which would place reasonable limits on the amounts of busing that Federal Courts may order. I believe, and I am prepared to present evidence to support that belief, that mandatory court-ordered busing, used to excess, threatens the twin goals of desegregation and quality education.

THE NEIGHBORHOOD SCHOOL ACT

The Neighborhood School Act amends the "all writs" provision of section 1651 of Title 28 of the United States Code to specify that Congress intends to establish an exclusive framework for fashioning corrective school desegregation remedies. The corrective framework applies whether federal courts exercise powers to adjudicate school discrimination cases under the Constitution, a federal statute or common law.

There is no dearth of remedies to eliminate the "vestiges" of state-imposed segregation. However, the remedies least likely to guarantee Fourteenth Amendment rights to students are excessive involuntary assignment and transportation of students by court order. The Neighborhood School Act takes three new and unique approaches to these problems.

First, the Act puts time and distance limitations upon the busing to be ordered by a court. The total daily time consumed in travel by school bus by any student may not exceed by thirty minutes the time in travel to the school closest to the student's residence. In other words, courts would only have authority to require up to fifteen minutes one way on a school bus over and above the time necessary to get to and from the school closest to the student's residence.

The bill also puts a distance limitation of 10 miles round trip or five miles one way as the maximum additional distance beyond the school closest to the student's residence. Both the time and distance limitations are to be calculated by the route traveled by the school bus and not on the map.

A second provision of the bill prohibits court-ordered student assignments or busing where such orders are likely to result in a greater degree of racial imbalance or a net harmful effect on the quality of education.

The third feature of the bill is authorization of the Attorney General to enforce the rights guaranteed by the Neighborhood School Act. If a student is bused or about to be bused in violation of these provisions, the student or his parent can complain to the Attorney General. If he is financially unable to maintain the legal proceedings in his own right, the Attorney General is authorized in the name of the United States to vindicate his rights to the same extent as he is empowered to do with respect to school desegregation cases.

Specifically, section 2 of the bill contains a series of Congressional findings relative to the efficacy of busing as a desegregation remedy and concludes that the assignment of students to their "neighborhood public school" is the "preferred method of public school attendance and should be employed to the maximum extent consistent with the Constitution of the United States." To implement this congressional policy, section 3 provides that:

"No court of the United States may order or issue any writ ordering directly or indirectly any student to be assigned or to be transported to a public school other than that which is nearest to the student's residence . . ."

An exception to this general prohibition is provided for transportation that is required by a student's attendance at a "magnet", vocational, technical, or other specialized instructional program that is "directly or primarily" related to an "educational purpose" or that is otherwise "reasonable". A transportation requirement could not be considered reasonable, however, if alternatives less onerous in terms of "time in travel, distance, danger, or inconvenience" are available. The cross-district busing of students would also be deemed unreasonable, as would a transportation plan that is "likely" to aggravate "racial imbalance" in the school system, or to have a "net harmful effect on the quality of education in the public school district." Most importantly, section 3 would make it unreasonable, and therefore bar the courts from ordering the transportation of any student that exceeds by thirty minutes or by ten miles the "total actual time" or "total actual round trip distance" required for a student's attendance at the "public school closest" to his or her residence.

The Neighborhood School Act relies on Congress' broad powers under section 5 of the Fourteenth Amendment to provide a framework within which violations of the Equal Protection Clause may be remedied. As such, the legislation does not preclude courts from determining whether State action violates the equal protection rights of individuals as students or from enjoining official policies of school construction or student assignment that result in the intentional separation of the races. The Act does not affect the authority of the courts to enforce remedies involving the reassignment of students between schools or the reformulations of attendance zones which do not place a greater burden on any affected child. Other commonly employed remedies—voluntary student transfers, the establishment of "magnet schools," and the remedial assignment of faculty and staff would continue to be available. Simply stated, what the Neighborhood School Act does is to recognize that conditions of segregation caused by unlawful State action can be effectively remedied without resort to coercive measures involving extensive reassignment and transportation of students under court order.

SCOPE OF CONGRESS' POWERS UNDER SECTION 5

There can be little doubt that the Neighborhood School Act is a legitimate exercise of Congressional prerogatives under § 5 of the Fourteenth Amendment which affirmatively grants to Congress the power to enforce "by appropriate legislation" equal protection and due process guarantees. The Court has long recognized the critical role of Congress in the enforcement of Fourteenth Amendment rights. The most recent and comprehensive discussions of Congress' § 5 powers are found in Katzenbach v. Morgan and Oregon v. Mitchell. In Morgan, the Court upheld § 4(c) of the Voting Rights Act of 1965, which invalidated a New York literacy requirement for voting as applied to Spanish-speaking Puerto Rican residents, despite the Court's own earlier refusal to find that State literacy requirements violated equal protection. Justice Brennan, writing for the majority, characterized § 5 as a broad grant of independent power to Congress to "determin(e) whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment." Of particular significance was the Court's deference to Congress' judgment in framing remedies for constitutional violations:

"It was for Congress, as the branch that made this judgment, to assess and weigh the various conflicting considerations—the risk or pervasiveness of the discrimination in governmental service, the effectiveness of eliminating the State restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interest that would be affected by the nullification of the English literacy requirement as applied to residents who have succesfully completed the sixth grade in a Puerto Rican school."

The remedial standards in S. 528 could hardly find firmer constitutional support than in Morgan's broad formulation of Congress' § 5 powers.

Oregon elaborated further on the scope of congressional authority to enforce the Fourteenth Amendment in a challenge to a provision of the 1970 Voting Rights Amendments granting 18-year olds the right to vote in State and Federal elections. While rejecting 5 to 4 the application of the act to State elections, Morgan's recognition of Congress' power to remedy State dentists of equal protection survived intact. Writing for the Court, Justice Black opined that "t(o) fulfill their goal of ending racial discrimination and to prevent direct or indirect state legislative encroachment on the rights guaranteed by the amendments, the Framers gave Congress power to enforce each of the Civil War Amendments. These enforcement powers are broad." Similarly, Justice Douglas concluded that "(t)he manner of enforcement involves discretion; but that discretion is largely entrusted to Congress, not to the courts." Stressing Congress' superior fact-finding competence, Justices Brennan, White, and Marshall urged judicial deference to congressional judgments regarding the "appropriate means" for remedying equal protection violations.

"The nature of the judicial process makes it an inappropriate forum for the determination of complex factual questions of the kind so often involved in constitutional adjudication. Courts, therefore, will overturn a legislative determination of a factual question only if the legislature's finding is so clearly wrong that it may be characterized as 'arbitrary,' 'irrational,' or 'unreasonable.' "

Finally, Justice Stewart, joined by the Chief Justice and Justice Blackmun, conceded equally broad § 5 powers to Congress to "provide the means of eradicating situations that amount to a violation of the Equal Protection Clause," and to impose on the States "remedies that elaborate upon the direct command of the Constitution."

Section 5 of the Fourteenth Amendment and its case law progeny thus provide clear support for the busing restrictions contained in S. 528. The emphasis in Morgan and Oregon on Congress' special legislative competence in balancing State interests against equal protection demands is significant, particularly in light of the findings in § 2 of the bill. Issues concerning the harms and benefits of busing for integration purposes certainly qualify as "complex factual questions" and their resolution by Congress commands judicial deference. Not only is Congress best equipped to hold hearings and conduct investigations to determine the facts, it is best able to "assess and weigh the various conflicting considerations" associated with busing. A recent study of the bill by the American Law Division of the Library of Congress reached this same conclusion:

"Of significance in evaluating these limits may be the language in the Swann decision which permits the district courts to deny busing when 'the time or distance of travel is so great as to risk either the health of the children or significantly impinge the educational process.' The Swann Court also acknowledged that the fashioning of remedies is a 'balancing process' requiring the collection and appraisal of facts and the 'weighing of competing interests', a seemingly appropriate occasion under Morgan for Congressional intervention. In addition, busing is only one remedy among several that have been recognized by both the courts and Congress to eliminate segregated public schools. Thus, the findings in § 2 of the bill relative to the harms of busing, particularly if supported by other evidence in congressional hearings or debate, may comport with the emphasis of Justice Brennan's opinion in Oregon on Congress's superior fact-finding competence, and therefore be entitled to judicial deference. By contrast, the dissenters in Morgan found § 4(e) of the Voting Rights Act failed to qualify as a remedial measure only because of the lack of a factual record or legislative findings."

These principles are particularly applicable here where Congress is not attempting to alter a substantive right under the Equal Protection Clause, but merely addressing remedies the courts may impose on segregated school districts.

The Neighborhood School Act in no way attempts to "restrict, abrogate, or dilute" the guarantees of the Equal Protection Clause in a fashion inconsistent with the Morgan and Oregon rationale. Nor would it result in a dilution of rights recognized by the Court any more than the expansion of the rights of Puerto Ricans in Morgan diluted, to some extent, the rights of English-speaking voters. The Act does not in any way promote the separation of races or the perpetuation of segregated public schools. Instead, by mandating judicial resort to remedies in the schools, the bill would effectively expand the rights of privacy and liberty of all students involved.

The Neighborhood School Act is not attempting to prescribe how the Court should decide a substantive issue. Nor does it purport to bind the Court to a decision based on an unconstitutional rule of law. S. 528 is entirely neutral on the merits of any asserted claim of a denial of equal protection effected by segregation. It is only after a decision is rendered mandating desegregation that the bill becomes operative, and then only to restrict the use of one remedy among alternative remedies. As stated by Professor Hart:

"The denial of any remedy is one thing . . . but the denial of one remedy while another is left open, or the substitution of one for another, is very different. It must be plain that Congress had a wide choice in the selection of remedies, and that a complaint about an action of this kind can rarely be of constitutional dimension."

Therefore, Congress' constitutionally vested powers to enforce the Fourteenth Amendment and to regulate the jurisdiction and forms of remedies of the courts of the United States provide ample support for the restrictions on the use of busing remedies prescribed by S. 528. Such legislative action, instead of constituting an intrusion into the judicial domain, is rather a healthy exercise of congressional powers in the political scheme envisioned by the Constitution. If the protective system of checks and balances is to retain its vitality in our constitutional system, congressionally legislated remedies for denials of equal protection must be accorded substantial deference by the courts. This is particularly true where, as in the case of S. 528, the enactment is strongly supported by provisions of the Constitution independent of the Equal Protection Clause. Congress is uniquely competent to determine the factors relevant to the right to a desegregated education, and in resolving the conflicting considerations concerning the scope of remedies. Its judgment as to necessary restrictions on the use of busing as a remedy should thus be upheld.

BUSING HAS PROVED TO BE AN EXTREMELY UNPOPULAR AND INEFFECTIVE REMEDY

It is not the intent of this bill to turn back the clock. Congress remains committed to the cause of civil rights and to equal protection of the laws. But in the decade since busing came into general use as one of several tools for implementing court-ordered desegregation, Congress and the American people have learned some things about schools and our society that we did not know before. A body of information has been developed through the increasingly sophisticated techniques used by social scientists in examining our institutions. With this testimony I am submitting a bibliography prepared by the Congressional Research Service of 501 books and articles which have appeared on this subject since 1976. In preparation for these hearings, members of my staff have attempted to familiarize themselves with all major studies which deal with the issue of mandatory busing; copies of those we believe to be the most significant are available for your consideration. You can see from this mass of material that refinements in gathering and interpreting statistics and designing projection models have brought us to a point in history where, to paraphrase Marshall McLuhan, the measurement is the message: it is becoming increasingly clear that people perceive mandatory, court-ordered busing as harmful, both to children and to the concept of quality education, that they act on these perceptions and that their actions effectively nullify the objective of court orders by increasing white flight and the resegregation of schools.

FINDINGS ON THE POLLS

If there is a single conclusion which can be drawn from the polls about public attitudes toward busing, it is that a very large percentage of the American people opposes it. For example, the same question was asked by the National Opinion Research Center (NORC) at the University of Chicago yearly between 1970 and 1978. The question read: "In general, do you favor or oppose the busing of (Negro/Black) and white children from one district to another." The percentage of persons opposing such busing in this nine year span never dropped below 75 percent. Other surveys taken over the last decade show a remarkable consistency in attitude:

From the Gallup Poll (October 8–11, 1971):

In general, do you favor or oppose the busing of Negro and white school children from one school district to another?

Favor, 17 percent. Oppose, 77 percent.

From the Harris Survey (March, May, August 1972):

Would you favor or oppose busing school children to achieve racial balance?

March: Favor, 20 percent; Oppose, 77 percent.

May: Favor, 14 percent; Oppose, 81 percent.

August: Favor, 18 percent; Oppose, 76 percent.

From the Gallup Poll (November 1974):

I favor busing school children to achieve better racial balance in schools.

Favor, 35 percent. Oppose, 65 percent.

From the Gallup Poll (May 31, 1975):

Do you favor busing of school children for the purpose of racial integration or should busing for this purpose be prohibited through a constitutional amendment?

Favor, 18 percent. Prohibit, 72 percent.

From the Harris Survey (July 8, 1976):

Do you favor or oppose busing children to schools outside your neighborhood to achieve racial integration?

All: Favor, 14 percent; Oppose, 81 percent.

Whites: Favor: 9 percent; Oppose 85 percent.

Blacks: Favor: 38 percent; Oppose, 51 percent.

From the CBS News Poll (August 22, 1978):

What about busing? Has that had a good effect, a bad effect or no effect at all on the education of the children involved?

[In percent]

	All	Parents	White	Black
Good	12	12	9	35
Bad	50	48	54	27
No effect	18	20	18	19
Depends	5	4	4	7
No opinion	15	10	15	12

From the California Poll (conducted statewide throughout California, September 21, 1979):

Do you favor or oppose school busing to achieve racial balance?

[In percent]

	Favor strongly	Favor moderately	Oppose moderately	Oppose strongly
State	8	10	18	60
Whites	5	8	19	64
Blacks	31	19	16	32
Hispanics	12	12	16	57

From the Gallup Poll (February 5, 1981):

Do you favor or oppose busing to achieve a better racial balance in the schools?

[In percent]

	Favor	Oppose	No opinion
National	22	72	6
White	17	78	5
Black	60	30	10

Boston has experienced six years of court-ordered busing. In the Globe poll of June 2 and 3, 1980, citizens of Greater Boston were asked:

Has court-ordered busing in Boston's public schools generally resulted in better or worse education for black children?

[In percent]

	Better	Worse	Not much effect	Do not know
Greater Boston	17	28	36	19
Whites	16	29	36	19
Blacks (Boston)	18	10	56	16

Would you prefer to spend tax money to improve public schools in largely black neighborhoods, or have black children transported to schools in largely white neighborhoods?

[In percent]

	Improve	Transport	Do not know
Greater Boston	80	10	10
Whites	80	9	11
Blacks	81	9	10

Los Angeles experienced two years of state-mandated busing. In the Los Angeles Times poll of November 9–13, 1980, Los Angeles residents were asked:

Do you approve or disapprove of forced busing to achieve racial in'egration?

Approve, 18 percent. Disapprove, 75 percent. Not sure/refused, 7 percent.

In a special election of November 1979, California voters by a two to one majority approved an amendment to the California constitution ending state-mandated busing. You are probably aware that the Supreme Court of California upheld its constitutionality on March 11 of this year, and on April 17, the Court of Appeals permitted local officials to dismantle the busing program in Los Angeles, allowing children to return to their local schools.

It must be emphasized that most Americans, black and white, support the idea of equality of educational opportunity. The same polls which indicate the pervasive dislike of mandatory busing show a high level of support for genuinely integrated schools, those in which there are substantial opportunities for contact between majority and minority students.

Gary Orfield, author of the extensive study Must We Bus? and himself a supporter of mandatory busing, concedes that increasing white support for integrated schools has been a clear pattern in studies of public opinion over the decades. He specifically cites a series of Gallup Polls done between 1959 and 1975 which indicate dwindling public opposition, especially in the South during the 1960's, the region and the period in which massive integration was concentrated. (Gary Orfield. Must We Bus? Segregated Schools and National Policy. 1978. p. 109)

WHITE FLIGHT: THE COLEMAN CONTROVERSY

When a large number of white pupils leaves a public school system, the resultant pupil mix can be so heavily tilted toward minorities that desegregation is no longer possible. This is the "white flight" phenomenon identified by Dr. James S. Coleman and described in his Urban Institute paper Trends in School Segregation 1968–73. It had long been known that middle-class families had been moving out from the large older cities into suburbs, leaving urban school districts with increased percentages of minority students, but Coleman was the first to indicate that school desegregation contributed significantly to the declining white enrollment. Coleman's massive 1966 study, the Equal Educational Opportunity Survey (known as the Coleman Report), had provided the rationale for the use of busing as a tool to promote desegregation, and proponents of activist desegregation policies attacked him bitterly. In August of 1975, a Symposium on School Desegregation and White Flight was convened, funded by the National Institute of Education and hosted by The Brookings Institution. Although Coleman was a participant, the papers which emerged from the conference consisted entirely of rebuttals of his position. Reynolds Farley criticized his findings, and his claim that desegregation accelerated white flight was denounced by Robert Green of Michigan State and Thomas Pettigrew of Harvard who charged that Coleman had been selective in his choice of school districts and that their own reanalysis revealed no correlation.

There were three major criticisms of Coleman's study: that his conclusions were invalid because he did not look at enough districts; that "white flight" from central cities is a long-term phenomenon independent of desegregation; and that desegregation does not cause it because the same level of loss can be observed in cities whether or not they have court-ordered desegregation.

The most serious challenge to Coleman's findings was mounted by Christine Rossell whose own study, she held, demonstrated that school desegregation causes "little or no significant white flight, even when it is court-ordered and implemented in large cities." She said that her data contradicted almost every claim Coleman had made. But Rossell's later and more detailed analyses yielded results consistent with Coleman's. In fact, both Rossell and Farley have admitted publicly that Coleman's original findings were essentially correct; Pettigrew and Green, whose critique relied heavily on the original Farley and Rossell studies, have not been heard from. Contrary to popular and even, in some cases, scholarly opinion, Coleman's 1975 report has not been discredited, although the agencies which expedited publication of the early critiques, the National Institute for Education, Brookings and the Harvard Educational Review, have been slow to publicize the later studies establishing his credibility.

WHITE FLIGHT: THE ARMOR STUDY

David J. Armor's 1978 study of court-ordered mandatory desegregation in large (over 20,000) school districts with a significant minority enrollment uses a demographic projection technique to estimate what the white enrollment would have been in the absence of desegregation. Armor found massive white flight: A substantial (double the rate projected as normal) anticipatory effect in the year before busing was to begin; a first-year effect four times as great; and a long-term effect four years later of twice the projected rate of loss. In the majority of districts, half the white loss over a 6-8 year period is due to court-ordered desegregation efforts. White flight accelerates the "tipping" process by which minorities become the majority in a school district and desegregation becomes resegregation:

"Before the desegregation action in Boston (1972), there were 57,000 white students but by 1977, there were only 29,000. Of this total decline of 28,000, about 16,000 (or three fifths) is attributable to desegregation activities. As a direct result of court-ordered busing, Boston became a majority black school district in 1975. It is interesting to note, also, that minority enrollment stopped growing rather suddenly in 1975 . . . This shows that black flight—which has not been studied—may also be a phenomenon in court-ordered desegregation . . ."—David J. Armor. White Flight, Demographic Transition and the Future of School Desegregation. The Rand Corp. August 1978. p. 24.

Statistics for various school districts undergoing court-ordered desegregation involving some degree of busing show substantial declines in white enrollment. The Los Angeles Times reported that between the fall of 1979 and the fall of 1980 (when the Los Angeles desegregation plan was extended to more grades than before), white enrollment in the Los Angeles school district dropped by 18.515 students or 12.8 percent. Minority enrollment grew by 1.2 percent. (Los Angeles Times, October 2. 1980). St. Louis offers an example of significant white enrollment losses between 1979 and 1980 (when mandatory reassignment of some students began). In the fall of 1979, non-black enrollment was 16.444. By the fall of 1980 that number had dropped to 13.244, a loss of 21 percent. (Data provided by analyst on the staff of the St. Louis School Board.)

Armor cautions that the white flight phenomenon comprises more than relocation of family residence:

". . . there are three major processes which can give rise to white flight from public schools: (1) residential relocation outside the district; (2) transfer of children from public to private schools; and (3) failure of new area residents to replace regular outmigrants who are leaving the area for reasons unrelated to desegregation . . . some white flight effects are manifested by the slowing down of white growth rather than the acceleration of white decline."—Armor (1978) p. 15.

In metropolitan desegregation cases, he indicates, "private school transfers may well comprise a significant portion of white losses." In my own state of Louisiana, a court-ordered busing plan last year resulted in the establishment of a private school in Rapides Parish. Interestingly, the private school has black and white students as well as black and white teachers.

Armor concludes that "court-ordered desegregation, coupled with normal demographic trends, is producing increasing ethnic and racial isolation in many larger school districts. If this trend is to be stopped or reversed, other remedies need to be considered."

ALTERNATIVES TO BUSING

Other remedies do exist. Armor, discussing San Diego, states that voluntary methods worked well in that case, and may offer a viable alternative to busing in larger cities. Innovative programs, such as the extended day program in the Mary E. Philips Magnet School in Raleigh, N.C., achieve their purpose of voluntary integration while meeting the needs of single parents, working couples and their children. ("Extended Day Program in a Public Elementary School." Children Today. May–June 1979. p. 6–9).

The polarizing nature of busing plans and their requisite expense deflect attention and energy from the issue of educational quality. Improving the quality of the schools may well serve to desegregate those schools and their neighborhood, voluntarily, more permanently and with less tension, than is possible with pupil reassignment.

In some districts, the desegregation of the schools has not become a principal objective of either the white or black communities. David L. Kirp, in analyzing the history of the Oakland (California) school system over the past two decades, found that the issue of desegregation was handled politically within the district and was not taken into the courts. "As a result, race and schooling politics in Oakland—including current disinterest in desegregation—reflect the popular will as well as any politically derived solution may be said to do so." ("Race, Schooling and Interest Politics: The Oakland Story." School Review. August 1979. p. 307). The outcome was largely a reallocation of money and power within the school system, securing for Oakland's black community a "measure of distributive justice."

Other urban school districts are seeking to improve their educational facilities, increase minority hiring and develop magnet schools instead of attempting to desegregate mandatorily student enrollment.

"The theory of Atlanta's educational leaders is that equal educational opportunity can be achieved through high quality education. If they are right, and if they can create the kind of productive, effective schools that all parents want, the system could become a showplace for urban American schools and a magnet pulling back the children of those who fled the city during the past two decades."—Diane Ravitch. "The 'White Flight' Controversy." Public Interest. Spring 1978. p. 149.

The alternatives to mandatory busing for desegregation include the development of magnet schools (schools established with special programs and curricula designed to attract students of all races), open enrollment policies, and majority to minority transfers (students of a majority race at one school are permitted to transfer to schools where they will be in the minority).

On May 4, 1981, the Department of Justice proposed a plan for desegregating schools in the city of St. Louis which would reward students who voluntarily transferred between black inner-city schools and white suburban schools with a free college education at a state university or college. The proposal tacitly concedes that further busing and court-ordered desegregation plans would be counterproductive in producing truly integrated schools in St. Louis.

ALTERNATIVE LEGISLATIVE APPROACHES WILL NOT WORK

Unlike other legislative proposals in the Senate and the House, the Neighborhood School Act does not run the same constitutional risks.

A. The "Student Freedom of Choice Act"—S. 1005:

Senator Helms and others would attempt to give students "freedom of choice" in selecting any school in their public school district, including the school closest to the student's residence. Senator Helms would do so by limiting the jurisdiction of federal courts to do otherwise. The operative language of his bill is found in section 1207 as follows:

"No court of the United States shall have jurisdiction to make any decision, enter any judgment, or issue any order requiring any school board to make any change in the racial composition of the student body at any public school or in any class at any public school to which students are assigned in conformity with a freedom of choice system. . ."

Article III, section 1, of the Constitution grants the Congress power to create courts inferior to the Supreme Court and to provide for their jurisdictions. S. 1005 reasons, in effect, that since Congress has the power to create or abolish courts and to grant, withhold or revoke jurisdiction, it has the lesser power to grant or deny remedies to Federal courts or to minimally alter some of their equitable remedies.

In an exhaustive law review article entitled "Congressional Power to Restrict the Jurisdiction of the Lower Federal Courts and the Problem of School Busing," 46 Georgetown Law Journal 839 (1976) Professor Ronald D. Rotunda concluded:

"Congress asserted power to abolish any or all of the lower federal courts does not include the authority to engage in narrow, individualized, interstitial removal of jurisdiction. Because both the due process clause of the Fifth Amendment and various provisions within Article III restrict congressional power to limit jurisdiction of the federal courts, the proper test of constitutionality is whether the withdrawal affects substantive constitutional rights. Under this test, Congress cannot use a jurisdictional limitation to restrict a substantive right. Congressional attempts to prohibit busing only in those cases where Congress thinks the lower court has erred would violate Article III by imposing a rule of decision on particular cases. Any broader anti-busing statute would violate the due process clause of the Fifth Amendment by forbidding busing even when it is the only means of enforcing the constitutional right to integrated schools."

B. The "Racially Neutral School Assignment Act"—S. 1147:

Senator Gorton's bill, the "Racially Neutral School Assignment Act", would preclude any assignment of any student to any school which occurs in a race conscious manner. In effect, both the school boards and the federal courts would be required to ignore the race of a student for making school assignments in every circumstance. Furthermore, no court could order the assignment of a student to a school other than a school closest to the student's residence and which provides "an appropriate grade level and type of education for the student."

Senator Gorton's bill flies in the face of Swann and a host of other decisions which established the requirement that school authorities are "clearly charged with the affirmative duty to take whatever steps might be necessary to convert to a unitary system in which racial discrimination would be eliminated root and branch." Swann requires that where there is racial imbalance in public schools brought about by discriminatory state action that there be race consciousness in dismantling the dual school system. Swann specifically requires busing where necessary and stated "we find no basis for holding that the local school authorities may not be required to employ bus transportation as one tool of desegregation." 402 U.S. at 30.

Furthermore, the Court has suggested that the "assignment of students on a racial basis" is indispensable to the decisions and judgments in desegregation cases. In McDaniel v Barresi, 402 U.S. 39, 41 (1970), the Court concluded that "(any) other approach would freeze the status quo that is the very target of all desegregation processes."

CONCLUSION

Over the past ten years, however, busing has become the judicial instrument of choice. In many instances courts have issued busing orders which they knew would not work and which they knew would result in white flight because they felt compelled by prior decisions to do so.

The studies of Coleman and Armor represent a demographic finding of fact. In 1971, the Supreme Court prescribed a legal remedy, busing, for what it had identified as a social malady, a failure to provide equality of educational opportunity. But the remedy when applied produced a crippling side effect: resegregated public schools with fewer students overall in attendance. If a doctor were to discover that the medicine he had given a patient had, instead of curing the patient, produced an unexpected and serious reaction, he would stop the medication and attempt to find a safer, more effective treatment. If he didn't change the medication and the patient died, you can bet that someone would sue him for malpractice.

The medication now being prescribed by the Court for the patient has proven to cause more harm than the disease itself. Senators Helms and Gorton, on the other hand, do not prescribe any medication at all for the patient's affliction and prefer the patient to continue in pain without relief. The Neighborhood School Act, however, recognizes that medication can in fact relieve the patient's constitutional affliction. The Act does not prescribe twenty aspirin where only two will heal. In effect, the Neighborhood School Act acts as a good doctor by prescribing sufficient medication to give the patient relief, but not too much to kill him.

Nobody is going to sue the Congress for malpractice, but that doesn't lessen our responsibilities to the American people. A mistake has been made, and now that we are aware of the damage that has been done, we have an obligation to correct it.

Mr. JOHNSTON. Are there further questions?

Mr. President, I should like to point out one thing—the opinion of the American people with respect to busing.

I recognize that constitutional rights and minority rights cannot be subject to a plebiscite, cannot be denied by the "to's" and "fro's" of opinion polls. However, the opinion of people with respect to busing becomes the fact insofar as the workability of that remedy is concerned. When the American people, in overwhelming numbers, disapprove of busing it is a fact that should be considered by both Congress and the courts.

If there is a single conclusion which can be drawn from the studies about public attitudes toward busing, it is that a very large percentage of the American people oppose it.

For example, there have been opinion polls yearly between 1970 and 1978, and the percentage of those opposing busing never fell below 72 percent.

For example, Gallup in 1971, 77 percent opposed; Harris in 1972, between 76 and 81 percent; Gallup in 1975, 72 percent opposed; Harris in 1976, 81 percent opposed; Gallup in 1981, 72 percent opposed.

The effective opinion expresed in the California poll of September 1979, in which 78 percent opposed busing, has already been translated into law. In November 1979, the voters approved an amendment to the California constitution ending State-mandated busing.

In Boston, after 6 years of court-ordered busing, the Boston Globe poll of June 2 and 3, 1980, indicated that, by a 4 to 1 majority, both blacks and whites said they preferred to improve the schools rather than to bus children.

The interesting thing is that many of these polls also asked the correlative question as to whether or not people approve of integrated education. By overwhelming numbers, they did. The American is not saying that they want to turn back the clock and resegregate the schools; nor are we saying, in sponsoring this amendment, that we want to turn back the clock and resegregate the schools.

To the contrary, the authors of this amendment have the same commitment to integrated education that the American people have, but we also have the same commitment to oppose busing that the American people, by more than 70 percent, consistently oppose busing.

Mr. HATCH addressed the Chair.

Mr. JOHNSTON. Does the Senator want the floor, or does he wish me to yield for a question?

Mr. HATCH. I should like to make some remarks.

Mr. JOHNSTON. I yield the floor.

The PRESIDING OFFICER (Mr. KASTEN). The Senator from Utah.

Mr. HATCH. Mr. President, I appreciate the intelligent approach that the distinguished Senator from Louisiana has taken through the years toward trying to resolve this serious dilemma in America. I appreciate his willingness to work with me in trying to come up with some solution that will ultimately produce a reasonable approach to this problem, which has become a monumental problem in America.

Mr. President, during the 5 days of hearings on the subject of "school busing and the 14th amendment" held by the Constitution Subcommittee, Prof. Lino A. Graglia, constitutional law professor at the University of Texas, offered a concise formulation of the problem now before the Senate. He stated:

This is an area in which what the courts say they are doing and what they do in fact are often two quite different things. It is an area in which words are often used to mean the opposite of what they are ordinarily understood to mean; for example, a constitutional prohibition of the assignment of children to school on the basis of race can turn out to be a constitutional requirement that children be assigned to school on the basis of race.

Since the momentous Brown decision in 1954, the Constitution, in theory at least, has prohibited segregation compelled by law. In other words, schoolchildren must be assigned to schools without any regard to their race. To use a familiar phrase, the Constitution is color blind. Each student or citizen is to have equal consideration regardless of his race.

Congress put this noble policy into effect with the Civil Rights Act of 1964. The 1964 act explicitly states that "desegregation" is "the assignment of students to public schools and within such schools without regard to their race."

Unfortunately, as Professor Graglia notes, the Federal courts have not carried out the intent of the Constitution or Congress. Instead of considering each child in a school district as merely a student, Federal courts have divided students into two classes, black students and white students. When they find the numerical ratio between the classes unsatisfactory, some black students or some white students will be hauled to a distant school away from their past friends simply because they are black or white. I submit, Mr. President, that this notion of numerical or statisical justice is no justice at all. It is precisely the injustice that the Brown case and the 1964 Civil Rights Act were supposed to have terminated. We are not going to put an end to racial discrimination by perpetuating distinctions based on race. School busing is nothing more than assigning children to public schools on the basis of race. I repeat, Mr. President, we cannot end discrimination by discriminating.

The Senate has discussed before the ill effects of this discriminatory school busing policy. I will mention only in passing that the hearings in the Constitution Subcommittee have substantiated that mandatory busing is defeating its own purpose by creating in fact greater separation between the races; that busing disrupts social peace and racial harmony; that it seriously interferes with private (and constitutionally protected) decisions of parents to educate their children as they please; and that it diverts resources which could otherwise improve the quality of public education. Still, most important in my mind, it is inconsistent with constitutional guarantees that individual rights shall not be abridged on the basis of race, color, or national origin.

This brings me to the reasons that I feel the Johnston amendment is not adequate to solve this problem. In the first place, the amendment admits that the pursuit of "racial balance * * * is without constitutional or social justification." With this statement, as already noted, I wholeheartedly agree. Forced busing to achieve an amorphous concept of racial balance is discrimination on the basis of race, which is repugnant to the Constitution. Yet the amendment proceeds to authorize the practice within distance limits of 10 miles and time limits of 30 minutes round trip. Thus, if a student lives within those limits, he can still be bused simply because he is black or white. In other words, students can be discriminated against on the basis of where they live as well as their race and color.

Moreover, the Johnston amendment underestimates the resourcefulness of courts to construct exceptions and loopholes through which to drive school buses. Such simple prohibitions as are found in Brown and the 1964 act against consideration of race have been stretched into racial balance busing schemes. Therefore, I can easily foresee the words of the Johnston amendment about the school that would normally be attended and the time and distance limits coming back from the bench as an authorization of Congress for expanded busing. However, I do not believe that is the intent, and I know that is not the intent of Senator JOHNSTON or of anybody else in the Chamber.

As I have mentioned before, however, I am not entirely comfortable that this amendment is even before the Senate. In my Constitution Subcommittee we have held five hearings on this subject area—two on busing itself, three on Federal court jurisdiction restrictions. When a committee is making no effiort to act on legislation, I can see the justification for taking the issue directly to the floor for some, albeit hasty, consideration. This is not, however, such an instance. Not only has my subcommittee held extensive hearings, the Separation of Powers Subcommittee has examined busing in hearings.

We need time to consider in detail proposals such as this Johnston amendment. We should examine carefully whether this approach will encourage rather than remedy white flight, for instance. This proposal may have misjudged the determination of parents to withdraw their children from schools impacted by racial balancing schemes. This proposal could set up virtual "no man's lands" on the borders of the geographical boundaries set by the 10 mile requirement. It could cause more racial dislocation than now exists. We need to consider that question in the reasoned atmosphere of hearings with expert witnesses to advise the Senate about the consequences of its actions. That hearing process, as I have stated, is underway, and well underway.

Due to my serious reservations about this Johnston amendment, I am enthusiastic about agreeing with my colleague to have a bill to finally return to a completely nondiscriminatory policy before the Senate for a vote within 30 davs. Moreover, I am pleased to encourage the Senate to make that agreement binding in the form of a resolution which we can attach to this Justice Department authorization bill, S. 951.

As chairman of the Constitution Subcommittee, I will insure that our subcommittee reports legislation with sufficient leadtime to comply with this resolution. Already the subcommittee has held 2 days of hearings on the school busing controversy and another 3 days of hearings on the merits of withdrawing lower Federal court jurisdiction under article III of the Constitution. Understanding the urgency of complying with the agreement embodied in this resolution and the urgency of resolving the entire process of discriminatory busing before the conclusion of the student's summer recess, the Constitution Subcommittee will meet its obligation to the Senate and to the students of the Nation.

We will work very hard with Senator EAST's Subcommittee on Separation of Powers, of which I also am a member, to try to resolve these problems. Senator EAST is very capable and certainly will do everything in his power, I am sure, to assist in this effort.

Mr. President, I express my gratitude to Senator HELMS for bringing the busing question to the attention of the Senate with his amendment and to Senator JOHNSTON for his role in setting up this agreement. I believe Senator JOHNSTON has worked long and hard to try to resolve these problems because he has some horrendous difficulties in his State, particularly in and around the city of Shreveport.

I believe that both these Senators and all other Senators—such as Senator ROTH, Senator GORTON, Senator BIDEN, and others—may be confident that their special recommendations for a final resolution of the busing problem will receive full consideration in the Subcommittee on the Constitution and the Subcommittee on Separation of Powers. When we report a measure in 30 days or less, our final product will be stronger for the slight pause to consider the implications of all the testimony and recommendations. Already in the few brief months of the 97th Congress, we have had more hearings on the school busing controversy than were held for years. Those efforts and the diligent work of the Senators on the floor today will soon bear fruit under the 30-day agreement.

Although I agree with Senator JOHNSTON's characterization of this amendment as being temporary in the sense that we intend to bring out a more comprehensive bill on this subject hopefully which will be a consensus bill, this amendment, if enacted, will become law at least during the lifetime of this authorization bill. This Johnston amendment is a step in the right direction, although I do raise these concerns and I have only raised a few of the concerns that have bothered those of us who deal with the Constitution almost on a daily basis in our subcommittee.

On the other hand, with the understanding that everyone should understand that we are going to work together, and that Senator JOHNSTON, my colleague from Louisiana, has agreed to work with us in trying to arrive at a definitive conclusion and consensus amendment, I am happy to support this amendment on the basis of what has been said here today.

I trust we can solve this problem completely in later legislation. I do not think anyone is well served by the law or the situation as it presently exists. The courts are not the appropriate branch of Government to legislate in this area and, unfortunately, they have done a lot of legislating in this area. I think it is time to do what we know has to be done to end discrimination and be fair and reasonable to the children of this Nation.

Although others may have sound opinions differing from my own, I for one am going to work very hard to come up with a bill that might put this controversy to rest at least for the remainder of our lives. One never knows. We have had many bills and amendments around here; sometimes they work and sometimes they do not. I do have concerns about the Johnston amendment's ability to resolve this crisis, but until we get the other bill out this amendment has merit as a temporary remedy for discriminatory busing.

I yield the floor.

Mr. JOHNSTON. Mr. President, I thank the distinguished Senator and I thank him for his cooperation along with the Senator from North Carolina (Mr. HELMS), the Senator from North Carolina (Mr. EAST), as well as their competent staff and those of the Judiciary Committee.

It is a most complicated and difficult subject. There are no final and full answers because many of these murky constitutional areas have not been fully explored by the courts. It is a leap of faith to try to design an amendment which achieves the result which we all want and yet will pass muster constitutionally. I believe that this amendment will do so.

I also believe that further hearings and further consideration in the Judiciary Committee can improve on this result as well, and I will indeed work with the distinguished Senator from Utah in trying to fashion a more definitive approach to the bill. In the meantime this is not temporarily legislation with an expiration date but it is legislation which will do the job until we can do something that is even better.

Mr. HATCH. I agree. The provision in here to allot 30 days certainly to come up with new legislation and to bring it to the floor I think is a wise provision. It should have passed and I think we can hopefully within that time arrive at definitive conclusions.

Mr. STENNIS. Does the Senator yield the floor?

Mr. HATCH. I yield, and I thank my friend from Mississippi for allowing me to make these remarks.

Mr. STENNIS. I thank the Senator for the time he used.

Mr. President, am I recognized?

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from Mississippi.

Mr. STENNIS. I thank the Chair.

Mr. President, I thank the Senator from Louisiana who is the main proponent of this amendment itself which I have joined in and thank the Senator from Utah for his splendid work in this field where he has a special and highly important committee assignment. In fact, this whole subject matter of school busing is now, in the light of new developments and experience of a few year, has taken on a very advanced viewpoint which is developing here progressively and in a fine way, being better understood and will be better practiced. Good has come from the new system already in a large degree.

Several years ago, I wish to refer to the fact that I introduced a very simple amendment in this field of integration of schools which was not immediately at the minute understood and led to criticism of my motives, but when the debate was over the amendment passed by a rather sizeable margin. My amendment was just a few lines long and said that the Department shall apply a uniform pattern throughout the 50 States with reference to the integration of the schools. That is all it said. And it stood up to quite a tussle and a good deal of noise, but it passed by a large vote. The major parts of it survived the conference, and that amendment was cited and quoted in part by the Supreme Court of the United States within the last 12 months I think it was, or recently anyway, as it relates to this problem.

I do not claim any credit for that. I had an unpublished report, an unpublished survey that gave the facts and figures for each of those 50 States which showed the reflection of the pattern with reference to integration of public schools and showed it was being done on a sectional or regional basis.

That amendment becoming law outlawed such a pattern and led to new steps forward.

I talked to the Senator from Louisiana about this amendment before and commended him very highly for his thought of not trying to outlaw the busing of children for integration because of racial patterns, but merely to regulate. The Supreme Court has rather firmly and definitely set up the constitutional grounds, basis, and foundation for the busing. So he conceived the idea of not trying to abolish it but to try to proscribe it, limit it, regulate it and bring it within the parameters of reason and commonsense. And in that way it is a great step forward for the pattern of integration. This amendment does not try to abolish or curtail the integration of schools, not in the least. To the contrary, it paves the way there for a more effective pattern, conclusions, and practices of doing the very matter of integrating the schools, with the result that great sums of money, literally billions of dollars, over time will be made available to pay for the operation of the school inside the classroom, one might say, to pay better salaries for the teachers, to pay for better accommodations, to pay this, that, and everything that is necessary to the educational part that goes to make up the school life, rather than expending these terrible sums of money in places by the unnecessary long distance and complicated busing patterns.

So it is encouraging in every way as we see the chance here to move forward in this field where the price of education is becoming more and more, of course, in some ways with the limited productivity, limited sums of money that can be exacted to pay taxes.

The vote in the House of Representatives just a few days ago in this same field shows the unmistakable judgment now in the light of this experience we have had in the last few years what is now sound, accepted, and desired by the people, the parents and the children themselves for a more orderly pattern for the integration and for the busing of the children.

Basically I have always felt that the neighborhood school is part of the neighborhood, and it is part of American fundamental constitutional rights. If the parents want the children to go to the neighborhood school, then they have the fundamental right. That is where to do so. That is where the churches are. That is where the social life is. That is where the workday is, so to speak, and everything about American life centers around and I hope and pray it will always to a large degree center around that community. Now to take the children out and carry them off somewhere else into another community not only robs them of that basic right of them and their parents but it takes from them their best chance to get an understanding of life and an understanding of the books, too.

Mr. JOHNSTON. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I am glad to yield to the Senator.

Mr. JOHNSTON. Mr. President, I am glad the Senator made that point because one of the underlying theses of this amendment, the Neighborhood School Act of 1981, is the importance of parents' access to the public schools. We have found through the years that it is through the PTA's, through the parents participating in school activities, supporting the schools, being there and having that community support that schools flourish and move forward.

So by putting limitations here, 15 minutes and 5 miles, we guarantee that the school will be within that time and distance access that will make it possible for parents to be close to their children, and without this kind of limitation the courts have not insured that access.

For example, in East Baton Rouge Parish we found that over half the schools in the elementary level in the court order just recently issued, yet to be implemented, over half of those children are bused at distances which exceed by a great distance the amount provided here. As a matter of fact, out of 76 elementary schools I believe it is 38 or 39 which exceed these limitations and in fact require busing exceeding an hour. This is not only wasteful of the students time, requiring young students to be on school buses for that long, but it takes them out of their neighborhood, out of the area of their family, and it puts them far beyond the reach of parents to participate in the PTA and in other school activities.

So I thank the Senator for making that point which was so important to the Neighborhood School Act of 1981.

Mr. STENNIS. I thank the Senator for his remarks.

I did not have to read anything in a book from any survey that anyone had made or an opinion that someone else had given. I have this knowledge and see these things happen and reach these conclusions because of where I have lived and conditions there, and I never have lived in any other county. I know what the day-to-day life is and what the problems are and I know the progress that has been made and I know, also, of what some of the children and the parents had to give up and what being taken away from their community meant, and the way to solve these matters is now, regardless of what was the truth in the old days and my friend here from Connecticut I have great respect to him and I listened to his arguments over and over, he is sincere, he is able, and knowledgeable in every way and he covers the ground he stands on but in this matter that related to these neighborhood schools and the so-called matters that go along with heavy mixing of the people, the races or whatever you want to call it, I am the product of experience there, and I am proud of the progress that we have made. I cherish the gifts that have been made there at some of these schools, the vocational shops that send me little things that they make themselves, and so I know where the problems are.

And I am very happy that something in this direction as on foot. There is no trickery in this; there is no bombs in it. It is reality. It is life. I believe we are going to make some headway.

Mr. President, I am pleased to cosponsor the amendment proposed to S. 951 by the distinguished Senator from Louisiana (Mr. JOHNSTON). I support it strongly. I want to again commend the able Senator from Louisiana highly on the fine work that he has done in fashioning this amendment and bringing it before the Senate. It offers a logical and reasonable solution to a problem which has plagued this Nation for several years.

I support this amendment because I strongly believe that mandatory busing for the sole purpose of bringing about racial balance is unproductive and drains our finances and other valuable resources. In addition, it tramples upon and ignores the basic and fundamental right of children to attend a neighborhood school in their own communities. It is now crystal clear, Mr. President, that there is a great and pressing need to resort to approaches other than busing to bring about adequate, equal, and effective educational opportunities. Mandatory busing has not been fully effective, either from a racial or an educational standpoint, and in many cases it has proved to be counterproductive. The Johnston amendment addresses itself squarely to these issues.

The amendment would establish reasonable limits on the power of courts to require busing. For this purpose it prohibits the assignment or transportation of students to public schools other than the one closest to their residence for the purpose of achieving racial balance if there are "reasonable alternatives available which involve less time and travel, distance, danger, or inconvenience." The amendment also prohibits courts from ordering busing if the actual time or distance exceeds by 30 minutes or 10 miles, respectively, the ride to the school closest to the student's residence.

Survey after survey has shown that the American public opposes mandatory busing. Sociologists and educational experts have long since reached a consensus that extensive busing of students solely for the purpose of desegregating schools exacerbates the social and racial problems and accelerates the flight of whites from urban areas. More and more educational experts, sociologists, civil rights leaders, and policymakers are concluding that mandatory busing is not only costly and educationally disruptive but, more often than not, it fails to achieve any substantial part of its objective.

Forced busing, Mr. President, is very costly. Its enormous and endless expense results in the waste of our finances and other resources. In addition, it has undermined our educational process and is destroying confidence in the public education system.

We have expended enormous sums of money over the past several years for the sole purpose of busing our school children for long distances for the purpose of achieving so-called racial balance. The billions of dollars which have been needlessly expended in the acquisition and maintenance of buses, the purchase of gasoline, parts and supplies, the payment of the salaries of the drivers, mechanics, and other personnel, and the payment of other expenses of busing have in large measure been wasted. This money could have been expended with far better results in enhancing, improving, and enriching the educational program by employing more and better teachers, purchasing needed books, supplies, and equipment, constructing school buildings and other facilities, and in otherwise bettering and building up our school systems. The waste of funds and other resources which has resulted from forced busing is truly tragic.

Finally, Mr. President, the forced busing of children has trampled upon the basic, fundamental, and constitutional rights of children to attend schools in their own communities, and upon the rights of parents to have their children attend neighborhood schools. The transportation of school children, many of a tender age, for long distances from their homes to distant schools has caused inconvenience and hardship far out of proportion to the benefits which have ensued.

The pursuit of racial balance in public schools at any cost is without constitutional or educational justification. The assignment and busing of children to public schools to achieve such racial balance has been greatly overused. It is, as I have already pointed out, in many instances educationally and socially unsound and has caused the racial segregation and separation of students to a greater degree than would have otherwise resulted.

For these and other reasons, Mr. President, I support the amendment offered by the Senator from Louisiana. It is time that we address ourselves to the needs of our educational system, that we end the destructive, costly, and negative practice of forced school busing, and that instead we devote our attention and our efforts toward improving the quality of education for students of all races.

Before closing, Mr. President, I want to point out that on June 9, 1981, by a vote of 265 yeas to 122 nays, the House of Representatives adopted an amendment which in effect forbids the use of funds for any action to require directly or indirectly the transportation of students to a school other than that nearest the student's home. While this is somewhat different than the terms and provisions of the Johnston amendment, the purposes and aims of these amendments are identical. If the Senate adopts the Johnston amendment, as I hope and believe it will, there should be little or no problem in reaching an agreement in conference.

I strongly urge my colleagues to vote for the pending amendment.

I thank the Senator again for the work he is doing.

Mr. JOHNSTON. I thank the distinguished Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

WHITE FLIGHT: THE COLEMAN CONTROVERSY

Mr. JOHNSTON. Mr. President, when a large number of white pupils leaves a public school system, the resultant pupil mix can be so heavily tilted toward minorities that desegregation is no longer possible. This is the "white flight" phenomenon identified by Dr. James S. Coleman and described in his Urban Institute paper "Trends in School Segregation 1968–73." It had long been known that middle-class families had been moving out from the large older cities into suburbs, leaving urban school districts with increased percentages of minority students, but Coleman was the first to indicate that school desegregation contributed significantly to the declining white enrollments in public schools. Ironically, Coleman's massive 1966 study, the equal educational opportunity survey, known as the Coleman report, had provided the rationale for the use of busing as a tool to promote desegregation, and proponents of activist desegregation policies attacked him bitterly.

In August 1975, a symposium on school desegregation and white flight was convened, funded by the National Institute of Education and hosted by the Brookings Institution. Although Coleman was a participant, the papers which emerged from the conference consisted entirely of rebuttals of his position. Reynolds Farley criticized his findings, and his claim that desegregation accelerated white flight was denounced by Robert Green, of Michigan State, and Thomas Pettigrew, of Harvard, who charged that Coleman had been selective in his choice of school districts and that their own reanalysis revealed no correlation.

There were three major criticisms of Coleman's study: That his conclusions were invalid because he did not look at enough districts; that white flight from central cities is a long-term phenomenon independent of desegregation; and that desegregation does not cause it because the same level of loss can be observed in cities whether or not they have court-ordered desegregation or busing.

The most serious challenge to Coleman's findings was mounted by Christine Rossell whose own study, she held, demonstrated that school desegregation causes "little or no significant white flight, even when it is court-ordered and implemented in large cities." She said that her data contradicted almost every claim Coleman had made. But Rossell's later and more detailed analyses yielded results consistent with Coleman's. In fact, both Rossell and Farley have admitted publicly that Coleman's original findings were essentially correct; Pettigrew and Green, whose critique relied heavily on the original Farley and Rossell studies, have not been heard from. Contrary to popular and even, in some cases, scholarly opinion, Coleman's 1975 report has not been discredited, although the agencies which expedited publication of the early critiques, the National Institute for Education, Brookings, and the Harvard Educational Review, have been slow to publicize the later studies establishing his credibility.

WHITE FLIGHT: THE ARMOR STUDY

Mr. President, David J. Armor's 1978 study of court-ordered mandatory desegregation in large—over 20,000—school districts with a significant minority enrollment uses a demographic projection technique to estimate what the white enrollment would have been in the absence of desegregation. Armor found massive white flight: A substantial—double the rate projected as normal—anticipatory effect in the year before busing was to begin; a first-year effect four times as great; and a long-term effect 4 years later of twice the projected rate of loss. In the majority of districts, half the white loss over a 6- to 8-year period is due to court-ordered desegregation efforts. White flight accelerates the "tipping" process by which minorities become the majority in a school district and desegregation becomes resegregation. Here is what Armor says:

> Before the desegregation action in Boston (1972), there were 57,000 white students but by 1977, there were only 29,000. Of this total decline of 28,000, about 16,000 (or three fifths) is attributable to desegregation activities. As a direct result of court-ordered busing, Boston became a majority black school district in 1975. It is interesting to note, also, that minority enrollment stopped growing rather suddenly in 1975 . . . This shows that black flight—which has not been studied—may also be a phenomenon in court-ordered desegregation. . . .

Statistics for various school districts undergoing court-ordered desegregation involving some degree of busing show substantial declines in white enrollment. The Los Angeles Times reported that between the fall of 1979 and the fall of 1980, when the Los Angeles desegregation plan was extended to more grades than before, white enrollment in the Los Angeles school district dropped by 18,515 students or 12.8 percent. Minority enrollment grew by 1.2 percent. St. Louis offers an example of significant white enrollment losses between 1979 and 1980, when mandatory reassignment of some students began. In the fall of 1979, nonblack enrollment was 16,444. By the fall of 1980 that number had dropped to 13,244, a loss of 21 percent.

Armor cautions that the white flight phenomenon comprises more than relocation of family residence. He states:

> ". . . there are three major processes which can give rise to white flight from public schools: (1) residential relocation outside the district; (2) transfer of children from public to private schools; and (3) failure of new area residents to replace regular outmigrants who are leaving the area for reasons unrelated to desegregation . . . some white flight effects are manifested by the slowing down of white growth rather than the acceleration of white decline."

Mr. President, these distinguished studies and this statistical evidence in this quite place in the U.S. Senate stands in stark contrast to what court-ordered busing means in human terms and in educational terms out in what is called the field. The field, in my case, Mr. President, is my own State of Louisiana.

I can tell my colleagues that education in Louisiana at this point, in large areas of my State, is in absolute turmoil because of what Federal judges have seen as their duty, under the rule of the Supreme Court, to order massive cross-town busing.

The attorney for the Baton Rouge Parish School Board appeared when this matter was considered before the Judiciary Committee. He pointed out—and he represents virtually all of the parishes now being brought under court order in Louisiana and has been in this business for a long time—that the experts employed by the Justice Department, when they are brought into a case to give advice, that their rule of thumb is that every school in a parish or county must be integrated with a 15-percent error rule.

That is the plan which they will offer in each case. That is, if you have an all-white school, it must be integrated to within 15 percent, plus or minus error differential. The same thing is true with all-black schools. The same thing is true with all schools.

The problem is, Mr. President, due to our residential housing patterns across this country and in my State in particular, in order to achieve that kind of level of mixing it requires massive, long distance, cross-town busing. That is precisely what has been ordered in the Baton Rouge Parish, that is precisely what has been ordered in Rapides Parish, and that is the sword of Damocles that hangs over the heads of school districts in my State as well as school districts around the country.

What is happening is that on a massive basis the process of white flight is beginning. You can say, "Well, those who wish to go, let them go. Good riddance, if they have racism in their soul or whatever other kind of motive, unsavory motive, let them go." But the problem is, Mr. President, that with the white flight comes the demise of the quality of education. It makes it that much more difficult to get a bond issue approved financing public education. It makes it more difficult, indeed, to have an integrated experience because if, as the Armor study and the Coleman study shows, the white students in massive number leave, then there are many, many fewer numbers with which to integrate.

So, Mr. President, what I am trying to do in this amendment is to stem the tide, in effect to save public education, to save the quality of education, in my State and across the Nation. It may not be a perfect amendemnt. It is criticized by some because it goes too far and by others because it does not go far enough. What it does do is to put a rule of reason, Mr. President, on the issue of busing. To the extent that busing is allowed in this amendment, it will be allowed within the context of the neighborhood in which the student is located.

It will not be beyond the reach of parents to participate in the school with PTA's or other extracurricular activities.

I would hope that my colleagues would approve this amendment and that it could be enacted into law rapidly.

Mr. President, I see the distinguished Senator from Connecticut, and at this point I yield the floor.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSTON. 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. NICKLES. Mr. President, I support amendment No. 96, as modified, which prohibits the mandatory busing of students for the purpose of integration.

I believe, Mr. President, that despite the good intentions behind the court decisions and legislation of the last 27 years that have required busing for the purpose of desegregation, the overall result of such a policy has been failure.

However, I do not stand here just to represent my own thoughts on this matter. Public opinion polls on this issue have made an interesting statement on behalf of the American people in regard to integration and the use of busing to achieve that end. It seems that an ever-growing number of Americans believe that a good education means one which brings together students of all races. In other words, Americans favor integration. Yet, there is substantial opposition to busing as the means to achieve desegregation in the school system. Why? Because busing has not proven to bring enough gains toward the end goal of desegregation to offset the costs of this policy.

The price has included such things as higher transportation costs as Senator HELMS pointed out in his remarks on Tuesday. At a time when inflation and escalating oil prices are driving up such costs for the schools anyway, this burden becomes very heavy. Yet, such a financial burden might be affordable if the results of busing were positive. But they are not.

Instead of concentrating on improving the quality of education that all students receive, all those involved with education—students, parents, teachers, and administrators—are coping with the loss of the neighborhood school, community fragmentation and polarization, and racial quotas.

No wonder the public schools are in turmoil. No wonder student achievement tests are declining. We have, in effect, told them that their priority is not education, its getting the right numbers of blacks and whites.

I believe that it is time to recognize that we have made a mistake. Busing has not proven to be the answer to the common goal of integration. There have got to be other incentives and ways. It is time to assist schools in their efforts at education, not put roadblocks in their path. Therefore, I support this amendment which limits the Department of Justice's activities in regard to busing.●

Mr. JOHNSTON. I ask unanimous consent that the amendment offered as an amendment to the pending amendment be printed.

The PRESIDING OFFICER. The amendment will be printed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

The question is on the amendment of the Senator from North Carolina, as modified.

Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

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

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

RECESS UNTIL 5:25 P.M.

Mr. BAKER. Mr. President, it is clear to me that nothing further can be done at the moment. There are other matters that are in negotiation now to try to expedite the progress of the Senate on the matters before it at this time and those matters that will shortly be before the Senate.

I have just talked to the minority leader and he is agreeable to this recess.

I ask unanimous consent, Mr. President, that the Senate now stand in recess until 5:25 p.m.

There being no objection, the Senate, at 4:52 p.m. recessed until 5:25 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mrs. KASSEBAUM).

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. KASSEBAUM). Without objection, it is so ordered.

"MEET THE PRESS" INTERVIEW WITH CYRUS VANCE

Mr. PELL. Madam President, yesterday former Secretary of State Cyrus

Vance was interviewed on NBC's "Meet the Press" program, where he made a number of interesting observations on several important foreign policy issues.

I was particularly struck by his comments on the administration's decision to change the earlier policy, followed by the three previous administration, by expressing the Reagan administration's willingness to transfer lethal military equipment and technology to the People's Republic of China. I agree with former Secretary Vance that this decision is "needlessly provocative" in our relations with the Soviet Union. As I stated on the floor of the Senate on June 17, a decision of this importance should have been preceded by public discussion and consultations with Congress before the Chinese were informed of this change of policy.

Madam President, I ask unanimous consent to have printed in the RECORD the full text of the "Meet the Press" interview.

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

[From "Meet the Press"]

Guest: Cyrus R. Vance, former Secretary of State.

Moderator and executive producer: Bill Monroe, NBC News.

Panel: Bill Monroe, NBC News; Henry Bradsher, Washington Star; Jack Rosenthal, New York Times; and Marvin Kalb, NBC News.

Mr. MONROE. This is Bill Monroe inviting you to Meet the Press with Former Secretary of State Cyrus Vance.

(Announcements.)

Mr. MONROE. Our guest today on Meet the Press is Cyrus Vance, Secretary of State under President Carter until he quit in opposition to the unsuccessful Iran rescue mission. Mr. Vance was an architect of the SALT II arms limitation treaty, now shelved by the Reagan Administration. Currently practicing law in New York, he has just returned from a trip to the Soviet Union.

Mr. Vance, President Reagan has been in office now five months and he has been emphasizing, as he said he would, improving American military strength and taking a tough line with the Soviet Union. What is your overall assessment of the Reagan foreign policy so far?

Mr. VANCE. I regret I must say that it is more of a posture in many important areas than it is a policy. In my judgment that is dangerous. It is necessary to have a clearly thought out policy in key areas.

For example, I do not see any policy insofar as relationships with the Soviet Union is concerned. I do not see a clear policy with respect to the Middle East. The Reagan Administration has indicated that the thrust of their policy would be to try and put together an alliance addressed against the Soviet Union without addressing the question of the Palestinian issue. In my judgment, it is impossible to deal with the real problems of the Middle East unless you deal with the Palestinian issue. It will not do to try and wish it away or to put it on the back burner.

Again, in Southern Africa, I fail to see a policy on the part of the Reagan Administration there. Again, I think it is a posture rather than a policy.

Mr. MONROE. I think we may want to come back to some of the questions you have raised, but let me ask you right now about a more specific subject. Do you believe that Israel was in violation of U.S. law when it attacked the Iraqi nuclear reactor using American planes?

Mr. VANCE. I agree with the action taken by the Reagan Administration in condemning the attack on the reactor outside of Baghdad. I also agree with the statement made by Miss Kirkpatrick that the condemnation was warranted because Israel had not exhausted the diplomatic means available to it to ease, do away with, the concerns and fears which understandably Israel has.

I have been one who for many years has been deeply concerned about the security. I worked during my time in the Administration and continue to work to see that that security and wellbeing are protected.

However, I must say that I do not believe that the action was taken, in the longrun, will advance the security of Israel. In the shortrun, it may have an effect. But in the longrun, I think it will not, because one must address the underlying problem, the overriding problem, of the Palestinian issue in the Arab-Israeli conflict. And I think, insofar as addressing that problem is concerned, the action which was taken makes it more difficult rather than more easy.

Mr. MONROE. Mr. Vance, you are a former Secretary of State, also a lawyer. Did Israel violate U.S. law, in your opinion?

Mr. VANCE. That is a determination which the Administration is going to have to make in conjunction with the Congress. And I believe that we should wait until we see what the Administration has to say on this.

Mr. MONROE. Thank you, Mr. Vance. Our reporters on Meet the Presss today are Henry Bradsher of the Washington Star, Jack Rosenthal of the New York Times, and Marvin Kalb of NBC News, regular member of the Meet the Press panel. We'll be back with our questions in a minute.

(Announcements.)

Mr. MONROE. We'll continue the questions for Cyrus Vance with Henry Bradsher.

Mr. BRADSHER. You just referred to the efforts of the Administration when you were Secretary of State to resolve the Arab-Israeli conflict. That led to Camp David which then produced a treaty between Israel and Egypt and further talks which seemed to have bogged down by the time you left office a year ago. Why did that effort bog down and what do you think should be done now to resume the movement on trying to resolve the Arab-Israeli question?

Mr. VANCE. The effort bogged down because I think that all of us would agree that the most difficult issue is the resolution of the Palestinian question. The first step in building a structure toward a Middle East peace was taken in the agreement which was reached between Israel and Egypt on the Sinai and I think it was a very important step. But we will never have a lasting peace until we solve the second half of the problem, namely, the Palestinian question. It is deeply entwined in passions, roots, that run very deep among all the parties to the negotiations.

Having run into difficulties, as one would expect, those had to be put aside pending the Israeli elections. The Israeli elections will soon be held and after that I think it is imperative that the negotiations be resumed and resumed promptly.

Mr. BRADSHER. But are you saying that the talks which came out of Camp David on the Palestinian issue still have some promise, that they still can be pushed and might result in a settlement?

Mr. VANCE. I think they still have some promise and we will have to see what the position of the new Israeli government is as to how they will wish to proceed. As you know, under the current Israeli government, the emphasis was on the autonomy talks. It may well be that if the Labor government comes to power, the emphasis will be shifted from that to discussion of the territorial compromise, in other words, a territorial adjustment of the differences between the parties. So I think one cannot say at this point, until we see who is elected, what the direction of those talks will be.

Mr. MONROE. Mr. Rosenthal?

Mr. ROSENTHAL. Mr. Vance, the Carter Administration put substantial emphasis on human rights and even so, places like Korea and the Philippines turned out to be exceptions. Now the Reagan Administration draws its line between authoritarian governments and totalitarian governments. Is that a tenable distinction and what line would you now draw for establishing human rights policy?

Mr. VANCE. I really do not think that that is a tenable distinction. I find it hard to say that this semantic distinction is going to make it possible to deal more effectively with the human rights problems. I think what we must keep very much in the forefront of our mind is that the issue of human rights is an issue that is international in its nature. This has been recognized by most of the nations of the world, by their signing of various agreements which indicate that they recognize that that is the fact.

Therefore, I think that what we should be doing now is not trying to downgrade the issue of human rights but to continue to have it as a central part of our foreign policy. It is necessary that we keep this issue very much at the forefront of our foreign policy and it is important as to how we are perceived by other nations in this regard.

We ought to stand in the world for human rights and not merely for human rights when human rights is convenient. I would submit, Mr. Rosenthal, that the human rights policy carried out during the Carter Administration, although it had difficulties and problems, was a sound policy and a policy which did have positive effects.

I would point only to the recent statements made by Mr. Timmerman from Argentina who said very clearly that what the United States did in the field of human rights saved thousands of Argentinians from torture and from death.

Mr. MONROE. Mr. Kalb?

Mr. KALB. Mr. Vance, when you quit in April of 1980, were you aware at that time that the U.S. was trying to set up an intelligence sharing operation with the Chinese?

Mr. VANCE. Mr. Kalb, I have made it a practice, always, never to talk about things which relate to U.S. intelligence and I am going to adhere to that now.

Mr. KALB. Okay, then I won't pursue that. Could you—you have just returned recently from Moscow?

Mr. VANCE. Yes.

Mr. KALB. Could you tell us your own view on whether the Soviet Union, according to one line of thought in Washington, anyway, seems to be giving up on the Reagan Administration as a reliable partner in a sense of developing a spirit of cooperation between the super powers?

Mr. VANCE. I think it is a real question in Moscow, as to whether or not there is any possibility of resuming serious negotiations between the Soviet Union and the United States.

And let me say that I do not think that that has been helped at all, indeed, I think it has been hurt by the action which was taken the other day, when it was announced that the United States intends to sell lethal weapons to The Peoples Republic of China.

Mr. KALB. Do you think, sir, that there may be a relationship between that decision and a Soviet increased willingness to intervene in Poland?

Mr. VANCE. Let me first say a word more, if I might, about the decision, and then I'll answer your question.

Mr. KALB. Please.

Mr. VANCE. I think that the decision was needlessly provocative. I think it smacks of bear-baiting rather than dealing seriously with the problems. The purpose of diplomacy is to try and influence action on the part of other parties. I think that the action that was taken in saying that we are going to sell lethal weapons will not have any positive influence with respect to the Soviet Union. Indeed, I think it can have only a negative influence.

What's more, I think that we may end up, having taken this decision, alienating both parties, because it remains to be seen as to how much will actually be sold to the Chinese and we may end up with the worst of both worlds, namely, both parties feeling that a decision has been taken which they are greatly opposed to.

Now, coming back to your question, will it have any effect on Poland? Let me say that I think that that decision reduces any leverage which we may have with the Soviet Union, and therefore I think in that sense it probably does have some effect.

Mr. KALB. Do you think we had any leverage, at this point:

Mr. VANCE. Very little, but some.

Mr. MONROE. Mr. Vance, in the matter of the Polish situation, what would you do about it that the Administration is not now doing? They have issued one warning after another that if the Soviets move in Poland there will be grave troubles over a period of years. What else do you think the Administration could do?

Mr. VANCE. I think the Administration has made it very clear what our policy is with respect to Poland. I do not think there is any misunderstanding about our position insofar as the Soviets perceive it.

Mr. MONROE. Well, you say the Administration has made its policy very clear. A moment ago, you said the Administration had more of a posture than a policy. What would you say to the argument that the kind of posture or policy this Administration has—President Reagan says it is a clear policy and he does not need a speech to make it a policy—what would you say to the argument that their posture is exactly the kind of posture people hoped for, certainly conservatives hoped for, from the Carter Administration, the feeling that the Carter Administration was too weak, did not build up military strength, did not stand up to the Soviet Union?

Mr. VANCE. I believe that the decision as to what happens in Poland will be made and should be made by the Polish people among the three principal groups, Solidarity, Party, and the Church. And I think that for us, at this point, to do anything more, is probably counterproductive. I do think the Soviets understand what we have said we are prepared to do, what the seriousness of this will be, not only insofar as the United States is concerned, but I think they also understand the seriousness of what an intervention would mean to the entire world.

So that at this point, I do not suggest anything else that the United States ought to be doing, at this point.

Mr. MONROE. But to some extent you are reaffirming Administration policy? You are saying they have a clear policy in Poland?

Mr. VANCE. I think it is clear, yes.

Mr. MONROE. Mr. Bradsher?

Mr. BRADSHER. Is there really a policy on arms control, though? We are now four months into the new Administration. When your Administration, when the Carter Administration was two months old, you made new arms control proposals. They didn't get very far, but within four months you had the talks going on the track that led to the 1979 Strategic Arms Limitation Treaty. Now the Administration hasn't even gotten around to formulating a position and is talking about the end of the year. Why is this so difficult? What are the problems now and do you feel that they are dragging their heels as the Soviets accuse them of doing?

Mr. VANCE. I do not believe that they have a policy yet with respect to arms control, and by "they," I mean the current Administration in the United States. And I believe this is bad and unfortunate. I think it is important that we do promptly start discussions with the Soviet Union. The clock is ticking. SALT I has expired, by its terms, even though it is being de facto observed. SALT II has not been ratified. And the pace of development of weapons is proceeding at a rapid pace.

Mr. BRADSHER. Do the Soviets——

Mr. VANCE. If we miss this opportunity to start serious discussions again, we may well find that we have missed it and that time has gone by.

Mr. BRADSHER. Do you feel that the Soviets are sincerely interested in controlling and even reducing armaments or do they want to just somehow stop things where they are with what they now feel is a fairly comfortable position for themselves?

Mr. VANCE. It is awfully hard to say what is in their minds. My own view is that they are seeking rough parity, rough equality, as we have been, and I think negotiations resumed on that basis could make some progress.

Mr. MONROE. Mr. Rosenthal?

Mr. ROSENTHAL. Mr. Vance, in the New York Times last February, you wrote an article advocating reform of the political campaign system, and in the article you wrote, "The long period of highly charged electioneering results in the shelving of some policy decisions until after the campaign. Other decisions may be influenced by the politics of reelection." Doesn't that mean that Jimmy Carter put his reelection ahead of his principles and his policies?

Mr. VANCE. I think that whoever is in office under the current system which we have, with the extended primary system which runs over a period of many months, leads quite naturally to a situation in which difficult decisions are often put aside and not acted on and other decisions are made and are affected by the political winds of the moment. So I think that that happens with whoever happens to be in office. And that's why I believe that one of the imperative problems that we face is the problem of reforming the system so as to shorten it and make it possible to lessen the chance of those kinds of things happening.

Mr. MONROE. Mr. Kalb?

Mr. KALB. Mr. Vance, I'd like to ask you about our relations with Israel for a moment. In light of recent developments, do you feel that the United States should now be seeking, in conjunction with the Congress, the Administration and the Congress, some new definition of that relationship?

Mr. VANCE. I think it is important that we have a clear understanding with Israel as to our objectives and their objectives. I think they should also clearly understand that our commitment to their security is firm and will remain firm. I think they should also understand that it is our belief that it is necessary to have flexibility on both sides if there is to be progress in resolving the remaining issues that have to be resolved.

Mr. KALB. Do you sense that there has been, in recent months and years, an erosion of U.S. support of Israel?

Mr. VANCE. To a degree, there has been some erosion, but I do not think that is permanent. I think it happens from time to time that there are ups and downs in the relationships between our two countries. But I don't think anybody should be misled that there is any lessening in the fundamental friendship and concern in the United States for the wellbeing and security of Israel.

Mr. KALB. Well, one of the Senators on the Foreign Relations Committee said this past week that we ought to be drawing a distinction between our commitment to Israel and our feelings about the leadership of Israel, as though, in a democracy, that were a possible distinction that could be drawn. I was wondering what your own view is on that? Is that a possible distinction? Should one do that?

Mr. VANCE. No. I think it is very hard to do that. I think a country is governed by its leadership and you take it as it is governed by its leadership.

Mr. MONROE. Mr. Vance, the Reagan Administration obviously feels that in certain areas of turmoil, such as in Central America, they can do better than the Carter Administration by coming in more forcefully, with military aid, for example, to forces looked on as friendly to us, such as in Guatemala, the new allocation of trucks, and El Salvador. Do you think they might get better results than you did?

Mr. VANCE. I don't think so. I think that we have to take a very clear and hard look at what the nature of the problem is and what its causes are—and if the causes of the problems are economic, social, and political, and those are the causes that have to be dealt with if you are going to get a solution. If we try to militarize the solution rather than seeking a political solution, we may make it more difficult for the people of El Salvador to achieve a solution. That view is shared by the whole spectrum of Latin American countries, from left to right, and they are the ones who are the immediate neighbors. And I think this is something that we ought to take into account. When we see the whole political spectrum saying to us, from Latin America, this is a political problem, it must be solved as a political problem, we ought to listen.

Mr. MONROE. Thank you, Mr. Vance, for being with us today on Meet the Press. I'll be back in a minute with a look at letters.

(Announcements.)

Mr. MONROE. Next Sunday on Meet the Press, another headline figure in the news will be our guest.

Now, this is Bill Monroe, saying goodbye for Cyrus Vance and Meet the Press.

HIGH INTEREST RATES

Mr. FORD. Madam President, as part of our continuing discussion on high interest rates and the calamitous effect they are having in nearly every segment of our society, I focus on the agricultural sector.

There is no other group whose life and well-being revolves so much around borrowed time and money. Yet, the contribution farmers make is vital to the well-being of the Nation as a whole and that is why something must be done to ease the burden placed on them as the result of continued high costs of credit.

To put their predicament in perspective, let me just tell you about a current situation that exists in my State.

Last summer, a severe drought devastated crops and destroyed livestock over large portions of my State and throughout the South and Midwest. Total agricultural losses exceeded $1 billion in some States and hundreds of counties were declared disaster areas.

In Kentucky alone, agricultural income was reduced by $500 million. Corn and soybean yields dropped 29 percent below 1979 levels.

This year, farmers in a number of areas are experiencing just the opposite problem—too much rain. Several areas of the country have been ravaged by flooding. Farmers have been unable to work their fields because of excess water, and the deadline for planting many crops in hope of harvest is past.

Madam President, I draw attention to these problems of nature because they illustrate just how precarious a farmer's life can be. No matter how efficient, no matter how diligent, and no matter how innovative a farmer may be, all his work may be in vain if nature does not cooperate. For this reason, the farmer faces a most uncertain set of circumstances upon which to make business decisions, and the last thing he needs is the headaches caused by the fluctuation of interest rates.

Until lately, the cost of credit to farmers has been fairly stable. A farmer could plan a yearly budget with a pretty good idea of his expenses, yet even during these times the profit margin for the farmer, especially the small family operation, was razor-thin.

The increased cost of credit in recent months has cut dramatically into that profit margin, if not eliminating that margin entirely.

During stable times, a farmer can meet increased production costs by corresponding increases in productivity.

However, there is no simple way for dealing with the soaring costs of credit. More often than not, the farmer either goes deeper in debt to raise the money necessary to plant his crop, sells his land, or leaves the farm entirely.

As these high interest rates continue, the options available to most farmers—especially smaller operations—dwindle down to the last two I mentioned, and when this happens our country is the poorer for it.

I only hope, Madam President, that we can find a way—and soon—to lift this burden from the back of our farmers before it is too late.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I invite the minority leader's attention to the following statement.

We have cleared on our Executive Calendar the nomination of Daniel J. Terra, of Illinois, to be Ambassador at Large for Cultural Affairs; and Robert I. Brown, of Virginia, to be Inspector General of the Department of State, as well as John J. Knapp, of New York, to be General Counsel of the Department of Housing and Urban Development. I wonder if the minority would be in a position to clear those nominations for consideration at this time?

Mr. ROBERT C. BYRD. Mr. President, the minority has cleared the nominations to which the distinguished majority leader has alluded and, in addition thereto, the nomination of Mr. Lawrence F. Davenport, of California, to be an Associate Director of the ACTION agency and is ready to proceed.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations of Daniel J. Terra, Robert I. Brown, and John J. Knapp.

There being no objection, the Senate proceeded to the consideration of executive business.

DEPARTMENT OF STATE

The PRESIDING OFFICER. The clerk will state the nominations.

The assistant legislative clerk read the nomination of Daniel J. Terra, of Illinois, to be Ambassador at Large for Cultural Affairs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominee was confirmed.

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

The motion to lay on the table was agreed to.

The assistant legislative clerk read the nomination of Robert I. Brown, of Virginia, to be Inspector General of the Department of State and the Foreign Service.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was considered and confirmed.

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

The motion to lay on the table was agreed to.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The assistant legislative clerk read the nomination of John J. Knapp, of New York, to be General Counsel of the Department of Housing and Urban Development.

Mr. GARN. Mr. President, as chairman of the Senate Banking Committee, I am pleased that Mr. John Knapp's nomination as General Counsel of HUD has been brought to the floor today. In the completed questionnaire submitted to our committee, Mr. Knapp disclosed that he was the subject of an SEC investigation while serving as counsel for the National Kinney Corp. He voluntarily supplied the Banking Committee with copies of the complaint and the consent decree which were filed simultaneously by the SEC.

Mr. Knapp was not named as a defendant in the complaint, but the SEC alleged that he made numerous untrue or misleading statements to an official of the American Stock Exchange who was investigating unusual trading activity and price rise in National Kinney stock.

Although the SEC did not proceed with any enforcement action and accepted the filing of a consent decree in which National Kinney agreed to make full and fair disclosure with exchanges in the future, the Banking Committee chose to examine the case in great detail.

Copies of all pertinent pleadings, dispositions, affidavits and documents were obtained from the SEC's investigation file and reviewed with the attorneys from the SEC who had handled the case. Summaries of the case from the SEC and the American Stock Exchange were also obtained.

Two separate hearings were held by the Banking Committee on the nomination—one with Mr. Knapp alone and the other with representatives of AMEX. During these hearings, John Knapp admitted to the committee that he was unaware of his standard of disclosure as outlined in Geon against SEC. He did not understand the distinction between release of information to the public versus disclosure to the listing representative.

Knapp further admitted to AMEX and to the SEC that he had knowledge of business discussions prior to his conversations with AMEX representative. He did not disclose them because he estimated that they would not produce any agreement—indeed, in the final analysis, they did not.

The SEC's position was that John Knapp had a duty to respond fully and fairly to inquiries from its listing exchange. His duty does not depend on the listing representative asking the right question. He must volunteer all information which may have a material impact on the company which a reasonable investor might consider important.

A review of the AMEX contact sheets which were prepared contemporaneously with its employees' conversations reports that Mr. Knapp "stated there was no unannounced corporate developments to account for the activity." Furthermore, the language on the employee's check list read:

> I asked whether or not there were any material corporate developments which have not been announced which might have caused the activity.

So there is some independent evidence to support Mr. Knapp's version of the conversations.

After reviewing materials sent to AMEX by the committee, AMEX responded in a letter that:

> There is no significant difference in the . . . versions of the conversations and events which took place regarding the Kinney stock; rather any inconsistencies appear to rise out of the different interpretations (given) to such conversations and the different views . . . held concerning the responsibilities which flow from such different interpretations.

This was confirmed by testimony at our second hearing.

There is no evidence of any inside trading, profit or potential profit by Knapp or any other official of Kinney. Mr. Knapp should have been more forthcoming with AMEX during his conversations with Digges, and he has admitted such to this committee.

In difficult circumstances, Mr. Knapp was unfamiliar with the full extent of his duty and was mistaken in not openly discussing the possible causes of the unusual trading with AMEX.

His judgment of the speculativeness of the discussions to enter the casino business, however, proved correct, since no agreement was ever reached.

Under the circumstances, the SEC was satisfied with a consent decree that Kinney would make fully fair and accurate statements in communications with the exchange. They did not seek to prove that Mr. Knapp intentionally made untrue and misleading statements of material facts concerning corporate developments. After an extensive review of the case and two separate hearings, a poll of our committee was taken and 14 out of 15 Members voted in favor of confirming Mr. Knapp. After careful consideration, I urge the Senate to confirm Mr. Knapp as General Counsel of HUD.

Mr. PROXMIRE. Mr. President, I have indicated to the leadership my opposition to John Knapp. I certainly will not ask for a rollcall and I am sure he will be confirmed, but I think it is very important that we make a record on this nominee.

This nominee appeared before our committee on Banking, Housing, and Urban Affairs.

My difficulty stems from Mr. Knapp's failure to be forthcoming, as required by law, with American Stock Exchange officials in a matter involving unusual trading in the stock of National Kinney Corp. at a time when Knapp was general counsel of Kinney.

Let me set forth the salient facts briefly. Every company listed on the AMEX signs a listing agreement that is designed to insure a fair and orderly market. The AMEX Co. guide, which is also agreed to by each listed company, states that:

In order to insure such a marketplace, every listed company . . . (must) make available to the public information necessary to informed investing and to take reasonable steps to insure that all who invest in its securities enjoy equal access to such information.

The AMEX agreement and the securities law provide for fuller and earlier disclosure to the AMEX than to the public. This is done in an attempt to balance a corporation's need for privacy in negotiations with the exchange's need for full information in order to regulate trading on its market.

Thus, a company need not disclose information to the public unless that information would be material to a person trading stocks.

On the other hand, a company basically must tell the exchange whatever it knows when asked by the exchange. This requirement is embodied in section 14 of the AMEX listing agreement, which reads as follows:

> The corporation will furnish to the Exchange on demand such information concerning the Corporation as the Exchange may reasonably require.

This dichotomy in disclosing information has been ratified in case law with respect to the antifraud provisions of the Securities Exchange Act of 1934. In the leading case of *S.E.C.* v. *Geon Industries, Inc.*, 351 F. 2d 39, 50 (2d Cir., 1976), the court articulated the greater obligation to provide information to an exchange as follows:

> If the issue here were whether Bloom or Geon violated Rule 10b–5 (issued pursuant to the Securities Exchange Act of 1934) by failing to issue a public statement on February 22, we would agree they did not; there was too great a danger that such a statement would induce selling that might prove to be unwarranted. . . . Gromet (the exchange representative) was not in the position of a stockholder or a registered representative; he was charged with the responsibility of maintaining orderly trading on the exchange on which Geon had listed its shares.

Thus, the court ruled that Bloom and Geon violated rule 10b–5 by not disclosing such information to the exchange official.

In the case at hand, in the fall of 1979, officials of Kinney were discussing the possibility of getting into the casino gambling business.

Although Mr. Knapp was not involved in the negotiations, he appears to have been generally kept informed as to their progress. All of a sudden, on September 17, there was dramatic unexplained movement in the stock. After an average daily volume of trading on NKC of about 7,000 shares a day for the prior 50 days, the volume shot up to 85,311.

On September 18, after the volume soared to 107,500 and the price moved up 50 percent over the price of 2 days before, Mrs. Juanita Diggs, of the AMEX called Mr. Knapp to see if he could explain the movement.

Mr. Knapp, who had been the principal spokesman for Kinney in responding to such inquiries since 1971 and was their general counsel, told her that he knew of no corporate developments that could account for the sudden change in trading and price. He told her this even though he was aware that Kinney had been investigating getting into the gambling business for several months.

On September 24—when the volume soared to 134,000—mind you, this was stock that normally traded at 7,000 shares a day—they had 134,000 shares traded after several days of more moderate trading, its price reached $3⅝, up 75 percent over September 14—Mrs. Diggs again called Mr. Knapp and he again repeated that he had no knowledge of events that could account for the changes.

Finally, on September 28—after volume reached 129,600 and the price reached $5, an increase of 150 percent over September 14—Mrs. Diggs called Mr. Knapp once again and, this time, he finally requested a halt in trading.

Thereafter, the SEC initiated an investigation in this matter to determine if Mr. Knapp had violated section 10b–5 of the Securities Exchange Act by failing to disclose to the American Stock Exchange the information he had at the time of Kinney's entry into the casino gambling business.

In his deposition to the SEC, Mr. Knapp testified that he felt that the negotiations were too preliminary to reveal, particularly in light of the fact that Mrs. Diggs was unaware of any rumors on the AMEX floor. But the company guide clearly states that a company must make inquiries to determine whether rumors or other conditions exist requiring corrective action, and Mr. Knapp's inquiry of Mrs. Diggs hardly fulfills this standard. As Lee Cutrone, assistant vice president of the AMEX testified on June 11, 1981, before the Committee on Banking, Housing, and Urban Affairs:

> We recognize a company's right to negotiate in private, and we're as concerned about making preliminary announcements as anybody else. The point is when the market seems to be reacting, the question is how private are those negotiations and do we need some kind of announcement. Or in absence of an announcement, should trading be going on.

Ultimately, the SEC and Kinney settled the matter with a consent order. In the SEC complaint, which the company neither admitted nor denied in the consent order, the SEC charged that—

> Mr. Knapp made numerous untrue statements of material facts and omitted to state material facts, necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading concerning, among other things, corporate developments of Kinney . . .

Obviously, as Mr. Knapp admitted at the June 11 hearing, the SEC does not issue consent orders unless it feels there is a need for one and in this case the SEC did not feel that his answers to Mrs. Diggs met at the necessary legal standards.

In his testimony before the committee, Mr. Knapp contended that he was not aware of the Geon case and that he did not tell Mrs. Diggs about the negotiations during their first two conversations because the negotiations were in a preliminary state that he felt did not rise to the level of materiality necessary to make public disclosure. In fact, Mr. Knapp's assessment of the negotiations proved correct as there was no final agreement. But this is not the point. The point is that Mr. Knapp had a different obligation to disclose information to the Exchange than he had to disclose to the public—one based upon the Amex's responsibility to run a fair and orderly market—and he failed to meet that obligation. His explanation as to why he called for a halt in the trading during the third conversion—that the price was too high and people could get hurt—applied almost equally at the time of the second conversion. People probably did get hurt because of Mr. Knapp's failure to disclose this information earlier.

The SEC officials who investigated the case believed—as indicated by the complaint—that Mr. Knapp consciously made numerous untrue statements of material facts to the AMEX representative.

I repeat: This man, who has been nominated to be general counsel of the Housing and Urban Development Agency, one of the largest agencies in our Government, with a multibillion budget and thousands of employees, was found by the SEC to have consciously made numerous untrue statements of material facts to the AMEX representative.

Mr. Knapp need not have feared that the AMEX might reveal information about the negotiations publicly which would undermine them. Amex officials testified at our hearings that they could have done other things to protect the investors than disclose the information about the gambling negotiations. These other actions could have protected both the integrity of the market and the privacy of the negotiations.

In short, I believe that Mr. Knapp protected his company at the expense of his statutory obligation to the public. This is what concerns me. How will he respond as a public official, particularly as one whose obligations go well beyond his "clients," the Reagan administration, to Congress and the public at large?

On the basis of the record, I have my doubts, Mr. President, I hope I am wrong about Mr. Knapp. He has the intelligence to do a good job as general counsel of HUD. If he takes his experience to heart and responds forthrightly and openly to inquiries from Congress and the public, he will make a valuable contribution to his own growth and to HUD.

I believe this matter is so serious that it should be called to the attention of the full Senate aloud, which I have done today. I hope, as I have said, Mr. Knapp will take this to heart, because this kind of coverup is precisely what got this country into difficulties a few years ago.

Mr. BAKER. Mr. President, I know of no further debate on this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of John J. Knapp, of New York, to be General Counsel of the Department of Housing and Urban Development?

The nomination was confirmed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

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

LEGISLATIVE SESSION

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

There being no objection, the Senate resumed the consideration of legislative business.

ORDER FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I announce, for the benefit of Senators, that it now appears that we are in the final moments of preparation for proceeding to the consideration of the budget reconciliation bill. Certain items are still in preparation—or, rather, certain revisions are being undertaken to conform the request I will make shortly, with the understanding of all parties.

While we are waiting for that, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, not to exceed 10 minutes, in which Senators may speak.

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

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 9 a.m. tomorrow.

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

REVISION OF ORDERS FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BAKER. Mr. President, are there special orders for the recognition of Senators tomorrow?

The PRESIDING OFFICER. There are.

Mr. BAKER. Will the Chair apprise me of the names and the times allocated to the Senators?

The PRESIDING OFFICER. Fifteen minutes each to Senators BOREN, BENTSEN, ROBERT C. BYRD, CRANSTON, CHILES, SASSER, MELCHER, PRYOR, BAKER, and STEVENS.

Mr. HOLLINGS. Mr. President, will the distinguished majority leader add 5 minutes for me?

Mr. BAKER. I am about to ask unanimous consent, I say to the Senator from South Carolina, to reduce the time ordered for Senators under the special orders. I will be glad to provide 5 minutes for the Senator, and I will assure him that I will yield it to him out of my time, if I may do that.

Mr. HOLLINGS. Surely.

Mr. BAKER. First, Mr. President, I ask unanimous consent that the time allocated to the Senator from Alaska (Mr. STEVENS) and the Senator from Tennessee (Mr. BAKER) be reduced from 15 minutes to 10 minutes each.

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

Mr. BAKER. I ask unanimous consent that the time allocated to the eight Senators who precede us on the list—I have discussed this with the minority leader—be reduced pro rata, so that the time equals 60 minutes. I believe that will be 7½ minutes each.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object—and I shall not object—this request, I am told by staff—at my request to staff—has been cleared with Senator BOREN and the Senators who are in league with him, so that the reduction by half—namely, to 7½ minutes for each Senator—is agreeable.

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, shortly, I will request that the Senate grant an order to proceed to the consideration of the budget reconciliation bill at 10:30 a.m. tomorrow. However, until the final details and amendments are completed and a unanimous-consent request is agreed to, I will withhold that request.

For the moment, once again, 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. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER REDUCING THE TIME OF THE LEADERSHIP UNDER THE STANDING ORDER

Mr. BAKER. Mr. President, I have conferred with the distinguished minority leader on this. I ask unanimous consent that on tomorrow the time allocated to the two leaders under the standing order be reduced to 1 minute each.

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

ORDER ASSIGNING THE CONTROL OF TIME UNDER SPECIAL ORDERS

Mr. ROBERT C. BYRD. Mr. President, while the distinguished majority leader is on the subject of special orders for in the morning, is he agreeable to getting an order to the effect that the 1 hour which is to be divided among eight Democratic Senators be under the control of Mr. BOREN?

Mr. BAKER. Yes.

Mr. President, I am pleased to do that.

I ask unanimous consent that the hour allocated to eight Senators under special orders tomorrow be aggregated and assigned to the control of the distinguished Senator from Oklahoma (Mr. BOREN), and I ask unanimous consent as well that the 20 minutes allocated to the two Senators on this side be aggregated and assigned to the control of the Senator from Alaska (Mr. STEVENS).

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

INTERNATIONAL RECORD CARRIER COMPETITION ACT OF 1981

Mr. BAKER. Mr. President, I am told that there is clearance on both sides of the aisle to proceed now to the consideration of Calendar Order No. 37, S. 271, the Western Union bill. I inquire of the minority leader if he is prepared to proceed to that at this time.

Mr. ROBERT C. BYRD. Mr. President, I am so prepared.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 37, S. 271.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 271) to repeal section 222 of the Communications Act of 1934.

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

UP AMENDMENT NO. 170

(Purpose: To clarify certain provisions relating to international record carriers)

Mr. BAKER. Mr. President, I send to the desk an amendment by the distinguished Senator from South Carolina (Mr. THURMOND) and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. THURMOND, proposes an unprinted amendment numbered 170.

Mr. BAKER. 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 2, strike lines 1 through 7 and substitute the following:

"SEC. 3. In addition to its responsibilities pursuant to the Communications Act of 1934, the Federal Communications Commission shall require domestic telegraph carriers to provide communications facilities to any international telegraph carrier which makes a reasonable request for such services or facilities upon terms and conditions which are just, reasonable, equitable, nondiscriminatory, and in the public interest.

"SEC. 4. Nothing in the Communications Act of 1934 shall be construed to prohibit the entry of international record carriers into the domestic market, and the Federal Communications Commission is directed to act expeditiously upon all applications filed by international record carriers to provide domestic telex service pursuant to the Communications Act of 1934.

"SEC. 5. The Federal Communications Commission shall exercise its authority under the Communications Act of 1934 to continue oversight over the establishment of just, reasonable, equitable, and nondiscriminatory distribution formulas for unrouted outbound telegraph or record traffic and the division of revenues. This provision shall cease to have any force or effect at the end of the three year period beginning on the date of enactment of this Act.

"SEC. 6. Notwithstanding any other provision of law, the Federal Communications Commission shall not be authorized to act upon any application to provide international telegraph or record service which is filed by a domestic telegraph carrier pursuant to the Communications Act of 1934 until 120 days after the date of enactment of this Act."

Mr. THURMOND. Mr. President, I am pleased to lend my support to S. 271, the International Record Carrier Competition Act of 1981. I believe that with the amendments I offer today, it is a much improved bill, and one to which I feel I can lend my support.

As you know, Mr. President, the Committee on the Judiciary has initiated a series of hearings on the issue of monopolization and competition in the telecommunications industry. In the first of those hearings, we addressed the competitive impact of Western Union's entry into international markets. We took extensive testimony and developed what we consider to be a thorough record and examination of the issues. As a result of this hearing, I have concluded that S. 271 is a commendable move in the direction of deregulation, a goal which I wholeheartedly support. The amendments that are offered today are designed to support that goal by helping to foster competition in international and domestic record services.

The amendments provide a new section 3 to S. 271. This provision recognizes the Commission's obligations under the Communications Act to insure Western Union's interconnection with the international record carriers. This new section adds further emphasis to Congress' insistence that the Commission act to insure that the international carriers are provided adequate interconnection on fair, reasonable, equitable, and nondiscriminatory terms. This section is not meant to go beyond the existing provisions of the Communications Act, but is intended to reinforce the standards set in it.

The new section 4 reflects a concern raised during our hearings that the FCC has failed to act upon pending domestic telex applications, filed by international record carriers. This troubles me, Mr. President. Entry by these carriers into the domestic market would serve to promote competition both domestically and internationally. I do not believe that the FCC should authorize entry by Western Union into international markets without permitting entry by the international carriers into the domestic record market.

The new section 5 simply reiterates Congress' concern that the FCC continue to oversee the formula by which unrouted international messages are distributed, and revenues divided. This is the formula by which Western Union is required to distribute unrouted traffic to each international record carrier in proportion to the routed traffic that each international record carrier generates. FCC oversight must always result in a formula that is just, reasonable, equitable, and nondiscriminatory. This provision shall cease to have any force or effect at the end of the 3-year period beginning on the date of enactment of this act.

Finally, a new section 6 reflects the concern that the present position of Western Union in the domestic market not provide it any unfair advantages when section 222 is repealed. This section seeks to assure that the international carriers will have an opportunity to get a "head start" before Western Union is released by the FCC into the international arena. Thus, the amendments provide that the FCC must wait 120 days before acting upon any application filed by Western Union to enter the international record market.

In order to give full force to the spirit of the 120 day head start, the FCC is administered to actively utilize this period to move quickly on the applications filed by the international carriers to provide domestic telex service. It seems likely that 120 days is not an adequate time period for the international carriers to overcome Western Union's domestic competitive advantage, but it will be totally ineffectual if through regulatory delay, there is no effective period at all.

There is one final point that I would like to clarify. There has been some concern expressed by international carriers that other legislation under consideration by the Commerce Committee affecting the domestic common carrier industry would repeal provisions of the Communications Act that affect international telecommunications. I have been assured by the Commerce Committee that neither S. 898, the Telecommunications Competition and Deregulation Act of 1981, nor any other legislation which they are considering at this time, will affect international telecommunications issues in any way that will interfere with the substantive safeguards provided in S. 271, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee on behalf of the Senator from South Carolina.

The amendment (UP No. 170) was agreed to.

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

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

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 271), as amended, was passed, as follows:

S. 271

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 "International Record Carrier Competition Act of 1981".

SEC. 2. Section 222 of the Communications Act of 1934 is repealed.

SEC. 3. In addition to its responsibilities pursuant to the Communications Act of 1934, the Federal Communications Commission shall require domestic telegraph carriers to provide communications facilities to any international telegraph carrier which makes a reasonable request for such services or facilities upon terms and conditions which are just, reasonable, equitable, nondiscriminatory, and in the public interest.

SEC. 4. Nothing in the Communications Act of 1934 shall be construed to prohibit the entry of international record carriers into the domestic market, and the Federal Communications Commission is directed to act expeditiously upon all applications filed by international record carriers to provide domestic telex service pursuant to the Communications Act of 1934.

SEC. 5. The Federal Communications Commission shall exercise its authority under the Communications Act of 1934 to continue oversight over the establishment of just, reasonable, equitable, and nondiscriminatory distribution formulas for unrouted outbound telegraph or record traffic and the division of revenues. This provision shall cease to have any force or effect at the end of the three-year period beginning on the date of enactment of this Act.

SEC. 6. Notwithstanding any other provision of law, the Federal Communications Commission shall not be authorized to act upon any application to provide international telegraph or record service which is filed by a domestic telegraph carrier pursuant to the Communications Act of 1934 until one hundred and twenty days after the date of enactment of this Act.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

OMNIBUS RECONCILIATION ACT OF 1981

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 171, S. 1377, a bill to provide for reconciliation pursuant to title III of the first concurrent resolution on the budget for fiscal year 1982.

Further, Mr. President, I ask that today no action be taken relative to S. 1377, except for the disposition of a so-called leadership amendment to strike extraneous subject matter from the bill, that such amendment be the only amendment in order today, and that the amendment not be divisible; further, Mr. President, that the time on the leadership amendment and on all other amendments in the first degree be reduced to 1 hour; that the time on all amendments in the second degree, debatable motions, appeals, points of order, if submitted, be reduced to one-half hour, and that no unanimous-consent agreement relative to these reductions or any other time limitations on amendments be deemed to waive the germaneness requirements imposed for a reconciliation bill under the Budget Act.

Further, Mr. President, I ask that at no later than 10:30 a.m., tomorrow, June 23, 1981, the Senate resume consideration of S. 1377.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1377) to provide for reconciliation pursuant to title III of the First Concurrent Resolution on the budget for fiscal year 1982 (H. Con. Res. 115, Ninety-seventh Congress).

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

UP AMENDMENT NO. 171

Mr. BAKER. Mr. President, I send to the desk a leadership amendment cosponsored by the distinguished minority leader and me, the distinguished chairman of the Budget Committee, Senator DOMENICI, and the ranking member, Senator HOLLINGS.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for himself, Mr. ROBERT C. BYRD, Mr. DOMENICI, and Mr. HOLLINGS, proposes an unprinted amendment numbered 171.

Mr. BAKER. 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 146, delete lines 24 through 37.

On page 165, delete everything beginning on line 23 through and inclusive of page 168, line 19.

On page 183, delete lines 11 through 35.

On page 184, delete lines 24 through 35.

On page 288, delete lines 27 through 31.

On page 322, delete lines 30 through 34.

On page 170, on line 9, strike the phrase, ", nor may there be obligated budget authority,".

On page 170, strike line 10, beginning with the word "nor" and continuing through "$1,298,813,000".

On page 171, on line 23, strike the phrase ", nor may there be obligated budget authority,".

On page 171, on line 24, strike the phrase "nor shall outlays be in excess of $23,000,000,".

On page 169, line 5, strike beginning with the second comma and continuing through the end of the sentence and insert "in excess of $1,590,000."

On page 171, strike lines 29 through 30, beginning with the word "nor" and ending with the word "authority" and insert in lieu thereof, "budget authority".

On page 172, strike lines 9 through 10, beginning with the word "nor" and ending with the second "$5,000,000", and insert in lieu thereof, "in excess of $5,000,000".

On page 172, strike lines 24 through 25, beginning with the word "nor" and ending with "$8,523,293,000", and insert in lieu thereof, "in excess of $8,762,069,000".

On page 184, strike lines 15 through 16, beginning with the word "nor" and ending with the word "$36,387,000" and insert in lieu thereof, "in excess of $31,552,000."

On page 184, strike lines 1 through 2, and insert in lieu thereof "in excess of $21,038,000."

On page 182, strike lines 22 and 23, beginning with the word "nor" and ending with "$4,518,601,000", and insert in lieu thereof, "in excess of $3,881,224,000".

On page 188, strike lines 20 through 22, and insert in lieu thereof:

"(d) Notwithstanding any other provision of law, there is authorized to be appropriated not to exceed $322,000,000 for fiscal year 1981 for programs of the Economic Development Administration."

On page 188, strike lines 26 through 29 and insert in lieu thereof:

"(b) Notwithstanding any other provision of law, there is authorized to be appropriated not to exceed $22,833,000 for fiscal year 1981 to the Secretary of Commerce for programs for regional development."

On page 186, strike lines 29 through 36.

On page 189, strike lines 9 through 12 and insert in lieu thereof:

"(b) Notwithstanding any other provision of law, there is authorized to be appropriated for fiscal year 1981 not to exceed $14,700,000 to the President for area development programs of the Appalachian Regional Commission."

On page 189, strike lines 14 through 19.

On page 75 strike lines 38 through 40 and insert in lieu thereof,

"SEC. 323–12. Notwithstanding any other provision of law, the authorizations for programs and activities administered by the Secretary for Housing and Urban Development in fiscal year 1981 are reduced by $5,552,000,000".

On page 181, strike lines 31 through 32, beginning with the word "nor" and ending with the word "be".

Mr. BAKER. Mr. President, with the reconciliation bill now before us, the Senate stands at the edge of an enormous legislative achievement. This measure responds to the demands of the American electorate that Federal spending be contained and controlled. It answers affirmatively the strong majority of voters who want the size of Government to be reduced. It is a vigorous, positive reply to the mandate of 1980.

Such a redirection is long overdue. And reconciliation is an appropriate mechanism for that purpose. Without a reconciliation process, the changes set forth in this bill would have been delayed, diluted, or would never have occurred.

Reconciliation is a means of looking at those changes in a total package rather than in a series of separate bills whose spending and programmatic implications are considered in isolation of one another. Packaging these measures provides a necessary coherence to our policy redirection. Without reconciliation, neither packaging nor coherence would have been possible.

Aside from its salutary impact on the budget, reconciliation also has implications for the Senate as an institution. So long as a preponderance of its subject matter has a budgetary impact, a reconciliation bill could contain nonbudgetary amendments to substantive law, and still be protected under the Budget Act. That notwithstanding, I believe that including such extraneous provisions in a reconciliation bill would be harmful to the character of the U.S. Senate. It would cause such material to be considered under time and germaneness provisions that impede the full exercise of minority rights. It would evade the letter and spirit of rule XXII.

It would create an unacceptable degree of tension between the Budget Act and the remainder of Senate procedures and practice. Reconciliation was never meant to be a vehicle for an omnibus authorization bill. To permit it to be treated as such is to break faith with the Senate's historical uniqueness as a forum for the exercise of minority and individual rights.

For principally these reasons, I have

labored with the distinguished minority leader, with the chairmen and ranking minority member of the Budget Committee, and with other committee chairmen to develop a bipartisan leadership amendment. This amendment will strike from the bill subject matter which all these parties can agree is extraneous to the reconciliation instructions set forth last month in House Concurrent Resolution 115. What will remain in the bill is directly responsive to these instructions, has a budgetary savings impact, and plainly belongs in a reconciliation measure.

The reconciliation bill which remains will strike the proper balance. It will make use of a controlled and expedited procedure to advance with coherence a budget package, and it will do so with due respect shown for the institutional concerns of the Senate. It will meet the requirements of the American people for prompt and substantive action, while avoiding the kind of overreaching that could have damaged the Senate and the budget process.

May I add, Mr. President, that I wish to extent my deep appreciation to the distinguished minority leader, the distinguished ranking minority member of the Budget Committee, the distinguished chairman of the Appropriations Committee, to the distinguished chairman of the Budget Committee, the chairman of the Energy Committee, and to other committees that have been most directly involved in this effort.

Mr. President, I believe it is in the very best traditions of the Senate that we strive on a bipartisan basis to try to make this system work rather than to try to make it fail to work.

I believe it is a good job. It is a full bipartisan effort to accomplish a stated purpose. I congratulate all Senators for their participation, and express my personal appreciation for their support and assistance.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. I yield to the distinguished minority leader.

Mr. ROBERT C. BYRD. Mr. President, if the reconciliation bill is adopted in its present form, it will do violence to the budget reform process. The reconciliation measure contains many items which are unrelated to budget savings. This development must be viewed in the most critical light, to preserve the principle of free and unfettered debate that is the hallmark of the U.S. Senate.

The Congressional Budget and Impoundment Control Act of 1974 is a forward-looking measure that provides the Congress with the means to discipline itself with respect to Federal spending. Developed by former Senators Muskie and Bellmon, the budget process had been finely tuned by their successors, the distinguished Senator from New Mexico (Mr. DOMENICI) and the distinguished Senator from South Carolina (Mr. HOLLINGS.)

I have a personal familiarity with the Budget Act. I was chairman of the Rules Subcommittee of the Committee on Rules and Administration when the act was conceived. That subcommittee spent a great deal of time closing the loopholes in the nascent budget process. And I believe that we were successful in making the reconciliation process tightly restrictive. The provisions in the Budget Act that spell out the reconciliation process allow the Senate to make difficult decisions on Federal spending.

The ironclad parliamentary procedures governing the debate of the reconciliation measure should by no means be used to shield controversial or extraneous legislation from free debate. However, language is included in the reconciliation measure that would enact routine authorizations that have no budget impact whatsoever. In other cases, legislation is included that makes drastic alterations in current policy, yet, has no budgetary impact.

These gratuitous additions to the money-saving provisions of the reconciliation bill constitute a violation of the intent and spirit of the budget process, and impose a strain on the most important rules of this legislative body.

One practical effect of the extraneous language is to bypass the normal legislative process. The tried-and-true process of hearings, markups, floor debate, and floor amendment would be thrown into a cocked hat.

The authorizing committees would simply load their legislation willynilly on to each year's reconciliation bill. Such measures would be insulated from troublesome amendments, from the possibility of lengthy debate or a filibuster, and the chairmen and ranking members and the members of the Budget Committee would be helpless because that committee has no authority to add to or take away from the recommended revisions of the bills that are submitted to the Budget Committee by the authorizing committee.

The reconciliation bill, if it includes such extraneous matters, would diminish the value of rule XXII. The Senate is unique in the way that it protects a minority, even a minority of one, with regard to debate and amendment. The procedures that drive the reconciliation bill set limits on the normally unfettered process of debate and amendment, because policy matters that do not have clear and direct budgetary consequences are supposed to remain outside its scope.

The integrity of the budget process in the future is not bright if the Senate allows the process to be subverted in this fashion. What controversial measure will not be viewed as a future candidate for inclusion in a reconciliation bill? Perhaps a wholesale reform of the election process will find its way into reconciliation legislation or a major reorganization of the executive branch.

Under those circumstances, the legislative process could become an abomination. The rights of the minority and of each Senator would be trampled. It is not a strictly partisan minority that would be injured. It may well be that a regional minority of Senators is threatened with some bill that would do great harm to their area of the country. Should that be included in reconciliation, they would be powerless to stop or even slow its enactment. And the public would have even less chance to comment on the extraneous provisions, as the hearing process is short circuited by these procedures.

Amendments to the reconciliation bill are sharply limited. A single Senator, or a minority of Senators, would find it difficult to go through a giant reconciliation bill piecemeal and remove extraneous language during the 20 hours to which the bill is limited.

Therefore, I strongly believe that the Senate as an institution should take pains to avoid this pitfall. While it may seem convenient to circumvent the usual legislative process, I can think of no surer way to cause intolerable strains on the ability of the budget process to function efficiently and wisely. For that reason, I am cosponsoring a bipartisan amendment with the majority leader to delete some of the extraneous language from the reconciliation bill.

Another disturbing aspect of this reconciliation bill is the obligation limitations, many of which will have the effect of rescinding funds already appropriated, without benefit of the normal rescissions process. The caps on obligations might be called legislative impoundments. Even though the Congress has appropriated funds through the regular process, the obligation limitations prevent an agency from spending the money.

Obligation limitations of this kind essentially undo congressional appropriations action without adequate opportunities for debate and amendment. If Congress has appropriated certain funds, or made a rescission that is not as large as the administration has requested, the obligation limits provide OMB with impoundment authority. An appropriation or rescission is normally made only after extensive hearings and markups by the Appropriations Committees of both sides, followed by ample floor debate and amendment. The obligation caps that impound funds have been included in reconciliation without much notice or fanfare.

As a member of the Appropriations Committee, I am not sanguine about the use of a technique that would ratify an administration's rescission requests in a way that circumvents the normal and appropriate rescissions process. The Congress made a number of decisions in the newly enacted supplemental appropriations and rescissions bill that are undermined completely by obligation limitations in the reconciliation bill.

The strain of imposing backdoor rescissions and impoundments, when added to the blow to the legislative process and Senators' rights caused by the inclusion of many nonbudgetary matters in reconciliation bills, can cause the ultimate demise of the budget process. It will transform the legislative process and the budget process with it into a fiction and an empty exercise. It will reduce the rights of each Senator, particularly those in a minority. Rule XXII governing cloture will become a sham. The principle of free debate and unlimited amendment will be discarded.

We must avoid practices that will plunge the Senate into an exercise in irresponsibility. We must maintain the integrity of the budget process and of the U.S. Senate.

The amendment offered by the majority leader and me omits several nonbudget related authorizations which should also be stricken from this bill. The fact that they were not included in the amendment should not be construed as accepting their inclusion in the bill. Negotiations are currently proceeding on these items, which include several communications deregulation provisions from the Commerce Committee, and a long list of housing provisions from the Banking Committee.

I expect that, at some point, there will be an effort to strike these items from the bill as well.

I congratulate the distinguished majority leader on the concern that he has expressed and on his efforts to remove from this bill the nonbudgetary items to which I have referred and to which he has referred. It was our hope that we could include other items that, for the moment, are not in our amendment.

I know that he shares with me the concern that the budget process may be undermined by this approach. I compliment him on the efforts that he is making to protect that process.

We have gone as far as we can go in this amendment, but we have not gone as far as we should go. That is not the fault of the majority leader, nor anyone in particular that I would want to single out. But it is something that we are going to have to give our closest attention to because, while it may be a convenience for any particular Senator today, or group of Senators or for any particular special interest in the country, to have a certain provision in this rescission bill, it may be that their ox will be gored the next time around and then it will not be so convenient for them, nor will it bode well for the budget process.

I thank the distinguished majority leader.

Mr. BAKER. I thank the minority leader.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, S. 1377, the Omnibus Reconciliation Act of 1981, is an historic piece of legislation. This bill will achieve the largest budget savings of any bill considered by this body.

This reconciliation bill represents the combined efforts of 13 Senate committees which have labored mightily over the past several weeks. These committees have reported savings in budget outlays of $1.6 billion in fiscal year 1981, $39.6 billion in fiscal year 1982, $46.1 billion in fiscal year 1983, and $54.0 billion in fiscal year 1984. In total, the savings in this bill will lower Government spending during the next 4 years $141.1 billion below what it would be without the changes in law included in S. 1377.

The bill before us was mandated by the first budget resolution, House Concurrent Resolution 115. That resolution noted the need to control Federal spending by invoking the reconciliation procedures contained in the Budget Act. The reconciliation provision of the first budget resolution instructed these 13 Senate committees to report changes in laws to achieve savings of $1.5 billion in fiscal year 1981, $35.2 billion in fiscal year 1982, $46.4 billion in fiscal year 1983, and $55.7 billion in fiscal year 1984. Over the 4-year period, the instructions required savings of $138.9 billion.

All of the committees deserve credit, Mr. President, for reporting savings which, in total, exceed the instructions by $2.3 billion over the fiscal year 1981 through 1984 period. These figures exclude the Appropriations Committee, which has already achieved its savings.

Mr. President, before proceeding further, let me note how far the Congress has come in the past year in controlling Federal spending. Last year, very few people thought the Congress was serious about controlling spending. In fact, until last year, reconciliation was an unknown word. There were those who said it would not work. But we made it work. We took an untried theory and turned it into a practical means for reducing Federal spending. In that first effort, the Congress, controlled by Democratic majorities in both Houses, I might add, passed the first reconciliation bill, saving over $6 billion in spending that otherwise would have occurred.

I am pleased that the Republicans have taken up where the Democrats left off. Along with the distinguished chairman of the Budget Committee, Senator DOMENICI, I cosponsored the original reconciliation resolution this year, Senate Concurrent Resolution 9 which was introduced on February 24, 1981. At that time I said that reconciliation will show that Congress has the will to cut spending. The bill before us now proves that the Congress does, indeed, have that will. We have heard the cries of the people for reduced spending, for cuts in Government programs, and we have responded. There can be no clearer sign of our desire to reduce Government spending than passing S. 1377.

It should be noted that all of the Senate committees have worked diligently on this bill. This bipartisan effort has produced a bill which, in total, exceeds its savings instructions. The chairman and ranking minority members deserve special credit for their efforts.

Especially deserving of credit is the chairman of the Budget Committee. Through his perseverence and tireless efforts, the Senate has before it a historic bill.

From my experience as chairman of the Budget Committee during the reconciliation process last year, I can assure the Senate that the chairman's task is not a small one. This bill is a tribute to the chairman and to the bipartisan spirit which has characterized the work of the Budget Committee and staff on this reconciliation bill.

While the bill exceeds its overall targets, I am concerned that some committees did not make the changes that are necessary to achieve their required savings in future years. The greatest shortfall is in the Governmental Affairs Committee, whose legislation falls short of its instruction by a total of $10.8 billion in fiscal years 1983 and 1984. I will support any amendment to rectify this shortcoming.

In summary, Mr. President, this bill is necessary if we are to reduce Government spending, lower the Federal deficit, and improve the economy. The bill is not a cure-all by itself, but it is an important and necessary step, and one that I fully support.

It is quite a task to consider these measures under limited time and still get specific issues resolved in order to come up with these savings. I again commend the committees and their chairmen and ranking members.

When the committees reported their legislation to the Budget Committee, we immediately noted that some of the committees had succumbed to the temptation of including in reconciliation authorizing legislation that had no budgetary connection whatsoever. In some cases not only did it yield no reduction in the budget, but, in some instances, it infringed upon the jurisdiction of other committees, especially, the Appropriations Committee. The Budget Committee unanimously agreed upon this language in reporting the bill:

> The Budget Committee believes that the inclusion of non-budgetary provisions in the Reconciliation bill is inconsistent with the spirit and letter of the Budget Act, damages the credibility of the Budget process, and could have the effect of circumventing rule XXII of the Standing Rules of the U.S. Senate. The Committee, therefore, has authorized the Chairman and Ranking Member to consult with the Chairmen and Ranking Members of committees which have submitted legislation, and with the Leadership, to identify any clearly extraneous matter in the bill, and to reach an agreement on any amendments which may be necesary to eliminate such matter from this bill. The Committee recommends that such amendments as agreed upon be adopted by the Senate.

This evening, Mr. President, I wish to thank our distinguished majority leader and our distinguished minority leader on their leadership in this particular score.

They, by introducing this amendment to strike clearly extraneous matter from the bill, are setting a precedent which will preserve the integrity of the U.S. Senate. The amendment shows the Senate's commitment not have any provisions in a reconciliation bill that contain no reconciliation connection, do not achieve budget savings or infringe upon another committee's jurisdiction.

We have eliminated provisions from several committees—save those pointed out by the minority leader just a moment ago—that should not be in reconciliation. In the instance of the Banking Committee it should be noted that the housing bill passed the U.S. Senate in the last 2 weeks. That is why we are negotiating on whether it is extraneous matter or not.

Let there not be any question about the position of the U.S. Senate on these matters. We are setting this precedent with respect to clearly extraneous matter so that the reconciliation process is not abused and the credibility of the budget process damaged.

I thank Senator BAKER and Senator BYRD. They have been working around the clock.

Having handled one of these reconciliation bills myself—between eight committees and some $8 billion—I appreciate the difficulty of trying to reconcile the approaches taken by 13 different committees and with that taken by the Appropriations Committee—which has already achieved its savings. To go through each of these items, is not easy and the chairman of the Budget Committee, Senator DOMENICI, has done a magnificent job. He deserves the gratitude of all of us in the Senate for his working this matter out and bringing the bill to the Senate.

I wholeheartedly join with the majority leader and the minority leader on this consent agreement so that we establish the precedent of not using the budget process, particularly the reconciliation process, in an incorrect fashion.

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

The amendment (UP No. 171) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I thank the distinguished ranking minority member of the committee and the former chairman of the committee who has had so much to do in making it possible to reach this point in our consideration.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from South Carolina (Mr. HOLLINGS) and commend him on the diligence he has shown in this respect and the concern that he has expressed with regard to the inclusion of the nonbudgetary matters in this bill. He has zealously guarded the integrity of the budget process. I know it is with great concern that he views what is happening here.

I wish to personally express my own gratitude to him for the service he has rendered. The Senate is in his debt.

The PRESIDING OFFICER. The distinguished majority leader is recognized.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, is there an order for the convening of the Senate on tomorrow?

The PRESIDING OFFICER. There is an order to convene the Senate at 9 a.m.

Mr. BAKER. Mr. President, I know of no further business to come before the Senate today.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, the Senate will convene at 9 a.m. There is a series of special orders which will end at 10:20 a.m. It is the intention of the leadership at that time, or prior thereto if circumstances dictate, to provide for a reasonable period for the transaction of routine morning business.

Under the order previously entered, the Senate will resume consideration at 10:30 a.m. of S. 1377, the reconciliation bill. It is expected that there will be several votes during the day tomorrow.

It is also expected that the Senate will be in reasonably late tomorrow in order to try and complete action on this measure before the Senate goes into recess for the Fourth of July period.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BAKER. Mr. President, if there be no further business to come before the Senate, 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 the Senate, at 7:16 p.m., recessed until Tuesday, June 23, 1981, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 22, 1981:

AGENCY FOR INTERNATIONAL DEVELOPMENT

W. Antoinette Ford, of Michigan, to be an Assistant Administrator of the Agency for International Development, vice Joseph Coolidge Wheeler.

Francis Stephen Ruddy, of Texas, to be an Assistant Administrator of the Agency for International Development, vice Goler Teal Butcher, resigned.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

William E. Mayer, of California, to be Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, vice Gerald L. Klerman, resigned.

VETERANS' ADMINISTRATION

Robert P. Nimmo, of California, to be Administrator of Veterans' Affairs, vice Joseph Maxwell Cleland, resigned.

U.S. SYNTHETIC FUELS CORPORATION

Robert A. G. Monks, of Maine, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 3 years, vice Frank Savage, resigned.

Victor M. Thompson, Jr., of Oklahoma, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 4 years (new position).

C. Howard Wilkins, of Kansas, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 5 years, vice Joseph Lane Kirkland, resigned.

Victor A. Schroeder, of Georgia, to be a member of the Board of Directors of the U.S. Synthetic Fuels Corporation for a term of 6 years (new position).

IN THE AIR FORCE

Gen. Richard H. Ellis, U.S. Air Force (age 61), for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 8962.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be general

Lt. Gen. Thomas M. Ryan, Jr. [redacted] FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066, in grade as follows:

To be lieutenant general

Robert F. Coverdale [redacted] FR, U.S. Air Force.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 3066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

To be lieutenant general

Maj. Gen. Paul Scott Williams, Jr. [redacted] U.S. Army.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 22, 1981:

DEPARTMENT OF STATE

Daniel J. Terra, of Illinois, to be Ambassador at Large for Cultural Affairs.

Robert L. Brown, of Virginia, to be Inspector General of the Department of State and the Foreign Service (new position).

The above nominations were approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

John J. Knapp, of New York, to be General Counsel of the Department of Housing and Urban Development, vice Jane McGraw.

EXTENSIONS OF REMARKS

REPUBLICAN MALARKEY

HON. PATRICIA SCHROEDER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Monday, June 22, 1981

• Mrs. SCHROEDER. Mr. Speaker, we hear a lot of Republican talk nowadays, especially from the White House and the Department of the Interior, that if only the Federal Government would dry up and blow away the State and local governments and the private sector would work together to resolve our country's problems and meet our every energy need.

Of course it is all malarkey. One need not look any further than the State of Colorado to see what is really happening. The corporate lobbies fight the State and county governments tooth and nail against severance taxes, against pollution controls, and for unrestricted development.

Fortunately, we have a Governor to keep them, and their allies in the Republican-controlled legislature, at bay.

The following essay, from the June 14, 1981, Denver Post, has all the details.

[From the Denver Post, June 14, 1981]

GOVERNOR LAMM: SETTING AN EXAMPLE IN STATESMANSHIP

(By Aaron Harber)

The Republican Legislature in Colorado has been known for its antagonism against Democratic Gov. Richard D. Lamm ever since he took office in January 1975. Recent events, however, took this crusade to new heights, and the citizens of the state are suffering as a result of the Republicans' incessant attacks on the executive branch.

The current situation typifies the course the Republican leadership has taken over the past several years: contradictions in policies, sponsorship of self-serving legislation, and perpetration of blatant fallacies when arguing public policy. It is time for the constituents of elected officials such as Carl (Bev) Bledsoe, Ralph Cole, Cliff Dodge, Steve Durham, Ronald Strahle and Ted Strickland to realize what these men are doing to the state and how frequently they are doing it.

Examples of Republican inadequacies abound. The twisted logic used by many of them has resulted in a state where growth is uncontrolled and unmanaged. Pollution is becoming more widespread. Crime and social problems increase. Hazardous wastes proliferate and remain untreated. Transportation services decline in quality and increase in cost to the consumer. Highways deteriorate.

Governor Lamm, on the other hand, has recognized the problems which exist and has called for a partnership with the Legislature to jointly seek and implement solutions to the state's problems. He has been met by attacks on his office and programs.

In a recent essay, state Sens. Dodge and Durham went so far as to criticize Lamm for not "making any concrete recommendations." Yet Lamm long ago proposed a means to find solutions, an agenda for that process and specific suggestions for the resolution of problems. His "Colorado Agenda for the '80s" has all but been ignored by the Republican Legislature. His constant extension of an olive branch to the Republicans has been consistently met by childish sniping and a brand of retaliatory politics which can only by characterized as intimidatory.

Lamm has recognized the need to offer detailed proposals. On one such issue, he suggested that Colorado save funds for public investments in transportation, water conservation and sewer services, local community infrastructure (schools, roads, jails) in rapid-growth and energy-impacted areas as well as for maintenance of deteriorating public buildings and facilities. His conclusions were a result of the recommendations from the bipartisan Blue Ribbon Panel.

Lamm has recommended the Legislature create a Colorado Development Fund to finance long-term capital needs and has received the support of Colorado executives who are beginning to realize the damage being wrought by the Republicans.

What has the Republican response been? Instead of supporting the Blue Ribbon Panel's idea to create a state Capital Needs Commission, House Speaker Bledsoe "has threatened corporations in the state with a 50 percent income tax increase if some of their executives persist in supporting" the legislation backed by Lamm.

Typical of many Republican contradictions, Bledsoe denied any political motives to his move and claimed, "I don't think a lot of people want to use their tax money for development in boom areas of the state when they're living in depressed areas." Yet, when Lamm called on the Legislature to increase severance taxes so energy and mining companies would pay a greater share of the expenses associated with these businesses, the Republicans killed the measure.

Contrary to Republican claims, Lamm's capital fund proposal did not include any increase in taxes. He only recommended that the state's surpluses be put aside for future needs. The Republicans, however, while espousing themes of "free enterprise" from one side of their mouths, continue to allow for the gross subsidy by Colorado taxpayers of energy and mining interests.

Furthermore, recent events demonstrate that special interests will pay as little as they can for the right to profit in our state. For example, Garfield County, location of Union Oil Co.'s planned oil shale plant, has found the company very uncooperative despite Union's request that the county help pay for the plant's pollution control equipment. According to County Commissioner Jim Drinkhouse, in a recent Associated Press story, "It's common knowledge we are having trouble getting Union Oil to mitigate impacts."

To make a ridiculous situation even worse, however, Republican legislators passed a bill which would have reduced taxes on oil and gas companies and would have taken away $9 million annually from local governments already in serious financial trouble. Fortunately, Lamm vetoed the measure.

To top it all off, mineral special interests (including AMAX lobbyists) battled fiercely and successfully this year to kill any chance for a severance tax increase.

Pleading that the value of the company's activities was not rising significantly, AMAX argued that any increase would be unfair and burdensome. Yet Colorado's tax remains very low as compared to other states. It is not assessed as a percentage of value and, hence, decreases in worth every year—again, cheating citizens today and in the future of any opportunity to be adequately remunerated for the state's wealth or for our costs, sacrifices, and expenditures made on behalf of natural resource companies.

Being realistic, Lamm does not expect AMAX to openly support an increase in taxes. The company and every other business in the private sector have been created to be profitable. What counts is the bottom line.

And what will that leave us with? A stripmined, pocked, polluted state with inadequate water resources, a depressed economy and high unemployment. And, probably, a Republican Legislature!

So, what has the Republican position been? Durham and Dodge, hiding behind the pretense of protecting the "the taxpayer," rallied against gasoline and severance tax increases. Not only do they not want highway users to pay for road maintenance, they claim "any severance tax increase will only be passed through to consumers". How much of the molybdenum mined by AMAX do the Republicans think Coloradans consume? It is certainly not 100 percent. A more realistic figure might be ½ of 1 percent! That would mean Coloradans would subsidize 99 percent of more of the expenditures made by the state on behalf of such mining concerns, if Republican "logic" were allowed to prevail.

The governor, despite the Republican jihad, continues to offer specific concepts and programs to Coloradans. For example, he recommended that the loss of agricultural land in the state be slowed. Noting "the Front Range alone has lost 1,300,000 acres from agriculture to other uses," Lamm recommended creation of "planned open space" for recreation, wildlife, preservation of historical and scenic places, protection from floods, and important farm and ranch uses. He recommended creation of a state transportation department (Colorado is the only state in the country without one), development of planned transportation networks, economic incentives to promote rural economic development, better planning for water usage, job training programs directly affiliated with the private sector, improvement of health care services and regulation to help minimize costs and the institution of a complete hazardous waste treatment program (characterized by Lamm as currently the weakest of any state in the nation). It has been the Legislature—not the governor which has not only dropped in the ball, but is headed in the wrong direction.

It is Lamm who is truly espousing free market theories.

• This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

He called for the end of subsidies to the energy companies which are expected to extract almost $30 billion in profits from shale development over the next 30 years and billions more from other natural resources. Only Lamm is asking, "Why shouldn't these companies pay their own way?" He asks why utility rate payers should subsidize the construction of power plants and facilities for energy development.

Senators Dodge and Durham attempt to placate the public by characterizing their brand of dirty "hardball" politics as simply "a natural outgrowth of our system of government with its separation of powers and checks and balances."

What is worse is that their personal attacks on the governor's office have negative implications for all of us—no matter what our party affiliation may be. These attacks do not affect just Dick Lamm—they compromise the office he holds. We all know if a Republican were governor, these attacks probably would not have occurred.

The Republican-led efforts to reduce the governor's already small staff, put the state controller under their direction, eliminate the biennial gubernatorial call, and extend sunshine legislation for elected public officials to ridiculous extremes—the governor's cabinet—while ignoring the Sunshine Law when meeting among themselves, are all examples of personal politics.

And what have the Republicans in the Legislature given us this year? Some of this session's "gems" include a bill to allow the Public Service Co. to raise its rates prior to formal approval from the Public Utilities Commission; reductions in health care for those least able to afford adequate medical services; higher interest rates on loans and a weakened Colorado consumer code; a one-year delay of a weak pollution emissions control program and the absence of any program to improve air quality; a bill permitting more billboards to deface the landscape, and increases in property taxes in some areas without the currently required approval of voters.

The obvious question is, "Where has any concept of statesmanship or public stewardship gone?" Such concepts are certainly missing in the Republican Legislature.

It is time the Republicans learned that they are not meant to be the executive branch of government. After over six years and two elections they should realize that their false portrayal of Lamm as a poor governor is not credible.

It is also time for the public to send a message to Cole, Dodge, Durham and their colleagues, that they should start tackling—rather than avoiding—Colorado's problems.

They have been warned many times, but continue to fail us, the citizens of Colorado. Let them accept Lamm's olive branch. There is enough room for both the governor and the Legislature to take credit for the successes they can forge together.●

AGRICULTURAL EXPORTS MEETING RESCHEDULED

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. BONKER. Mr. Speaker, I wanted to inform members of the House Export Task Force that Tuesday's meeting with Agriculture Secretary Block has been canceled due to a last-minute Cabinet meeting called by the President. This important meeting on agriculture exports will be rescheduled for September. The task force will send out notices when a date has been determined.●

FRONTIERS IN SCIENCE AND TECHNOLOGY

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. FUQUA. Mr. Speaker, the great political debate of our time seems narrowly focused on the areas of Federal spending and taxation. While these subjects are certainly important to the Nation and its people, we are in imminent danger of letting our industrial base further erode through our benign neglect of that which produced America's former dominance in the world of international commerce—research and development.

For America to regain its industrial vigor, our industry and universities, with Government encouragement, must regain an innovative initiative through the marshaling of our human potential in science and engineering.

The enclosed article by George Bugliarello, president of the Polytechnic Institute of New York and Chairman of the Advisory Committee for Science and Engineering Education of the National Science Foundation, appeared in the June 17 edition of Christian Science Monitor.

I commend Mr. Bugliarello's arguments to my colleagues as a concise statement of a national need which, if met by Congress, can have a more profound effect on our economy than all the taxing and spending proposals that we will consider in the coming decade:

THE "MOST EXCITING" FRONTIERS IN SCIENCE AND TECHNOLOGY

(By George Bugliarello)

Despite our glittering success with the space shuttle, the United States is plunging into the 1980s in very poor shape technologically. With the exception of information processing and chemicals, our technological leadership is beginning to flag.

Japan, for example, a country with very few natural resources, posted a real-term GNP advance of approximately 4.5 percent for 1980 while the US registered a decline of .2 percent. What is not widely known is that in recent years Japan has been educating slightly more engineers than has the United States—despite the fact that Japan has only one half our population. West Germany and the Soviet Union are also producing much higher percentages of engineers and applied scientists. These facts do not bode well for our future.

Our half-million engineers and scientists involved in research and development are the thin resource on which we are relying to face the industrial competition not only of Japan, which alone has some 400,000 R&D engineers and scientists, but also that of West Germany, France, the United Kingdom and the rest of the industrial world. On top of this we must face military competition with the USSR and its more than one million scientists and engineers engaged in research and development.

The US must begin now to regain the kind of technological boldness which was last exhibited in the days of the Sputnik reaction. There are two basic approaches we can take. We can educate more engineers and applied scientists—a valid, but slow process.

Or, we can devise a new research strategy to maximize the creative potential of our applied scientists and engineers. We can achieve the latter by launching a program of aggressive and systematic exploration of the boundaries between the traditional areas of applied science, particularly the boundaries between the leitmotifs of our technology—materials, energy, information, and systems.

In a true sense, the most exciting and potentially productive frontiers in science and technology are to be found at the junctions of these four areas of research. Einstein demonstrated this by showing the relations between energy and mass. In practical terms, America's future technological leadership is dependent on the extent and quality of its research in such interdisciplinary fields as metal fabrication, software, microprocessors, energy, and genetic engineering.

The point is that in none of these areas is Japan or any other country ahead of us. If we develop a national program that focuses on these research opportunities, we can regain our momentum in technology. If government, industry, and education truly join efforts, inroads can be made in the important areas of energy, materials, information, and systems. From these inroads will come the rebirth of our economy and our technology.

To achieve this we must systematically (1) identify the promising interdisciplinary opportunities through joint efforts of industry, government, and the universities; (2) adequately fund scientists and engineers to research them; and (3) apply the new insights that will be gained directly to the industrial advantage of the country.

If we Americans desire to make the 1980s work for us, we must apply our science and engineering research efforts to the broad, fundamental issues of materials, energy, information, and systems. It is in this no-man's-land between the traditional disciplines that we will find the breakthroughs that will fuel a new era of American technological leadership.●

PHARMACY CRIME

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LEHMAN. Mr. Speaker, for the past several years pharmacies have increasingly become prime targets for robbers and burglars attempting to obtain drugs. Pharmacists in all areas of the country, in every neighborhood, live with fear of being assaulted. The number of armed robberies of pharmacies has increased over 33 percent this year. Pharmacists, who are engaged in serving the needs of the public, deserve the protection of the Federal Government.

Joel Huntington, a veteran Fort Lauderdale pharmacist, who has been robbed several times by gunmen seeking drugs, was quoted in the Fort Lauderdale Evening News as saying, "This is getting to be a dangerous profession."

The increased use of narcotic drugs, coupled with the high cost and poor quality of drugs on the street, has resulted in the rising incidence of drugstore robberies. The customers, too, are often innocent and helpless victims, as in the case of John Huff of Fort Lauderdale, who was hit by a stray bullet in the attempted robbery of Your Pharmacy in Fort Lauderdale this past December.

On February 6, 1981, I introduced a bill, H.R. 1816, which would provide strict penalties for any attempted or actual burglary or robbery of a pharmacy. This legislation provides that anyone attempting to obtain narcotic drugs or other controlled substances from pharmacies by force or by breaking and entering, would be fined up to $5,000, or imprisoned from 2 to 20 years, or both. If the person were armed while committing the crime, he or she would be fined up to $10,000, or imprisoned from 5 to 25 years, or both. If anyone were killed or maimed during the commission of the crime, there would be a mandatory term of imprisonment of at least 10 years.

I have sponsored legislation to make these crimes a Federal offense, not with the notion that the Federal Government can cure all ills, but in recognition of the fact that these crimes have been dramatically increasing as the Federal Government has endeavored to stop the availability of illegal drugs. Assistance, therefore, should be given to supplement the resources of State and local governments, and hopefully to provide a greater deterrent to such vicious drug-related crimes.●

A BALANCE IN HUMAN RIGHTS POLICY

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mrs. CHISHOLM. Mr. Speaker, I wish to call my colleagues attention to an article appearing in the New York Times, on June 9, 1981, by Robert Cox which addresses the issue of human rights, an issue which we must all have as an increasing concern in today's world.

The Reagan administration seems to feel that the U.S. human rights policy can be neatly divided into little boxes by the form of government which is perpetrating human rights abuses. The administration feels that we can afford to smile approvingly at anti-Communist governments that in reality promote the same terrorist practices, internally, that we so adamantly argue are practiced by Communist countries in the promotion of "international terrorism." Cox discusses the experiences of Jacobo Timerman, whose victimization by the rightwing Argentine Government, is now widely known. His article reminds us that when we speak of the human rights of individuals, we cannot make arbitrary distinctions between totalitarian and authoritarian, democratic and communistic, or leftist and rights countries.

When human suffering, torture, and injustice occur, it is no longer our option but our obligation, as a nation that espouses the principles of freedom, to stand up for the basic rights of the individual. Our support of human rights must not depend on a nation's ideology but on the basic premise and ideal of freedom, justice and liberty for all. I have submitted the Times article for review by my colleagues.

TIMERMAN SHOWS THAT "AUTHORITARIAN GENERALS" ARE KEEPERS, CAPTIVES OF A "TOTALITARIAN BEAST"

(By Robert Cox)

CAMBRIDGE, MASS.—Jacobo Timerman, expelled from Argentina and stripped of his citizenship and most of his property by the military regime, is demonstrating that writing well is the best revenge.

In a searing document, his book "Prisoner Without a Name, Cell Without a Number," he has revealed the secret world of terror in Argentina. The book is so powerful that he has achieved something I thought impossible: He has made the people of the United States care about Argentina.

Etching in blood, sweat, and tears the torture he underwent in mind, body, and soul, through a year's imprisonment and subsequent house arrest for a total period in captivity of 30 months, he has grabbed public opinion by the scruff of its neck and taken it to where the totalitarian beast lives.

Mr. Timerman has torn off the flimsy veil of respectability with which the upholders of the new orthodoxy in United States foreign policy hoped to dress up the Argentine regime. The smiling authoritarian generals have been revealed in his book, and in a series of dramatic news-media encounters, as the keepers and the captives of the totalitarian beast that lurks in the darkness of the security forces where Nazism lived on after World War II.

It is a new kind of totalitarianism. It does not strut. It skulks. There are no swastikas on armbands for public view. No mass rallies or ranting speeches. The dreaded symbols—the portraits of Hitler—are kept for the torture chambers and cell blocks where only the prisoners, victims of the new fascism, can see them.

Mr. Timerman has revealed the nature of the regime. Can a regime that has sent at least 6,000, probably 10,000, and maybe more people through secret death camps be described as authoritarian? When the torturer turns up the voltage because he has a Jew on the bedsprings, or a guard gives another Jew a methodical kick every time he passes his bound form, are these acts merely characteristics of "a moderately repressive regime?"

Clearly, Mr. Timerman must be discredited. Otherwise, the pretty little theory that, for foreign policy purposes, the world can be divided up into clear categories, goes by the board. The new orthdoxy under which tyrannies that appear to be anti-Communist can be euphemistically described as authoritarian is dangerous for the United States and the world because it demands witting or unwitting self-deception.

To consider the Argentine Government authoritarian denies reality. If labels must be applied, Argentina could best be described as feudalistic and anarchic; it is divided by the rivalries of the separate fiefdoms represented by the armed forces, with their various free-wheeling intelligence services and the beleaguered, powerless Presidency. The tragedy stems from the fact that central authority, and the responsibility that goes with it, has never been established by the moderates in the military who have held nominal power since the March 1976 coup.

Self-delusion in Argentina is understandable. In a country cowed by justified fear, it is safer to hope for the best and to pray that the moderates will eventually win out and establish the moderately repressive regime that the new United States foreign policy orthodoxy would like to persuade us already exists.

It is unmasked reality, not misleading jargon, that United States foreign policy must address—this is the message that public opinion has extracted from Mr. Timerman's testimony. The reservations expressed about Mr. Timerman by defenders of the doctrine that would make the distinction between totalitarian and authoritarian regimes crucial to the Administration's human rights policy are irrelevant to the central issue of Mr. Timerman's revealed truth. But if some lobbyist seems to be working up a campaign of character assassination by feeding understandable doubts, I would like to try to clear up some of these peripheral questions.

Like most people with more than a passing acquaintance with Argentina, I too was astonished that in his book Jacobo Timerman made no mention of David Graiver, who was his friend and financial backer at La Opinión, the daily newspaper that Mr. Timerman published. Mr. Graiver, who is reported to have died in a plane crash in Mexico in 1976, has been accused of acting as a financial agent for the left-wing terrorists called the Montoneros, and most of his close relatives are still in jail in Argentina. The military has never revealed what has been proved against Mr. Gravier and the charge against him remains in the realms of supposition, no more reliable nor damaging than the rumor that the current President, Lieut. Gen. Roberto Viola, was given a gold watch by Mr. Graiver. If the military would make public the results of its investigations into Mr. Gravier's activities, the sewer of slander and libel that has sullied many prominent Argentines would be cleared up and the country would be healthier. The truth is that the allegation that Mr. Graiver handled the terrorists' blood money led the Nazi-minded hardliners in the military to the conviction that there was a Jewish-Marxist-liberal (in the Argentine sense, a liberal is a civilized conservative) conspiracy linking all their enemies. Mr. Timerman was kidnapped when this collective psychosis was at its height, and scores of completely innocent and some very eminent people disappeared for a short time. Mr. Timerman, although all charges against him were dropped, remained in prison, where he was probably unaware of the intensity of the smear campaign launched against him because of his perfectly legitimate relationships with Mr. Graiver.

Another charge against Mr. Timerman is that he exaggerates. His critics call his torturers thugs, as though they were unrepresentative. Yet, he says he saw Gen. Carlos Suarez Mason, then the commander of the most powerful military garrison, watching a torture session. I can vouch for the lunatic fervor with which Mr. Timerman's tormentors pursued their anti-Semitic quest for proof of the Jewish-conspiracy theory because I was close to his family throughout his ordeal and what they told me then coincides completely with the account in the book.

Mr. Timerman's political views, which have always been "parlor pink," seem to be as annoying to the right as Aleksandr I. Solzenhitsyn's majestic moralizing is to the left. But Mr. Timerman emerges as a committed democrat and as a profound humanist. He is a man who has always, as far as I know, had an equal loathing for all forms of totalitarianism. I have never heard him call any left-wing totalitarian regime authoritarian, for example.

The totalitarian nature of the military regime will prevent his book and his message, which is that the respect for human rights transcends ideology, from reaching the Argentine people. The worst form of censorship—self-suppression—has been imposed by state terrorism for five years. So the Argentine people will remain ignorant of the fact that the true rulers are the men who run the clandestine jails and operate torture machines. Even the decent but weak military leaders at the top seem to live in fear of the creatures of the Argentine netherworld.

A few days ago, I received a letter from a couple whose son was kidnapped by security forces in August 1979. About a dozen young people disappeared then, but this was a case with a difference. The young people were allowed to telephone from their secret jails from time to time and to write letters to their families. Two young mothers among the kidnapped were allowed one day to visit their children. These communications continued until March 1980, and then stopped abruptly. Before I left Argentina, at the end of 1979, I tried to use quiet diplomacy on behalf of the missing young people. I spoke to the interior minister, the army's secretary general, even the President, Lieut. Gen. Jorge Rafael Videla. I left lists of their names and the circumstances of their abductions with top Government officials. I published nothing because the families believed that the Government and military leaders would transfer their children from the secret death camps to the law courts, military or civil, if they were allowed to do so without publicity. One couple concluded that their son has been murdered. Now they have asked me to publicize the case. I will not name them because I fear that they might be driven from Argentina or murdered by the real totalitarian rulers.

Can Washington afford to support a regime that—three years after the defeat of left-wing terrorism, in a country that has not suffered a major left-wing terrorist attack since late 1979—has the built-in instability of secret killers loose in its security organizations?

If an authoritarian Government is established, the pros and cons of the "K Doctrine" (for Jeane J. Kirkpatrick, its originator) can be debated. Mr. Timerman's ideology of concern for human rights and opposition to both leftist and rightist totalitarianism is, after all, based on a compelling experience of evil whose very horror lies in the fact that no authority in Argentina will even acknowledge its existence.●

H.R. 3925—CHARITABLE CONTRIBUTIONS BY CORPORATIONS

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. ARCHER. Mr. Speaker, on June 16, I introduced H.R. 3925. This legislation would increase the percentage limitation on the deductible charitable contributions by a corporation from 5 percent of the corporation's taxable income to the lesser of: First, 10 percent of the corporation's taxable income; or second, 5 percent of the corporation's taxable income plus $100,000. This bill is identical to the legislation I first introduced in the House in the 94th Congress (1976) and its necessity is even more compelling today.

The Internal Revenue Code of 1954 allows for a deduction of 5 percent of a corporation's taxable income for charitable contributions. Since the time when this became law, economic conditions and inflation have severely limited the role that this sector of our economy could play in meeting the growing needs of charitable groups. As individuals and companies attempt to deal with inflation, charitable contributions are among the first items in their budgets to be cut back.

We now also are taking actions in the current budget debate which will cut the amount of public funds flowing to charitable organizations. An estimate of the direct loss of Federal revenues going to these voluntary groups has been set at a minimum of $27 billion over the next 3 years. While perhaps $5 billion of this loss can be made up through more vigorous solicitation, the majority of these funds will have to be found through other new sources if these groups are to continue their work and service.

H.R. 3925 will provide a new avenue of support by increasing the incentives for business to play a larger role in the support of nonprofit organizations.

The idea that the corporation operates in a greater society and that this society must be healthy in order for the corporation to operate, is integral to the concept of corporate philantropy. In this light, the concept is altogether consistent with the system of free enterprise. The support of charities is in the best interest of the donating corporation, as well as that of the public sector. When the corporation chooses to support a particular institution, it utilizes the option of directing its own money for the purpose of social change. It also takes advantage of the opportunity to support that institution which best reflects those ideas which the corporation, its shareholders, and the general public, support. And it improves the public image of industry as well.

The necessity for increasing corporate contributions should be obvious. Present law is unnecessarily restrictive and limits charities' ability to seek new funding sources. This should have been apparent in the past, but economic realities and budget cutting make it all the more obvious today.

My proposal would add a new dimension to charitable solicitations and corporate philantropy. It encourages the private sector to take on a larger share of the support charitable groups so desperately need. I urge my colleagues to consider this bill and to join in supporting its passage.●

DISTORTING THE TRUTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. FRANK. Mr. Speaker, one very encouraging political trend is the growing number of principled conservatives who are repudiating the illegitimate, dishonest campaign tactics of many groups in the New Right. One of the most blatant offenders against truth and fairness in campaign practices is the National Conservative Political Action Committee. In a recent editorial, the Boston Herald American noted that NCPAC's "record of deliberate distortion and its director's shocking rationalization of lying" are "immoral tactics" which constitute an "assault on the all too fragile fabric of representative government."

The Boston Herald American is a nonpartisan newspaper which often speaks for responsible conservative policies. It has been a strong supporter of President Reagan's economic program, and because it is, so often a voice for intellectually honest, conservative principles. I believe the Herald American's cogent denunciation of NCPAC is courageous and important and I ask that it be printed here.

NCPAC's Record

NCPAC—The National Conservative Political Action Committee—is going after liberal candidates these days just as the labor unions, Americans for Democratic Action (ADA), COPE, and other such groups set their sights on Republicans.

Nothing wrong there. What's fair for the goose and all that. But NCPAC, being newer at this rough game than its liberal adversaries, is not as sophisticated in its play. As the

Washington Star points out, NCPAC has been playing entirely too much hardball of late.

Last year, for example, in its campaign to unseat Sen. Thomas Eagleton of Missouri, NCPAC told the voters that he had voted for a $75 million aid package for Nicaraguan Sandinistas. Actually, he never voted for this aid and openly opposed it on three separate occasions.

NCPAC also accused Sen. Eagleton of voting against production of the neutron Bomb. Again, not true.

More recently in Oklahoma, NCPAC represented to the voters that House Budget Committee Chairman James Jones of Tulsa supports reduced defense spending and increased spending on social and welfare programs. These insinuations are true with respect to the Reagan budget but false in relation to the Carter budget, which is at issue where 1982 cuts and increases apply.

Politics being politics, a certain amount of roughhouse might be written off to exuberance and honest error. But we must suspect the worst in light of the insolent assertion of NCPAC's director, Terry Dolan, that "a group like ours could lie through its teeth and the candidate it helps stays clean." No wonder the new chairman of the Republican party, Richard Richards, was moved to say the other day that unaccountable political groups can "create all kinds of mischief."

In reality, NCPAC's record of deliberate distortion and its director's shocking rationalizing of lying are more than mere "mischief." Such immoral tactics are an assault upon the all-too-fragile fabric of representative government. And despite Dolan's arrogant claim of immunity for his candidate from any sort of lie, the political history of this country cries out otherwise. Such contempt for the voters' intelligence and integrity cannot be concealed in the long run. Indeed, Sen. Eagleton's re-election last year, despite NCPAC's wicked stabs against him, ought to tell Dolan and everyone else that decency draws some limits, even in politics.●

FAMILY PROTECTION ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. PHILIP M. CRANE. Mr. Speaker, the Family Protection Act is of paramount importance for the preservation of the American family. Myriad Federal actions undertaken in recent decades threaten to sap the family's inherent cohesiveness and stability. It is essential that we dedicate ourselves to reversing this process of disintegration.

The proliferation of Government intervention in every phase of life—from taxation to employment to production—now extends into the realm of family life. The Federal Government presumes to dictate the innermost workings of every family in America, regulating such matters as procreation, education, and moral instruction. The trend of supplanting parental authority with governmental authority creates a dangerous precedent. Our Government has taken the first step down the road to totalitarianism. In totalitarian regimes families are abolished by the separation of children, who are torn from their homes to become wards of the state. This approach, as practiced by socialist countries, is obviously an anathema to every principle upon which the United States was founded. Yet, by its constant interference, the Federal Government has been assuming the trappings of these totalitarian dictatorships.

Resolute measures must be taken to reverse this trend. The creeping expansion of Federal control into every nook and cranny of family life must be halted. Legislation that acknowledges and confirms the sanctity of the family is essential. Such legislation must recognize that parents, rather than bureaucrats or self-proclaimed experts, are the best judges of suitable behavior for their children, their spouses, and their family as a whole. Directives from Washington cannot possibly duplicate the bonds of love and caring unique to families.

The Family Protection Act is just the type of legislation which is so desperately needed. The act will insure the legal rights of parents to direct the moral upbringing of their own children. It will assure them of greater access to and responsibility in the educational system which shapes their childrens' minds. This act will revitalize the nuclear family through such measures as tax exemptions for multigenerational households. In the key areas of religion, education, and taxation, this bill serves to promote principles of family independence and personal responsibility.

For the sake of the American family, I heartily endorse the Family Protection Act. For the sake of our society as a whole, I strongly support this act—our society can only be as viable as the families that comprise it. The Family Protection Act reaffirms the value of the American way of life, and the value of the family unit that plays such an integral role within it. I applaud the efforts of Senators PAUL LAXALT and ROGER JEPSEN and the very distinguished Representative from Alabama, ALBERT LEE SMITH in their valiant efforts to bring this matter to the national attention. By sponsoring this resolution, my esteemed colleagues demonstrate their dedication to the preservation of our heritage.●

WEAPONS ARE NOT A POLICY

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. McHUGH. Mr. Speaker, at his recent press conference President Reagan responded to concerns about his failure to deliver a major foreign policy address since being inaugurated by suggesting that the absence of such a speech did not necessarily reflect the absence of a policy.

That is undoubtedly true. However, in the absence of a speech by the President, the foreign policy of this administration can only be properly understood by a close examination of its actions.

As one of those who has been following the deeds of this administration as well as its words, it has become increasingly clear to me that one major element of the Reagan adminstration's foreign policy involves a return to the notion that arms sales can buy the friendship and loyalty of foreign governments, and that such sales should thus be considered a routine instrument of American foreign policy. In recent days, for example, the administration has announced major new arms agreements with China and Pakistan.

This represents a major change in policy, and one that I hope the Congress will examine closely. For, as the New York Times pointed out in its lead editorial last Friday, such sales carry distinct risks. As the Times put it:

> Buying influence can also buy new trouble, particularly if the transaction embroils the United States in regional quarrels between, say, India and Pakistan, or associates it with a narrowly based regime whose insecurity is as much domestic as external, like the Shah's in Iran. Most dangerously, it can distort the priorities of both the receiving nation, which might be much better served by economic aid, and of the United States, which might have higher objectives, like containing the spread of nuclear weapons.

The latter point is especially noteworthy. At a time when the Reagan administration is asking Congress to eliminate direct loans for economic development by the EDA and the Appalachian Regional Commission, and to cut back drastically on subsidized student loans, it is also asking us to appropriate almost $1 billion to subsidize arms sales to foreign governments at interest rates as low as 3 percent. I hope that we will carefully consider whether American interests are really well served by cutting back or eliminating investments domestically in higher education and economic development in order to finance arms sales abroad.

Mr. Speaker, for the benefit of those of my colleagues who may not have seen this editorial, I am inserting a copy into the RECORD at this point.

[From the New York Times, June 19, 1981]

WEAPONS ARE NOT A POLICY

In one sense, the President is right. He needs no foreign affairs speech to prove that his Administration has a distinctive tendency abroad. It is plainly buying friends with weaponry, wherever it seems even loosely to help contain the Soviet Union.

This week brought two high-risk additions to the list: an offer of arms to China—Communist China—and a $3 billion aid package for Pakistan. These commitments have their own eloquence. They argue that Washington considers Soviet military expansion to be the greatest challenge abroad, and that American arms can deter it and make the recipients reliable partners of the United States. It is supply-side diplomacy, asking altogether too little in return.

There is no doubt that weapons buy influence, and an American reach into remote societies. They may add to a regime's feelings of security. They certainly benefit the American arms industry. And sometimes, if denied, they would be eagerly supplied by other nations, notably France.

But the coin of weaponry has another side. Buying influence can also buy new trouble, particularly if the transaction embroils the United States in regional quarrels between, say, India and Pakistan, or associates it with a narrowly based regime whose insecurity is as much domestic as external, like the Shah's in Iran. Most dangerously, it can distort the priorities both of the receiving nation, which might be much better served by economic aid, and of the United States, which might have higher objectives, like containing the spread of nuclear weapons.

All of these risks very clearly apply in Pakistan. The case for military aid is considerable. Given its fragile domestic structure, Pakistan is indeed threatened by the Soviet invasion of Afghanistan—if not by the Red Army then by the cross-border traffic in armed Afghans. And President Zia has been tempted to try appeasing Moscow. A major American arms deal may end his wobbling, and with a side benefit: Pakistan's new long-range F-16's could allow it to build on its military ties to Saudi Arabia and add a further source of support for the House of Saud.

And perhaps the new American influence can indeed be used to discourage Pakistan from following India in the construction of a nuclear bomb. Mr. Reagan implies that his carrots will work better in this respect than Jimmy Carter's stick. It would be comforting to know that he aims to try.

But to believe that the influence gained will be wisely used to promote some thought-out American purposes, one has to overlook the new Administration's manifest instincts in approaching authoritarian regimes. Whether weighing their intrinsic strength or human rights offenses or need for weaponry, Mr. Reagan has been a soft touch for any that proclaim themselves anti-Soviet.

Even more explicit conditions would only diminish the risks of his arms deals. Nations like Pakistan and China can have independent military purposes—toward India or Vietnam, for instance—that may not serve American interests. The implications of these deals are so serious that Mr. Reagan does, after all, have to spell out his purposes—and limits. Failing that, Congress has a duty to examine not only the fine print in these deals but their relation to the wider objectives that the United States intends to pursue.●

VLADIMIR AND IZOLDE TUFELD

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. KRAMER. Mr. Speaker, today, in joining several of my colleagues by participating in the Congressional Call to Conscience Vigil for Soviet Jewry, I would like to bring to the attention of this body the case of Izolde and Vladimir Tufeld.

The Tufelds first applied for exit visas to emigrate to Israel to join their son, Igor, in 1977. Both were fired from their jobs and have been unable to work since. On the grounds of secrecy, three subsequent applications have also been denied.

Vladimir and Izolde Tufeld have both received poor medical care in the Soviet Union. After being hospitalized when he suffered a heart attack in 1977, Mr. Tufeld was again hospitalized in May 1979 for severe back pains. Even though a spinal operation was recommended at that time, he was released without having had surgery in July when the hospital closed for the summer. On being readmitted in August, Mr. Tufeld was informed that due to the development of kidney problems, surgery was unthinkable. Vladimir Tufeld continues to suffer extreme pain and spends most of his time bedridden.

Izolde Tufeld is considered in very grave medical condition. For the past 2 years she has suffered from severe headaches, loss of hearing, and difficulty in performing tasks such as speaking, eating, and walking. In the course of her illness, she had been told that it would be 2 years before a CT scan would be available and that treatment rested on the diagnosis obtained through such a scan. Mrs. Tufeld has only recently received the necessary CT scan and has been diagnosed as having a very large benign tumor which will require two very serious operations. The surgeon assigned to do the surgery did allow Mrs. Tufeld to spend the time between the diagnosis and surgery at home as he had to attend a medical conference and would not return to Moscow until mid-June. To date, it is not known whether Izolde Tufeld has undergone the surgery critical to her health.

In addition to the applications for exit visas to emigrate to Israel, the Tufelds have requested permission to leave the Soviet Union to seek proper medical care as well as permission to visit their son in Israel.

On May 22, 1981, I sent a telegram to OVIR, V. S. Obidin, appealing for a compassionate and humane review of Mrs. Tufeld's request to visit her son in Israel immediately due to the rapid deterioration of her medical condition.

It is my hope that the continuing efforts of Members of this body on behalf of Soviet Jews will provide positive resolutions to the plight of Izolde and Vladimir Tufeld and others like them who have been denied access to an environment which encourages the practice of their beliefs.●

SOLAR POWER SATELLITES—ENERGY FOR THE FUTURE

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. GINGRICH. Mr. Speaker, Darrell Preble of Jonesboro, Ga., recently sent me his thoughts on America's choices for energy in the future. Mr. Preble talks about solar power satellites as one of our best energy resources. I wanted to share his comments with my colleagues.

The hopes and dreams of America rode on the wings of Columbia yesterday. The smooth reliable capabilities demonstrated by the reusable space shuttle have potentiated several critical energy programs for America. Chief among these is the solar power satellite (SPS).

A just released Rand Corporation study concludes that America has already used the majority of oil available in the 50 states. They project that by the end of this century petroleum shortages will be critical world-wide. By that time SPSs could be making a tremendous contribution to energy supplies. Once the first SPS is demonstrated, and this could be done within ten years, SPSs could provide as much energy as we could use by the turn of the century. There is no other technology that could provide this quantity of energy as cleanly or safely.

The guiding principles of this public discussion state that "The governments role is NOT (emphasis theirs) to select and promote favored sources of energy." Billions have been spent and budgeted for nuclear reactor and fusion studies, and I believe well spent, yet funding for the SPS for the current fiscal year is zero. ZERO. That seems to be favoritism to me.

A massive three year DOE comparative study of seven major energy sources, including coal, nuclear power and the SPS was released in December 1980. It found ". . . no barriers that would preclude SPSs from being a part of a future energy alternatives plan.". Obviously zero funding is one unforeseen barrier. For a department that in the past has elicited a slight bias in favor of nuclear power that statement is far more positive than disinterested observers would have expected. Past funding for the SPS under the Carter administration has been at $5 million per year. The Committee on Space recommends a $30 million SPS budget per year for continued studies and design. This seems to be a most reasonable sum for such a promising technology.

Current studies of the industrialization of developing nations project severe problems in several areas. One of these is energy production and management. We cannot fail to be concerned about the impact of their energy demands on the global environment.

Yet if the Third World is to make progress in improving their standard of living they must generate and consume more energy. The energy problems of America are amplified when we consider the entire world, as we must . . . We must show them the way toward safe, clean, and abundant power supplies.

Climatologists now believe world fossil fuel use is producing sufficient carbon dioxide to warm the world's atmosphere. Burning larger quantities of fossil fuels poses a threat to world weather and thereby its food supply. This effect is insidious and slow to reverse. Desertification is already an acknowledged world wide problem. Yet increased fossil fuel burning, which is inevitable for the immediate future, can only aggravate this problem. Further heating could cause melting of the polar ice packs, with problems that begin by raising sea level 200 feet. A nuclear powered Third World poses a different set of problems of no less concern.

As nuclear power becomes common worldwide the environmental impact will become more severe. Discount for a moment the threat of nuclear terrorism, the diversion of nuclear waste to weapons use, and the spread of nuclear weapons technology, if you can. There are more serious problems with nuclear power. First there is the thorny issue of waste disposal—where and how can these poisonous wastes be kept out of the biosphere? Plutonium is not only radioactive, it is among the most chemically poisonous agents known. Unlike any other chemical poison it is not biodegradable. It has a half life in excess of 100,000 years.

To truly help world energy supplies hundreds or thousands of nuclear power plants would have to be built. These plants can only aggravate atmospheric heating and desertification. Finally, diminishing fresh water stocks and growing demand for them in numerous applications, from modernized plumbing to raising food for a growing population, severely limit available nuclear power sites. Nuclear power requires huge quantities of fresh water.

There is a technology now available that uses no water in operation, has no waste disposal problems, does not heat the atmosphere, (since it is not generated on earth) and will not run out for ten billion years. This is the SPS. If it is primarily constructed from lunar or asteroidal material its environmental impact will be closer to zero than any other competing technology.

We have a spectacular opportunity when the asteroid Anteros passes only 5 million miles from earth in 1985. A NASA advisory group has already studied the feasibility of blowing it up. Rather than vaporizing it, I suggest we move it to one of the libration points between the earth and moon, refine its ore with solar power, and convert it to an SPS cluster and space colony. We cannot fail to act boldly to solve our impending energy crisis now when we have the time to do so. The only clean, safe, and virtually endless supply of energy is the sun itself. If the oil companies would like to know where to invest their billions in profit let them invest in SPSs. I can imagine no safer or more lucrative long term investment. India has recognized this fact and allocated $15 million for study and design of SPSs. Can we do less? It is irresponsible not to pursue every avenue of research that promises a solution. We are the only nation, praise the Lord, that has the means and power to solve the energy problem—but do we have the courage and will?●

LEGAL SERVICES CORPORATION

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. PEYSER. Mr. Speaker, on Thursday evening, June 18, my presence as speaker at a commencement in my congressional district necessitated my absence on the vote on final passage of the Legal Services Corporation. Had I been present, on Roll No. 91 I would have voted "yea."●

NONPROLIFERATION LOOPHOLES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. MARKEY. Mr. Speaker, in remarkable testimony before the Senate Foreign Relations Committee on June 19, 1981, a former inspector for the International Atomic Energy Agency discussed in detail Iraq's aggressive efforts to build an atomic bomb capability using the nuclear reactor destroyed by Israel.

The former inspector, Mr. Roger Richter, also testified that the inadequacies of IAEA safeguards and inspections were so great that they were totally incapable of detecting covert production of plutonium at the Iraqi reactor for use in nuclear weapons.

Mr. Speaker, since the only barrier between atoms for peace and atoms for war is the system of inspections administered by the International Atomic Energy Agency, I believe that Mr. Richter's testimony raises grave national security questions for the United States.

Mr. Richter wrote 1 year ago our U.S. State Department mission to the IAEA that:

The available information points to an aggressive, coordinated program by Iraq to develop a nuclear weapons capability during the next five years.

As a nuclear safeguards inspector at the IAEA, my concern and complaint is that Iraq will be able to conduct this program under the Auspices of the nonproliferation treaty and while violating the provisions of NPT. The IAEA safeguards are totally incapable of detecting the production of plutonium in large-size material test reactors under the presently constituted safeguards arrangements. Perhaps the most disturbing implication of the Iraqi nuclear program is that the NPT agreement has had the effect of assisting Iraq in acquiring the nuclear technology and nuclear material for its program by absolving the cooperating nations of their moral responsibility by shifting it to the IAEA. These cooperating nations have thwarted concerted international criticism of their actions by pointing to Iraq's signing of NPT, while turning away from the numerous, obvious and compelling evidence which leads to the conclusion that Iraq is embarked on a nuclear weapons program.

Mr. Richter resigned from the IAEA in order to testify before the Senate Foreign Relations Committee. His background in nuclear engineering is extensive and I submit that part of his testimony which describes his professional experience. I urge all of my colleagues to read his extremely important testimony, copies of which are available from my office. Following is Mr. Richter's testimony on his professional history.

By way of background Mr. Chairman, I want to inform the committee of my relevant experience in the field of nuclear engineering. I hold a B.S. in metallurgical engineering and M.S. in nuclear engineering from the Polytechnical Institute of New York and the University of Maryland. The latter degree was attained under the auspices of the U.S. Atomic Energy Commission select intern program. I have been employed by the U.S. AEC, ERDA and DOE from June 1968 until February of 1978. During this time I was involved in nearly all aspects of the technology associated with nuclear fuel engineering, reactor irradiations and nuclear waste disposal.

While working for the Atomic Energy Commission, I have served as project engineer for the national program to develop advanced fuel for breeder reactors, as a site representative at the General Electric breeder reactor headquarters in Sunnyvale, California and the Westinghouse nuclear component manufacturing facility also in Sunnyvale.

I have also authored a report for the U.S. Department of Energy San Francisco, Operations Office which was written at the request of the Federal Reserve Bank, on the economic impact of passage of proposition 15, an initiative which could have shut down the nuclear plants in California. This report was criticized by proponents of the initiative as being too pro-nuclear.

On the basis of these relevant experiences, I was offered a position as a nuclear safeguards inspector with the IAEA in February of 1978.

At the IAEA I initially served as an inspector in the Euratom section. I was a principal inspector at the nuclear fuel reprocessing facility in West Germany and at fuel fabrication facilities in both West Germany and Italy. I subsequently replaced the lone American inspector in the south and south/east section when he returned to the United States. I have been an active inspector in the south and south/east section for the past two years until my resignation on June 16, 1981. In this capacity, I have inspected small research reactors in Australia, Greece, Indonesia, Israel, the Philippines, Turkey and Yugoslavia. I have had considerable inspection experience with the heavy water power reactors RAPPS-1 & 2 in Kota, India and the General Electric supplied light water reactors in Tarapur, India and at the nuclear fuel fabrication complex in Hyderabad, India.

I was recently involved in the final negotiations on behalf of the IAEA with the Government of India on the safeguard approach to the Prefre nuclear fuel reprocessing facility, located at the Tarapur site. I was to have been a key inspector in the implementation of the forthcoming inspections at the Prefre reprocessing plant later this year. I had in fact been offered, and I recently accepted, a five year extension of my present contract with the IAEA.●

JOHN S. KNIGHT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. SEIBERLING. Mr. Speaker, last week one of America's greatest journalists, Mr. John S. Knight, passed away at the age of 86. Mr. Knight, founder and editor emeritus of the Knight-Ridder newspapers, was a lifelong resident of Akron, Ohio. Therefore, I was privileged to count him as one of my constituents and, more important, a friend.

An exceptionally beautiful service was held in his memory on Saturday at St. Paul's Episcopal Church in Akron. The large building was filled to overflowing. Distinguished people from all over the country, as well as Akron residents, came to pay a final tribute to a great American.

A most eloquent and suitable eulogy was delivered by Mr. Lee Hills, a director and retired editorial chairman of Knight-Ridder newspapers.

John S. Knight touched so many people in his long and illustrious career that it would have been impossible for any building to hold them all, even if they could have attended a memorial service.

In the belief that others would like to read Mr. Hills' most fitting tribute to this great man, I enclosed the full text of the eulogy following these remarks:

[From the Akron Beacon Journal, June 21, 1981]

WHEREVER KNIGHT SAT "WAS HEAD OF THE TABLE"

(Here is the complete text of the eulogy for John S. Knight, editor emeritus of Knight-Ridder Newspapers. It was written by Lee Hills, Knight-Ridder director and retired editorial chairman, and delivered by him at a memorial service Saturday at St. Paul's Episcopal Church, Akron.)

We are gathered here to bid our last farewell to a remarkable man—father, brother, professional colleague and friend to us all.

It is difficult not to be sad in the face of the terrible finality of death. But let's put that aside. Instead, let us be joyous, let us celebrate the fact that we witnessed a life lived long and well.

I stand here very humbly aware of the awesome assignment that I have to translate the deep emotions of the heart into language in some meaningful way.

John Shively Knight was not a person you would easily forget. Our memories of him are vivid and lasting.

It was fitting that he left us quickly and peacefully in this city where he began his illustrious career almost 60 years ago.

He loved Akron and its people, and especially his co-workers at the Beacon Journal, and I know all of you felt the same about him.

Jack Knight was a strong and forceful leader. He exuded confidence and what we call "presence," which enhanced his qualities of wisdom and intellect. He was not a person you overlooked. Wherever he sat was head of the table. By sheer strength of character, he achieved extraordinary stature.

He was interested in everything. He loved horse racing, football and dancing, politics and world affairs with genuine relish. He was a natural athlete and a champion golfer. He knew how to calculate the odds, whether in dice or in newspaper acquisitions. He played the percentages and he always played to win.

Jack had some flashes of his flamboyant and gifted father, C. L. Knight, and the caring and grace and humanity of his sensitive mother, Clara. It was a combination that made him a source of inspiration for those whose lives he touched. The more you knew him, the more you respected him.

He was equally at ease with presidents and printers, princes and preachers. He was a keen businessman with a hard-boiled, handsome flair that attracted both men and women.

His personal life was marked at various times by great happiness and, yes, great tragedy, but he met the latter with courage of the highest order. He suffered sadness without surrender. He did not talk about it, but those close to him knew the strong thread of religious belief that ran through his life and of his many generous acts of charity.

If you read that his heart caused his death, don't believe it. There was nothing wrong with his heart, and it never failed him or anybody else. Indeed, he had a giant heart. His manner could sometimes be crusty and his wit caustic, but we remember him as a kind, warmhearted, dear friend. The heart governs understanding, and that was his special quality. It also ruled his unfailing sense of responsibility and public trust. He knew that ideals and traditions are not automatically carried on, so he worked to perpetuate them through others.

Jack Knight would not want us to linger long over his fabulous achievements. But he was a Renaissance man. He did it all:

Entrepreneur, reporter, sportsman, business executive, a writer of clarity and grace, publisher, philanthropist, columnist—but first and last an editor. Nothing else was a close second with him. In fact, he was at his office critiquing his papers the day he died.

He believed fiercely that newspapers must be independent editorially and economically, and that is the way he ran his. He practiced his profession of journalism with passion, energy and courage. He was an independent thinker. It is impossible to fit him into any slot. He loved being unpredictable.

He served his country in a variety of special missions. He repeatedly turned down bids to enter politics, and received countless letters from readers urging him to run for president. Over the years he was showered with honors.

His strong sense of integrity touched the lives of hundreds of journalists and millions of readers. He left a legacy of excellence.

In a career spanning most of this century, Jack Knight leaves an impressive mark on American journalism. As founder of today's most widely read newspaper group, his will be a continuing presence. Those who come after him have the guidance to continue the standards he set.

Jack's last five years were crowned with great happiness, brought by Betty Augustus Knight.

He not only loved Betty with all his heart—it was a joyful thing to see them together—but he also revered her in a way that made this a marriage of rare beauty.

He gave her full credit and proudly proclaimed himself the "new Knight"—he was patient, sweet, lovable, contented and agreeable—well, up to a point. When I commented one day that he was never irascible any more, he said he would probably prove me wrong in 24 hours. He did. He picked up one of his papers and complained the type was entirely too small to read. That was typical. Jack would fret and stew over some minor annoyance, but if an editor or general manager really blew a big one when he was trying to do his best, Jack would usually comfort rather than scold him.

Betty brought a whole new dimension into Jack's life, and her large and loving family became part of it.

After she died last New Year's Day, he didn't get over it. He could not talk about her without a tear.

And so, Jack, we are here today to say goodbye to you as we did so recently to Betty.

We honor you not with tears but with unforgettable remembrance.

We shall miss you personally as a friend.

We shall miss you professionally as a colleague.

You were one of us. We admire and respect you.

We love you, Jack, and we will treasure your memory.●

TAX CUTS: A REMEDY FOR INFLATION

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. KEMP. Mr. Speaker, the Heritage Foundation has over the past few months been studying the impact of President Reagan's economic proposals. There analysis has consistently been clear—and convincing. I particularly want to commend a study by Policy Analyst Peter G. Germanis, "Tax Cuts: A Remedy for Inflation" to your attention. As we reach the crucial point in the debate over a tax cut, it is very important to understand his essential thesis: that tax cuts are not a cause for inflation, but a cure.

The article follows:

TAX CUTS: A REMEDY FOR INFLATION

BACKGROUND

President Reagan's proposal to reduce federal income tax rates 30 percent over three years has sparked a sharp controversy. Proponents of the tax proposal assert that a reduction of marginal tax rates would revitalize the economy by producing non-inflation economic growth. Critics of the plan, on the other hand, contend that such a policy would serve only to exacerbate inflationary pressures within the economy.

KEYNESIAN ASSUMPTIONS

Opposition charges that the Reagan income tax cut would be inflationary are based on the Keynesian assumption that consumption is a constant proportion of additional disposable income, and that a reduction in taxes would inevitably lead to demand-pull inflation by setting off a multiplied spending process. These critics, however, have been unable to explain why it would be inflationary when people spend their own money, but not when the government spends for them. If the tax cut is accompanied by a spending reduction, then any increase in disposable income from the tax would be offset by a corresponding reduction in income for recipients of federal payments. In the event of a deficit, bonds are sold to the private sector, thereby taking money from the purchasers of bonds and transferring it to the Treasury. There is no added demand on the economy because purchasing power has simply been shifted from one group to another.

Moreover, the primary objective of supply-side economics is not to stimulate aggregate demand, but to increase incentives to earn more taxable income. Lower marginal tax rates are designed to encourage work and increase savings as well as investment by making leisure, consumption, and tax shelters relatively more expensive. The reduction in tax rates is actually expected to raise total tax revenues through expanding production and, consequently, an enlarged tax base. Inflationary pressures would decrease because there would be a greater supply of goods and services relative to the supply of money. High taxes have actually contributed to inflation by discouraging production without limiting the growth of the money supply.

A tax cut would only be inflationary when the Federal Reserve finances any resulting deficit by creating new money. Opponents of the proposed tax cuts claim that the projected deficits of the program in the early years would be pernicious to the economy. These deficits, they argue, would increase government borrowing. The increased demand for funds would raise interest rates, and thereby inhibit economic activity in the private sector because private borrowers would be displaced. This, in turn, would fuel inflation by compelling the Fed to monetize the debt. Conventional Keynesian analysis, however, again ignores the effects of incentives altered by the tax proposal. By increasing after-tax income, the reduction in tax rates would have an immediate positive impact on savings. This growth in savings could be used to cover these deficits without putting pressure on interest rates or on the Fed to print money. Then, as revenue reflows begin reducing the deficit, the additional private savings would add further stimulus to the economy.

KENNEDY TAX CUT

The current Reagan tax proposal is often compared to the Kennedy tax cut of 1964, which was similar in intent. In the 1963 Economic Report of the President, President Kennedy pointed out that reducing taxes is a key to reviving the economy, even if it results in a deficit:

"Tax reduction . . . sets off a process that can bring gains to everyone, gains won by marshalling resources that would otherwise stand idle—workers without jobs and farm and factory capacity without markets. Yet many taxpayers seem prepared to deny the nation the fruits of tax reduction because they question the financial soundness of reducing taxes when the Federal budget is already in deficit. Let me make clear why . . . reducing taxes is the best way open to us to increase revenues . . . [U]ntil we restore full prosperity and the budget-balancing revenues it generates, our practical choice is not between deficit and surplus but between deficits born of waste and weakness and deficits incurred as we build our future strength."

By reducing individual and corporate tax rates, the Kennedy program produced substantial improvements in employment, output, wages, savings, and investment. As a result, the tax cut was self-financing. Because the average taxpayer is in a much higher tax bracket today, reducing tax rates should have an even greater influence on savings. This growth in savings, together with budget cuts and revenue reflows, should insure the success of the Reagan economic program in restoring real economic growth.

CONCLUSION

Finally, rising rates of inflation and unemployment, together with declining productivity, have created a climate ill-suited to economic growth. Because expectations play such an essential role in the long-term decision-making process of both businesses and individuals, it is important that the Reagan proposal is not viewed as just a one-year tax cut, but rather a multi-year plan. If enacted, a multi-year reduction in tax rates would produce greater benefits more rapidly by improving the prospects for real rewards from productive activities. Such a cut would restore confidence and encourage economic activity by breaking the "cycle of negative expectations." President Kennedy once said: "An economy hampered by restrictive tax rates will never produce enough revenue to balance the budget—just as it will never produce enough jobs or enough profits."●

REMEMBER THE CUB AIRPLANE

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. CLINGER. Mr. Speaker, June 15, 1981, marked the 50th anniversary of the Piper Cub, one of the greatest innovations in the field of aviation technology.

The original design of the Cub was conceived by C. G. Taylor of Taylor Bros. Aircraft in Bradford, Pa. Though Taylor Bros. Aircraft went into bankruptcy during the early thirties, as did so many companies at that time, William G. Piper had already purchased some shares in the corporation and, with his assistance, the company was reorganized as a partnership known as Taylor Aircraft Corp. It was the prospects of the future of the "Cub" that influenced Piper to maintain his interest in the company. Taylor's small, high-wing, two-place monoplane could pioneer a new era in aviation, as, under the then prevailing depressed economic conditions, it would fit into the financial reach of airport operators. In the late thirties, the partnership between Taylor and Piper was dissolved, and also the company was forced to relocate due to a disastrous fire which destroyed the Bradford plant. William Piper bought an abandoned silk mill in Lock Haven, Pa., and from thence the fortunes grew.

During the early years of World War II, our country was in need of a civilian pilot reserve to form the core of a military air force. Piper alone had the production capacity to meet this need, and, as a result, four out of five World War II pilots had their original training in Piper Cubs. One of the Cub conversions, the L-4, earned the respect of being one of the world's most effective warplanes. They were used by the thousands during World War II all over the world as air observation posts, not only for spotting enemy posts, but also as photo reconnaissance aircraft. Famous generals, including Patton, Bradley, Marshall, and Clark, have used the little airplane for transportation and personal assessment of tactical situations. Even Winston Churchill has flown in the ubiquitous L-4. In 1961, a panel of four men, including Jimmy Doolittle, selected the Piper Cub as one of an even dozen aircraft that had had the greatest impact on the course of human flight. Today, as the Super Cub, the design holds the record for being the longest run aircraft in man's history.

It is my honor to represent the 23d District of Pennsylvania, which has produced individuals such as C. G. Taylor and W. T. Piper, whose vision, imagination, and determination have significantly contributed so much to our Nation's growth and history. I salute the Piper Cub on the occasion of its 50th anniversary.●

ROBERT RABEN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LEHMAN. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the House of Representatives, Robert Raben, an outstanding high school senior from North Miami Beach, Fla., who has been named 1981 National Youth of the Year by the National Exchange Club.

This honor has been accorded to the 17-year-old Mr. Raben in view of his excellent academic record—he has been a member of the National Scholastic Honor Society for 4 years; for his original essay entitled, "America, My View"; and also for his equally impressive extracurricular activities. Robert, president of the student government of North Miami Beach Senior High School, created and organized a project to tutor, counsel, and otherwise aid Cuban refugee children.

The son of Mr. and Mrs. Murray Raben, Robert was chosen from among 37 regional winners in the nationwide competition, and will receive a $3,000 college scholarship in addition to the National Youth of the Year plaque at Las Vegas, Nev., on July 9, 1981.

Such promising scholastic and civic leadership by a young American is a source of hope and pride to all of us. I wish to join with his friends and family in congratulating Robert.

The text of his award-winning essay follows:

AMERICA—MY VIEW

The United States of America. These five words conjure up in my mind some of the most noble precepts ever attained by man. Liberty, freedom, individuality and pride are the foundations upon which our nation was formed and developed, but the most lasting and righteous precept of them all is inherent in the second word of our title; unity. Cohesive, unified and together, the United States of America is the largest group of humans ever to congregate to form a perfect union, and to live and die for it for over two hundred years. It is these noble truths, unity and righteousness, that I envision as my view of America.

There is a pulse in this great nation, it pumps from the Alaska pipeline to the Texas ranges to the Maine coast. This pulse has been formed by generations of diverse peoples who envisioned a greater life and risked their lives to attain it. This pulse has been continued by countless years of hard labor by American workers and businessmen. This same pulse has perservered through trying times—division among its ranks, foreign aggression, and government corruption—to form a unified nation that constantly strives for the highest ideals known to man. My America, better than all the nations of the world, has the unique ability to survive all of its trying times and walk out of them stronger, more brave, and dignified. Since the early 1800's, when the Barbary Pirates were finally stopped from their world pillaging by America, to World War II, when America fought bravely to shake the bonds of foreign aggression, this cohesive union of fifty states has continually played a crucial role in the world as policeman and defender, while maintaining to the best of its ability the respect and admiration of all nations.

Although we are a nation comprised of differing, often conflicting, cultures, my America creates through its democratic heritage a single ideal to live by; that all men are created equal. All Americans are important cogs in the wheel of our future, and it is only in this nation where all can have the chance for success. Achievement in America knows no color lines, practices no one religion, or speaks just one voice; it is something every single one of us has the right and potential to attain. It is only in this nation that a haberdasher, a peanut farmer and an actor can attain the highest office in the land, for it is only in America where all citizens have a truly equal opportunity.

Another ideal that America calls its own and makes me proud to be a part of is righteousness. Not only do we look out for our own social welfare, but in this day of foreign aggression and hostility we still continue to clothe, feed and lend guidance to millions of people throughout the world. The humanity with which we try to manage our foreign policy, coupled with the high moral precepts advocated in these policies, leaves America no rival in the world for admiration, awe and respect.

In essence, America to me is a dream that a persecuted band of religious men held, our forefathers improved, and countless generations have passed on to each other to create the union we have today. Imbedded in our soul are noble American ideals—liberty, hard work, morality, and justice—and in my America it is a God-given privilege to be able to hold these ideals deep in my heart and pass them on to future generations. This, with God's help, is something I intend to do.●

THE BOYS FROM SYRACUSE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. WORTLEY. Mr. Speaker, this last March the 174th Tactical Fighter Wing commonly known as The Boys From Syracuse, became the first Air National Guard unit deployed to Europe with the A-10 Thunderbolt 11. This was a joint NATO exercise between the Forces of the United States and the Federal Republic of Germany; it was nicknamed "Coronet Sail." The exercise was a great achievement and brought distinction to the 174th Tactical Fighter Wing.

On Saturday, February 28, two C-141 transports and one DC-8 arrived in Fursten Feldbruck, West Germany, packed with tons of equipment. All personnel were then transported to Lechfeld Airbase, Bavaria. Meanwhile, eight A-10's left Hancock Field from Syracuse, N.Y. During the flight, the pilots set a new flight endurance record for the A-10. They went 12 hours and 15 minutes of continuous flight with three air-to-air refuelings. Eventually, they landed in Lechfeld Airbase to meet the rest of the unit.

Not only were the exercises a success, but "the boys" gained valuable experience and were able to enjoy some German hospitality. The German weather was equally as hospitable. The rain, drizzle, fog, and snow made the Syracuse unit feel right at home. But, as could be expected of a unit coming from the Syracuse area, these weather conditions had no adverse affects on the 174th's performance. During the exercise, the 174th's pilots flew 237 sorties in 449 hours of flight time. The Germans were also quite impressed with the exhibition of quick turnaround capabilities of ANG ground personnel.

The purpose of the deployment was "to familiarize Guard members, aircrews, and support personnel with the unique aspects of operating outside the continental United States," said Brig. Gen. Paul A. Schempp, 174th TFW commander. General Schempp was quite impressed with the entire exercise. He reported:

I consider the overall performance of both units outstanding. I was totally impressed with the professional capability and sincerity of all the German Air Force personnel. And the men and women of the 174th have again proved, as they did during numerous inspections back home, that the unit is capable of rapid deployment to any area of the world in which we may be needed.

Mr. Speaker, the 174th Tactical Fighter Wing has obviously shown us the result of hard work and dedication. "The Boys From Syracuse" should be commended for their recent achievement outside the continental United States. We in Syracuse are proud of them because in this exercise they have shown the professionalism of our forces thereby bringing honor to our country.●

EMORY M. SNEEDEN

HON. JOHN L. NAPIER

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. NAPIER. Mr. Speaker, I would like to take this opportunity today to recognize and pay tribute to an outstanding American who has contributed greatly to his Nation through a lifetime of distinctive service in academic, Government, military, and legal circles.

Emory M. Sneeden, former chief counsel to the Committee on the Judiciary, U.S. Senate, and now associate dean of the University of South Carolina School of Law, is no stranger to Capitol Hill. From 1975 until 1977, the Wilmington, N.C. native served as legislative and administrative assistant to U.S. Senator STROM THURMOND of South Carolina. During this period he specialized in antitrust legislation and served as Senator THURMOND's counsel on the Antitrust and Monopoly Subcommittee of the Committee on the Judiciary of the Senate.

When Senator THURMOND became ranking minority member on the Committee on the Judiciary, Mr. Sneeden was appointed to the position of minority chief counsel and staff director of the Subcommittee on Antitrust and Monopoly and to the position as chief minority counsel to the full committee.

Following this period of significant service to the U.S. Senate, Mr. Sneeden was appointed associate dean and lecturer-in-law at the University of South Carolina School of Law. From here he took leave from 1979 through March 1981 to serve as chief minority counsel and chief counsel for the Committee on the Judiciary of the U.S. Senate.

While on Capitol Hill, Mr. Sneeden became noted for his legislative initiative. He spearheaded major staff assignments including: labor law reform; prohibition to unionization of the military; the Hart, Scott, Rodino Antitrust Improvements Act; the Antitrust Enforcement Act of 1978; horizontal and vertical divestiture proposals addressing the petroleum industry in 1977-78; the Criminal Code, the soft drink bottler's bill; the Antitrust Procedural

Improvements Act of 1979, Pfizer against India, and others.

Senators STROM THURMOND, MAX BAUCUS, BIRCH BAYH, DAVID L. BOREN, DENNIS DECONCINI, ROBERT DOLE, J. JAMES EXON, BARRY GOLDWATER, ORRIN G. HATCH, HOWELL HEFLIN, EDWARD M. KENNEDY, PATRICK J. LEAHY, RICHARD G. LUGAR, CHARLES McC. MATHIAS, JR., HOWARD M. METZENBAUM, and many others have all commended Mr. Sneeden for his legislative staff abilities. And, during the 2d session of the 96th Congress, Mr. Sneeden was commended for his service as chief minority counsel in a resolution unanimously passed by the Senate Committee on the Judiciary.

Mr. Sneeden's academic credentials include a bachelor's and a jurist doctor's degrees from Wake Forest University, North Carolina. In 1961, he was awarded a certificate from the Hague Academy of International Law, The Hague, The Netherlands; and, in 1972, he graduated from the management program for executives of the University of Pittsburgh's Graduate School of Business.

His legal abilities have enabled him to become a member of the bars of the Supreme Court of South Carolina; the U.S. Court of Military Appeals, the U.S. Supreme Court, and the U.S. Army Court of Military Review.

In the finest traditions of the true American work ethic, Emory M. Sneeden's professional outreach continues to gain momentum with each passing day. Recently he felt compelled to enter the lecture circuit to share his knowledge and expertise. As a member of the American Enterprise Institute, he spoke in opposition to the proposed unionization of military personnel. Shortly thereafter, he delivered a major address, entitled "The Congressional Counsel and a Look Into the Future," before the American National Standards Institute's 60th anniversary evaluation and forecast. Mr. Sneeden has also highlighted the role of the congressional counsel and legislative affairs during seminars for the Brookings Institute's seminar for business executives; the Grocery Manufacturers of America, and the League of Republican Women of the District of Columbia. Earlier this year, Mr. Sneeden served as a seminar speaker at Harvard University's School of Law and the John F. Kennedy School of Government. He discussed the past and future of the U.S. Senate Judiciary Committee.

Emory M. Sneeden has served wherever his Nation needed him most. No man can receive the Legion of Merit 3 times, be awarded the Air Medal, Senior Parachute Badge, Republic of Vietnam Parachute Badge, and 18 other military citations without being where the action is.

In World War II, Mr. Sneeden entered the U.S. Army as a private and served in a parachute field artillery battalion in the Pacific theater. His early Army assignments included service as a gunner, battery commander, company commander, defense counsel, and prosecutor. When the Korean war broke out, Mr. Sneeden traded in his civilian attire and again donned the Army's olive drab for an active duty assignment. Following the Korean action, he transferred from the infantry to the Judge Advocate General's Corps. And, when the Vietnam conflict erupted, Emory M. Sneeden felt duty-bound to participate in the resolution of that threat to democracy.

After graduation from the U.S. Army War College in 1970, General Sneeden served as personnel chief to the Judge Advocate General's Corps and later as the executive to the Judge Advocate General of the Army. He was promoted to brigadier general while serving as a senior counsel to the Commander XVIII Airborne Corps, Fort Bragg, N.C., and eventually was appointed Chief Judge of the Army, a position in which he served admirably until retiring in 1975.

It is almost impossible to believe that during such an exciting and action-packed life, Mr. Sneeden has found time to write. However, his publications encompass: "Illinois Brick—Do We Look to the Courts or Congress, XXIV The Antitrust Bulletin"; "Oil and Coal: A Political Football"; "Swann Oil Energy Digest"; and a prepared statement filed with the Committee on the Judiciary when appearing as a witness on the proposed amendments to the Clayton Act hearings on S. 300, the Antitrust Enforcement Act, 96th Congress, 1st session. Presently, he's preparing a law review article which will focus on the decision of the U.S. Supreme Court in Pfizer, Inc. et al. against Government of India, which was decided January 1977.

Therefore, I take great pride in recognizing and commending Emory M. Sneeden for his lifetime of service to his State and Nation. His dedication to his profession, integrity and selfless devotion to duty serve as an encouragement to all Americans. Capitol Hill will sorely miss Emory M. Sneeden.

I wish Gen. Emory Sneeden—patriot, soldier, able lawyer, and public servant—much success as he resumes his position in the private sector as the associate dean at the University of South Carolina School of Law, and as he serves "of counsel" in the distinguished South Carolina law firm of McNair, Glenn, Kondouras, Corley, Singletary, Porter, Dibble.●

VERIFY REPORTS OF AMERICAN POW'S AND MIA'S

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LAGOMARSINO. Mr. Speaker, the persistent reports of American POW's and the bodies of American MIA's still being held in Southeast Asia require us to continue our efforts to verify these reports and obtain the release of any Americans still alive or their remains.

A recent editorial from the Santa Maria, Calif., Times urges the administration to pursue the POW question. I strongly support that request and hope that the Reagan administration will continue to do everything it can to resolve this bitter reminder of the war in Southeast Asia.

MUST PURSUE POW QUESTION

Congressman Robert Lagomarsino has confirmed that the bodies of three missing in action (MIA) servicemen in Vietnam are being returned by the Hanoi government. This comes at a time when the Vietnamese government had previously denied the presence of any more bodies as well as at a time the Central Intelligence Agency is conducting clandestine operations designed to free Americans still being held prisoner in Southeast Asia.

Officially, the U.S. government discounts the possibility that any American servicemen remain prisoners in Southeast Asia. But the two recent raids into Communist Laos by unidentified mercenaries, presumably Lao guerrillas operating from bases in Thailand, tell a different story.

The raiders entered Laos at the behest of the CIA. Their mission was to locate a mysterious camp deep in the Laotian jungle and to rescue any Americans who might be prisoners there.

As it happened, the raiders failed to reach the camp on their first attempt. When they tried again, they found no evidence of Americans at the camp, which appeared to be a Laotian government detention center for political prisoners.

According to U.S. intelligence sources, satellite photographs of the camp yielded some indications that Americans might be there. If they were, they must have been moved before the second raid occurred.

But the Reagan Administration has more than satellite photos to suggest that American servicemen may still be imprisoned in Laos and Vietnam. The Pentagon's Defense Intelligence Agency had compiled testimony from nearly 300 Indochinese refugees who claim to have seen Americans in Vietnam or Laos since the Communist takeover of 1975.

We urge the administration to spare no effort in attempting to verify these reports and, where credible evidence exists, to mount further rescue attempts. If there was any lingering doubts about the veracity of Vietnamese officials and their word that no U.S. servicemen remain there, those doubts should have been erased with the release of the MIA bodies.●

OLDER AMERICANS EMPLOYMENT OPPORTUNITY WEEK

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. PEPPER. Mr. Speaker, in today's political and economic climate of shrinking resources and mounting uncertainty, our Nation is fortunate to have one resource upon which we can count: the older American worker. Utilizing the talent and experience of these workers may be one of the best ways to solve the present crises in retirement income programs and social security.

To date, the resource of the older worker has not been effectively tapped. Only 22 percent of those aged 60 and over are currently working. Despite this, national polls show that most retired Americans would prefer to be working, either full or part time. Many older workers leave their jobs unwillingly. Even those who retire willingly often find that they cannot make ends meet or are bored in retirement. Finding a job is very difficult for older workers. Once out of the labor force, older workers remain unemployed for twice as long as their younger counterparts.

Employers are beginning to recognize the value of hiring and retaining older workers. Programs such as job-sharing, flexitime, retraining, and part-time jobs are being made available to entice these workers to remain on the job. These employees provide a high level of productivity, knowledge, expertise, and a job well done in return for the opportunity to remain employed.

Providing employment opportunities for the older worker is an important and necessary goal not only for today but also for the future. For this reason, I and Mr. RINALDO, along with 56 of our colleagues in the House, today join with Senators HEINZ and CHILES in introducing a joint resolution to draw attention to the older worker and to encourage employers to generate employment opportunities for these workers. Specifically, we are requesting that the President designate the week of September 6-12, 1981, as "Older Americans Employment Opportunity Week." During this week, special programs would be scheduled around the country to inform employers and the public about older worker resources and to educate older persons about available employment opportunities. The outcome should be increased visibility of the need for employing older workers, a better understanding among employers of the benefits of employing older Americans, and wider employment options for those older individuals who would like to make a contribution to society.

The text of the resolution follows:

JOINT RESOLUTION

To authorize and request the President to designate the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week".

Whereas our Nation's citizens over age 65, now representing over 11 percent of our population with this rate expected to increase steadily over the coming years and decades, constitute a major national resource;

Whereas increasing numbers of our older citizens, being willing and able, are looking for opportunities to gain employment or remain in the work force in order to serve their communities and the Nation;

Whereas older citizens, having accomplished so much in the past for the Nation and who continue to contribute to the Nation's productivity and service to others, should be encouraged to continue in employment roles that utilize their strengths, wisdom, and skills;

Whereas career opportunities reaffirm the dignity, self-worth and independence of older persons by facilitating their decisions and action, tapping their resources, experience, and knowledge, and enabling their continued contribution to society;

Whereas it has been demonstrated through title V of the Older Americans Act of 1965, which supports a part-time program for Older Americans, that older workers are extremely capable in a wide variety of job roles;

Whereas recent studies conducted by the United States Department of Labor and other organizations indicate that, in many cases, employers prefer to retain older workers or rehire former older employees due to their high quality job performance and low rates of absenteeism; and

Whereas Congress recognizes the importance of continued participation of senior citizens in our Nation's work force and encourages expanded careers and greater job opportunities for these individuals by increasing the awareness of the valuable experience and wisdom offered by our Nation's elders: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week of September 6, 1981, through September 12, 1981, as "Older Americans Employment Opportunity Week", and calling upon—

(1) our Nation's employers and labor unions to give special consideration to older workers with a view toward promoting expanded career and employment opportunities for older workers who are willing and able to work and desire to remain employed and to retired seniors who wish to reenter the work force;

(2) voluntary organizations to examine the many fine service programs which they sponsor with a view toward expanding the important service roles older workers are engaged in;

(3) the United States Department of Labor to give special assistance to older workers through job training programs sponsored by the Comprehensive Employment and Training Act, job counseling through the United States Employment Service and additional support through its Older Worker Program; and

(4) the citizens of the United States to observe this week with appropriate programs, ceremonies, and activities.●

THE OLYMPIC COIN ACT OF 1981

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LOTT. Mr. Speaker, I am today adding my name as a cosponsor of H.R. 3958 and am pleased to join the entire California delegation in supporting this important legislation.

This bill would require the Secretary of the Treasury to enter into an agreement with the Los Angeles Olympic Organizing Committee to strike a series of special coins to commemorate the 1984 games to be held in Los Angeles, Calif. The coins would be fully paid for by the LAOOC plus 15 percent of the manufacturing costs as a profit to the taxpayers.

H.R. 3958 sets ceilings on the numbers and denominations of legal tender commemorative coins, leaving details to be worked out between the Secretary of the Treasury and the LAOOC.

Since every host country in modern Olympics has minted special coins to honor the Games, there is reason to expect Congress not to break tradition. However, there will be discussion among Members over competing coin proposals.

The distinguished chairman of the Subcommittee on Consumer Affairs and Coinage (Mr. ANNUNZIO) has introduced legislation, H.R. 3879, which would permit the U.S. Mint to manufacture 25 million $1 silver coins for sale to the public by the Treasury Department. The net proceeds would be equally divided between the U.S. Olympic Committee and reducing the national debt.

The entire California delegation, on the other hand, introduced H.R. 3958 which would authorize upper limits of 56.4 million $1, $10 silver, $50 gold, and $100 gold coins. The marketing would be accomplished by the private sector.

There appears to be two basic differences in the approaches: One is more limited in size and scope than the other, and one utilizes the Federal Government rather than the private sector as the marketing agent.

In the hopes the critical differences between the bills can be better understood, I want to outline, in question and answer form, some important facts which argue for support of H.R. 3958.

A CRITICAL COMPARISON BETWEEN H.R. 3958 (CALIFORNIA DELEGATION) AND H.R. 3979 (ANNUNZIO)

QUESTION AND ANSWERS

Q. Which bill is supported by the Los Angeles Olympic Organizing Committee?

A. H.R. 3958.

Q. Which bill is supported by the United States Olympic Committee?

A. H.R. 3958.

Q. Which bill has been introduced in the Senate and is supported by senior Members of the Senate Banking Committee?

A. H.R. 3958.

Q. Which bill has been introduced by *all* the California Delegation?

A. H.R. 3958.

Q. Which bill will raise more money for amateur athletics?

A. H.R. 3958.

Q. Which bill fully protects the U.S. taxpayer and requires no Treasury financial exposure?

A. H.R. 3958.

Q. Which bill guarantees the U.S. Treasury a profit of 15% of its manufacturing costs?

A. H.R. 3958.

Q. Which bill places the marketing risks involved in the private sector rather than the taxpayer?

A. H.R. 3958.

Q. Which bill provides funds for the Olympic group in Los Angeles responsible for staging the 1984 Games as well as revenues for the USOC to train our athletes?

A. H.R. 3958.

Q. Which bill already has approval to use the official Olympic Seal of the Games which is protected by international law and an Act of Congress?

A. H.R. 3958.

Q. Which bill has the smallest markup (face value vs. retail sales price) for its coins?

A. H.R. 3958.

Q. Which bill allows for a variety of designs?

A. H.R. 3958.

Q. Which bill contemplates gold as well as silver coins?

A. H.R. 3958.

Q. Since the USOC must negotiate international sales with other national olympic committees, which bill can best market overseas?

A. H.R. 3958.

Q. Which bill does not require congressional appropriations and Budget considerations?

A. H.R. 3958.

Q. Which bill would result in an automatic guarantee to the Olympic movement $50 million regardless of the success of the coin program?

A. H.R. 3958.

Q. Which bill sets a tougher standard for private groups asking the Mint to manufacture commemorative coins and therefore discourages future programs?

A. H.R. 3958.

Q. Which bill can use wholesale outlets and retail organizations like credit card companies, department and specialty stores, mail order houses, banks and other private firms to sell coins?

A. H.R. 3958.

Q. Which bill terminates the minting of Olympic coins in 1984, the year of the Games?

A. H.R. 3958.

Q. Which bill provides for aggressive advertising and modern sales management?

A. H.R. 3958.

Q. Which bill allows Treasury flexibility through a negotiated contract with the Olympic organization?

A. H.R. 3958.●

THE PEOPLE RESPOND

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. GARCIA. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD a statement which exemplifies the concern people are feeling over the proposed budget cuts. President Reagan's economic plan would not affect every segment of this society equally; minorities and the poor would have to shoulder the greatest suffering while businesses and the rich would be favored disproportionately. As part of my continuing crusade against the inequities in the proposed economic plan, I am inserting today's statement to show that there are still citizens who are concerned over the impact of this plan.

BOY SCOUTS OF AMERICA,
GREATER NEW YORK COUNCILS,
New York, N.Y., March 23, 1981.

Hon. ROBERT GARCIA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN GARCIA: We are extremely concerned that there may be reduced funding for the Summer Food Program. Through this program, we provide nutritionally balanced meals to poverty level youth who attend our summer camps.

Our organization helps youth develop their character, physical abilities and sense of citizenship. It is difficult for us to achieve our goals when a youth is hungry or is not receiving a properly balanced diet. On a first hand basis, we can attest to the fact that reductions in this program would lead to poverty level youth being denied a basic right of being well fed.

Sincerely,

RALPH DARIAN,
Scout Executive.

DAY CARE COUNCIL OF NEW YORK, INC.,
New York, N.Y., April 7, 1981.

Hon. ROBERT GARCIA,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN GARCIA: Attached you will find some statistics which we collected and analyzed for your use. If the Reagan Administration proposal for block grants with a 25 to 30 percent fiscal cut are adopted, we should know the effect it will have on human services, particularly day care. Therefore, the Council put together an impact statement to show how the cuts will effect children, families, jobs and what the cost will be to the taxpayer. As you well know, day care is an employment related program and the impact of the cuts on the localities will have enormous fiscal implications.

If you have any questions or we can be of further help, please call me at (212) 687-9052. We hope the enclosed material will be useful to you.

Most sincerely,

JOYCE BLACK,
President.

Enclosure.

NEW YORK STATE EMPLOYMENT
AND TRAINING COUNCIL,
Albany, N.Y., April 3, 1981.

Hon. ROBERT GARCIA,
U.S. House of Representatives,
Longworth House Office Building,
Washington, D.C.

DEAR MR. GARCIA: As part of the continuing effort by the New York State Employment and Training Council to keep you informed of recent developments regarding the CETA program in New York State, attached you will find a copy of a letter I wrote, on behalf of the State Employment and Training Council, to Mr. Raymond J. Donovan, Secretary of Labor. The letter deals with the allocations for CETA Title IID and Title VI, which were recently revised by the Employment and Training Administration. These revisions have effectively preempted Congressional action and have caused such extensive disruption in the employment and training system that a responsible and sensitive phase-out of CETA public service employment programs is no longer possible. Due to the revised allocations, large-scale layoffs are impending throughout the State during the coming months. I hope that the attached letter clearly communicates to you the severe adverse impact the implementation of the revised allocations is having.

Also attached for your information is an updated schedule for the Community Hearings that will be conducted by the SETC throughout the State during April. These hearings are concerned with the public reaction to the proposed cuts in CETA public service employment programs; we hope you will be able to attend.

If you have any questions regarding any of the enclosed material, or if you desire any additional information, please feel free to contact Mr. Michael Cunningham, SETC director, at the above address or phone (518) 457-2270.

Sincerely,

WILLIAM A. JOHNSON, Jr.
Chairperson.

Attachment.

NEW YORK STATE EMPLOYMENT
AND TRAINING COUNCIL,
Albany, N.Y., March 30, 1981.

Hon. RAYMOND J. DONOVAN,
Secretary of Labor,
U.S. Department of Labor,
Washington, D.C.

DEAR SECRETARY DONOVAN: My colleagues on the New York State Employment and Training Council and I were pleased to learn that the national office has assumed the administration of unemployment insurance benefits. As you know, this issue was very important to us and we appreciate your sensitivity.

Unfortunately, a new problem has arisen that has serious negative consequences. The recent transmittal of revised Title IID and Title VI allocations (Title IID effective immediately, Title VI pending Congressional action) is causing extensive disruption within the employment and training community. The message of this transmittal is that the elimination of public service employment is now viewed by the United States Department of Labor as an accomplished fact *before* Congressional action. It is inconceivable to us that such a stance in any way represents the best interests of either the employment and training system or the clients it is mandated to serve.

There is no guarantee that all of the President's proposed budget cuts will be approved by Congress, and we feel that it is counter-productive at best for any government agency to assume otherwise. Our Council feels that the proposed elimination of CETA public service employment programs represents a gravely misguided policy, and we are firmly committed to opposing it. We have reason to believe that many members of Congress share our commitment. We have also seen evidence of strong public support for CETA public service employment programs: according to a poll recently conducted by ABC News and the Washington Post, 70 percent of the respondents favored maintaining or increasing these programs. With these facts in mind, it is entirely possible that CETA public service employment will survive the current mood of budgetary austerity.

But if this does not turn out to be the case, if Congress supports the President in his determination to eliminate public service employment programs, then the employment and training community still has an ethical responsibility to ensure that the phase-out is conducted with foresight and sensitivity. Sadly, the recently announced funding reductions make this impossible.

The revised allocations are having an immediate and profound effect on prime sponsors throughout New York and around the Nation. Many prime sponsors are already beginning to issue lay-off notices. Several other New York State prime sponsors will be unable to carry their participants beyond a few months more. This action has effectively ruled out an orderly phase-down and has seriously impaired the transitioning of participants into other appropriate situations. Agencies which in the past have provided unsubsidized employment for an estimated 30 percent of the public service employees may not be able to accept participants at the rate now, since these potential employers are facing uncertain futures depending on Federal budget action. Positive transitions have occurred in the past because they were staggered and planned well in advance. This is no longer possible because of the accelerated phase-out.

We may not agree with all of the philosophies espoused by the new administration, but surely we can all agree that we have an obligation to maintain the integrity of the employment and training delivery system. However, the latest Employment and Training Administration action will compromise this integrity. In addition to the return of many employed workers to the welfare rolls from which they came, an immediate effect is the elimination of experienced employment and training staff. These skilled professionals could not only have contributed to the orderly transition of those in public service employment, but also to the achievement of the administration's future goals. We strongly urge that these massive, severe cuts in allocations be reconsidered at this time, so that a secure and responsible phase-out can be achieved.

I hope you will carefully consider the points we have discussed. We do want to work with you in improving the administration of the CETA system, as well as in the design and implementation of programs to provide the disadvantaged with a way out of the welfare system of dependency; however, we can only do this if the delivery system has sound financial support. If this support is ensured, I think that together we will be able to fulfill both the President's policies and the needs of our most disadvantaged fellow citizens.

Sincerely,

WILLIAM A. JOHNSON, Jr.●

INDIAN TRIBES: A CONTINUING QUEST FOR SURVIVAL

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LOWRY of Washington. Mr. Speaker, this week the U.S. Commission on Civil Rights issued a report entitled "Indian Tribes: A Continuing Quest for Survival." The report is a comprehensive review of the status of Indian rights under treaties and other laws of this country. The preface to the report quotes a former associate solicitor of the Interior Department, Felix Cohen, in his remarks on the importance of Indian rights:

Like the miner's canary, the Indian marks the shift from fresh air to poison air in our political atmosphere * * * our treatment of Indians, even more than our treatment of other minorities, reflects the rise and fall of our democratic faith.

Those words were written in 1953, and they are still true today. Now, based on the actions of the last Congress in its deliberations on Indian fishing in the Northwest, I must conclude that the barometer of our democratic faith is rising, for these are the recommendations of the Commission concerning that emotional issue in our region:

Congress should provide for enhancement of the salmon resource, diminution of the inflated non-Indian fishery, the development of tribal fishery management capacity, and increased coordination between the various State, tribal, and Federal entities with jurisdictional responsibility.

This statement is virtually a summary of the actions of the Northwest delegation in the Northwest Salmon and Steelhead Enhancement and Conservation Act (Public Law 96-561), which passed with the unanimous support of the delegation. That law was a responsible attempt to answer the real problems of the resource in the face of environmental deterioration, and yet that law still maintained the human rights of Native Americans. All parties to that difficult negotiation deserve commendation for their measured response to this emotional issue.

The Commission on Civil Rights has done a fine job in its report, and I recommend it to the attention of my colleagues.●

WANTED: FIRE VOLUNTEERS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LAFALCE. Mr. Speaker, we live in an age when many Americans say they no longer have heroes. In my opinion, we need not look far from our own communities if we are to find individuals who give freely of their time and risk their lives to protect their neighbors' lives and property.

The volunteer firefighter, whose lineage goes back as far as 1736 and the first American volunteer company which was founded by Benjamin Franklin, remains a hero to the millions of Americans whose lives and property are safeguarded by his or her courage.

Although their volunteer efforts touch virtually every community in our Nation, the average citizen probably knows very little about the special duties and challenges that face the volunteer firefighter and his organization. The article which follows outlines the outstanding work of the almost 900,000 volunteers who are the daily heroes of our communities. The article also points out the need for more volunteers, better financial support from the communities they serve, and improved training. Given the sacrifices made on behalf of their fellow Americans, the volunteer firefighter deserves all of the recognition and support we can muster.

The article follows:

[From the Buffalo News, May 31, 1981]

WANTED, FIRE VOLUNTEERS

(By Frederick M. Winship)

America's volunteer firefighting service—a problem-plagued holdover from colonial times—will be able to survive if recruiting can be stepped up and training improved.

That's the consensus of experts in the field contacted by UPI in a survey of the nation's largest and most dangerous volunteer effort. More injuries occur in firefighting than in any other occupation. More than 100 fire-related deaths of firefighters are reported annually.

Of the nation's 28,200 fire departments, 22,450 are totally volunteer and 4,455 are a mix of volunteers and paid firemen with volunteers predominating 5 to 1. Only 1,295 departments are staffed by paid career firemen only. Almost all of them are located in urban centers of 250,000 or more population. Even New York City has a few volunteer companies.

VFDs protect half of America's population. It's plain to see that survival of the volunteer firefighting system is vital to the nation's safety and health.

In addition to fighting fires and combating arson, the nation's 889,250 volunteers provide the only emergency rescue and ambulance services in thousands of communities, where there are often twice as many ambulance calls as fire alarms. Almost 80 percent of the Emergency Medical Services care in the nation is provided by local fire services and many volunteers have basic paramedic skills.

In most school systems firemen provide the only instruction primary school children ever get in fire safety and survival.

VFDs have increased as the annual number of fires reported by the National Fire Protection Association has risen from 2.4 million in 1965 to nearly 3 million in 1980 for a total property loss of $5.7 billion, compared to only $1.8 billion 15 years ago. There have been 4,200 new volunteer and paid fire departments established since 1965, on an average of 200 a year, and the majority are all-volunteer.

However, many Americans still picture the local firehouse, sometimes owned by the company itself rather than the community, as a late Victoran macho club, a gathering place for poker and pool-playing blue-collar workers who'd rather while away their leisure hours with the boys and the company's dalmatian mascot than with their families.

"That's not true anymore," said Marion Cole, a spokeswoman for the National Fire Protection Organization in Boston, which provides technical and educational material to fire companies across the nation. "It used to be a much more social thing, a fun thing, than it is now. Now it's serious business with a lot of problems to be solved."

The blue-collar makeup of volunteer companies is still the general rule but there are a lot of volunteers from the professions and a small but growing number of women. One of the white-collar volunteers in North Brunswick, N.J., is Dr. Robert G. Kahrmann, dean of continuing education at New Jersey's Seton Hall University.

"Yes, there are a lot of problems," said Kahrmann, who has written many articles for firefighters' publications and is considered an expert on VFDs.

"Volunteerism in firefighting peaked in this country in the 19th century and has diminished considerably in the past 20 years. Many towns won't admit it, but they're hurting for lack of recruits. And there are too many volunteers who work during the day, some of them in communities other than where they live, to provide adequate response to alarms."

E. James Monihan, a volunteer for 23 years and now president of the National Volunteer Fire Council representing VFDs in 22 states, confirms this.

"There's generally a turnover of about one-third annually," Monihan said. "A company has to take in about six new men to get a good one."

One difficulty, as Monihan sees it, is that the $50,000 benefit paid by the federal government to public-service officers for death in the line of duty must go to firemen's dependents, which means the estates of bachelor firemen get nothing, thereby discouraging bachelor volunteers. The National Volunteer Fire Council is trying to correct this.

The explosion of bedroom communities around cities compounds the difficulty in recruitment because commuting workers do not have the sort of civic pride and sense of community responsibility that nourishes volunteer firefighting and has given volunteers the sobriquet, "the unique breed."

"They may give money but not time," said Monihan. "They just want to be taken care of."

Kahrmann lamented the lack of training required of most volunteers who generally spend only a few evening hours each week at the firehouse studying and rehearsing firefighting and lifesaving techniques.

Less than 20 percent of the nation's companies have physical-fitness programs. Less than 50 percent require periodical medical checkups. Heart attacks are the leading type of fatal injury to firefighters, accounting for about 40 percent of deaths, and they are occurring earlier in firemen's lives.

New York State recently established a minimum of 229 hours of training for companies of five or more paid firemen. Dr. Gerald W. Lynch, chairman of the special task force which recommended this minimum, said volunteers need the same amount of training.

"The state can't force volunteers to comply but we hope they will want to meet these standards out of pride for their own protection," said Lynch, who is president of New York's John Jay College of Criminal Justice.

"Volunteers should know how to combat fires in these mushrooming high-rise buildings and how to detect arson. Volunteers make up 85 percent of the firefighting force in this state and the big problem is that a lot of them work."

Kahrmann said: "Very honestly, the training of volunteers is limited, a hit or miss operation depending on the fire department. There's a lot of pressure at state and county levels all over the country to get training going, mainly because of the increase in arson. If you don't get the evidence of arson at the site, you can't do very well in court."

The VFD's of Delaware are leaders in setting minimum training hours for volunteers. Departments determine their own minimums according to their own needs, and these are now running between 200 and 300 hours.

Kahrmann also mentioned lack of adequate equipment—even air masks—as one of the most prevalent shortcomings of VFD's, although mutual-aid arrangements with companies in neighboring communities can partially make up for this.

New high-rise buildings in areas protected by companies that formerly needed only 65–70 foot ladders poses another challenge. Even in big cities, ladders reach to only the 8th or 9th floors at most.

"We have 35 foot ladders because the maximum average height of buildings here is 35 feet," said truck company employee Ronald N. Huter, a volunteer and former chief of the 40-man Mountainside, N.J., fire department. "If they build much higher we will just have to let buildings burn down to our level."

It is difficult to provide practical training in high-rise firefighting, he said. Departments often get permission to burn condemned buildings in order to give their men practical experience. This is not possible in the case of newly built high rises which are potential towering infernos.

Huter said the biggest problem of all is money for adequate equipment. Tax money pays for most of Mountainside's equipment, but the men supply their own jackets, pants, helmets and boots and do a lot of the equipment maintenance themselves.

A standard pumper with hose costs $100,000 or more. The addition of big aerial ladder trucks and snorkel equipment ($250,000 and up) would be an impossible financial drain on Riverside's 2,500 inhabitants.

According to expert estimates, it takes a department of 50 firemen working three shifts to field an initial minimum response of 13 men to a residential fire. Since paid firemen earn from $15,000 to $23,000 a year, according to the International Association of Fire Chiefs, it would cost any community wishing to pay for a minimal fire force $750,000 to over $1 million.

"You can see that an all-paid fire department would be a very expensive project for almost any community," said Kahrmann. "Volunteers, however, are doing well for their communities and are generally keeping up their strength. There was a question that they'd survive the 1970s but they did, and I think they'll survive the '80s."

VFDs also got good marks from William F. Seifried, deputy administrator of the National Fire Academy at Emmetsburg, Md., which was created by the federal government in 1974 to upgrade the training of firemen.

"You get various degrees of professionalism in fire departments," Seifried observed. "I think some volunteer departments are more professional than paid departments."

Seifried said volunteers make up about 10 percent of the student body at the academy, which had 2,100 graduates in 1980. He said about four percent of the student body are women.

Volunteer fire companies still depend on house-to-house collection of donations, chicken dinners and dances to raise funds, just as they have since Benjamin Franklin founded the first volunteer fire company in America in Philadelphia in 1736.

Municipal taxes and state grants help meet some companies' budgets. Federal funds go mostly into training and research programs that have been greatly strengthened in the past decade, although there are federally guaranteed loans and matching grants available to VFDs who know how to go about getting them.

Some communities levy a special tax on top of the regular municipal property tax to support their VFDs. This runs from 4 cents for every $100 of property evaluation to 7 or 8 cents. The money is usually spent on equipment.

The VFD in Bloomington, Minn., one of the best in the country, is in an ideal situation. It has no money problems, according to Chief George Hayden, a bank vice president. The city ungrudgingly provides an adequate working budget of $350,000 and contributes $1 million annually to a pension program for the 130-man corps. There is a waiting list of eager prospective firemen, A-1 training and physical fitness programs, and up-to-date equipment.

Property owners could afford to be more generous in their donations to VFDs in view of the fact that the better their fire protection the lower their fire insurance rates, the experts say. Firefighting adequacy is one of the main considerations of rating companies in drawing up fire suppression ratings for America's towns and cities. From these ratings, insurance rates are set for communities by insurance companies.

The U.S. Fire Administration claims that lack of business management by trained managers is one of the major weaknesses of VFDs. They are institutions with budgets in the hundreds of thousands of dollars and need just as much expert advance planning and utilization of current business practices as hospitals or cultural centers, according to officials who have set up USFA educational courses in this area. Public apathy ("people don't think about the problems of fire departments until they've had a fire") and widespread failure to enforce construction fire codes which require architectural safeguards, sprinkler systems, and, increasingly, smoke detectors is most often blamed for the United States' fire death rate, the highest in the world.

It is twice that of England, France, Sweden and Norway and five times that of

Switzerland and the Netherlands. Residential fires are the main source of U.S. fire deaths.

Don Flinn, manager of the International Association of Fire Chiefs, claims fire codes are "generally influenced by the construction industry" which seeks to cut building costs. There are 18,000 separate state, county and municipal fire codes, often contradictory, and weak enforcement may be weakened even further by municipal budget cutbacks caused by inflation.

"There is a slowing—even abandonment—of code enforcement in many places," said Flinn, assistant fire chief of Silver Spring, Md.

The nation's high civilian fire death rate—7,780 in 1979, the last available figure—may be due partially to the fact that volunteers report to fires from their homes or jobs when summoned by fire siren, phone, pocket radio or beeper, whereas a paid company staffs the firehouse at all hours and can get to the site quickly with the necessary equipment.

"Some parts of our district are 11 miles from the station," said Monihan, of Lewes, Del., a hospital administrator when he isn't fighting fires. "If there is a crew in the station it takes about two minutes to get there, but generally there is no one in the station. During the day the men are working at their jobs and you get really stripped. Most VFDs simply have to have a bigger corps today than would normally be needed."

Three to five minutes is considered good response time to a fire alarm, one which will minimize damage and loss of life. The all-volunteer Purchase, N.Y., fire department that responded to the Stouffer's Inn fire last January took 7 to 10 minutes, according to the Westchester County, N.Y., district attorney's office. That fire took 26 lives. The local fire code required no sprinklers and the inn had none.

Arson is an activity that has increased the U.S. fire death rate dramatically and it increasingly claims the attention of VFDs. According to the U.S. Fire Administration, the known cost of arson to the nation annually is 700 lives and $1.3 billion in property losses, but many arson fires are never identified as such. This agency is making a major effort to develop arson investigation courses for firemen and create arson task forces in fire departments in all 50 states.

Investigation of arson requires close cooperation of fire company personnel with police, public prosecutors, and insurance investigators. Police have jurisdiction over arson investigation in many communities, but Joseph Morland, acting U.S. fire administrator, feels this is wrong.

"It should rest in the fire service," he said, pointing out that firemen are usually the first to get to a fire when evidence of arson, needed for conviction of arsonists, is most likely to be found.●

FEDERAL FAT: MORE ON THE DAVIS-BACON ACT

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. HAGEDORN. Mr. Speaker, in the June 9 edition of the Christian Science Monitor, correspondent Brad Knickerbocker reports on the growing support for repeal of the Davis-Bacon Act. The fact is, there are no good reasons for keeping this law on the books, and many for getting rid of it. As we hem and haw over taking the necessary corrective action—repealing the act—Davis-Bacon continues to waste American tax dollars, and continues to contribute to the inflation we are trying to control.

DAVIS-BACON ACT: SIX BILLS IN CONGRESS WOULD REPEAL IT

One of the pillars of U.S. labor law is headed for major change, if not outright demise. This is the Davis-Bacon Act, depression-era legislation that regulates wage rates for government construction projects.

Critics say the law costs taxpayers at least $1 billion each year, maybe more when indirect inflationary effects are added in. Labor leaders warn that workers would be "victimized and exploited" without Davis-Bacon, and their congressional supporters have promised an all-out battle—including a filibuster if necessary—if the law is attacked. But given movement in the more conservative Congress and recent actions (private as well as public) by the White House that may not be enough to prevent the law's opponents from predominating.

Enacted in 1931, the Davis-Bacon Act says federal construction project wages should be based on "prevailing" local wages. Passed during the depression, it was designed to prevent itinerent groups of workers—exploited by labor contractors who had no trouble rounding up unemployed men—from underbidding local employers.

Since then, the law has been expanded to include many federally assisted construction projects, such as highways, sewers, housing, transportation systems, recreation facilities, and airports, totaling at least $35 billion a year.

Numerous studies have shown that workers paid under Davis-Bacon rules actually receive considerably higher than average compensation.

The General Accounting Office (GAO) has estimated that unnecessary construction costs due to the act cost the public more than $700 million a year, and much more when the inflationary impact on the economy is considered. Others say it adds more than $5 billion to the cost of federal construction.

In a report to Republican congressmen last October, the GAO estimated that the law would increase the cost of Washington's "Metro" rail system by 6.8 percent, or $149 million.

Part of the problem apparently is the way the U.S. Labor Department figures "prevailing wages." For example, it considers any single wage group comprising at least 30 percent of the total to be the average. Often this means union workers who bargain collectively for higher wages. Non-union workers thus are not weighted proportionately.

Others charge that Davis-Bacon discriminates against minorities, women, and young people by requiring contractors to pay higher wages and use fewer trainees.

Since 1931, it is pointed out, many more labor protection measures have become law including minimum wages and unemployment compensation. On average, construction workers are paid considerably more than the average manufacturing worker and have seen their wages rise much faster than inflation in recent years.

Still, labor leaders insist the law ought to be retained.

In Senate testimony earlier this year, Robert Georgine, president of the Building and Construction Trades Department of the AFL-CIO, said: "There is still a compelling need for this law because, without it workers will be subjected not to just losing a few dollars in wages but to flagrant abuses . . . it is a reality that workers are still victimized and exploited."

The GAO has recommended that it be repealed.

There are six repeal bills on Capitol Hill. Such measures have failed before, but they are now given a better chance.

President Reagan has strongly criticized Davis-Bacon, but during his campaign said he opposed outright repeal.

Secretary of Labor Raymond J. Donovan has offered administrative changes. A complete administrative rewrite of the law is due by the end of the month.

Significantly, White House officials last week privately told key GOP senators they will not block congressional efforts to remove Davis-Bacon provisions from important federal aid bills covering large construction projects.●

AIR DEFENSE HEARINGS TO BE HELD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. SKELTON. Mr. Speaker, today, I wish to speak about a problem that poses a threat to our Nation. It is our lack of air defense, that is, our inability to effectively warn against and defend against an enemy bomber attack. During the past several years, our capability to defend the airspace of the continental United States against a Soviet bomber attack has been significantly and unilaterally reduced.

Our air defenses began to weaken during the mid-1960's when the Pentagon decided that we should concentrate less on a philosophy of defense and more on a philosophy of offensive weapons. Offensive weapons alone . . . It was thought . . . would deter an attack against the United States. Defense positions . . . it was also thought . . . would weaken deterrence. Thus, the so-called doctrine of "mutual assured destruction" was born. Consequently . . . air defense, antiballistic missiles, civil defense, and other aspects of a once strong strategic defense began a slow death.

History and geography have been kind to America. The two major wars of this century have been fought far from our shores. Our own homeland was isolated from these conflicts and was invulnerable to attack. For this reason, we have not fully understood the need for defense.

The history of another island power may help us to understand our own situation a little better. In the 1930's the British were terrified of the prospect of a strategic air war with Germany. Like us Americans in more recent times, the British resisted the idea of relying on a strategy of air defense unless that defense could be made air-tight. They wanted the kind of hermetic defense that Britain's naval supremacy had provided in the days before the rise of air power. Since air defense would always be imperfect, the British sought their perfect security in the "balance of terror." Accepting the perversely comforting belief that "the bomber will always get through," the British built a large bomber force they thought would deter German air attacks. They did not build fighters to defend against German bombers.

This British peacetime mentality dissolved in 1938 and 1939 as the likelihood of war increased. Eyeball to eyeball with a tangible threat of war, the British began to feel that reliance on bombers to deter the Germans was a dangerous game. Under the impact of this cold slap of reality, the British began to emphasize fighters rather than bombers. They worked hard to develop radar, which was the key ingredient of an effective air defense, and they began to prepare in earnest for civil defense.

Fortunately, the basic elements of an air defense system were in place by the summer of 1940, and the British were able to win the air battle that followed the fall of France with the Spitfires and Hurricane fighters they had built. Many German bombers did get through, but defense, imperfect as it was, proved to be a more reliable guarantor of security than did the "balance of terror," their bomber force.

In the 1960's our American air defense had 2,600 interceptor fighter planes. Today we have about 275 and these are dangerously outdated. In the 1960's we had a radar system against a bomber attack that was extremely difficult to penetrate. Today it is so filled with holes that even drug smugglers flying unsophisticated aircraft are constantly sneaking through. In the 1960's air defense had more than 1,000 surface-to-air (SAM) missiles as an added defense against a bomber attack. Today we have none.

Contrary to the popular belief of the 1960's and 1970's . . . the threat of a Soviet bomber attack against the United States is quite real and is potentially devastating. Today, as we stand here we are not ready to deal with such an attack on the United States by the new Soviet supersonic backfire bomber.

There are three basic requirements for the air defense of the United States: (1) Air defense surveillance systems must provide sufficient tactical warning of an enemy attack to enable the President to communicate with our military forces and the weapons system so survival measures can be taken. (2) Our air defense forces must be able to engage the enemy and limit the damage from air attack. (3) Finally, our air defense should be able to monitor U.S. airspace and take action against potentially hostile intruders.

I would like to read to you the Air Forces' report on our ability to meet these three basic requirements:

"Because of major gaps in our air defense radar systems, existing North American radars cannot assure sufficient tactical warning to enable the President of the United States . . . his communications systems and our B-52 bombers to take necessary survival measures before enemy bombers and/or cruise missiles could hit us. Furthermore, even if we had the warning, the current fighter force would not be able to successfully engage the enemy bombers because the bulk of our fighters lack a lookdown, shootdown capability. In light of these critical shortcomings, the Soviet Union has the potential to carry out an essentially 'no warning' air attack against key installations."

Thus, a bomber attack against the United States could extensively damage our wartime command and control and our own B-52 bomber bases causing such national disarray that we would be vulnerable to an immediate missile attack.

On the other hand, the picture is not all bad because there are improvements planned for our air defense radar systems.

The 1982 Federal budget contains funding for an effective over-the-horizon backscatter (OTHB) radar for coverage of northeast and northwest coastal approaches to North America. The northeast system should be ready for operation by the mid-1980's. The northwest system should be operational a few years later. The 1982 budget also has some funds for research into using the over-the-horizon backscatter for the northern approaches, the shortest and most likely route for Soviet bomber attack. Right now, we don't know if it can be used to guard against an attack from across the North Pole . . . so . . . in the event the OTHB cannot be used as a northern radar system, we plan to upgrade our current and rapidly deteriorating distant early warning or DEW line. This DEW line is the radar system used to guard against a bomber attack. The DEW line radar system drapes across the Arctic wastelands from the Aleutians, across Canada, to the Atlantic, and it was designed to be a tripwire against incoming enemy bombers. However, it is a 1950's system, based on 1950's technology. As I mentioned a moment ago, this radar system is presently filled with gaps and can be penetrated.

As you can see, there is a major problem even with the upcoming improvements in our air defense radar systems. What happens before over-the-horizon backscatter is operational and before the DEW line is improved? The answer is not encouraging. We will remain vulnerable to enemy bombers until the mid and late 1980's

Now let us look at an equally important and, yes, equally outdated part.

With the bulk of the air defense fighter force like our DEW line radar more than 20 years old and only marginally effective against current threats, modernization of these fighter aircraft is one of our most pressing needs.

The present assigned fighter force is comprised of F-106's, F-101's, and F-4's. They represent 1950's technology in radar, weaponry, and performance. These aircraft have limited search volume and range and do not have a look-down, shoot-down capability necessary to engage advanced bombers such as the Backfire. Furthermore, the F-106's, the bulk of the fighter force, are becoming increasingly difficult and costly to maintain. Advanced fighter aircraft, such as our F-15, must be procured and dedicated to the air defense mission in order to provide a credible defense against air attacks and to discourage the Soviets from embarking on a substantial expansion of its long-range bomber force, because to do so would be useless against a strong American F-15 force. At this moment, there are only two F-15's assigned to the air defense of the continental United States.

In recent years, we have been blinded by the illusion that all enemy destructive forces will be coming in by intercontinental ballistic missiles. This thinking brought about basic changes in our national policy in the mid-1960's. This illusion caused us to scale down our defense against possible enemy bomber attack. The illusion, if it continues, could invite undreamed of destruction.

The current arms race is geared toward weaponry. In addition to the purchase of new weapons, I propose that the United States begin a national defense system aimed at protection. A proper strategic defense, which includes air defense, is what we need and what we must have. Such an upgraded strategic defense would stabilize the protection of our Nation. It would make it too costly for another country to inflict substantial damage, thus, a policy of strategic defense would reinforce our policy of deterrence.

Our current defense strategy is designed for a two-power world with the concentration on destruction. Such a strategy is useless in a world where more nations than the United States and the U.S.S.R. have nuclear weapons and bombers. In a world that acknowledges more than two nuclear powers, the new strategy must stress

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protection or defense just as much as it stresses offensive destruction.

Today, I am pleased to announce that the chairman of the House Armed Services Committee has agreed to my recent request to hold full committee hearings on the issue of the need for a stronger national air defense system. After the full committee holds its hearings, the Investigations Subcommittee of the Armed Services Committee will follow up with more detailed hearings.

These hearings are a major step in bringing the crucial issue of air defense to the attention of Members of Congress and the entire Nation. My hope is that these hearings will be the first step in assuring that America becomes secure from the threat of enemy air attack.●

OUR RELATIONSHIP WITH THE CARIBBEAN ISLAND NATIONS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LAGOMARSINO. Mr. Speaker, last week, I participated with a number of my colleagues in discussions with Mexican parliamentarians of a variety of topics of great interest to both our Nations. One of particular importance is our relationship with the island nations in the Caribbean. It has been apparent for some time that considerable financial assistance and inducement for private investment are necessary to help stabilize that region's economy and political structure.

A recent editorial in the Santa Barbara News-Press, a prominent newspaper, in my district, describes in clear and compelling terms the need for such help.

[From the Santa Barbara News-Press, June 9, 1981]

AID FOR LITTLE ISLANDS

There are so many problems, projects and plans to be worked out between Mexico and the United States that two days of meetings between the countries' leaders are barely enough to establish an agenda for future discussions.

And then there is an additional topic of concern to both of these countries: the Caribbean islands. Beautiful as they are from the decks of cruise ships, these islands have more than their share of poverty and the great social and political problems that poverty breeds. They need help. They can't live well on the tourists alone. They need more agricultural and industrial production of their own, and their people need better health care and better schooling. In their present condition, they are susceptible to influences from afar.

The future of the Caribbean is of vital concern to both the United States and Mexico. But Mexico's own internal economic problems probably will not allow it to extend much help to the islands. Help for the Caribbean must come mainly from the United States, and it is encouraging to note that the Reagan administration is showing a beginning understanding of the need.

Vice President George Bush recently said that the islands' "very independence may depend on such assistance" as increased trade and private investment to "expand their economic opportunity."

Within the circle of advisers around President Reagan, there is talk of a sort of Marshall Plan of aid for the Caribbean. With our own government's belt-tightening requiring most of the attention these days, the form of help that we can give to the islands is ripe for some debate. We hope, though, that a solid assistance plan will emerge in the coming months.

We mustn't forget the hard lesson implicit in Fidel Castro's giving Cuba to Moscow, And, as the Soviets' chief errand boy in this hemisphere, Castro will continue to do all he can to strengthen friends on the smaller islands.

The islands are so small that assistance in the range of tens of millions—paltry compared with the billions that Congress routinely deals with—might well work wonders for those needy communities.

An example of what might be done is in Jamaica. Edward Seaga beat a pro-Cuba government there last fall and became prime minister. He wants strong ties with the United States, and the administration has already committed $69 million in assistance to help solve Jamaica's economic problems. Building on that example, the Reagan administration can work out a logical plan of aid, a microcosm of the Marshall funds that helped Europe recover from World War II. And Reagan himself is in position to urge private industry to contribute its resources, injecting some of its own vitality into the islands.

Neglect of the Caribbean could easily turn out to be extremely costly to us.●

THE ADMINISTRATION'S DRAFT CLEAN AIR PROPOSAL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. WAXMAN. Mr. Speaker, all of those interested in the Clean Air Act—industry and environmental lobbyists, Members of Congress, and concerned citizens across the country—have been awaiting for some time the administration's proposal for amendments to the act.

I have recently obtained a draft of the proposal the administration intends to submit at the end of the month. I believe it is in the public interest to release it to you today.

I wish to caution all of you that this is only a draft. But it provides the most definitive indication to date of the direction Jim Watt and the Cabinet Council apparently want to go. It may not be the final version, but it reflects the dangerous directions the administration is contemplating.

In a word, the proposal would end the Federal Government's decade-long commitment to cleaning the air in our Nation's cities. If this proposal becomes law, over 140 million people who live in dirty air areas will be permanent victims of air pollution levels that threaten health.

This proposal goes well beyond the changes that industry has publicly advocated. It goes far beyond Vice President Bush's publicly expressed goal of midcourse corrections. This proposal is nothing less than a blueprint for the destruction of our clean air laws.

If this proposal is put forward as formulated, it will only delay the passage of truly needed changes to the law. This proposal will cause a furious and acrimonious battle that is to no one's advantage.

I am today writing President Reagan to urge that he reject these radical proposals. If this administration is serious in its expressed desire to work with Congress, it will foresake these drastic proposals in favor of a more responsible set of recommendations that retain the basic structure of the Clean Air Act.

There is, after all, no reason for fundamental changes to the current law. It has done much to improve air quality across America without hindering our economic and energy development. The President's Commission on Coal and the National Commission on Air Quality both found that we can vastly increase our use of domestic energy reserves without sacrificing the Clean Air Act.

This law also enjoys the broad support of the American people. Only last week, the Harris survey released a poll indicating that 86 percent of the American people want to keep a strong Clean Air Act.

But this draft proposal, being considered at the highest levels of the administration, drastically limits the Federal Government's ability to protect the public health of the American people from air pollution.

It does away with the Federal program to clean up our cities—such as Los Angeles—where the air is the dirtiest.

It entirely repeals the Federal secondary air quality standards, designed to protect America's agriculture from environmental damage.

It will permit the States, on their own, to relax pollution control requirements for industry, setting off an ugly process where industrial growth will go to the dirtiest bidder.

Even when cleanup technology is available, and needed, industry would be no longer required to use it.

These proposals would do nothing to alleviate the ominous threat to the environment of acid rainfall.

They turn back the clock on auto pollution standards, actually allowing cars in the future to pollute more than many of those being sold today.

These proposals make it much more difficult for even the Federal Government, not to mention private citizens, to enforce the law.

All of these proposals contradict the basic policies that have served us well over the past decade: First, that we should make sure that new sources of pollution should be as clean as possible. Second, that we should not allow the States to compete with each other for industry by offering lenient pollution control policies. Third, that measures must be taken to control interstate and international air pollution.

Air pollution is a problem that cannot be controlled by the States alone, and is a problem that will not be controlled by industry. The only effective guarantee of a clean environment is that made by the Federal Government. These proposals would effectively repudiate that guarantee.

It is also my understanding that, in addition to what I have mentioned, the administration is also considering basing ambient air quality standards on cost of compliance, rather than health. The complete abolition of deadlines to achieve public health standards, may also be proposed.

The administration's philosophical approach to pollution control appears to be no longer based on what happens to the health of the American people, but what the cost might be to industry. The welfare of the American people clearly comes second.

I urge all those concerned with these issues to make their views known. Possibly then this administration will understand that the American people do not want to live in a land poisoned by pollution, irreversibly covered by a blanket of factory smoke and auto exhaust that threatens their well-being.

The following summarizes the key policy shifts in the administration's draft proposal for amending the Clean Air Act.

SUMMARY

NONATTAINMENT PROGRAM

The proposal repeals the nonattainment program in the Act and substitutes a program which eliminates the following concepts contained in the law:

Lowest achievable emission rate technology (LAER) would no longer be required for new sources in nonattainment areas.

Offsets would not be required for new sources in nonattainment areas.

To obtain a new source permit, an owner would no longer have to be in compliance with the Act at its existing sources in the state.

Emission limitations for existing sources would no longer be subject to EPA approval.

There would be no sanctions for failure to submit an approvable state plan to EPA.

EPA would no longer be required to promulgate an adequate control plan for a state if the State fails to submit such a plan.

Reasonably available control technology (RACT) would not be required in nonattainment areas unless attainment could not be achieved by 1987.

No deadlines would exist for installation of reasonably available control technology (RACT).

The Act would no longer require annual incremental reductions in emissions.

Automobile inspection maintenance would not be required in any area of the country.

The concept of nonattainment would be eliminated.

In place of the existing nonattainment program, the Administration's proposal would only require state plans to include:

A statement of the amount of reductions in emissions needed for attainment;

An identification of the class of sources from which reductions are to be obtained;

A procedure for establishing emission limitations adequate to attain and maintain primary standards.

State plans would be presumed valid. If a state plan did not demonstrate attainment by 1987, then the state would be required to impose RACT on all sources of the pollutant for which the state cannot demonstrate attainment. This requirement would apply only to those parts of the state that did not demonstrate attainment.

Reasonable further progress would be defined as "a regular improvement in air quality in the state over a period of time".

A 1987 attainment goal would be set, but EPA could issue orders extending compliance dates for individual sources beyond 1987.

NEW SOURCE PERFORMANCE STANDARDS

New coal-fired power plants would be allowed to burn low-sulfur coal rather than use scrubbers to control sulfur dioxide as much as possible. The proposal would alter the process for establishing new source performance standards under the Act by repealing the percent reduction requirement and the technology requirement for new sources. The proposal would also significantly relax technology control requirements for other sources as well.

New sources would be able to avoid standards entirely by offsetting the increase in new source emissions against an equivalent reduction in emissions of the same pollutant from other sources elsewhere within the same plant site. This means that some new sources could be constructed in both clean and dirty air areas without any pollution control.

Major new or modified sources meeting new source performance standards at the time the source received its permit would be relieved from any additional emission limitations for 10 years after the date the permit was issued. Combining this provision with the new source offset could result in the construction of new sources without any controls whatsoever for ten years.

NONFERROUS SMELTERS

The Administration would indefinitely postpone the requirement to comply with the national ambient air quality standards for sulfur dioxide by January 1, 1988 for certain nonferrous smelters.

PREVENTION OF SIGNIFICANT DETERIORATION

The program for prevention of significant deterioration in areas presently meeting air quality standards would be substantially eliminated except for national parks and wilderness areas.

Class II and Class III increments would be eliminated.

Air quality monitoring would be removed from the program.

Only major new projects would consume annual increments.

Fugitive emissions, no matter how close to a national park or wilderness area, could be excluded from increment consumption and control.

SECONDARY STANDARDS

Federal secondary standards promulgated to protect public welfare would be repealed.

States would be free to adopt welfare standards as they chose, or to adopt no standards at all.

Air pollution levels in clean air areas, except Class I areas, would be allowed to deteriorate to primary ambient air quality standards.

The limited protection the secondary standards afforded from acid rain would be eliminated.

HAZARDOUS AIR POLLUTANTS

The proposal weakens the existing law covering airborne carcinogens and other highly toxic air pollutants by incorporating cost considerations and risk assessment in the standard setting process.

The Administrator is given the discretion to dismiss health risks to both exposed individuals and populations.

The technology forcing aspect of the existing law is abandoned in favor of reliance on only existing demonstrated technology to control toxic pollutants.

ENFORCEMENT

The proposal would delay compliance with the Act by making civil actions to enforce the law discretionary and allowing EPA orders to be issued which extend well beyond the attainment dates for air quality standards.

Mandatory civil actions for permanent or temporary injunctions, or to assess and recover penalties of not more than $25,000 per day or both would no longer be required by the Act.

Enforcement orders would not be required to contain firm deadlines for compliance with the Act. Compliance would only have to be achieved as expeditiously as practicable.

NONCOMPLIANCE PENALTIES

Under the proposal noncompliance penalties are no longer required for noncomplying sources.

The Administrator is only given the discretion to assess and collect a noncompliance penalty for sources violating requirements of an applicable implementation plan.

The Administrator is given broad discretion to determine the magnitude of a penalty assessment.

The validity, amount and appropriateness of a noncompliance penalty assessment would not be subject to judicial review.

INTERSTATE AIR POLLUTION

Interstate air pollution is defined in a manner to exclude the phenomenon of acid rain.

Federal intervention would not be permitted unless the interstate air pollution prevented attainment and maintenance of a primary national ambient air quality standard. Since these standards protect health only, States could not use this procedure to get Federal intervention to prevent acid rain.

A cumbersome two-tiered procedure is established for resolving interstate air pollution disputes.

MOBILE SOURCES

The proposal significantly relaxes the automobile tail pipe emission standards contained in the Clean Air Act.

The statutory standard for carbon monoxide would be relaxed from 3.4 grams per vehicle mile to 7.0 grams per vehicle mile for passenger cars.

The statutory standard for nitrogen oxides would be relaxed from 1.0 to 1.5 grams per mile for 1983 and later passenger cars.

Vehicles operated at high altitudes would not be required to meet the same exhaust standards as vehicles operated at low altitudes.

Averaging of emissions from a class or category of motor vehicles would be allowed to avoid enforcement of emission standards applicable to a particular automobile class.

JUDICIAL REVIEW

The proposal would repeal D.C. Circuit venue for challenges to a long list of nationally applicable actions.

Lawsuits challenging nationally applicable actions—primary ambient air quality standards or new source standards for example—could be filed in any of the Courts of Appeal in the country.

A random selection process would be utilized to determine the proper forum.●

A TRIBUTE TO CHARLES SHIPMAN PAYSON

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. EMERY. Mr. Speaker, on June 27, 1981, an event will be held in my congressional district, to honor an outstanding citizen, Mr. Charles Shipman Payson, in recognition of his many contributions to the State of Maine. The event is sponsored by "The State of Maine Campaign," and will be held in the city of Portland.

It is a privilege and an honor to bring to the attention of my colleagues in the Congress, Mr. Payson's lifetime of service to the State and his dedication to Maine's cultural enrichment. His legacy is one of devotion to others and an unyielding dedication to the betterment of his community.

Mr. Payson's principal gift in recent years has been the 17 masterpieces by Winslow Homer as a gift to the Portland Society of Art. In order to insure that these masterpieces are properly housed, Mr. Payson challenged the greater Portland community to build a wing on the present museum. For this purpose, he initially donated $5 million, and has since provided an endowment of an additional $5 million. His philanthropy was of significant help to two other institutions last year when he donated $400,000 to the Maine Maritime Academy, and $100,000 to the Portland School of Art.

The building now under construction is the design work of I. M. Pei & Partners of New York City. It will undoubtedly be an outstanding architectural work of art in addition to serving thousands of Maine people and visitors to our State.

I know that my colleagues will join me in paying tribute to Mr. Charles Shipman Payson for his unselfish contributions to his fellow man. He is truly a great American.●

MAINTAIN YOUR COMMITMENT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. HUBBARD. Mr. Speaker, even though I had the encouragement of the administration and many of my constitutents to do otherwise, I recently voted against the Reagan budget proposals because I felt the needs of this great country could have best been met by enactment of the budget alternative submitted by the House Budget Committee. Mr. John T. Mitchell, 1414 South Brook Street, Louisville, Ky., has written a very timely and thoughtful letter maintaining that our commitment and the commitment of this Nation must be to the needs of the poor and underprivileged. I feel that Mr. Mitchell's letter is one which should be shared with my colleagues and I wish to do so at this time.

DEAR CONGRESSMAN HUBBARD: I watched with interest your interview on the Today Show this morning, and could appreciate the dilemma you expressed as to whether to vote your conscience or to vote the polls. May I submit to you that, if we want our Representatives to vote the polls, we might as well use machines. President Reagan often points to his "mandate" that he received from the voters on Election Day. I urge you and your colleagues not to adopt President Reagan's mandate. He has his mandate; you have yours. You were elected on a Democratic platform, and the Democratic platform is your mandate. You cannot, therefore, adopt a new mandate that someone else happens to have received at a later date.

In the second place, your preference for the Democratic budget seems to be based on your thorough study of both proposals and your knowledge of the devastating effects of President Reagan's proposals on the poor. You acknowledged as much in your interview. May I suggest that, even if your mail is running 2-1, a lot of that, if not most of it, can be attributed to the intense lobbying campaign that the President has lodged, which you, yourself, testified to having felt the direct impact of. Let him wine you and dine you, but please maintain your commitment and the commitment of this Nation to the needs of the poor and underprivileged.

Best wishes,

JOHN T. MITCHELL.●

THE RETIREMENT OF AMBASSADOR YONG SHIK KIM

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. DERWINSKI. Mr. Speaker, I wish to call the attention of the Members to the retirement of His Excellency, Yong Shik Kim, the Republic of Korea's Ambassador to the United States.

Ambassador Kim has served his country here in Washington for the last 4 years. At the time he commenced his service, United States Korean relations had reached a low ebb. He has been largely responsible for the developments that have occured since then, which have seen United States-Korean relations reach a persistently strong, trustworthy, and respectful stance.

Ambassador Kim is probably his country's most effective diplomat. He began his service in June 1949, shortly after the creation of the Republic of Korea, as a consul in the Korean Consulate in Hong Kong. Later that year he moved to Honolulu as consul general. In November 1951, during the Korean war, he was named Minister Extraordinary and Plenipotentiary and became chief of the Korean mission to Japan.

In May 1957, Yong Shik Kim was posted to Paris as Minister and chief of the Korean mission to France. In July 1959, he was named head of the Korean mission to the European Headquarters of the United Nations, and other international organizations, in Geneva, Switzerland, with the rank of Minister Extraordinary and Plenipotentiary.

A year later, in August 1960, his Government recalled him to Seoul where he became the Republic of Korea's Vice Minister of Foreign Affairs. In May 1961, Yong Shik Kim returned to Europe with the rank of Ambassador to the United Kingdom. Concurrent with his duties in London he was also accredited as Korean Ambassador to the Governments of Sweden, Norway, and Denmark.

In August 1962, Ambassador Yong Shik Kim returned to Asia as Korea's envoy to the Philippines.

He served in Manila until being recalled to Seoul in March 1963, to become the Minister of Foreign Affairs. In December 1963, he became a special Minister Without Portfolio in the Cabinet.

His country sent Ambassador Yong Shik Kim next to New York in May 1964, as Ambassador Extraordinary and Minister Plenipotentiary to head the Korean mission to the United Nations. At the same time he was concurrently accredited as Ambassador to the Canadian Government in Ottawa.

In December 1970, President Park recalled Ambassador Yong Shik Kim to Seoul to serve as his special assistant for foreign affairs and for the second time he became Korean Foreign Minister in June 1971. He served in the foreign ministry until December 1973 when President Park named him Minister of the National Unification Board.

In October 1974, Ambassador Yong Shik Kim returned to London to become his country's Ambassador to Britain for the second time. In May 1977, Ambassador Yong Shik Kim was transferred to Washington as Ambassador of Korea to the United States of America.

Major conferences he attended are as follows:

Chief negotiator of the second and third Korea-Japan diplomatic normalization talks.

Member of the Korean delegation to the talks on the Korea-United States Mutual Defense Treaty (1973).

Chairman of the Korean delegation to the United Nations General Assembly, New York—1963, 1965, 1971, 1972, and 1973.

Chairman of the Korean delegation to the Non-Nuclear Power Conference (1968), Geneva, Switzerland.

Chairman of the Korean delegation to UNCTAD (1972).

Chairman of the Asian Pacific Counsel (1973).

His list of accomplishments are many, and his impact has been largely seen in all aspects of his country's ties with the United States. I wish to congratulate Ambassador Kim for the excellent job that he has done in Washington, and wish him the very best in his future endeavors. The people of Korea and the United States owe this dedicated diplomat a fervent thank you for a job well done.●

AMNESTY INTERNATIONAL

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. UDALL. Mr. Speaker, recently, representatives from the group, Amnesty International, brought to my attention, the ongoing case of Mr. Miguel Angel Muyala Buffa who is currently imprisoned in Uruguay, allegedly under false pretenses. I commend to the attention of my colleagues, a letter to the President of Uruguay on behalf of Mr. Muyala Buffa:

Dr. APARICIO MENDEZ,
Exmo. Sr. Presidente de la Republica, Casa de Gobierno, Plaza Independencia. Montevideo, Uruguary.

DEAR MR. PRESIDENT: I am writing on behalf of Amnesty International, who has brought to my attention the case of Mr. Miguel Angel Muyala Buffa who is currently incarcerated in the Penal de Libertad, (Establecimiento Militar de Reclusion No. 1, Libertad, Dept. de San Jose, Uruguary).

Mr. Muyala Buffa is a 42-year-old salesman from Montevideo, Uruguay who was arrested on May 26, 1980 in his home. Allegedly, his political beliefs do not conform to those of your government but reportedly he has not committed or advocated any acts of crime or violence. He was imprisoned under the law of National Security which brings civilians under the jurisdiction of the country's military justice system. As of this date, he has not been tried; but the charge, subversive association, calls for a penalty of between three to eighteen years imprisonment.

Amnesty International has informed me that they have received reports of worsening conditions in the prison since September of 1979, with prisoner provocation and harassment being two of their greatest concerns.

Amnesty International is in the process of contacting you to urge you for the release of Mr. Muyala Buffa and I urge you to look into this matter, to assure that Mr. Buffa's rights have not been violated. Thank you.●

ENERGY IN NEW ENGLAND: TRANSITION TO THE 1980's

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. JEFFORDS. Mr. Speaker, I have joined with several of my New England colleagues today in releasing a report by the New England Congressional Institute entitled "Energy in New England: Transition to the 1980's."

This report documents a dramatic shift in the energy habits of New Englanders between 1978 and 1980. During those years, the region decreased its energy use by 6.5 percent. The use of renewable sources of energy such as wood, hydro, and solar went from being 5.4 percent of our energy mix to 6.3 percent.

These trends have allowed us to begin to ease a dependence on oil that is unsurpassed in the Nation. During the period of study, oil went from supplying 80 percent of our needs to 72.9 percent.

Possibly most important is the fact that these consumption patterns were accompanied by strong economic growth, dispelling the notion that energy conservation and renewable energy development are synonymous with hardship and doing with less. Between 1978 and 1980, real personal income in New England increased 4.6 percent. This evidence, though short term, implies that New England can continue to experience healthy economic growth with very little future growth in energy demand.

Nowhere is the rapid change in energy use more apparent than in my State of Vermont. We are particularly proud of our record of adjusting to the energy crisis. Not only are we heavily dependent on oil, but we use more oil from precarious foreign sources than any other region of the country. Vermonters have recognized that we are at the end of the energy pipeline and have made rapid adjustments.

In 1976, Vermont used almost 174 million gallons of No. 2 heating oil. According to our State energy office, we used 132 million gallons in 1979, a drop of more than 20 percent.

To a great extent, this revolutionary change is due to a commitment to use our indigenous energy sources. As of 1979, 63.8 percent of Vermont households were using wood for some portion of their heating needs. Wood use went from an estimated 265,000 cords in 1976 to 483,000 cords in 1979. Wood provided 4.5 percent of our State's energy needs in 1975 and grew to 10.7 percent by 1979.

Installations of solar energy systems have approximately doubled every year since 1975. We now have more than 1,000 systems installed and, according to our State energy office, almost another 1,000 will be installed in 1981.

One of the most encouraging findings of the New England Congressional Institute's study is that we have only scratched the surface of our potential to use the region's indigenous sources. The institute estimates that even if energy consumption holds steady, by 1985 renewable sources will account for 13 percent of New England's energy needs if present trends continue and planned hydro, solid waste, peat, and alcohol fuel capacity are met.

Clearly the primary impetus for this change in the energy habits of our region is the dramatic rise in the price of energy over the last few years. Average retail prices for energy products in New England rose 75 percent between 1978 and 1980, compared to 64 percent nationwide. As energy prices increased, consumers have used less, invested in energy-saving capital goods such as efficient homes and automobiles, and met their energy needs by substituting lower cost fuels.

In addition to the cost factor, many New Englanders have made adjustments to insure their energy security. In addition to being cost-effective, consumers have realized that use of coal, renewable and conservation improvements can help to insulate them from price rises and supply disruptions.

A third factor contributing to these changes has been a number of Federal, State, and local energy programs which provide information, technical assistance, and financial incentives. Programs such as the schools and hospitals program, the energy extension service, vanpool programs, and audit programs, operated by the State energy office, have aided New Englanders in saving energy. In the six New England States, 41,000 low-income homes have been helped through the low-income weatherization program. Finally, Federal and State tax credits, bonding authorities and loan programs have supplied New Englanders with financial incentives for making conservation and renewable energy improvements.

In Vermont, for example, a household installing a solar hot water system would be able to get technical assistance from the State energy office as well as a 40-percent Federal tax credit and a 25-percent State tax credit.

There is no reason why other regions of the country cannot experience the same successes in the energy area that New England has. The members of the New England Congressional Caucus have put together a platform outlining many steps that we feel would spur conservation and renewables nationwide. The history of such programs have shown that they are an extremely cost-effective method of Government expenditure.

While there is plenty of room for budget cutting in the Department of Energy and some reorientation of funds within the DOE, budget is a must, there is no question that many of the programs that this Congress and the administration have proposed to eliminate are the ones that have helped New England make such great progress. Examples include the weatherization program, conservation tax credits, near-term wood energy programs to help small woodlot owners, the investment tax credit for hydro and many others.

I would urge my colleagues to peruse the fine report prepared by the capable staff of the New England Congressional Institute and to review the energy platform of the caucus. There is no reason why New England should not share its wisdom with other regions of the country.●

THE SOVIET ECONOMY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. HAMILTON. Mr. Speaker, the Assistant Secretary of State for European Affairs, Lawrence S. Eagleburger, appeared at a hearing on June 10 on U.S. policy toward the Soviet Union, Yugoslavia, and the countries of Eastern Europe.

One of the issues the Subcommittee on Europe and the Middle East of the Committee on Foreign Affairs has been trying to assess is, how Soviet domestic factors, particularly economic ones, influence the foreign policy decisionmaking process.

Assistant Secretary Eagleburger was asked some questions regarding the Soviet economy but chose to submit written answers to those and other questions. Even though his written answer to the question on Soviet economic problems was brief, I thought it would be worthwhile to share that analysis with my colleagues.

The answer follows:

SOVIET ECONOMIC PROBLEMS

Q. Provide an analysis of Soviet economic problems.

A. The U.S.S.R. is facing serious economic problems as it enters the 1980's. The Soviet growth model which relies on ever increasing inputs of labor and raw materials is no longer relevant. The GNP growth rate has been declining steadily since 1976. In 1979 and 1980, it averaged only 1.1 percent on an annual basis.

In the industrial sector, growth is stagnating. The infrastructure is simply inadequate to support a large, advanced industrial economy. As a result of transportation bottlenecks, raw materials shortages, slowing oil production, decreasing labor and capital productivity, a fall-off in investment, and declining labor force growth, the U.S.S.R. has begun experiencing shortfalls in the production of such key industrial commodities as steel, oil, coal, construction materials and chemicals.

Some of the most serious problems are being experienced in agriculture. In 1980, farm output dropped by 6 percent. The effects of two consecutive poor harvests coupled with endemic organizational weaknesses and perennial underinvestment have left the Soviets with the grim prospect of large-scale grain and food imports for the foreseeable future.

The outlook for the Soviet consumer is equally dim. As analysis of the guidelines for the 1981-85 Five Year Plan reveals that consumption will continue to receive low priority relative to defense and heavy industry. There will be little significant progress in terms of providing an adequate diet, suitable housing and quality consumer durables for the population.

Although the problems described above are serious, it would be a mistake to conclude that the Soviet system is about to fall or that the Soviets are prepared to undertake large-scale reform. It does mean, however, that the U.S.S.R. has numerous weaknesses which, through the appropriate application of linkage, offer the West some opportunity to influence Soviet behavior.●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. LEHMAN. Mr. Speaker, the handgun body count for the month of April totaled 550. Eleven of the victims were innocent children. This is an appalling statistic. Equally appalling is the number of handguns being purchased by people who claim to fear the violence in our society—a new one is purchased every 13 seconds. There are now 60 million handguns in circulation. The shocking prevalence of these millions of handguns can turn any dispute or quarrel into a deadly assault.

Sydney J. Harris in his May 15 column in the Miami Herald calls it "pistolence". He says,

It is people with guns who kill. The homicide rate in every civilized nation in Europe is only a mere fraction of ours in the United States—not because people there are less violent, but because the means of this violence have been denied them. "Pistolence" is what is plaguing our country, killing innocent people, spreading fear, if not panic, throughout the cities and countryside both. We may never eliminate violence from the human scene. We can, if we want to, insure that the means of fatal violence—the gun—is at least as hard to get as a driver's license.

The list follows:

HANDGUN BODYCOUNT—APRIL 1981

ALABAMA (8)

David Chambers, Henry Coleman, Nathaniel Howard, Alex Kiser, Frank McDowell, Ray Thrower, Ruby Thrower, Patricia Whited.

ARIZONA (1)

Clarence Sebring.

ARKANSAS (2)

Jenetta Vails, Darrell Rogers.

CALIFORNIA (72)

William Anthony, Robert Bishop, Jr., Anthony Backso, Simon Camacho, Patrick Clark, Patrick Dalby, Roberta Deroode, Tom Dill, Dorsey Downs, Robert Diepenbrock, Arthur Ellison, Joe Felix, John Garcia, Willie Guerrero, Louis Gutierrez, Gregg Hankawa, Virginia Henry, Donald Herfter, Sr., Patricia Jefferson, Gregory Jenkins, Keith Kurz, Robert Lane, George Lusko, Gilbert Macias, Jennifer Macias, Monica Macias, Karina Madrigal, Pable Madrigal, Ricardo Madrigal, Pamela Madison, Maria Magana, James Mangilelli, Antonio Marical, Nathan Markowitz, Wendy McDaniel, Avedis Mikaelian, Alfonso Millan, Steven Neff, Lewis Neises, Fred Nunn, Fidel Nuno, Kim Hee Ok, Geneva Poole, Kuner Poole, Marcus Reed, Robert Richards, Martin Rivas, Elpidio Rodarte, Jose Rodriguez, Lamar Rogers, Matthew Santos, Joe Scott, William Sears, Lee Sheets, Ella Shephard, Jemmie Shepherd, Phil Shinham, Phillip Taper, Joey Taylor, Jesus Useda, Angelina Valencia, Raymundo Valdez, Robert Westerdale, Kenneth Wilkes, Elmo Williams, Clarence Witters, Unidentified male (4), Unidentified female.

COLORADO (19)

Daniel Barney, Charles Catalano, Joleen Daddario, Charles Damast, William Dew, George Diamond, Paul Grillo, Ramiro Hernandez, Joe Lewis, Daniel Ortega, Dan Patterson, Frank Pepper, Douglas Schauer, Judy Scotland, Robert Sykora, Laurie Vigil, Robert Vigil, Unidentified male (2).

CONNECTICUT (2)

John Coit, Cynthia Raynor.

D.C. (2)

Derrick Johnson, Carlos Torres.

FLORIDA (72)

Luis Acuna, George Allred, Cornelia Alvis, William Alvis, Teddy Ames, Maria Amores, Pablo Arrechea, Billy Ball, Gregorio Barbon, Johnny Chandler, Richie Wolf, Archie Cobb, Bernice Collins, Floyd Cone, Kenneth Corle, Patricia Corle, Mary Curtis, Delores Davis, Juan Doe, Gary Doyno, Reynaldo Espinosa, Ramon Figueroa, Bailey Garcia, Luis Garcia, Wilson Graham, Sherwin Greenberg, William Hargrave, Alanso Hart, Antonio Herrera, Edward Hovan, Bertha Hunter, Eugene Hunter, Alfred Johnson, Charles Key, Marc Ladic, Robert Lane, Frank Linton, "Lucky," Cesar Amores, Ginger Mackert, Robert McDermon, Charles McKee, Magnolia McKinzy, Elizabeth Nelson, Walter Nellums, Raul Nieves, Frances Nunez, Luis Nunez, Jose Ortega, Bradford Price, German Quinones, Mirizm Quinones, Benjamin Quintana, Jerry Ready, Ira Robinson, Ariel Rodriguez, Marvin Samuel, Patricia Selznick, Gilbert Selznick, Ronald Sims, Pedro Soriano, Michael Stephens, Herminia Suarez, Mark Timmons, Raul Valdes, Aristides Vargas, Antonio Cervantes, Herman Williams, Samuel Wright, Unidentified male (2), Unidentified female.

GEORGIA (11)

Coletha Covington, John Dudley, Jr., Marsha Dudley, Jean Henry, Henry Jackson, Sylvia Kersey, Kenny Peterson, Willie Rainey, Frank West, Charles White, John Brown.

ILLINOIS (75)

Kim Armstrong, Marcella Baker, Augustin Benavidez, Terrell Brown, Virgie Brown, Robert Caldwell, Limari Castro, Edward Cathey, Walter Clark, Robert Colwell, William Davis, John DeJohn, Rubolph Durden, Kenneth Elbert, Nikieta Emory, Robert Ford, Greg Ford, Henry Frantz, Robert Fullove, John Gardner, Jr., Richard Gibson, David Gulley, Michael Hall, Marcus Harris, Howard Hayes, Wilfred Hernandez, Calvin Herring, Charles Hersey, Jr., Theodore Hubbard, Jimmy Hughes, Eddie Hunt, James Jaeger, Lanny James, Michael Jamison, Leronzo Jones, William Jones, Robert Kendall, Rodney Lewis, Ernest Marsh, David Mathus, Charles McClain, Hezekiah McGee, Michael Merriweather, Alphonse Murrell, Bernard Nauseda, Thomas Nicoll, Billy Oldham, Manuel Orazco, Eduardo Perez, Barbara Pieslecki, Joseph Porter, Bartolo Quinones, Lawrence Racich, Harrison Rice, Paul Rivera, Lasaro Rodriguez, Michael Rogers, Michael Sinclair, Dale Skalla, Rickey Stewart, Willie Tidwell, Kevin Tuchel, Alfonso Urdiales, Thomas Vallee, Maurice Vargas, Jennifer Watson, Tammy Watson, Michael Werderits, Herman Winkfield, Mary Winkfield, David Wright, Unidentified male (2), Unidentified female (2).

INDIANA (8)

Sidney Bailey, Willie Byrd, James Douglas, Dimple Gray, Lee Jackson, Henry Johnson, Christopher Jones, Ernest Powell.

KANSAS (2)

Vicki Hernandez, Ismael Soto.

LOUISIANA (14)

Nartee Carter, James Godsey, Russell Landry, Argenis Luzardo, Clesme Melancon, Helen Melancon, Thomas Melbert, Delores Reddish, Richard Seal, Theodore Shephard, Climmie Smith, Charles Walker, Georgiana Williams, Unidentified male.

MARYLAND (10)

Ernest Brown, Lynn Cunningham, David Durham, Judge F. Fishman, Catherine Glenn, James Keys, Thomas Schifanelli, Howard Smith, James Wise 3rd, William Whylie.

MASSACHUSETTS (3)

Kathleen Downey, Valerie Lackey, Diane Martin.

MICHIGAN (30)

Reyanaldo Almandarez, William Barrett, Gary Chipman, Frank Cogswell, Calvineata Cunningham, Demirs Dabner, Carl Dafney, James Darrah, Ernest Franklin, Ellias Gianakas, Calvin Hudson, Henry Jackson, King Johnson, Robert Kendrick, Katherine Krueger, Andre Lewis, Michael Mays, Joseph McGlory, Harold Mendel, David Moulton, Henry Seals, Gary Smith, Mary Smith, Wolley Smith, Lynn Strong, Deborah Walker, Richard Williams, Jeremiah Wilson, Paul Woodson, Unidentified male.

MINNESOTA (3)

Grace Buss, David Stockman, Lynn Wedner.

MISSOURI (16)

Aaron Bell, Lawrence Bonner, David Chester, Mary Clifton, Bernard Freeman, Robert Fuller, Tony Gipson, David Gulley, Bruce Hegger, Eugene Johnson, Dwayne Mitchell, Woodrow Lynch, William Moats, Emmie Thomas, Unidentified male, Unidentified female.

NEVADA (1)

Alex Wall.

NEW HAMPSHIRE (1)

William McShea.

NEW JERSEY (3)

Arthur Ellison, Harold Hunt, Ibrahim Wanas.

NEW MEXICO (2)

Charles Gray, Frank Miller.

NEW YORK (25)

Richard Andujar, John D'Agnese, Vincent Bennett, Jaime Bermudez, Elmore Brunda, James Burke, Janet Burke, Angeline Christophe, Richard Godken, Susan Langley, Karen Marsh, Maurice Kelly, Horace McNair, John Montesano, Kenneth Ortiz, Richard Rainey, Serge Richardson, Yolando Ridore, Emily Segelstein, Bob Taylor, Carmelo Torres, Marcello Torres, Marcelino Vicente, William Weimmer, Unidentified male.

NORTH CAROLINA (15)

Grady Bentley, Bonnie Cobb, Lewis Drakeford, Clifford Gilmore, Donald Huggins, Jack Hunter, David McDonald, Ethel McNeill, James Reinhardt, Larry Riley, John Salzer, Baxter Toler, Joseph Walter, Larry Williams, Unidentified male.

OHIO (31)

Joseph Abram, Jr., Carl Blankenship, Paul Brown, Donna Coleman, Dana Collins, Mrs. Bobby Coleman, Ronald Cooper, Donald Cottrell, Milton Cramer, Ronald Dixon, Ernest Hackett, Sean Kearney, Randall Kellar, Gerald King, Arthur Locher, Woodrow Lynch, Juanita McCoy, Robert McCoy, Sr., Virginia McGuire, James Millay, Peter Sadac, Holly Semer, Elbert Sohm, Diane Taylor, Robert Taylor, Frankie Thomas, Joseph Thompson, Catherine Vajusi, Jacqueline West, Ralph Woodgeard, Unidentified male.

OKLAHOMA (11)

Anita Byron, Lola Douthit, Latanya Hill, William Iverson, Dewitt Merrell, Dora Merrell, Jeffrey Olson, Linda Ridener, Virgil Rogers, Mavis Williams, Bryan Wood.

OREGON (2)

Robert Henry, Beverly Holley.

PENNSYLVANIA (14)

Andrew Austin, Charlotte Black, Terrence Gault, Robert Gill, Sr., Bernadette Hathaway, Iris Hileman, Carter Knight, Derrick Miles, Marcy Reed, Ernest Richards, Vincent Stewart, Robert Turman, Leslie Yarbough, Unidentified male.

SOUTH CAROLINA (4)

Elbert Burton, Norma Comas, Reginald Valentine, Unidentified male.

TENNESSEE (10)

Noah Bryant, Larry Carroll, Charlie Clark, Carl Harris, Sr., Herbert Isabell, Roy Pace, Clara Postell, Jim Quilliam, Eva Ray, Randolph Smith.

TEXAS (48)

Brett Alexander, Howard Alexander, Arturo Astran, Albert Autman, John Bailey, Christopher Baker, Jean Berg, Marie-Louise Bert, Dorothy Blackburn, John Brier, Teresa Carrillo, David Castillo, Emilea de la Cruz, David de la Rosa, Guadalupe Rosa, Mary Delgado, Margo Domino, Robert England, Hilario Flores, Oliver Flores, Mike Garlington, Daniel Guillory, Jr., Bobby Hyder, Tyrone Jackson, Valentin Jalomo, LaMerle Jenkins, William Johnson, Sammy Kirby, Thelma Lopez, William Maitzen, Joseph McClain, Richard McDonald, James McMillian, Billy Moore, Gerald Norris, Linda Parham, Ricky Ray, Hoyt Rector, Richard Ricks, Nasha Ridley, Daniel Ruiz, Bacycle Salmon, Allen Smith, Amy Stanley, Manuel Suarez, Karen Still, Gloria Warner, Deputy Malcolm Watkins.

UATH (4)

Randall Beall, Julie Hunt, Tim Hunt, Steve Kenan.

VIRGINIA (11)

Patricia Anderson, Charles Booher, David Durham, Wade Farthing, Charles Hollifield, William Jackson, John Manness, Roy Manness, Wesley Robinson, Teddy Sparks, Franklin Sumpter.

WASHINGTON (7)

Richard Chamberlain, Hazel Craft, Ronald Nelson, Randy Pleasant, Russell Stephens, Dixie Lee Wilson, Donald Younger.

WEST VIRGINIA (2)

Amos Francisco, Robert Weaver.

WISCONSIN (8)

Inez Addison, Jimmie Addison, Chun Guthrie, Johnnie Isabell, Gerald Jacobsen, Albert Morgan, Octavia Veres, Frank Veres.

WYOMING (1)

David Billings.●

WAR ON THE WEST

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. MILLER of California. Mr. Speaker, for the last several years we heard a great deal about the Carter administration's war on the West, a nebulous charge which boiled down, in many cases, to challenging irresponsible management of public lands and resources, pork barrel water projects, and the giveway of taxpayer-owned oil and gas resources at bargain basement rates.

Today, there is a far more serious war on the West occurring, and little has been written about it. It is a war which threatens to destroy the public lands and resources which every Presidential administration in this century—particularly beginning with the prowestern Republican administration of Theodore Roosevelt—have sought to preserve for our use and for future generations of Americans. Today we have an administration whose chief guardian of the public lands and resources assures us that preservation of our West for the future is not a high national goal because "there may not be that many future generations."

Secretary Watt has already taken some very unwise actions to reduce the Federal preservation role in the West. Fortunately, the House Interior Committee voted not to reduce the crucial land and water conservation fund which is financed by offshore oil and gas revenues—which Mr. Watt assures us are going to increase substantially. But the agency which administered the LWCF, the Heritage Conservation and Recreation Service (HCRS) died an untimely and unjust death on May 31.

Perhaps more than any other agency, HCRS was responsible for preserving the resources of the West. I would like to cite some of its outstanding achievements in recent years:

PACIFIC SOUTHWEST REGIONAL OFFICE

Administered $120 million in grants under the Land and Water Conservation Fund for 700 state and local projects to plan, acquire, and develop public recreation areas and facilities.

Administered 31 grants under the Urban Park and Recreation Recovery program totaling $11.3 million.

Completed two field studies in San Francisco and Los Angeles as part of the National Urban Recreation Study.

Updated the Pyramid Lake Recreation Study for the Secretary of the Interior to include recommendations on recreation use and preservation of Pyramid Lake while enhancing the welfare of the Paiute Indian tribe.

Approved 25 new composite plans by the U.S. Forest Service which authorize the acquisition of 48,000 acres of key recreation lands within national forests.

Approved five composite plans authorizing the Bureau of Land Management to acquire 14,000 acres of recreation lands with Land and Water Conservation Funds.

Administered 24 federal surplus property transfers to state and local governments for parks and recreation purposes.

Facilitated the negotiation of seven cooperative management agreements between military bases and local park and recreation agencies.

Reviewed several developments that could affect the San Francisco watershed.

Surveyed 30,033 miles of 700 rivers under the HCRS nationwide rivers inventory, with 3,739 miles identified as having potential for inclusion in the National Wild and Scenic Rivers System.

Conducted an intensive study of the Stanislaus River above the New Melones Dam to determine its potential for inclusion in the national system.

Completed a regional trails assessment that included 10 public meetings and comments from 1,300 people.

Administered the designation of two National Recreation Trails, and nine more have been recommended for designation.

Participated in the review of 237 potential national natural landmarks using panels of expert scientists to evaluate each site; 88 were recommended and one designated.

Administered a $146,000 Land and Water Conservation Fund grant to California and a $200,000 grant to Arizona to develop comprehensive and systematic natural diversity inventories.

Cosponsored the Western States Heritage Conference attended by all levels of the public sector, private interests, and academicians from the 14 western states.

Developed an assistance program of publications, training, demonstration projects, and consultation to help local recreation departments meet future recreation needs with reduced budgets. Over 120 workshops have been given on subjects such as "Coping with Change and Limited Dollars" and "Recreation Futures in an Era of Limits."

Assisted in the creation of the California Consortium—a partnership between HCRS, the California State Park and Recreation Department, and the California Park and Recreation Society—to provide for the collective delivery of recreation technical assistance.

In particular, I want to cite the very fine work of the Service in developing the environmental impact statement which resulted in the addition of five northern California rivers to the Federal Wild and Scenic Rivers System. This action, which was strongly supported by the State of California, protects these rivers from destructive development by either State or Federal agencies at the behest of heavy water users in California who have long lusted after the Eel and the other rivers as sources for even more heavily subsidized irrigation water. I want to note that in keeping with President Reagan's own longstanding opposition to damming the Eel, as evidenced by his veto of such a proposal when he was Governor of California, Secretary Watt recently announced his support for the wild rivers designation.

I also want to insert in the RECORD a recent article by Meg Maguire, the former deputy director of the Heritage Conservation and Recreation Service in which she illustrates its achievements and challenges the ill-wisdom of the Reagan administration in dismantling this important agency.

[From the Christian Science Monitor, May 20, 1981]

RESCUING AMERICA'S HERITAGE

(By Meg Maguire)

A year ago Mt. St. Helen's erupted in Washington state. Now a volcano of a different sort is erupting in Washington D.C.—at the Office of Management and Budget, in the Congress, and in the federal agencies. Viewed from the air it is spectacular—Reagan Rhetoric full of assurances that nothing important will be sacrificed. Viewed on the ground, it's Reagan Reality—a mud slide indiscriminately burying an irreplaceable heritage.

Reagan says he's for sound conservation of our country's resources, for state and local determination, for efficiency in federal management, for careful study and thought before reorganizing the bureaucracy. But at the Department of the Interior he has done just the opposite by virtually eliminating three grant programs and the agency that administered them.

The three programs—the Land and Water Conservation Fund (LWCF), the Historic Preservation Fund (HPF), and the Urban Park and Recreation Recovery Program (UPARR)—have assisted state and local governments in acquiring land and in rehabilitating some of the country's finest parks and historic sites. They were administered by a small, highly professional agency, the Heritage Conservation and Recreation Service (HCRS), which managed no federal land or facilities, but worked directly with state and local governments on their priority projects within the framework of national agenda. The grant programs were among the most efficiently run in the federal government, with low administrative overhead and a computerized information system that even the budget examiners admired.

All this was wiped out with no analysis of what had been accomplished, what the consequences would be for the country, or how the long list of critical needs would be addressed in the future. Interior officials still have not addressed very basic questions about their plans for integrating the remnants of HCRS into the National Park Service when the secretarial order takes effect May 31. Nor has the administration made clear what, if any, portion of the "savings" is being turned back to the states in a block grant or what the administration's intent is after 1982. Just beneath the Reagan Rhetoric lies the Reagan Recklessness.

The sole reason for these actions seems to be that poor America—wealthiest country in the world—can no longer afford to preserve its beauty and accomplishments for posterity. Ironically, these actions will save only $293 million in FY 1981 and $582 million in FY 1982 over the already austere Carter budget. This is close to the $500 million annual "payment in lieu of taxes" program abandoned by the Carter administration, which Reagan plans to reinstate. This money will go almost exclusively to the Western states as reimbursement for lost taxes due to federal ownership of land. Furthermore, the legislatively designated funding source for LWCF and HPF is not scarce tax dollars but burgeoning offshore oil revenues—"conscience money" earmarked to be reinvested onshore for preservation of land and historic resources. Over time, through a steady infusion of a rather conservative 50 percent federal match, both these programs have assisted in acquiring for public use four million acres of state, local, and national parks and recreation areas; development of 19,000 recreation projects in 14,000 communities; and restoration of thousands of historic buildings and districts. More than 20,000 communities have been assisted by these two programs. Today every state has a plan and set of priorities that depend on the federal government kicking in half the money to protect irreplaceable land and historic sites.

The Urban Park and Recreation Recovery Program (UPARR), part of President Carter's urban policy, acknowledged the critical need to reinvest in the nation's deteriorating urban parks. UPARR was the first national public works effort to focus exclusively on conserving, rather than replacing, existing infrastructure. As America ages and adopts strategies to refurbish bridges, rebuild sewers, and resurface streets, the parks program can serve as a model of how to target the money and measure the results.

During its short life UPARR has already encouraged hundreds of cities and towns to restore old WPA recreation centers and crumbled Olmstead parks, renovate pools and playgrounds in aging neighborhoods, and make long-needed improvements in park management.

The accomplishments of HCRS through both grants and technical assistance produced handsome tangible results—projects which meant communities were substantially better after the ribbon was cut; places to be visited now and a hundred years from now.

All over the country people will tell you that without the grant money fron Interior, the bulldozer would have destroyed their local historic district or cut through a fine old grove of trees or eliminated a village green. Without these program, the ability to leverage private sources of funding and form partnerships with diverse interests would have been limited. Without these programs, hundreds of millions of dollars of land would not have beeen donated to local and state park systems in Texas, or Missouri or Idaho; many riverfronts from Detroit to Jacksonville to Boston would have less public access; and one of the most dramatic and farsighted pieces of land use legislation in our history would probably not have been adopted for the 1-million-acre New Jersey Pinelands. Without these programs, the rape and ruin boys would have destroyed a whole lot more of America than they have, all in the name of economic growth, private initiative, and getting Uncle Sam off our backs.

For each project that has been completed there are scores of others being planned in Memphis, Toledo, East St. Louis, and Anchorage. Communities have learned that such projects are not postponable frills. They serve as powerful stimulants for private real investment; as producers of substantial revenues from tourism; and as models of energy conservation. For example, it takes 23 percent less energy to rehabilitate an old building than to build a new one.

The real issue here is the future of our national heritage. Americans have both the burden and blessing of stewardship for their diverse land and their rich culture. The national government can't deny its responsibility in the name of states rights or tax reductions or budget cuts. In our parks, wildlife refuges, wild and scenic rivers, historic districts, Indian burial grounds, scenic trails, barrier islands, and beaches there is a fragile legacy that outstrips even the federal highway system, or the MX missile, or, yes, even the arts.

What is the Reagan alternative? Let the private sector do it? Well, there isn't much evidence in American history that greater private and corporate wealth will benefit the public through well-targeted largesse. True, there have been philanthropic giants who left mansions and mountains, but today's benevolence requires a different form on a much grander scale.

Maybe the Republicans will use their influence to get the oil companies voluntarily to establish a \$3 billion-\$5 billion trust fund with some of their colossal profits. The interest could be plowed back into securing and restoring the special natural and historic places of this country. This seems like a reasonable idea at first, but is it the appropriate role for business to define the public agenda and charge consumers enough to pay for the nation's necessities and their product too? Or is this not precisely the role of our national government? Why then not tax the oil companies more heavily and earmark a portion of the profits made from exploiting America's oceans and earth to save her heritage? That, of course, is precisely what was done in 1965 and 1966 when the Land and Water Conservation Fund and the Historic Preservation Fund were established.

The heritage grant programs at Interior are superb examples of America doing something right and doing it well. Before the budget volcano obliterates everything in its path, they should be rescued.●

AMERICAN VALUES: LEADERS VERSUS THE PUBLIC

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. DORNAN of California. Mr. Speaker, on May 15 of this year, The Wall Street Journal presented the findings of an opinion survey conducted by Research and Forecasts Inc. and published by the Connecticut Mutual Life Insurance Co. Entitled "The Connecticut Mutual Life Report on American Values in the 1980's: The Impact of Belief," the survey compared the attitudes of the general public on specific moral issues with the attitudes of those regarded as leaders of key American institutions. The leadership groups included religion, business, the military, the news media, government, education, law and justice, and science. The moral issues encompassed abortion, pornography, homosexuality and lesbianism, adultery, divorce, cohabitation before marriage, sex before the age of 16, and working wives and mothers.

The results of the survey are astounding. They reveal how incredibly out of sync the moral values espoused by most of the leadership groups are with the moral values of the general public. The leadership groups most out of sync with the moral values of the general public are law and justice (lawyers and judges), science, the news media, education and government. The leadership groups most closely in tune with the moral values of the general public are religion, the military, and business.

Mr. Speaker, the Connecticut Life Insurance survey underscores what many perceptive observers of contemporary America have been arguing all along: that our culture is in the throes of a moral revolution. The traditional moral consensus or public philosophy which has characterized our Republic from its founding—the Judaeo-Christian tradition—has been under frontal assault for some time now by the self-appointed keepers of the public conscience, the "new elite," who see themselves as enlightened and forward-looking and who comprise, for the most part, the leadership groups of the news media, law and justice, science, education, and government. Those who espouse traditional moral values are looked upon by the "new elite" as uninformed, unenlightened, and unsophisticated. In addition, they are viewed as being insensitive to the complexities and nuances of contemporary, pluralistic society. As a result, the new elite has, under the guise of "pluralism," attempted to supplant traditional values with a new orthodoxy based upon secular humanistic values (secular humanism being a polite euphemism for atheism). Pluralism in the ethical realm is nothing other than relativism pure and simple—the "you do your thing, I'll do mine" ethic whereby what was formerly considered a moral evil or sin is now looked upon as simply an "alternative lifestyle." Lesbianism, homosexuality, child pornography, sadomasochism, casual sex, and adultery are, according to the new orthodoxy, no longer to be condemned but tolerated and even glorified as personal preferences that have only beneficial effects upon society because they allegedly further "freedom of choice." Of course, the rhetoric of pluralism is used only during the transition from traditional orthodoxy to the new secular humanism orthodoxy. Once the new orthodoxy appears able to be effectively enforced by the elite vis-a-vis the news media, the courts, the educational establishment, science, and by various government officials, talk of pluralism vanishes and groups which espouse traditional, Judaeo-Christian values are vehemently denounced as "single-issue voters" who are bent upon "imposing" their values on other members of society. Conveniently ignored is the fact that the new elite is increasingly imposing its own secular values on society by means of the most unrepresentative institutions of society: the bureaucracy and the courts. Those who have the temerity to challenge the new elitist consensus are, as previously noted, looked upon as unenlightened, unsophisticated, and, in a perverted sense, immoral, for only that is considered moral which is so defined by the new elite. All traditional values are suspect and must be challenged and eradicated.

No society can long survive without a public orthodoxy or moral consenses. Ethical relativism under the guise of pluralism—everyone doing his/her own thing—has no relation to reality. If it did, then the madman Hitler was simply "doing his thing" when he slaughtered 6 million Jews. but the word knew better, and the Nuremberg trials condemned Hitler and his German SS for "crimes against humanity." There was a recognition among civilized people that a transcendent, objective morality exists and serves as a standard against which human conduct can be judged.

What becomes of a society which seeks to rid itself of a belief in God and of a correlative belief in a transcendent, objective moral order? The evidence from the laboratory of human experience is incontrovertible: the concentration camps of the Gulag Archipelago in the Soviet Union as well as those of Nazi Germany, the liquidation of millions of human beings under the atheistic, totalitarian regimes of China and the Soviet Union, the genocide in Cambodia, the tragic boat people of Vietnam and Cuba, and the nearly 50 million abortions a year worldwide. The society which rejects belief in God and objective, transcendent values forges its own chains of tyranny—whether the tyranny of brutal military force or the tyranny of oppressive governmental laws and regulations which intrude into every facet of life. And the ultimate fate of such a society is antilife: self-destruction. As the Scriptures warn us: "Those who hate me [God] love death."

Mr. Speaker, American culture and, indeed, Western civilization, is in the throes of a mortal struggle, a struggle between life and death. The outcome of that struggle is yet in doubt. It will determine whether our great Republic will continue to hold certain truths to be self-evident—that we are created by an omnipotent God and governed by unchanging moral laws that have been fashioned by God for our well-being—or whether our Republic will follow the road of tyranny and self-destruction by espousing a purely man-made ethic, a creation of the human will which refuses to acknowledge any intelligence or law superior to itself. The Connecticut Mutual Life Insurance opinion survey shows us that there is yet hope for the American Republic. The general public, unlike many of its leaders, still upholds traditional, Judaeo-Christian values. it is time the out-of-sync leaders learn in no uncertain terms the whirlwind they are reaping. The future of America and the West depends on it.

At this time, Mr. Speaker, I would like to submit the fascinating findings of the Connecticut Mutual Life report for the RECORD and for careful study by my colleagues, as well as by all concerned citizens.

LEADERS AND THE PUBLIC: DIFFERENT OPINIONS

Connecticut Mutual Life Insurance Co. of Hartford recently published an opinion survey that attempted to gauge American values as indicated by individuals' opinions toward personal relationships, work, religion, community life, and political participation. One part of the study, conducted by Research and Forecasts Inc., compared the attitudes of the general public on specific subjects with the attitudes of people regarded as leaders of key American institutions. The following is a selection of those comparative attitudes on moral and social issues. The first table, however, is about leadership itself.

RANKING OF CHARACTERISTICS THAT MAKE A GOOD LEADER

Column A: What the public seeks.

Column B: What leaders think the public seeks.

Column C: What leaders themselves seek.

	A		B		C	
	Rank	Percent	Rank	Percent	Rank	Percent
Honesty	1	50	4	36	4	48
Intelligence	2	26	9	12	1	57
Inner strength	3	18	5	30	8	14
Leadership ability	4	14	2	51	2	55
Integrity	5	12	6	23	3	51
Religious conviction	6	12	7	14	9	8
Caring for people, sincerity	7	11	3	42	5	34
Courage	8	5	8	14	7	25
Competence	9	4	1	52	6	28

LEADERSHIP GROUPS ON ABORTION

Is abortion morally wrong or is this not a moral issue?

	Morally wrong	Not a moral issue
General Public	65	35
Religion	74	26
Business	42	58
Military	40	60
News media	35	65
Government	29	71
Education	26	74
Law and Justice	25	75
Science	25	75

LEADERSHIP GROUPS ON PORNOGRAPHIC MOVIES

	Morally wrong	Not a moral issue
General Public	68	32
Religion	87	13
Business	70	30
Military	54	46
Education	50	50
Government	47	53
News Media	46	54
Science	45	55
Law and Justice	41	59

LEADERSHIP GROUPS ON PRE-MARITAL SEX

	Morally wrong	Not a moral issue
General Public	40	60
Religion	77	23
Business	38	62
Military	28	72
Education	27	73
Government	23	77
News Media	20	80
Science	20	80
Law and Justice	17	83

LEADERSHIP GROUPS ON HOMOSEXUALITY

	Morally wrong	Not a moral issue
General Public	71	29
Religion	73	27
Military	58	42
Business	51	49
News Media	38	62
Government	36	64
Education	30	70
Law and Justice	30	70
Science	27	73

LEADERSHIP GROUPS ON ADULTERY

	Morally wrong	Not a moral issue
General Public	85	15
Religion	96	4
Military	80	20
Business	76	24
News Media	72	28
Government	70	30
Science	65	35
Education	62	38
Law and Justice	60	40

LEADERSHIP GROUPS ON LIVING WITH SOMEONE BEFORE MARRIAGE

	Morally wrong	Not a moral issue
General Public	47	53
Religion	72	28
Business	37	63
Military	36	64
Education	30	70
News Media	24	76
Government	23	77
Law and Justice	19	81
Science	19	81

LEADERSHIP GROUPS ON SEX BEFORE 16

	Morally wrong	Not a moral issue
General Public	71	29
Religion	79	21
Business	69	31
Military	59	41
Government	55	45
News Media	54	46
Education	46	54
Law and Justice	46	54
Science	41	59

LEADERSHIP GROUPS ON LESBIANISM

	Morally wrong	Not a moral issue
General Public	70	30
Religion	74	26
Military	60	40
Business	53	47
News Media	37	63
Government	35	65
Law and Justice	30	70
Education	28	72
Science	26	74

LEADERSHIP GROUPS ON DIVORCE

Should divorce in this country be easier or more difficult to obtain than it is now?

	More difficult	Remain same	Easier
General Public	52	27	21
Religion	59	34	7
Business	27	55	18
News Media	27	51	22
Military	27	53	20
Government	21	53	26
Science	20	52	28
Education	19	62	19
Law and Justice	19	53	28

LEADERSHIP GROUPS ON WORKING MOTHERS

A woman with young children should not work outside the home unless it is financially necessary.

	Agree	No opinion	Disagree
General Public	72	5	23
Religion	64	8	28
Military	55	9	36
Business	54	14	32
Education	46	16	38
News Media	42	10	48
Science	40	10	50
Government	39	9	52
Law and Justice	32	10	58

LEADERSHIP GROUPS ON MARRIED COUPLES WITH YOUNG CHILDREN REMAINING TOGETHER

Do you feel that an unhappily married couple should stay together if they have young children?

	Yes	No
General Public	36	64
Religion	50	50
Education	40	60
Military	38	62
Business	35	65
Science	31	69
News Media	25	75
Law and Justice	21	79
Government	18	82

LEADERSHIP GROUPS ON MARRIED WOMEN WORKING

Do you approve or disapprove of a married woman earning money if she has a husband who is capable of supporting her?

	Approve	Disapprove	No opinion
General Public	75	20	5
Law and Justice	94	2	4
Science	92	4	4
News Media	92	3	5
Business	89	4	7
Education	89	2	9
Government	89	2	9
Military	86	4	10
Religion	76	12	12

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HUMAN RIGHTS—LEV ELBERT: THE RIGHT TO EMIGRATE

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. BONKER. Mr. Speaker, as part of the Congressional Vigil for Soviet Jews, I would like to add my voice to many of my distinguished colleagues' in behalf of the persecuted, the silenced, and the imprisoned in the Soviet Union. As the delegates in Madrid continue to review the Helsinki accords with the Soviet Union, this is a particularly important time to examine one of the many cases of human rights violations in the Soviet Union. I would like to bring the case of Lev Elbert, a Soviet civil engineer, to the attention of my colleagues.

Lev Elbert's story is drearily familiar—like so many other Soviet Jews, professionals, scientists, and dissidents, he applied to emigrate from the Soviet Union to join relatives in Israel. He was refused in 1976, 1978, and 1980—and since his original application for an exit visa, he has been harassed, arrested and detained, and slandered. His wife Hanna, a cardiologist, was mugged and beaten. Lev lost his job. And each time he reapplied to leave the Soviet Union, the authorities had another trumped-up reason for denying him.

I often wonder why the Soviet Union continues to detain its Lev Elberts. Would not Lev and so many others like him be less trouble to the Soviet bureaucrats, KGB thugs, and police if they were allowed to leave the country? As long as Lev Elbert is hounded, persecuted, and refused the right to emigrate, he stands as a living reminder of the numerous violations of human rights in the Soviet Union. And as long as these human rights violations continue, those of us that can speak have an obligation to do so.

It is my great hope that the Soviet authorities will allow Lev Elbert and his family to join their relatives in their chosen home of Israel.

I wish to thank my distinguished colleague from Maryland (Mr. BARNES), for chairing the Congressional Vigil for Soviet Jews this year, and for bringing the many cases to the attention of the Congress.●

SOVIET JEWISH EMIGRATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. HAMILTON. Mr. Speaker, on June 10, 1981, the Foreign Affairs Committee's Subcommittee on Europe and the Middle East, which I chair, held a hearing on U.S. policy toward the Soviet Union, Yugoslavia, and the countries of Eastern Europe.

Ambassador Lawrence S. Eagleburger, Assistant Secretary of State for European Affairs, was the witness at that hearing. The hearing covered a wide range of critical topics in this most important area of our foreign policy. Assistant Secretary Eagleburger has submitted written responses to some questions he was unable to answer during the hearing.

One response which I thought would interest my colleagues concerns comparative yearly levels of Jewish emigration from the Soviet Union and recent trends.

The information follows:

SOVIET JEWISH EMIGRATION

Question. What are the statistics this year and what are the trends for Jewish emigration from the Soviet Union?

Answer. Thus far this year, approximately 5,800 Jews have been permitted to leave the Soviet Union. After a temporary increase in February for the 26th Communist Party Congress, monthly emigration figures have declined to approximately 1,150 per month. Should emigration continue at this rate, the 1981 total would be approximately the same as that observed in 1976—14,000. This would represent a drop of some 33 percent from the 1980 total of 21,500.

Soviet motivation for the decline in emigration is not clear nor is there a clear pattern on which to base predictions of future trends. At present, however, there is no indication that monthly emigration figures will decline much further and, as the February increase suggests, monthly figures can be increased very suddenly should the Soviets choose to do so.

APPENDIX I.—JEWISH EMIGRATION FROM THE U.S.S.R., 1968–80

Year	Visas for Israel issued in Moscow	Left the U.S.S.R.	Arrived in Israel	Went to other destinations	First affidavits sent from Israel.[1]
1968	379	229	231		6,786
1969	2,902	2,979	3,033		27,301
1970	1,046	1,027	999		4,830
1971	14,310	13,022	12,819	58	40,794
1972	31,478	31,681	31,652	251	67,895
1973	34,922	34,733	33,477	1,456	58,216
1974	20,181	20,628	16,816	3,879	42,843
1975	13,139	13,221	8,531	4,928	34,145
1976	14,138	14,261	7,279	7,004	36,104
1977	17,159	16,736	8,348	8,483	43,062
1978	30,594	28,865	12,192	16,867	107,212
1979	50,343	51,333	17,614	34,056	128,891
1980	20,319	21,472	7,570	14,078	32,335
Total	250,910	250,187	160,561	91,060	630,414

[1] An affidavit ("vyzov" in Russian) is valid only for 1 year. If the permission is not granted within 1 year from the date of issue in Israel, the applicant usually applies for a second (third, fourth, etc.) affidavit.

	Left the U.S.S.R.	Went to other destinations
1981:		
January	850	638
February	1,407	1,185
March	1,249	1,071
April	1,155	976

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MUSHY-MINDEDNESS

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. ROSENTHAL. Mr. Speaker, the Reagan administration has cast serious doubt on its ability to be faithful to the facts as it manages American foreign policy in the Middle East.

During several briefings before the Foreign Affairs Committee and in the other body, the responsible officials of the Department of State have adamantly refused to supply straight answers to the questions put by members from both parties as to: the ultimate intention of the Iraqi nuclear program, the capacity of the Osirak reactor to produce a bomb, the purposes of the large uranium purchases of the Iraqi Government, the effectiveness of IAEA inspection of the Iraqi nuclear facilities, and the role which Iraq has played in the Middle East during the past 30 years.

Why the obfuscation? What purpose is served by denying or suppressing the true state of affairs in the Middle East and the sound data which our own intelligence agencies have collected?

The curious performance of the Department of State in dealing with the Israeli raid was the subject of a Wall Street Journal editorial of Friday, June 19, 1981, which I wish to share with my colleagues:

MUSHY-MINDEDNESS

Do we really have to endure the spectacle of the French, the international nuclear proliferation cops and a U.S. Under Secretary of State assuring us the nice cuddly Iraqis would never dream of building an atomic bomb? Statements from these sources over the last two days have been the height of the mushy-mindedness that is the root of so much instability in the world today.

On what planet have these folks been living? We are talking here about the nation that started the world's most recent war. Just prior to invading Iran, Iraq gave us a lesson in the power of international treaties; President Hussein neatly dispatched the 1975 Algiers Agreement on the Iran-Iraq border by standing up in the Iraqi parliament and declaring it "null and void." The invasion was also a blatant violation of the same principles of international law that apply as the U.S. and Iraq negotiate on how harshly the UN should condemn Israel. And unlike most of the belligerents in the original 1948 Arab-Israeli war, Iraq has never signed an armistice and remains officially in a state of war with Israel.

Now, this same nation buys a huge French research reactor for which there is no apparent use in the Iraqi desert. It rebuffed French attempts to change the design so that it would not require weapons-grade uranium. The reactor was designed for irradiating materials into isotopes for medical research and the like, and Iraq has been out buying natural uranium, which can be irradiated into plutonium for bombs. It has been buying "hot cells" from Italy, which are used to separate plutonium from uranium. Do we have to draw a picture?

Asked at a congressional hearing whether he agrees the Iraqis were building a bomb, Under Secretary of State Walter Stoessel answered by addressing the actions not of Iraq but of the State Department bureaucracy, "No, we have made no definitive conclusions on that." Of course, more than six years after India actually exploded a bomb made with the help of U.S. nuclear materials, the State Department has come to no conclusions about cutting off nuclear cooperation. We wonder whether the State Department is capable of reaching a "definitive conclusion" that water flows downhill?

Meanwhile Sigvard Eklund, head of the International Atomic Energy Agency, goes even further in giving the Iraqis a clean bill of health. His inspectors visited the plant in January and found that the weapons-grade uranium had not yet been made into a bomb; if they did get together enough to make a bomb, fashioning it would take as little as 7 to 10 days. If the Iraqis were irradiating uranium into plutonium, Mr. Eklund continues, his inspectors would surely notice on one of their yearly two-day visits. Before they can inspect, of course, they need visas from the Iraqis.

Anyway, we are further assured, there are always the French. We are now made privy to a secret agreement under which the Iraqis pledge not to kick out French scientists until 1989. If the French observers of Iraqi experiments detected bomb making, French atomic energy head Michel Pecueur assures us, France planned to cut off fuel supplies immediately. He asks us to believe that after looking the other way in selling the reactor, building it and fueling it with weapons-grade material, France would suddenly turn decisive. A French GS-13 would blow the whistle, triggering a French embargo against uranium shipments to Iraq and an Iraqi embargo against oil shipments to France.

Given these attitudes by the agencies and nations most directly involved in policing the spread of nuclear weapons, is it any wonder that Israel should decide to take its own security into its own hands. With the IAEA, the U.S. State Department and the like not stopping the spread of nuclear weapons but providing protective coloration for it, there is no reason to expect the Israelis to desist from using the means they have in their hands to knock out the Iraqi bomb. At the UN and elsewhere, we are now engaged in a fatuous debate about the morality of the Israeli decision, which is like a debate over the morality of night following day.

Of course the world would be a better place if Israel were not flying fighter-bomber strikes at its neighbors; the Israeli raid is indeed a disturbing symptom of gathering instability in the Middle East and elsewhere. But if we do not want small nations like Israel to take desperate gambles in pursuit of their own security, the alternative is building a more stable world by the efforts of the democracies in general and the U.S. in particular. Our feckless efforts at an anti-proliferation policy are merely one aspect of the irresolution we have displayed since Vietnam. One of the great sources of instability today is the triumph of mushy-mindedness so evident in the apology for the Iraqi bomb program.●

IN RECOGNITION OF THE SAN JOSE MANAGEMENT STUDY TASK FORCE

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. MINETA. Mr. Speaker, the call for increased fiscal accountability and efficiency in government has become the clear public mandate of the 1980's.

I would like to take this occasion to recognize the efforts of a dedicated group of public and business leaders in San Jose who have responded to this mandate. They are the San Jose Management Study Task Force, sponsored by San Jose city officials, the San Jose Chamber of Commerce, and the Santa Clara County Manufacturing Group.

Recommendations made by the task force are expected to save the city of San Jose millions of dollars in the next few years. The savings will be realized with no reduction in the level of city services. In the coming months, task force members will donate approximately $750,000 worth of executive time to a series of management training seminars for city staff members.

Since the effort began in January 1980, 60 of the San Jose area's top business executives have donated more than 9,000 hours, conservatively valued at $750,000, to the study of city operations suggested by the municipal administration.

All of the executives who were asked to join the task force agreed to do the job. In return, the city agreed to implement final task force recommendations. City officials and the task force executive committee will continue to meet to review progress toward final implementation.

When San Jose officials called on the private sector for expert assistance in improving city management operations, the response by the Silicon Valley business community was both swift and enthusiastic. The San Jose Management Study Task Force was born in a spirit of full cooperation between municipal and business leaders, working toward the common goal of improved cost control, efficiency of service, and more effective resource management.

The San Jose Management Study Task Force was directed by an operations board chaired by Dean Emeritus Charles J. Dirksen, a consultant to the University of Santa Clara Graduate School of Business. Other operations board members included Vice Chairman Ronald R. James, president and chief executive officer of the San Jose Chamber of Commerce; Vice Chairman Peter B. Giles, president of the Santa Clara County Manufacturing Group, and Don K. Winterhalter of IBM Corp., task force executive director.

Day to day task force operations were the responsibility of an executive committee, comprised of the following community leaders:

Roy H. Beaton, senior vice president and group executive, Nuclear Group, General Electric Co.; Albert Bowers, president and vice chairman of the board, Syntex Corp.; Halsey C. Burke, chairman and president, Burke Industries; Pamela Buttery, partner, Wolf-Sesnon-Buttery, a development company; Howard W. Campen, retired county executive, Santa Clara County; Philip S. Devirian, Jr., vice president, FMC Corp.; Robert A. Fuhrman, president, chairman of the board, Lockheed Missiles & Space Co.; Joe M. Henson, vice president, General Products Division, IBM Corp.; Harry C. Kallshian, retired, general manager, South Bay Area Pacific Telephone; James P. Miscoll, senior vice president, Bank of America; McKenzie Moss II, president, Bank of the West; David Packard, chairman of the board, Hewlett Packard Co.; Stanley I. Siegal, partner, Price Waterhouse & Co.; Robert C. Wilson, chairman and president, Memorex Corp.; Jay W. Weinhardt, president, San Jose Water Works.

Ex officio members of the executive committee: Janet Gray Hayes, mayor of San Jose; Francis T. Fox, city manager, city of San Jose.

Mr. Speaker, I ask you and all our Members in the U.S. House of Representatives to join me in commending the San Jose Management Study Task

Force for their outstanding job and hard efforts.●

HUMAN RIGHTS—MORE ON JACOBO TIMERMAN AND HIS DETRACTORS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, June 22, 1981

● Mr. BONKER. Mr. Speaker, on the evening of June 14, 1981, Jacobo Timerman, a former prisoner of conscience in Argentina, addressed the annual general meeting of Amnesty International, U.S.A.

Mr. Timerman who was the publisher of La Opinioñ before his arrest and brutal torture by the Argentina military regime told the Amnesty gathering * * *.

I am a former political prisoner persecuted for his ideas, a former Jewish prisoner tortured for his origins, a survivor of the Clandestine prison of Argentina. I do not come to present theories. I come to give personal testimony. . . . those who used to be openly opposed to the struggle for human rights, now choose to employ mechanisms of deception but not of opposition. While the people affirm the necessity of fighting for human rights, they create diplomatic and political theories, like the thesis of "quiet diplomacy," or the theory of different strategies that should be employed in individual cases, or the difference between authoritarian and totalitarian governments. What they are trying to do is to replace the idea of human rights with a mere tactical or strategic exercise, that is, to sterilize the basic idea, and create a kind of travesty which dictators on the right and the left quickly interpret as an unlimited license to trample on human rights.

I have had the opportunity to meet with Mr. Timerman on several occasions and in the last few weeks that he has been in the United States, in my judgment, he has done more than anyone else to help us understand the real meaning and value of our human rights policy.

As the controversy over his remarks continue, I commend to the attention of my distinguished colleagues Mr. Timerman's speech.

I am grateful to Amnesty International of the U.S.A. for inviting me to speak to this meeting. I speak for myself, as another person in the struggle for human rights, and appreciate this opportunity to present my own views.

Every person who gets out of prison feels an immediate impulse and an urgent need to reconstruct his life. It is not very probable that he can achieve it, because prison has destroyed many of his inner mechanisms. His second impulse, therefore, is to try to construct a new life. For this he needs privacy and the emotional support of his family.

But the prisoner who has been released as a result of the efforts of thousands of people feels other obligations as well. I obtained my liberty as a result of the struggle of organizations and individuals who generously give their time to a world campaign for human rights.

I would like to spend my time in Israel, dedicated to the beautiful adventure of reconstructing a Jewish State, a Democratic and peaceful Israel, participating in the enormous endeavor of correcting history and ending the most terrible aggression against human rights recorded by history, the endless barbarism of anti-Semitism. But I have continued to travel around the world and to add my voice to the cry for human rights.

I have taken part in almost all the international meetings of journalists and publishers which have been held in the 20 months since I was released from prison—to tell the world of the first case in memory of a genocide of journalists—the kidnapping by the Argentine Armed Forces of 100 journalists and their subsequent total disappearance. I have participated in conferences devoted to the problem of the disappearances, especially the International Colloquium held in the French Senate at the beginning of this year under the auspices of the International Federation of Catholic Lawyers. In all those ceremonies in which I have been honored by the Jewish institutions of the United States for my struggle for the security of the Jewish community of Argentina—the American Jewish Committee, the United Jewish Appeal, Haddasah, the United Synagogue of America, the Anti-Defamation League of B'nai B'rith—I have presented the case of human rights violations in Argentina. And I have participated in the international campaign for the freedom of the Soviet dissident Ida Nudel, in close cooperation with the sister of that great woman, Mrs. Elena Friedman.

In my house in Tel Aviv, we organized the press conference that Mrs. Friedman gave in Madrid, shortly before the beginning of the Helsinki deliberations at the end of last year, and I maintained the firm position that we must confront the pressure of U.S. State Department officials who insisted on the cancellation of the press conference. Those bureaucrats felt that it might provoke the Soviet Union into deciding not to permit the inauguration of the Madrid gathering. We were abandoned by all those who should have participated in that press conference, but there were two persons, in addition to Mrs. Friedman, who insisted that it was necessary to confront the Soviet Union with the denunciation of the case of Ida Nudel.

One of my most precious awards is the letter sent to me by Ida Nudel's sister, saying: "I am filled with gratitude for the important and timely advice you gave us in a difficult period of decision when we were in Madrid."

My presence here is in response to the same motives. I am not a perfect orator. My English is faulty. I am not an expert on human rights. I am a former political prisoner persecuted for his ideas, a former Jewish prisoner tortured for his origins, a survivor of the clandestine prisons of Argentina. I do not come to present theories. I come to give personal testimony. And I do so before this assembly because I am grateful to Amnesty International, and because this Assembly represents the men and women who maintain the integrity of the humanitarian, moral and political principles that gave birth to the United States of America—principles which, in the midst of tremendous upheavals, have guided the course of the history of this Nation and this people.

During this long journey of meetings, conferences and ceremonies, I have observed that no one any longer dares to deny the need for governments and private institutions to defend the human rights of individuals and societies. No one, openly, denies that violations of human rights exist under different political regimes, and that it should be condemned, halted, neutralized. Perhaps one of the greatest successes of the marvelous institution that is Amnesty International is its ability to demonstrate that there is no organization today—labor union or professional association, scientific or sports group, cultural or artistic council—that does not have a department or committee dedicated to the protection of human rights, and it is also a great triumph to show that those who used to be openly opposed to the struggle for human rights, now choose to employ mechanisms of deception but not of opposition. While the people affirm the necessity of fighting for human rights, they create diplomatic and political theories, like the thesis of "quiet diplomacy," or the theory of different strategies that should be employed in individual cases, or the difference between authoritarian and totalitarian governments. What they are trying to do is to replace the idea of human rights with a mere tactical or strategic exercise, that is, to sterilize the basic idea, and create a kind of travesty which dictators on the right and the left quickly interpret as an unlimited license to trample on human rights.

Curiously enough, the thesis of authoritarian governments which are friendly and should be protected, and totalitarian governments that should be openly accused because there is no hope of winning their friendship, does not originate in the recent semantic adventures of American conservatives. It was the Soviet Union that perfected the idea in the case of Argentina. The Soviet Union has been the only important world power never to formulate one single protest against the violation of human rights in Argentina. It has been the Soviet Union that was blocked in the United Nations every attempt by democratic countries to investigate violations in Argentina, to condemn these violations. Every time the Argentine drama was to have been considered by the United Nations Commission on Human Rights, the Soviet Union, with the help of the automatic majority that controls the institutions of the U.N., put forth such a variety of fantasies that even an American delegate was moved to say: "Abuse of human rights is abominable, but we want the same standards applied everywhere." Another delegate, Richard Shifter, said that if the U.N. Commission on Human Rights is worthy of its name, it should be guided by "one standard in assessing violations of human rights and fundamental freedoms." Unfortunately the Reagan administration wishes to modify this policy and apply a double standard.

I have also been able to demonstrate that the conservative ideologues who apply the Soviet semantics, also, in the case of Argentina, apply the mathematical machinations of the directors of the Argentine Communist Party. The Argentine Communists maintain that the support of the so-called moderate military in Argentina has permitted an improvement in the situation of human rights, and they devote themselves to making a count of how many disappearances there are today and how many there were before. That is like feeling sufficiently satisfied with the changes introduced in Russia after the death of Stalin, especially the vindication of many of those murdered by the regime, and at that point considering the matter closed.

The theorists of quiet diplomacy make their reckonings in the following way. Since the Reagan administration has occupied the White House, there has not been one single disappearance in Argentina, giving the impression that this was achieved through silent negotiations with the Argentine military. But if the Argentine military are able to stop the wave of disappearances, that means that they are the kidnappers. How is it possible, then, to maintain absolute silence over the fate of 15 to 20,000 persons whom they kidnapped? Isn't there any moral or religious problem in this to worry the proponents of silent negotiations?

Quiet diplomacy then compares the absence of disappearances in 1981 with the 28 disappearances in 1980, and takes pride in the great success of the present American administration.

But, in my opinion, if we accept this mathematical formula, we can also say that the Carter administration reduced the disappearances from 15,000 to 28, which from the arithmetical point of view is an even greater triumph.

What the new theorists of human rights evidently intend is to pervert the whole concept, emptying it of its moral content. The current President of Argentina, General Roberto Viola, who is so content with quiet diplomacy, was Chief of Staff and Commander in Chief of the Army when thousands of persons disappeared. Since he assumed power, last March, he has not taken a single step to respond to the requests of the families of the disappeared persons, nor a single step to resolve the problem of those imprisoned without charge and without trial, nor to change the situation of those who were illegally condemned by military courts that were created by laws put into force by the same officers, in contravention of the Argentine constitution.

All the former political prisoners with whom I have spoken, whether they be Russians in Israel, Chileans in France, Uruguayans in Spain—insist that the only formula that exists for an effective struggle for human rights is a permanent public denunciation of violations formulated by governments, or private institutions, or the press.

From my own experience, I believe that the most effective action is always that of private institutions supported by the press. And I remember that on a visit I made to the Museum of the Ghetto Fighters, north of the city of Haifa, there is the original telegram sent by the Swedish diplomat Raul Wallenberg from Budapest, when he was struggling to save the Jews that Eichmann was sending to the gas chambers of Auschwitz. The telegram, dated the 29th of July, 1944, directed to London and Washington via Stockholm, reads: "Foreign press publicity eased the situation here. We need more." I think that all the newspapers in the world, all the written and spoken press, should distribute that telegram of Raul Wallenberg to all journalists, so that they may always keep it in mind.

My experience has also shown me that if there is a government that is disposed to have a human rights policy defined as such, this policy will put that country in a prominent position, a position which becomes transformed into a permanent defense of its own interests. In this sense, those of us who were imprisoned, those who are in prison still, will never forget President Carter and his contribution to the battle for human rights. Those who attack his policy as too weak, do so because they cannot find other arguments and must revert to hyprocrisy. Those who attack his policy as ineffective, do so because they are seeking a strategy to destroy the policy of human rights and they do not dare to say so openly. Those who say that this policy did not defend the interests of the United States, are trapped by the same obsessions of those who consider that the United States was too generous with the Marshall Plan and that it did not suit American interests.

Once again I shall return to this point. No one dares to dispute the validity of the struggle for human rights. But totalitarians of right and left, pragmatic conservatives, all are seeking a way to change the strategies as a way of neutralizing this struggle.

It is not the only formula that they have copied from the Soviets. I remember the campaigns unleashed by the Soviet Union against the intellectuals who became disillusioned with Russia. The French writer Andre Gide, the Hungarian Arthur Koestler, the Rumanian Panait Istrati, to recall only a few. On returning from the Soviet Union, and after the publication of their books, they were accused of being police agents, mercenaries, arms traffickers, decadent bourgeois.

The same policy is followed today by the theorists of quiet diplomacy with the prisoners who are released from jail and declare themselves in favor of an open struggle against the violation of human rights—a struggle that should include all nations, condemn all regimes, those of the left and those of the right, those who call themselves friends and those presumed to be enemies. There should be no double standard, because this double standard is part of the strategy of Fascists and Communists alike. On this point, Amnesty International has surely been the organization that has maintained an independent position with the most courage and which has withstood most of the attacks. Luckily, it is a strong and solid institution. Much more difficult is the situation of individuals who must readapt their lives after being badly battered, in part destroyed, in prison. They feel obliged to denounce what they have seen, But feel themselves attacked by theorists who utilize lies and defamation with the same virulence and immorality as the Communist parties of the Third International used them against the intellectuals who were disenchanted by the Soviet Union between the two wars.

But the fact is that we are here. And we are all over the world. Under different designations, in the framework of different institutions or religions or political identities, there are millions of us who are dedicated to this struggle for human rights. Because we are convinced that the defense of these rights is the basis of humanity, the basic principle for which life may be preserved. They cannot murder all of us. They will not be able to torture everyone. They cannot frighten everyone. They cannot deceive everyone, not with false strategic promises, not with false mathematical calculations, not with semantic adventures. The struggle to which we are committed has had, and still has, moments of beauty, sacrifice and glory, that no campaign of attrition, no psychological action, can destroy. Think of the great human epic of the Mad Mothers of the Plaza de Mayo, meeting every Thursday in front of the Casa de Gobierno in Buenos Aires, asking about their children. Imagine them in that plaza, surrounded by "gorillas" in uniform and in civilian clothes, hand in hand, insulted, pawed, pushed, beaten, kidnapped—and none of the valiant generals who ordered the murder of their children dares to confront them. The Argentine President does not dare to receive them. No officer has the courage to assume the responsibility for what he did. Perhaps these soldiers have studied history better than we did. Many conservative theorists do not wish to compare them to the Nazis, and none of those who signed the death warrants of 15,000 persons, thinking of Nuremberg, dares to take responsibility for what he did.

I could give many examples of sacrifice and struggle. Lawyers, threatened with death, have not abandoned their clients. Reporters on the only free newspaper in Argentina, the Buenos Aires Herald, bearing up under harrassment, threats, humiliations, accept the challenge of being the only free voice in the nation—young staff members born in England, showing more Argentine patriotism than the army officers.

Thousands of stories. I should like to recount two of them. The efforts of Rabbi Marshall Meyer to enter the jails, the humiliation inflicted on him by the guards, his attempts to discover the whereabouts of the disappeared persons. The emotion I felt when he visited me for the first time, and how he helped the Catholic prisoners—whom the priest in the prison did not even want to visit on Sundays. At that time, Rabbi Meyer represented for all of us—Catholics, Jews, believers and atheists—something stronger than religion. He represented the total idea of humanity.

And let me read you a paragraph from an article by Professor Fritz Stern of Columbia University that appeared in Foreign Affairs.

Professor Stern writes in the July 1978 edition, after returning from a visit to Argentina: "The Argentine dictatorship faces pockets of opposition from within. The Church, it would appear, it is far from indifferent to the violations of human rights. It serves as an occasional shield for those outside as well: Prominent lay Catholics told me—and individual Jews confirmed it—that the Jewish community of some 400,000 people, which feels a collective sense of beleaguerment, turns first of all to the hierarchy when a specific threat to Jewish rights appears."

These two examples clearly show the depth of solidarity, as they also show that solidarity can confront and resolve problems of every kind created by the violation of human rights. It has an effectiveness which penetrates all nations, which confronts all governments, which worries all regimes.

When we make a count of all the violations that occur in the world today, especially the terrible creations of the inventors of new crimes—the disappearances in Argentina, the boat people and the re-education camps of Southeast Asia— it seems that the task of Amnesty is impossible, interminable. Perhaps it is interminable. But it is possible, and for twenty years, Amnesty has been able to prove it.

We have been called together by the men and women of Amnesty International of the United States. This country has witnessed important battles for civil liberties and human rights—fought under many different names and under many different political and religious symbols. The most admired heroes, the names repeated throughout the world, are the names of American born in this land. Just a few weeks ago, in this country, in this city, one more battle for human rights was won, and a group of semantic adventurers was prevented from deceiving the people of the United States about the true meaning of human rights. This one event demonstrates the force of this idea in America, the depth to which it has penetrated the conscience of the American people. And it does not much matter what attitude the government adopts, because the strength and the vitality of the struggle will be represented by the American people and by its Congress, and by its humanitarian organizations.

Many times we have conquered fear. We have conquered confusion. We shall also conquer brutality.

I salute the men and women of Amnesty International.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 23, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 24

9:00 a.m.

Select on Intelligence

To hold a closed briefing on intelligence matters.

S-407, Capitol

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Michael J. Fenello, of Florida, to be Deputy Administrator of the Federal Aviation Administration.

357 Russell Building

*Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on the activities of the Department of Commerce in the areas of strategic minerals and materials.

235 Russell Building

*Governmental Affairs

Energy, Nuclear Proliferation, and Government Processes Subcommittee

To hold oversight hearings to review policy in context of the Nuclear Non-Proliferation Act of 1978.

3302 Dirksen Building

Labor and Human Resources

Business meeting, to mark up S. 755, authorizing funds for fiscal year 1982 for Federal alcohol and drug abuse programs, S. 1085, authorizing funds for fiscal years 1982, 1983, and 1984 for the Head Start program, S. 1086, authorizing funds for fiscal years 1982, 1983, and 1984 for programs of the Older Americans Act, S. 1087, authorizing funds for fiscal years 1982 and 1983 for programs under the Domestic Volunteer Service Act, S. 1090, authorizing funds for fiscal years 1982, 1983, and 1984 for support services and research programs relating to adolescent pregnancy, and S. 1132, authorizing funds for fiscal year 1982 for direct services planning, advocacy, legal representation, research, demonstration, and special projects for the developmentally disabled.

4232 Dirksen Building

10:00 a.m.

Armed Services

To hold hearings on potential effects of proposed reductions in impact aid on various school districts and on the dependent children of military personnel enrolled in public schools.

6226 Dirksen Building

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on the needs of American consumers in the coming decade.

1318 Dirksen Building

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold hearings on miscellaneous legislation relating to land conveyances, studies, boundary changes, and exchanges, S. 146, S. 187, S. 188, S. 512, S. 634, S. 656, S. 763, S. 764, S. 794, and H.R. 618.

3110 Dirksen Building

Environment and Public Works

Environmental Pollution Subcommittee

To resume oversight hearings on the implementation of the municipal wastewater treatment construction grants program of the Clean Water Act, and to hold hearings, on S. 975, revising and extending for 1 year certain provisions of the Federal Water Pollution Control Act, and on other related measures.

4200 Dirksen Building

Small Business

Advocacy and the Future of Small Business Subcommittee

To hold hearings on Government competition with small business.

424 Russell Building

10:15 a.m.

Judiciary

Business meeting, to consider pending calendar business.

2228 Dirksen Building

2:00 p.m.

Environment and Public Works

To continue oversight hearings on the implementation of the Clean Air Act.

4200 Dirksen Building

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold hearings on S. 1042, abolishing the Intergovernmental Personnel Act grant program.

3302 Dirksen Building

Judiciary

To hold hearings on the nomination of William B. Reynolds, of Maryland, to be Assistant Attorney General for Civil Rights, Department of Justice.

2228 Dirksen Building

2:30 p.m.

Select on Intelligence

Closed briefing on intelligence matters.

S-407, Capitol

Special on Aging

To resume oversight hearings on the social security system, focusing on cost-of-living adjustments.

6226 Dirksen Building

JUNE 25

9:00 a.m.

Appropriations

Defense Subcommittee

To resume closed hearings on proposed budget estimates for fiscal year 1982 for the Defense Establishment, focusing on the National Security Agency.

S-406, Capitol

Governmental Affairs

Intergovernmental Relations Subcommittee

To hold oversight hearings on the activities of the Advisory Commission on Intergovernmental Relations.

Room to be announced

*Veterans' Affairs

Business meeting, to mark up S. 917, increasing the rates of disability compensation for disabled veterans, and the rates of dependency and indemnity compensation for their survivors; S. 911, authorizing the payment of a special pension to the survivor of persons awarded the Medal of Honor; S. 779 and S. 112, bills providing for memorials to honor the memory of certain deceased members of the Armed Forces; S. 266, implementing procedures and guidelines for the interagency sharing of health resources between the Department of Defense and the Veteran's Administration; amendment No. 62, providing for greater coordination and sharing of the medical facilities of the Veteran's Administration and the Department of Defense, of S. 636, proposed Veterans' Administration health care amendments; and S. 415 and S. 416, bills increasing the maximum amount of specially adaptive equipment assistance to certain service-connected disabled veterans, and on other related proposals, including S. 915, S. 1297, S. 1315, S. 1316, and S. 1317.

412 Russell Building

9:30 a.m.

Energy and Natural Resources

*Energy and Mineral Resources Subcommittee

To hold hearings on S. 1073, authorizing an additional lands lease to the holder of an oil shale lease for purposes that the lessee demonstrates are necessary for such operation.

3110 Dirksen Building

*Environment and Public Works

To continue oversight hearings on the implementation of the Clean Air Act.

4200 Dirksen Building

Judiciary

Security and Terrorism Subcommittee

To resume hearings on the origin, direction, and support tactics of terrorism.

2228 Dirksen Building

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings in conjunction with the national ocean policy study on the substance of Senate Resolution 147, calling for a moratorium of indefinite duration on the commercial killing of whales.

235 Russell Building

Commerce, Science, and Transportation

Consumer Subcommittee

To continue hearings on the needs of American consumers in the coming decade.

1318 Dirksen Building

11:00 a.m.

Governmental Affairs

Business meeting, to mark up S. 892, providing for continued authority of the Federal Grant and Cooperative Agreement Act, H.R. 1371, determining the rate of interest to be paid during specified periods on amounts due contractors on claims against the Government, S. 10, providing for creation of a Commission to design a blueprint for improving governmental performance at the Federal level and throughout the intergovernmental system, S. 1249, providing tools and incentives to the Federal Government in its efforts to collect debts owed the United States, S. 1224, strengthening and clarifying the congressional franking law, and S. 678, requiring that any extension of the ZIP code be part of a voluntary service option with a reduced rate.

3302 Dirksen Building

Labor and Human Resources

Labor Subcommittee

Business meeting, to mark up S. 398, permitting certain employees to work a 10-hour day in the case of a 4-day workweek; S. 351, providing for the transfer of surface sand, stone, and gravel operations from jurisdiction under the Mine Safety and Health Administration to the Occupational Safety and Health Administration; and S. 496, eliminating the jurisdiction of the Mine Safety and Health Administration of independent construction contractors who are engaged by mine operators to build structures on the surface of a mine site.

4232 Dirksen Building

2:00 p.m.

Environment and Public Works

Business meeting, to consider the nominations of A. Alan Hill, of California, and W. Ernst Minor, of Ohio, each to be a member of the Council on Environmental Quality.

4200 Dirksen Building

Foreign Relations

To resume hearings on the Israeli air strike on a nuclear reactor in Iraq.

4221 Dirksen Building.

JUNE 26

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on miscellaneous tax measures, S. 721, S. 791, S. 532, S. 979, and S. 169.

2221 Dirksen Building

Judiciary

Security and Terrorism Subcommittee

To continue hearings on the origin, direction, and support tactics of terrorism.

2228 Dirksen Building

1:30 p.m.

Judiciary

Courts Subcommittee

To hold hearings on alternative methods to improve Federal court reporting procedures.

2228 Dirksen Building

JULY 7

9:30 a.m.

Commerce, Science, and Transportation

*Aviation Subcommittee

To hold hearings on proposed legislation to provide for an early phaseout of the Civil Aeronautics Board.

235 Russell Building

Labor and Human Resources

Aging, Family and Human Services Subcommittee

To hold hearings on the primary intervention in addressing societal problems.

4232 Dirksen Building

Small Business

Innovation and Technology Subcommittee

To resume hearings on S. 881, to stimulate technological innovation and to increase economic productivity by using small businesses more effectively in Federal research and development programs.

424 Russell Building

10:00 a.m.

Finance

Social Security and Income Maintenance Programs Subcommittee

To hold hearings on certain financial issues relating to the social security system.

2221 Dirksen Building

JULY 8

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To continue hearings on proposed legislation to provide for an early phaseout of the Civil Aeronautics Board.

235 Russell Building

Small Business

Innovation and Technology Subcommittee

To continue hearings on S. 881, to stimulate technological innovation and to increase economic productivity by using businesses more effectively in Federal research and development programs.

424 Russell Building

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To hold joint oversight hearings with Finance's Subcommittee on International Trade on U.S. trade policy.

2221 Dirksen Building

Energy and Natural Resources

*Energy and Mineral Resources Subcommittee

To hold hearings on S. 859, providing for uniform treatment of certain receipts under the Mineral Leasing laws.

3110 Dirksen Building

Finance

International Trade Subcommittee

To hold joint oversight hearings with Banking, Housing, and Urban Affairs Subcommittee on International Finance and Monetary Policy on U.S. trade policy.

2221 Dirksen Building

2:00 p.m.

Finance

Social Security and Income Maintenance Programs Subcommittee

To continue hearings on certain financial issues relating to the social security system.

6226 Dirksen Building

JULY 9

9:00 a.m.

Commerce, Science, and Transportation

To resume oversight hearings on the implementation of the Motor Carrier Reform Act (Public Law 96-296).

235 Russell Building

*Veterans' Affairs

To hold hearings on the prospective nomination of Robert P. Nimmo, of California, to be Administrator of the Veterans' Administration.

412 Russell Building

9:30 a.m.

*Commerce, Science, and Transportation

*Aviation Subcommittee

To continue hearings on proposed legislation to provide for an early phaseout of the Civil Aeronautics Board.

5110 Dirksen Building

10:00 a.m.

Veterans' Affairs

To hold hearings on the prospective nomination of Allan B. Clark, Jr., of Texas, to be Deputy Administrator of the Veterans' Administration.

412 Russell Building

11:00 a.m.

Veterans' Affairs

To hold hearings on the nomination of Frank S. Sato, of Virginia, to be Inspector General, Veterans' Administration.

412 Russell Building

2:00 p.m.

Finance

Social Security and Income Maintenance Programs Subcommittee

To continue hearings on certain financial issues relating to the social security system.

6226 Dirksen Building

JULY 14

9:30 a.m.

Small Business

To hold hearings on small businesses' participation in the production element of the defense sector.

424 Russell Building

Select on Ethics

To hold hearings on matters involving Senator Williams.

6226 Dirksen Building

2:00 p.m.

Select on Ethics

To continue hearings on matters involving Senator Williams.

6226 Dirksen Building

JULY 15

9:30 a.m.

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings to review the Federal Trade Commission's regulations of certain professions.

235 Russell Building

*Veterans' Affairs

To hold oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judicial review of the administrative action of the Veter-

ans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
10:00 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1166, to provide grants to States for low-income weatherization assistance programs.
3110 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 16

9:30 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee
To continue hearings to review the Federal Trade Commission's regulations of certain professions.
235 Russell Building
Judiciary
Constitution Subcommittee
To resume hearings on Senate Joint Resolution 41, proposed constitutional amendment prohibiting the United States or any State from making or enforcing any law which makes distinctions on account of race, color, or national origin.
2228 Dirksen Building
*Veterans' Affairs
To continue oversight hearings on procedures for the adjudication of certain claims, and to hold hearings on S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 17

9:30 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 20

9:30 a.m.
Select on Ethics
To resume hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 21

9:30 a.m.
Select on Ethics
To continute hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
10:00 a.m
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 506, reinstating and validating certain numbered U.S. oil and gas leases.
3110 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 23

9:30 a.m.
*Veterans' Affairs
To continue hearings on S. 5, S. 7, S. 25, S. 26, S. 48 S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 24

9:30 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6224 Dirksen Building

JULY 27

9:30 a.m.
Select on Ethics
To resume hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To resume hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 28

9:30 a.m.
Labor and Human Resources
Aging, Family and Human Services Subcommittee
To hold hearings on adoption services in the United States.
4232 Dirksen Building
Select on Ethics
To continue hearings on matters involving senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 29

9:30 a.m.
*Veterans' Affairs
Business meeting to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m. Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 30

9:30 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

JULY 31

9:30 a.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building
2:00 p.m.
Select on Ethics
To continue hearings on matters involving Senator Williams.
6226 Dirksen Building

SEPTEMBER 16

9:30 a.m.
*Veterans' Affairs
Business meeting to mark up S. 5, S. 7, S. 25, S. 26, S. 48, S. 105, S. 248, S. 417, and S. 742, bills providing educational assistance to members of the Armed Forces.
412 Russell Building

SEPTEMBER 22

11:00 a.m.
Veterans' Affairs
To hold hearings on fiscal year 1982 legislative recommendations of the American Legion.
318 Russell Building

79-059 O - 85 - 51 Part 10

CANCELLATIONS

JUNE 24

10:00 a.m.

Governmental Affairs

To hold oversight hearings on the Federal Government's film making procedures.

3302 Dirksen Building

Labor and Human Resources

Education, Arts and Humanities Subcommittee

To resume hearings on S. 1103, authorizing funds through fiscal year 1986 for elementary and secondary education programs, and providing educational support at the State and local level.

4232 Dirksen Building

JUNE 25

10:00 a.m.

Governmental Affairs

Energy, Nuclear Proliferation, and Government Processes Subcommittee

To continue hearings on proposed legislation authorizing funds for programs of the Nuclear Non-Proliferation Act.

Room to announced