

SENATE—Wednesday, September 23, 1981

(Legislative day of Wednesday, September 9, 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.

Blessed God who art all powerful, we humans find it very difficult to exercise power without being corrupted by it. Sometimes, O Lord, those of us who have little power with little prestige are most impressed with ourselves and flaunt our petty position. Give us the wisdom of all people to take ourselves least seriously.

In this unique body, which wields such enormous power, protect us from its seductive, destructive influence. Inoculate us against the virile infection of self-importance. As we drink the heady wine of power, may we humble ourselves in the presence of the One in whom dwells all power and authority, remembering that those who rule do so at His pleasure.

May we realize that the mark of human insubordination is to lord it over others and the mark of greatness is to be everybody's servant. Temper our awareness of privilege in this place with humility and love toward each other and especially toward our spouses and children. We pray this in the name of Him who was servant of all. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

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

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, following the time allocated to the two leaders following the standing order and the special orders heretofore entered for this day in favor of the Senator from Wyoming (Mr. WALLOP), the Senator from Arkansas (Mr. BUMPERS), the Senator from Tennessee (Mr. BAKER), and the Senator from Illinois (Mr. PERCY), there be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m. today, in which Senators may be permitted to speak for not more than 5 minutes each.

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

ORDER FOR CONSIDERATION OF S. 1196 AT 1 P.M. TODAY

Mr. BAKER. Mr. President, I have advised and consulted with the distinguished minority leader on this matter and, indeed, spoke to this subject yesterday so Senators may have maximum notice.

I ask unanimous consent, Mr. President, that at 1 p.m., in accordance with the authority of the order previously entered, the Senate proceed to the consideration of S. 1196, the foreign assistance bill.

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

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on tomorrow.

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

LEGISLATIVE SCHEDULE

Mr. BAKER. Mr. President, at 1 p.m. today, after the recognition of the two leaders, four Senators on special orders, and the transaction of routine morning business, the Senate will proceed to the consideration of the foreign assistance bill, S. 1196. The leadership expects that the Senate will be asked to remain in session until approximately 6 p.m. today, our normal and more or less regular time to conclude the business of the Senate on days other than Thursdays.

It is my hope that, tomorrow, the Senate can temporarily lay aside S. 1196 under the order previously entered and proceed to the consideration of House Joint Resolution 325, the continuing resolution, if that resolution is available and on the calendar of legislative business. That will be Thursday, Mr. President, and Senators are on notice and should be reminded that Thursdays can be expected to be late evenings if a late session is necessary in the course of a regular week. I cannot now estimate how late the Senate will be in session tomorrow, but well past the dinner hour would be my expectation.

Mr. President, if, indeed, the Senate does proceed to the consideration of the continuing resolution tomorrow, I hope that passage of that measure will occur either on tomorrow—most likely late in the evening—or on Friday if necessary. I am sure I need not remind Senators that it is urgently important that we complete action on the continuing reso-

lution, since the regular appropriations bills have not been passed and since, at midnight on September 30, our fiscal year ends. Without the continuing resolution, substantial parts of the Government would not be in a position to function.

I also call to the attention of Members the letter from former Attorney General Benjamin Civiletti to the effect that, absent appropriations by regular appropriations bills or continuing resolutions approved by both Houses of Congress and signed by the President, it is not possible for the Government to function except in a custodial capacity. That opinion was confirmed in a letter by the present Attorney General, William French Smith, this year. Therefore, I repeat, Mr. President, it is urgently important that we complete our deliberations on the continuing resolution before the end of this fiscal year.

In addition to that, Mr. President, we have, as well, the companion issue of the debt limit extension, which must also be passed as a practical matter before the end of this fiscal year.

So, I hope that we can finish the continuing resolution tomorrow or, if necessary, on Friday; then, on Friday, that the Senate can proceed to the consideration of the House Joint Resolution 265, which is on the calendar.

If we can reach the debt limit extension on Friday, I hope, then, that we can finish it on Monday or at the latest on Tuesday. I do not believe there is a Member in this Chamber who enjoys less the business of trying to legislate on an emergency, panic basis, hours before or sometimes hours after the stroke of midnight at the end of the fiscal year. So I urge Members to consider that we should pass both the continuing resolution and the debt limit, not on Wednesday at midnight, which is the 30th of September, but well in advance of that, perhaps by Tuesday.

LATE SESSIONS NEXT WEEK

I do not expect a Saturday session this week. If there is to be a Saturday session because of unforeseen circumstances of an emergency nature, I shall consult with the minority leader and I shall try to give Senators as much notice as possible. But Senators should be on notice that, because of the exigencies of the time that I have just described, the Senate may be in session late on Monday, Tuesday, and Wednesday of next week, if that is necessary to complete action on both the continuing resolution and the debt limit.

I regret to make that statement, Mr. President, because I wish to abide by the informal policy of having late sessions only on Thursdays, but I am sure each Member will understand the necessity for the announcement in view of the necessity to deal promptly with the debt limit and continuing resolution.

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

After the debt limit and continuing resolution are disposed of, the foreign assistance bill will recur as the pending business.

SCHEDULING OF VOTES DURING ROSH HASHANAH

Mr. BAKER. Mr. President, there is only one other matter I should address at this time in terms of the schedule and activities of the Senate.

Prior Senate practice has established the precedent that no votes would occur between sundown Monday and sundown Tuesday during the observance of the Jewish holiday, Rosh Hashanah. While the Senate will be in session on Monday and Tuesday during that period, it would be the intention of the leadership to ask unanimous consent to stack any rollcall votes that might be ordered during that time until after sundown on Tuesday, the 29th of September.

Mr. President, I yield to the Senator from Alaska.

LOSSES OF YOUNG EXECUTIVES TO THE PAY CAP

Mr. STEVENS. Mr. President, I again wish to address some of the negative effects of the executive pay cap. I have generally listed the losses of some of our executive corps including specific individuals and positions. Those listed have generally been at the Senior Executive Service level. Most have left Federal service by retiring. As important as these may be, the greatest loss to us may be those young managers who are the pool of potential executives for our Senior Executive Service. We must recognize that these individuals who rise to this pre-SES level at a young age are the cream of the management corps. These are the very high achievers whom we must compete for with private industry if we are to improve Government service and efficiency.

I would like to quote several instances where this effect is being seen in agencies. The best Government-wide indication of these types of losses is supplied by the OPM figure of 363 career executive resignations from the Federal Government over the last 2 years. These individuals were obviously not old enough for retirement yet received lucrative offers from private employers. The Nuclear Regulatory Commission lost six senior executives and 13 GS-15's through resignations over the last year or two. The Department of Housing and Urban Development lost 18 executives since 1978 through resignation. The National Labor Relations Board has lost one-third—11—of their regional directors through resignation in the last 2 years, several of whom were in their thirties and early forties.

The Department of Defense is replete with similar instances of executive losses at nonretirement ages to private industry. Mr. President, I shall present for the Record the letter I received from the Department of Defense in which they describe these losses.

Similar to resignations, another indicator of the adverse impact of this pay cap on our younger managers is the less than enthusiastic interest in applying for Senior Executive Service developmental programs and positions. Again DOD offers several examples, such as:

Only 1 of 8 senior GS-15 employees applied for a Senior Executive Service position which was recently advertised at the Air Force Accounting and Finance Center.

Only 196—21 percent—of 935 Air Force employees at the GS-15 level applied last year for the SES candidate development program. None of those who applied were considered the best qualified for entry into the SES.

The Department of Commerce recently posted an SES vacancy, only 15 GS-15 employees applied. When the pay cap was continued in the continuing resolution, 11 of those 15 applicants withdrew their applications.

These examples demonstrate that we cannot persuade individuals to assume positions of higher level responsibilities without a corresponding increase in compensation. Moreover, we cannot afford to train and develop young managers, usually our most talented people, at great time and expense only to lose the benefits of this developed talent to private industry. We must pay our executives what they are worth.

Mr. President, I ask unanimous consent that the letter from the Assistant Secretary of Defense may be printed in the Record.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., September 4, 1981.
Hon. TED STEVENS,
Chairman, Subcommittee on Civil Service,
Post Office and General Service, Committee on Governmental Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further reply to your letter of July 31, 1981, to the Secretary of Defense in which you requested information regarding problems of recruiting and retaining senior executives.

Recruitment and retention of senior executives are matters of major concern throughout the Department of Defense. As both executive salaries in the private sector and the cost of living continue to rise, while salaries for our senior executives remain unchanged, the situation becomes worse. As an illustration, since 1969, the Consumer Price Index has increased 141% and the Hourly Earnings Index has increased 132%, yet our senior executives have received pay increases of only 43%. Since March of 1977, the pay limitation imposed on our senior executives by 5 U.S.C. 5308 has increased only 5½%, while the cost of living has increased over 47%. As a result, we are now losing senior executives through retirements and resignations at an abnormally high rate and are finding it extremely difficult to attract quality replacements.

As requested in your letter, we are providing in the attachment examples of recruitment and retention problems. These examples are indicative of the types of problems being encountered and represent only a portion of the volume of such cases. We have also attached a copy of a letter which was sent to the Office of Personnel Management last year in connection with the quadrennial

review of executive salaries; we believe its observations are still valid.

Your interest in this matter and the opportunity to provide you with this information are appreciated.

Sincerely,

LAWRENCE J. KORB,
Assistant Secretary of Defense,
(Manpower, Reserve Affairs and Logistics).

EXAMPLES OF SENIOR EXECUTIVE RECRUITMENT AND RETENTION PROBLEMS

OFFICE OF THE SECRETARY OF DEFENSE AND DEFENSE AGENCIES

1. Separations from the Senior Executive Service during calendar year 1981 have been at an annual rate of 18.85 percent. During calendar year 1980, the annual rate was approximately 20 percent.

2. Since the inception of the Senior Executive Service, separating individuals have cited on official documents a financial motivation for leaving, as follows:

A 47-year-old career executive who worked for the Deputy Under Secretary of Defense for Policy cited "need money to put children through college" as a reason for leaving.

A promising 42-year-old scientist manager cited "financial limitation (pay cap).".

Another scientist manager in his forties stated that he was leaving for the "opportunity to . . . make more money."

A promising 39-year-old official left to accept a position in industry at "substantially increased pay."

A 43-year-old scientist cited "a substantial salary increase that is not possible within the Senior Executive Service" as his reason.

3. In addition to those who have stated in writing their reasons for leaving, the servicing civilian personnel office is also aware of the following separations for compensation reasons:

A high level official in the critical area of undersea surveillance has announced that the reason for his acceptance of a position with industry was the significant loss of real income that he has suffered over the last few years as a federal employee. He stated that his reasons for leaving "are strictly financial."

Significantly more money was also informally reported as the reason two high level advanced research managers left DOD for employment with TRW and COMSAT, that eight officials moved to private industry, and that two officials went into private practice of law.

4. The following are examples of recent recruiting problems:

A selectee for the position of Assistant to the Secretary of Defense (Atomic Energy)/Chairman, Military Liaison Committee was interviewed and declined the offer because of the pay cap.

A selectee for the position of Deputy Under Secretary of Defense (International Programs and Technology) declined because of the pay cap.

A selectee for the position of Deputy Under Secretary of Defense (AM) declined because of the pay cap.

The position of Staff Specialist for Propulsion in the Office of Engineering Technology had to be advertised a second time because there were no qualified applicants the first time.

DEPARTMENT OF THE ARMY

1. The following are examples of declines and resignations directly related to pay:

The selection for the position of Assistant Director for Maintenance Management, Office of the Deputy Chief of Staff for Logistics, Washington, D.C., was made on 12 March 1980. The selectee's qualifications were approved by an Office of Personnel Management

(OPM) Qualifications Review Board (QRB) on 13 March 1980. The selectee subsequently notified the selecting official that due to the high cost of housing in the Washington metropolitan area, he was declining the position.

The selection for the position of Director, Study Management Program, Office of the Chief of Staff, Army, Washington, D.C., was made on 12 May 1980. OPM's QRB approved the selectee's qualifications on 18 June 1980. On 23 June 1980, the selectee declined, to accept a position in private industry with better pay.

The selection for the position of Army Spectrum Manager, Office of Assistant Chief of Staff for Automation and Communication, Washington, D.C., was made on 8 January 1981. The selectee's managerial qualifications were approved by OPM on 26 March 1981. On 3 April 1981, the selectee notified the servicing personnel office of his declination for a combination of reasons including the Congressional continuation of the pay cap and a stronger counter offer from his present employer which made it financially impossible to accept the offer.

The Director, Data Processing Directorate, Ballistic Missile Defense Advance Technology Center, Huntsville, Alabama, resigned on 27 February 1981 to accept employment in the private sector. He stated telephonically that he was offered an initial salary increase of 30 percent and much better incentives. He also stated that raising the pay cap and imposing fewer restrictions on incentives would have had a definite bearing on his decision to remain with the Federal Government.

2. In efforts to fill vacant scientific and engineering senior executive positions, numerous companies in the private sector were contacted to solicit applications from interested employees. Attached are samples of the typical letters of response from those companies.

DEPARTMENT OF THE NAVY

1. Prior to July of 1979, the Department of the Navy had an average annual attrition rate of 7 percent at the senior executive level. Since July of 1979, the attrition rate at this level has been approximately 20 percent.

2. Four SES positions were filled at Office of Naval Research headquarters during 1980. Recruiting costs for these positions totalled just over \$80,000. Of the 28 applicants who were considered best qualified, only 6 were from outside government.

3. A GS-15 position at the Naval Ocean Research and Development Agency was advertised in 1976, and there were approximately 100 qualified applicants, one-third of whom were from outside government. The same position was recently advertised again. There were only 9 qualified applicants, with only one of these from outside government.

4. The Navy Secretariat recently lost a top attorney to the private sector for nearly twice the salary he was earning as a member of the Senior Executive Service.

5. The Deputy Comptroller of the Navy recently was unable to attract his first choice for a top financial job when he could not match the pay increase offered by the candidate's current employer.

DEPARTMENT OF THE AIR FORCE

1. At the Air Force Accounting and Finance Center, only one of eight senior GS-15 employees applied for a Senior Executive Service position which was recently advertised.

2. The Principal Deputy Assistant Secretary of the Air Force for Research, Development and Logistics recently resigned after only about one year in the job, to work for ITEK Corporation at a substantially higher salary.

3. A recent selectee for the position of Deputy Assistant Secretary for Systems declined the position because the personal cost of relocating from California to Washington was anticipated to be too great in light of almost no possibility of a pay increase in the foreseeable future.

4. A Deputy Assistant Secretary in the research and development area resigned and is now working for Sperry Corporation at about twice his Air Force salary. The position has remained vacant because a suitable replacement cannot be found.

5. Last year, a candidate development program for the Senior Executive Service was announced. Of 935 Air Force employees at the GS-15 level, only 196 (21%) applied for the program. Those who applied generally were not considered by the top functional managers the best qualified for entry into the Senior Executive Service.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I ask unanimous consent that I may transfer the control of the time allocated to me under the special order to the distinguished Senator from Illinois, for his control and disposition.

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

Mr. BAKER. Mr. President, if I have any time remaining under the standing order, which I doubt, I am prepared to yield it back or to yield it to the control of the distinguished minority leader.

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

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. DURENBERGER). The Chair recognizes the minority leader.

GETTING THE COAL ON THE ROAD

Mr. ROBERT C. BYRD. Mr. President, high interest rates, proposals to cut social security, and budget deficits are dominating the minds of policymakers at present. However, the obvious importance of these issues should not totally obscure another crucial area—the need to maintain a balanced national energy policy.

The first 9 months of this administration's tenure have been spent in dismantling and undercutting the development of several different types of alternatives to imported oil. Research in fossil fuels has already been cut by two-thirds. Further cuts in fossil fuel research are likely to be proposed. Energy conservation and solar power programs are targets for additional deep cuts. One scenario reportedly required of the Energy Department by the Office of Management and Budget would shut down all fossil, solar, and conservation research programs.

It is clear that the administration has not been paying attention to the energy developments of our recent past. Oil gluts have appeared and disappeared over the past 7 years at irregular intervals. International politics has as often

as not been the cause of wild fluctuations in the price and supply of foreign oil. It is extremely unwise and shortsighted to be complacent about our oil supply situation.

The United States is not alone in its substantial dependence on imported oil. Our European allies import even larger portions of their total energy supply than we do. Their interest in developing a natural gas pipeline to deliver supplies from the Soviet Union is an indication of European dependence on outside fuel supplies.

Coal produced in America can and should make a contribution to lessening our own dependence on foreign oil. American coal exported to Europe and Japan can alleviate some of the economic and political burdens borne by those countries as part of the price of oil.

One traditional supplier of coal to Europe has been Poland. Poland's coal production is currently 20-percent lower than last year, and European customers for Polish coal have had to look elsewhere for fuel supplies.

In short, the world energy supply situation should not be regarded as fixed. We have seen the effects of unexpected shifts in world energy supplies: inflation, unemployment, and fuel shortages. The Western countries must continue to cooperate in long-term energy planning, and must seek to develop a variety of alternative supplies to fuel our economies.

The vast American storehouse of coal cannot be overlooked in this effort. To insure that this energy ace-in-the-hole is used will require a strong commitment on the part of this administration.

American coal development also requires that a serious effort be made to remedy coal transportation problems. The state of our ports, handling facilities, railways, and waterways is far from adequate. It is ironic that the world's most economically advanced nation has a crumbling transportation system for the world's largest coal reserves. Former ambassador Henry Owen, who was involved with the economic summit meetings of the Western nations and Japan from 1977 until 1980, has written an article in *The New York Times* of September 20 that addresses the question of coal exports from the United States. I commend the article to the attention of my colleagues, as it explores a key aspect of a balanced American energy policy.

I ask unanimous consent that the article, entitled "Getting the Coal on the Road," be printed in the *RECORD* at this point.

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

GETTING THE COAL ON THE ROAD

(By Henry Owen)

If the dredging of channels in a few United States ports is not begun in the next several years, American efforts to beat stagflation will be significantly hampered. To say that this connection is not widely appreciated would be a vast understatement. But the connection is there, and unless we take account of it, we will suffer.

The 1970's showed that sharply rising oil prices meant more inflation and less economic growth in the industrial countries. Oil prices are no longer rising steeply, in part because these countries have reacted to higher prices by reducing their oil consumption and increasing their use of alternative energy sources.

The most important of these alternatives is coal. When the leaders of the seven main industrial countries met at the 1980 economic summit conference in Venice, they pledged their countries to double coal trade in the coming decade. Whether this pledge is fulfilled will do much to determine whether the present relative stability of oil prices continues, or fades away as the current recession wanes and unforeseen interruptions in oil supply occur.

The obstacle to doubling coal trade is not lack of supply in the main exporting countries: The United States, Australia, Poland, and South Africa have sufficient reserves to increase enormously their production of coal for sale abroad.

Nor is the obstacle any lag in demand: Conversion of oil-burning facilities to coal and creation of new coal burning facilities is proceeding so rapidly in Western Europe and Japan that demand for coal imports by these regions is expected to increase fourfold from 1979 to 1980. Despite present softness of the coal spot market in Europe, a very substantial long-term increase in demand remains likely.

The obstacle to increased coal trade lies in artificial restraints in the coal exporting nations: Unstable conditions in Poland, which have reduced its coal output; fear of interracial strife in the future and an equivocal government policy in the past, which have made importers reluctant to rely unduly on South Africa; periodic labor difficulties in Australia, reflected in last year's strike, and inadequate port facilities in the United States, which have provoked bitter complaints from our trading partners.

The problems in Poland, South Africa, and Australia are not susceptible to rapid resolution. So the United States will remain a key residual supplier—the more so since most coal importers are anxious to diversify their sources of supply in order to reduce their vulnerability to untoward events in other countries. The United States role is so large as to make it unlikely that world coal trade will be doubled unless restraints on that role created by inadequate ports are overcome.

There is a good deal of misunderstanding about these restraints. Three separate problems need to be distinguished from each other:

There are the short-term problems of adjustment that caused large numbers of European ships to wait long periods to load coal at United States East Coast ports last spring. These problems have been eased not only by the end of the Australian strike but also by innovative procedures that have made it possible to schedule waiting ships at our East Coast ports more efficiently and by increased coal exports from our Gulf Coast ports.

There is the medium-term problem of structural change: United States coal loading and storage port facilities were designed for lesser amounts than must now be moved, and were designed primarily for metallurgical coal, rather than the steam coal that is now in growing demand abroad. So these facilities must be expanded and modernized. The private companies that own the piers and the relevant port authorities are taking effective steps to these ends.

There is the longer-term problem of channel depths. Even if the improvements in coal loading and storage facilities described

above are achieved, United States coal ports will remain inadequate, because European and Japanese coal importers want to shift some of their coal commerce from the present Panamax 60,000-ton ships to larger ships (100,000 tons and over), which can transport coal more economically. Present water depths in most world coal ports are too shallow to take these ships. Steps are being taken to remedy this condition in some European, Australian, and South African ports, but not in the United States.

The United States lag is due to a legislative problem: The Administration has concluded that dredging should not and cannot, in present budgetary circumstances, be financed by the Federal Government. This means that a bill will have to be passed by the Congress defining how this function is to be transferred to the states and local authorities. And it has proved damnably difficult to get Congressional agreement on such a bill. Many coastal states are involved, and their immediate interests and financial capabilities differ.

Until it is clear that a few United States coal ports will be dredged, some European and Japanese coal importers will be reluctant to sign long-term contracts to buy greatly increased amounts of American coal. In the absence of such contracts, some American companies will be reluctant to make the long-term investments needed to fulfill United States coal export potential. This will not only limit world coal trade but also hurt those Americans who make their living producing and transporting coal.

The Administration is cutting red tape on dredging. Legislative action in the next 12 months is also needed, and is feasible. But this will require that two things occur:

That the Administration take the lead in seeking legislative consensus.

That public demand for port dredging be felt, making it easier for the members of Congress principally concerned to compromise.

Falling this, the great United States export coal boom that people talk about for the 1980's will turn out like the great United States domestic coal boom that people used to talk about for the 1970's—a dazzling vision that is only partially reflected in expanded sales of the hard black stuff that substitutes for oil.

Without a United States coal export boom, the link between oil consumption and economic growth in the industrial world will not be broken—a link that condemns us to recurring inflation and low growth, whenever the balance between oil demand and supply tilts, as it may periodically, against the oil importing nations.

There is an excellent chance of solving our coal port problem. But only if a lot more public attention is paid to it than is now the case.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I will be glad to yield my remaining time to the Senator from Wyoming, if he wishes additional time.

Mr. WALLOP. Mr. President, I thank the minority leader. He is always considerate in accommodating Senators and the time of the Senate.

Mr. ROBERT C. BYRD. If the Senator from Wyoming does not wish any additional time, does the Senator from Arkansas (Mr. BUMPERS) need any additional time?

Mr. BUMPERS. Mr. President, I have a special order for 15 minutes. I should like to increase that to 20, if I may.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes and thirty-four seconds.

Mr. ROBERT C. BYRD. I ask unanimous consent that I may transfer that 6 minutes to the control of Mr. BUMPERS, at such time as he executes his special order.

Mr. BUMPERS. I thank the Senator. The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. WALLOP. I thank the minority leader.

REVIEW OF TAPES AND RECORDINGS IN THE MATTER OF SENATOR WILLIAMS

Mr. WALLOP. Mr. President, I rise again today, as I have each morning this week, and will for the remainder of this week, to urge Senators to take advantage of the special showings of the taped material and the audio material in the matter of Senator WILLIAMS, and to urge Senators, as well, to study carefully the report of special counsel and the report and response of the counsel to Senator WILLIAMS.

As of this morning, only 18 Senators have availed themselves of the opportunity of viewing those tapes and listening to those recordings. That leaves some 80 of us who have not seen this material and who will come to the floor at some moment to make a judgment on the reputation of not only a colleague but also the Senate itself, with less than adequate knowledge.

Some Senators have said to me, "I really would like to see those, if only I had the time." I am here today to urge my colleagues to consider that there is no more valuable time that a Senator can spend than in fulfilling the constitutional role that is required of us to judge the fitness of the Members of this body.

This recommendation of the committee is the collective recommendation of a group of people who sat throughout the hearings and who have been familiar with the material, but it is not the judgment of the Senate. It is a recommendation to the Senate, and it cannot be used as a crutch by individual Senators to accommodate the judgments that ultimately each of us will have to make.

I believe it is fair to say that any one of us can judge the arguments of the committee's counsel, Dean Griswold, or the counsel to Senator WILLIAMS on the basis of their logic. But consider how much better it would be to judge it on the basis of your own logic, your own familiarity with the data and material that have been gathered and presented to you.

I am not here urging the Senate to do one thing or another thing with regard to its ultimate judgment. I am urging it to inform itself so that that judgment when it is made can be made on the basis of an informed mind troubled by the matter that has been brought in front of it.

It is not the reputation of Senator WILLIAMS alone that hangs in the bal-

ance. The public perception of every sitting Senator will hang on the judgment the Senate makes and Senators will be fairly asked by that same public to defend that judgment, whatever it is, that is made.

So, too, will be affected in the public's mind the reputation of every Senator who has ever held that title. Historically, it will go back in time.

The Senate has not expelled one of its Members except for treason and it has not expelled one of its Members since the Civil War.

This is no lighthearted recommendation that your Committee on Ethics brings to you. This is a matter of the utmost gravity and it is the public's faith and perception of this institution, whatever judgment it makes, that will hang as well in the balance as the individual reputations of the people involved.

The public has a right to feel that we have taken this matter seriously. The public has a right to feel that the judgment has been made fairly. Senator WILLIAMS' counsel has continued to praise the committee's performance as extraordinarily fair. I think that it would be wise of the Senate to have Senator WILLIAMS' counsel appraise the performance of the Senate as extraordinarily fair, and it is my judgment that it cannot be fair without the personal information and personal involvement of each and every Senator as we reach that judgment.

I do not mean to stand and preach every morning. I am simply trying to bring to my colleagues' attention the gravity of the matter that is in front of us, the seriousness of the recommendation, and the historic nature of it.

Your friend and colleague has a stake in this matter which requires that we judge him fairly. Your public, your constituencies, and all America has a stake in this matter which requires that we judge fairly.

Again I urge my colleagues to take advantage of the showings which remain yet, one more this afternoon and two more on Friday. Time schedules of the viewings are in your offices in the "Dear Colleague" letter.

I rest again until tomorrow when I shall again urge my colleagues to take advantage of the showings remaining on Friday.

I yield the floor.

The PRESIDING OFFICER. The Chair thanks the Senator from Wyoming for that bit of advice.

RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order the Senator from Arkansas (Mr. BUMPERS) is recognized for 21 minutes and 19 seconds.

Mr. BUMPERS. Thank you, Mr. President.

A POSITIVE APPROACH TO DEFENSE SPENDING

Mr. BUMPERS. Mr. President, I wish to speak on the subject of defense, and

I wish to take a considerably more positive approach than many have recently taken on that subject.

The Reagan administration has finally and mercifully begun to factor economic reality into its proposed rearmament of America. Most senior officials now recognize that the ability of the Department of Defense to absorb funds in order to prepare for every possible military contingency is almost infinite, and that the only way to avoid national economic chaos is to make some tough choices and establish priorities among competing military demands. These are positive steps because, for the first time since at least the beginning of the 1980 Presidential campaign, we now may be in a position to jettison the rhetoric that has so inhibited serious debate of this subject. As the administration and Congress begin to wrestle with the dilemma of how and where to trim the \$1.5 to \$1.7 trillion, 5-year Reagan defense plan, it will be useful for us to consider some basic themes which could help in the development of a positive, bipartisan consensus on defense spending issues.

First. The United States is in a better military position and condition than some are arguing. The problems in our military force structure are not all attributable to President Carter, and the sooner we quit beating that horse, the better off we will all be. At the same time, I wish to say that nothing in this speech should be considered an apology for the previous administration. I simply wish to state some observable facts. Our current military problems are a result of a disaffection of a substantial portion of the American people caused by the Vietnam war, and the precipitous decline in defense spending that occurred between 1969 and 1976. But between fiscal years 1976 and 1981, DOD total obligational authority rose from \$96 billion to \$178 billion in current dollars, includes fiscal year 1981 supplemental, an increase of 86 percent in current dollars, and almost 20 percent in constant fiscal year 1982 dollars. The result has been a steady improvement in our conventional forces. Since 1975, the number of active Army maneuver battalions has increased by more than 10 percent; the modernization of our Navy has begun, with average displacement and ship-for-ship capabilities of new vessels increasing steadily. We will add over 50 capital ships to our Navy between now and 1984. The Senate must bear in mind that the average shipbuilding time is around 5 years now.

The point should be made again and again that our Navy is almost twice the size of the Soviet Union in terms of tonnage, and this is the result of a conscious choice on our part. Major strides have also been made in the modernization of our tactical aircraft. From 1975 to 1980, the total number of tactical aircraft in our inventory increased from 1,958 to 2,606. Much more capable F-16's, F-15's, and F-14's are replacing older, technologically outmoded aircraft, and soon F-18's and AV-8B VSTOL aircraft will be entering Navy and Marine Corps inventories. Because of the enormous lags in the production of military equip-

ment, particularly aircraft and ships, we are just now beginning to see the payoffs from military investment decisions made during the 1977-80 period.

The final defense budget submitted by Secretary Brown called for a steady increase of about 5 percent annual real growth through 1986. Total expenditures under that budget would have reached about \$1.3 trillion in current dollars—\$1.1 trillion in constant dollars—hardly a trivial sum. On the other hand, the Reagan plan, prior to his call for a \$16 billion cut over the next 3 years, calls for a 14.6-percent real increase in fiscal year 1982, and about 7 percent annual growth from fiscal year 1983 to fiscal year 1986. That works out to about \$1.5 trillion during the fiscal year 1982-86 period, or about \$200 billion more than President Carter had recommended.

I believe this administration would do well to go back and look at the Brown defense budget more closely. They would find that it was carefully crafted to generate sustained military growth without producing huge budget deficits. It also recognized and sought to correct the shortage of raw materials and the weakened state of our industrial base, particularly at the subcontractor level and that is where the bottlenecks and unacceptable leadtimes in military production have caused us unnecessary problems. However, it probably did not go far enough in terms of management reform. The new administration has tackled this persistent and difficult problem head on, and Deputy Secretary Carlucci's 31-point reform package, especially multiyear contracting on mature systems, should receive bipartisan endorsement and support. But if the President should propose to stretch out procurement of F-15's, M-1 tanks, and guided missile frigates for example, it would be pennywise and pound foolish.

Also, the administration should use more realistic inflation projections in its defense budget proposals. Otherwise, all the management and procurement planning reforms will fall victim to the stretchouts and cancellations required to adjust to the shortfalls created when actual inflation exceeds overly optimistic projections.

Second. Defense expenditures should be targeted at improving existing forces and not, at this stage, be used to expand our force structure. While significant progress in force modernization has been made in recent years, we still have a long way to go before much of our existing force will be combat ready. Improvements in force readiness will occur only if DOD makes a sustained commitment to fully fund readiness programs required for existing and newly acquired weapons systems, and to correct the serious manpower problems afflicting the services. Attempts to expand our forces before correcting existing deficiencies would not result in increased military capabilities.

On the contrary, they would stretch personnel resources even thinner, put the operations and maintenance budget in direct competition with money for new procurement, and create tremendous

pressure for reinstitution of the draft. While we may want to consider bringing back the draft, such a decision should result only from a conscious decision on the part of Congress and not be forced upon us as a result of a sudden need to man the ships and fill the new divisions created by an expanded force structure.

The three major manpower problems are the quality of the recruits, retention of skilled personnel, and the decreasing difference in pay between ranks—so-called pay compression. The Jepsen-Exon targeted pay bill, which passed the Senate last week by a vote of 81 to 0, addresses the retention and pay compression issues, and a new GI bill may help attract better recruits.

Until the numerical strength and quality of our military personnel have improved, the Army should shelve its plan to add 2 more divisions, which would cost about \$14 billion over the next 5 years, and the Navy should defer increasing the number of carrier battle groups to 15. And instead of creating a specially designated rapid deployment force, DOD should reconsider whether existing forces, particularly the Marine Corps, could fill the role at considerably less expense and organizational complexity.

Third. Procurement of conventional weapons should be guided by the need to create a high-low force mix for each service. I agree with the notion that our most sophisticated, high-technology weapons do provide us with force multipliers which partially offset the numerical advantages enjoyed by the Soviet Union and the Warsaw Pact. But if current trends continue, the pact will soon have such numerical superiority that Western defenses will simply be overwhelmed.

For example, according to a recent DIA report, the Soviet Union produced about 3,000 tanks, 5,500 other armored vehicles, and 1,300 fighter planes in each year of the past 5 years. The United States, on the other hand, produced about one-fourth as many tanks, one-third as many armored vehicles, and about one-half the number of fighters as the Soviet Union in 1980.

There is nothing magical about the Soviet economy or the reasons why the Soviet Union has gained this disturbing production advantage. In contrast to the United States, which has emphasized revolutionary changes in weaponry requiring long leadtimes, significant research and development funding, and high unit production costs, the Soviets have mass produced proven weapon designs, with incremental improvements made only when there is a clear military need.

They have financed this system, not with any recent massive jump or surge in defense spending, as is constantly suggested, but by an unwavering commitment that has allowed them to increase their defense budget in real terms by about 3 to 4 percent every year for the last two decades.

Mr. President, as an illustration of my point that the Soviets and the Warsaw

Pact have not engaged in any big surge, I ask unanimous consent that a comparative table showing NATO against Warsaw Pact expenditures, be inserted in the RECORD at this point.

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

NATO VERSUS WARSAW PACT MILITARY SPENDING 1970-79
[Billions of 1979 dollars]

Year	NATO	Warsaw Pact	NATO advantage over Warsaw Pact
1970	201.8	149.5	52.3
1971	192.8	153.7	39.1
1972	195.6	159.4	36.2
1973	190.9	166.7	24.2
1974	193.9	173.4	20.5
1975	190.5	178.6	11.9
1976	186.6	186.2	.4
1977	193.5	186.8	6.7
1978	195.4	190.7	4.7
1979	205.6	194.6	11.0
Total	1,946.6	1,739.6	207.0

Sources: Figures for 1970-78 are from "World Military Expenditures and Arms Transfers 1963-78," U.S. Arms Control and Disarmament Agency. ACDA relies on CIA estimates of Soviet military spending. 1979 figures are from "Department of Defense Annual Report, Fiscal Year 1982."

Mr. BUMPERS. In contrast, our procurement has been hampered by wide fluctuations in the defense budget. However, our basic problem has been that we have been replacing large numbers of older, less sophisticated equipment with fewer numbers of extraordinarily expensive, state-of-the-art systems. A-4 and A-7 aircraft are to be replaced by F-18's, and AV-8B's costing \$30 million each; M-48 and M60-A1 tanks are being replaced by M-1 tanks that cost \$3 million each; F-105's and F-4's are being replaced by F-15's at \$20 million each and F-16's at \$10 million each.

New destroyers now cost upward of \$800 million a piece, and a new carrier costs \$3 billion, not including the aircraft that it carries. With these unit costs, we will never be able to match Soviet inventories, nor should we try to achieve a numerical balance. But we should significantly ease the strain by supplementing these weapons at the high end of the technology and cost spectrum with larger numbers of simpler weapons at the lower end of that scale.

For example, the Air Force should consider procuring the F-5G, which is more than a match for all but the Mig-25's and some versions of the Mig-27's, and costs less than \$8 million; and the Navy should consider supplementing its high-cost ships with surface-effect ships and diesel-electric submarines in its effort to increase the numerical size of the active fleet.

Fourth. With regard to nuclear weapons, we should establish a clear doctrine and tailor procurement to fit our strategic objectives rather than letting the acquisition of nuclear weapons determine our strategy. A few programs, such as improvements in the command, control, and communication (C3) system, are adaptable to a number of nuclear strategies.

The value of most strategic modernization proposals, however, is dependent on the role envisioned for the various components of the nuclear force. Before proceeding with programs that will cost hundreds of billions of dollars, we need to address some fundamental questions, such as: Exactly how vulnerable is the land-based ICBM force? What role would a manned bomber play in a nuclear exchange? What is the basic strategy that would underlie the use of air, ground, and sea-launched cruise missiles? What would be the strategic implications if the Soviets deployed an ABM system in response to a U.S. decision to do so?

Only when we have answers to these questions will we be in a position to evaluate all the force modernization proposals currently before us on the basis of their strategic merits.

Fifth. The strategic and economic advantages of arms control negotiations and agreements must be recognized, and talks should start immediately. It is wishful thinking of the highest order to assume that the Soviet Union will sit back and wait until the United States regains strategic superiority. Yet, this is precisely what the administration has laid down as a precondition for the resumption of substantive arms control talks. The longer SALT II languishes, the more likely we are to find ourselves in an all-out nuclear arms race, a race that would produce the combined results of a disastrous economy and a greatly enhanced probability of nuclear war.

We should look at all arms control negotiations—strategic, theater nuclear forces, ABM, and regional nuclear or conventional arms limitations discussions—as opportunities for devising means to constrain the Soviets, reduce the economic burden of military spending, and increase mutual understanding.

The Reagan administration has now been in office for 9 months, and if there was one area where we expected the team to "hit the ground running," it was defense. However, Congress and the American people are still waiting to be told where and how much the administration proposes to spend on defense. We need decisions, action and more information out of the administration if we are to develop and maintain a strong bipartisan consensus with regard to defense issues. For example:

Some indication of what the administration proposes to do concerning the MX missile.

Decisions on the B-1 and Stealth bombers.

An announcement concerning whether the administration is proposing moving from a one and one-half war to a two or two and one-half war strategy.

A 5-year shipbuilding plan, and

Dates for the initiation of both theater and strategic nuclear weapons arms control discussions.

Mr. President, I am hopeful that we can have a bipartisan approach on defense, but Congress must be given the answers to these questions and more if we are to achieve such bipartisanship. As

the old adage goes, if we try to be strong everywhere, we will almost surely wind up being weak everywhere, a result we all want to avoid.

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

The PRESIDING OFFICER (Mr. DURENBERGER). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SUPPORT OF A FREE AND DEMOCRATIC GREECE

Mr. PERCY. Mr. President, I would like to express today support of our country's foreign policy toward the nation of Greece, and my strong support of a free and democratic Greece. Given its crucial geopolitical location and our mutual security interests, Greece's continued close relationship in the NATO context with the United States is of vital importance.

Greece and the United States are deeply intertwined nations. Many of America's leading citizens are of Greek lineage. The essence of our political cultures are the same. America's system of government is descended from that of Greece, the cradle of democracy.

Over 500 years before Christ was born, the Greek city-state of Athens adopted a constitution that set the parameters for the conduct of government, much as ours does today. Their government was of a representative nature, the citizenry entrusting much of the government's decisionmaking authority to its chosen representatives. As many citizens as possible were permitted to take an active part in government, with no discrimination because of rank or wealth.

Greece's great contributions to political thought helped make America what it is today. A continued and even closer relationship of cooperation and understanding between the Greek and American people and our respective governments is the best guarantee for the maintenance of Western democracy.

Mr. President, if I could comment also from a very personal standpoint, at the bottom of the Depression our family lived in Chicago, Ill. My father had lost his position as a banker and had been out of work for some time, one of 17 million Americans who just simply, after highly productive lives, because of economic conditions could not get a job. We at that time lived in a two-flat building in Chicago. The owners of the building, a Greek family, occupied one of the apartments and we the other. It became apparent that we were not going to be able to pay our rent.

I can remember my father approaching our Greek neighbors, explaining the circumstances, indicating that he would do everything he possibly could to pay

the rent but that we were not able to make the payment that month and possibly not for several months until he got back on his feet somehow.

He made it clear that at any time they felt we had to be evicted, we could be evicted. He would not protest at all. Our landlord could not have been more understanding.

But over a period of time the situation changed. We were in a better position. But I will never forget as long as I live the generosity, the friendship, the sympathy of that Greek family.

Through them, through the years, we learned a great deal about Greek-Americans. Our landlord owned a restaurant on Bryn Mawr Avenue. With them and their friends we engaged in many of the ceremonies, such as at the beginning of the year with a loaf of bread in which the coins were placed, and we saw the affection and love they had for one another and the pride that they had in their traditions.

So when my wife and I decided—just before we came to the Senate—to take our children on a trip, we chose Greece and took a boat from Greece on a tour called the tour of antiquity. Just as the Greeks fanned out from Athens, then we went to various places in Africa where Greeks had settled, to see the Greek ruins and study them.

On the ship there was an historian who discussed the history of Greek civilization and its growth through the years. I thought that was a good way to have our children better understand the cradle of democracy and the great civilization from which the ideas of a free people had come, to take that kind of a trip and see through their own eyes how the Greeks had taken their culture, their architecture, and their ideas to other countries.

It is with a sense of personal emotion, as well as a personal relationship that I have had with the Greek-American community in Chicago through the years, that I speak today. They have, as a people, contributed immensely to the strength of American life.

They are industrious, hard working, and resourceful. They are wonderful Americans.

But the great beauty of this country is, as the symbol says on our coin, "E Pluribus Unum." "Out of Many, One." Of many peoples, cultures, background, languages, we are, when we are in the United States of America, one people. But we never forget our heritages, nor would we want to, because they contribute to the greatness of this country.

That is the strength of this Nation and it is why we can be and should be a tremendous symbol to the world.

So as Greece engages in its struggles, as we look at the problems it has faced in Cyprus, and other problems, we value their contribution to our common defense. We value their contribution to NATO. Greece is an area vital to the security and peace of the free world.

Today we pay tribute to Greece and to its people, and to the support that we in the United States of America maintain toward a free and democratic Greece.

Mr. LUGAR. Mr. President, as chairman of the European Affairs Subcommittee of the Senate Committee on Foreign Relations and as a friend of Greece, I join with my colleagues today in reaffirming the U.S. support for Greek democracy and for the warm and friendly relationship between the American and Greek peoples.

Greece and the United States share many values, ideals, and aspirations. We also face common challenges and dangers. Through even closer cooperation and understanding, we can meet these challenges and dangers together successfully.

Mr. President, the North Atlantic Treaty Organization provides the best framework for both the United States and Greece in harmony with our other allies to safeguard and maintain the ideals of democracy formulated for the first time in ancient Greece.

The relationship between the United States and Greece is of benefit to both our countries and both our peoples.

Mr. PERCY. Mr. President, I am very happy to yield to my distinguished colleague from Maryland (Mr. SARBANES), who can speak with even greater wisdom than the Senator from Illinois can about Greek democracy.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from Maryland is recognized.

Mr. SARBANES. Mr. President, I thank the distinguished Senator from Illinois, the chairman of the Senate Foreign Relations Committee for yielding. I commend him, and the Senator from Indiana (Mr. LUGAR) for their thoughtful and perceptive statements about Greek democracy and about the close ties which have existed between the United States and Greece from the very early years of our Republic.

As the distinguished Senators pointed out, Greece and our own country share a common political tradition. Greece is truly the cradle of democracy. The very principle and premises upon which our own democracy rests is derived from the Greek political system, which was evolved so many years ago and which was the first to place such great emphasis on the importance of the individual, his responsibility for self-governance, and the ability of the individual to determine his own future.

Mr. President, the United States-Greek ties have grown stronger and matured over the past two centuries. There are literally millions of Americans of Greek heritage who while deeply committed to this Nation and to building the strength of America, at the same time recall with pride and remain close to their Hellenic heritage and traditions. Greek-Americans in this country have prospered and, in the course of prospering, have worked to contribute to the strength of the United States and to

deepen the values upon which this Republic is based.

This is especially true where education is concerned. It is interesting to note that according to U.S. Census data, in the early years of Greek immigration into this country, Greeks ranked 18th out of 24 nationalities in median educational attainments. Yet in one generation, through the tremendous emphasis placed upon education by Greek-American families and the response of the children of those families, they have moved to the point of now being No. 1 amongst American ethnic groups where median educational achievement is concerned. This sharpening of skills and abilities redounds to the benefit of the United States, and the results are evident in the enormous contribution which Greek-Americans have made to science, to the arts, to the professions and to business, to the academic world and to government and, indeed, to all walks of our life.

Mr. President, the deep friendship and respect between the United States and Greece, of course, has been reflected particularly in congressional attitudes over the years toward Greece and toward independence and freedom in that country. Among the first Members of Congress to speak out in support of the ideals of the 1821 Greek revolution, by which Greece first won its independence, was Daniel Webster, a Member of this august body. That close tie has continued into our own time. Greece, suffering under a brutal wartime occupation, remained a steadfast ally.

Subsequent to World War II, President Truman proposed and Congress adopted a broad program of economic and military assistance to Greece at a time when Greece was faced with very severe threats to its freedom. Congress was very strongly supportive of that program.

In recent years, Congress has again emphasized the importance of democratic freedoms and civil liberties in Greece, and has sought to maintain a close working alliance and relationship with that country. Congressional spokesmen expressed strong opposition to the denial of freedom by the colonel's junta. Most recently Congress has sought peace and justice on Cyprus following the Turkish aggression in the summer of 1974.

Mr. President, Greece has been of enormous strategic importance to the United States, a close ally in both world wars. It occupies a unique strategic geographic position in the world. The United States-Greek relationship is based both on mutual strategic interests and on a shared respect for the Western values that we hold so important—indeed Greece is the source of so much of Western values. This is a friendship resting upon shared history, shared values, and shared interests.

I am very pleased to join my colleagues today in stressing the warmth and strength of the friendship between the two countries, underscoring particularly the importance of shared democratic values to that friendship, and

commending the Greek people for making democracy work in the land which even today is known throughout the world as the cradle of democracy.

I thank the chairman of the Committee on Foreign Relations (Mr. PERCY) for his very thoughtful and perceptive remarks and for initiating the discussion on a very important topic.

Mr. PERCY. Mr. President, I thank my distinguished colleague.

● Mr. NUNN. Mr. President, as we approach consideration of the International Security and Development Cooperation Act of 1981, it is appropriate to review the traditionally close ties between the peoples of Greece and the United States.

Events in Greece have always had a special significance for Americans and Western Europeans because the legacy of Greece has transcended national boundaries and given life to Western civilization for more than 2,000 years. Ancient Greece produced a people as gifted and innovative as any in history. As the originators of political democracy, the Greeks gave the world an institution that has inspired enlightened governments for centuries. Indeed in every area of human accomplishment—science, philosophy, art, architecture, medicine, literature—we find our heritage in the Golden Age of Greece. Much of what is best in modern society had its origins in Greece. In that sense, we are all heirs to the Greek tradition.

Americans have long recognized our debt and close ties to the people of Greece. When the Greeks rose up against the Ottoman Empire in 1821, Americans, fresh from their victorious struggle for independence, also rose up in sympathy for the gallant freedom fighters.

Ministers and politicians delivered sermons and speeches, legislatures passed resolutions of solidarity with the Greek people, money was raised to support the Greek cause, and many Americans even left their homes to cross the Atlantic and join the Greek patriots.

Since achieving their independence, the Greek people have faced powerful threats to their freedom and sovereignty. In just the last 40 years, they have endured two invasions, 4 years of harsh military occupation, a bitter civil war supported by Soviet-backed regimes outside Greek borders, and 7 years of dictatorship.

Each time, the democratic impulse and fierce independence of the Greek people have reasserted themselves, and the challenge has been met successfully.

Throughout the past 160 years, the strong bonds of friendship forged between the people of Greece and America during the Greek war for independence have grown steadily stronger. Our two nations fought side by side as allies during World War II and the Korean war and became permanent partners when Greece joined NATO in 1951. Marshall plan aid helped Greece rebuild its war-torn economy, and the Truman doctrine assisted the Greek people in turning back a determined Communist threat.

Just as this American aid has been important to Greece, the contributions of Greeks in the United States have enriched American life. Greeks have played a key role in American history since the early European explorations.

Greeks in America have compiled distinguished records in the arts, politics, business, and the professions. Many groups have come to America in search of economic opportunity, but none has exceeded the achievements of the innovative, resourceful Greek-Americans. Greeks helped to build modern, industrial America, and Greek workers and businessmen continue to be prominent in our Nation's economic life. Greek institutions—churches, newspapers, fraternal and community organizations—have strengthened the Greek-American community and helped to preserve the values of Greek culture.

Today, Greece occupies a position of critical importance to Western security. Increasing adventurism by the Soviet Union and its proxies combined with the Soviet naval buildup in the Mediterranean and instability in the Middle East have dramatically increased the importance of NATO's southern flank in recent years.

Located strategically along the shores of the eastern Mediterranean, Greece guards the lifeline over which Middle Eastern oil flows to Western Europe. Greece also blocks the land route between the Warsaw Pact countries and the Mediterranean.

Together with Turkey, Greece stands as the Western outpost closest to a Soviet strike against the oilfields of the Persian Gulf. At a time when U.S. naval force reductions have significantly affected the balance of power in the Mediterranean, NATO strategic planning must take into account the new realities along its southern flank as well as the Alliance's expanded requirements in the Middle East.

Greece must play a key role in the security posture of the West. As Adm. William J. Crowe, Commander in Chief of Allied Forces in Southern Europe asserted earlier this year, NATO "must bear in mind that the loss to the Soviets of even a portion of the Mediterranean could be a fatal blow to the Alliance."

For these reasons, Greece's agreement to resume full military partnership in NATO and Greek entry into the European Economic Community are among the most positive developments of recent months.

Just as importantly, Greece and Turkey have begun to reach agreements on some of the issues concerning rights in the Aegean Sea. The continuing rivalry between these two NATO allies remains a cause for serious concern, but we should all be encouraged by the accords that have already been reached and the promise of future progress. At a time when greater efforts are required of all members of NATO, it is imperative that both Greece and Turkey participate as full, cooperating partners in the Alliance.

All of these developments—entry into the Common Market, reintegration into

the NATO military organization, negotiations with Turkey—together with the restoration and maintenance of democracy and improved relations with the United States strengthen the Western Alliance and demonstrate the huge strides taken by Greece in recent years.

In the coming months, new challenges must be faced, and close cooperation between Greece and the United States will continue to be vital. I am pleased that the foreign assistance bill that we will consider shortly includes substantial military assistance for Greece. This assistance will strengthen the partnership between Greece and the United States and enhance Greece's critical role in NATO. ●

THE IMPORTANCE OF UNITED STATES-GREECE RELATIONS

Mr. CHAFEE. Mr. President, it is fitting that today we acknowledge the importance of our ties to Greece and to the Greek people. I am sure that no Member of the Senate needs to be reminded of the impressive contributions made by people of Greek heritage to the development of the American cultural tradition and, indeed, to the development of Western civilization itself.

Today, however, Mr. President, I would like to focus not on the past contributions of Greece and her people to our way of life, but rather to emphasize the bright future for relations between our two countries.

It gives me great pleasure to observe that Greece is now fully reintegrated into the NATO military command structure. The strategic importance of Greece to the Western Alliance can hardly be overstated. Our close relations and our mutual efforts to enhance Greek security extend back over 35 years, and predate the formation of the NATO Alliance itself. I believe it is most noteworthy that all existing agreements and arrangements between the United States and Greece, some dating to as far back as 1953, are still in force and are serving both countries well.

We have recently been involved in negotiations concerning the future status of U.S. bases in Greece. These bases serve important U.S. and NATO interests, and their existence reemphasizes the importance of Greece to the strategic framework of the Alliance. These negotiations are currently suspended, and when they resume I am confident that the remaining outstanding issues will be resolved. I am certain that an agreement which respects Greek sovereignty fully and which fosters further cooperation in defense matters can be reached.

We will undoubtedly face a number of additional critical issues in the coming years, issues affecting the immediate region of the Mediterranean and Europe as a whole. I am certain that all of us who value the contributions made by Greece to Western security and who hope for even closer relations in the future will work hard to insure that U.S. policy contributes to that objective. Similarly, I am confident that the long tradition of cooperation between Greece and the United States will enable us to

overcome any minor difficulties and to work together to build a peaceful and stable future.

UNITED STATES RELATIONS WITH GREECE: FRIENDSHIP AND COOPERATION

Mr. PELL. Mr. President, I am delighted to join my colleagues in paying tribute to our country's longstanding friendship with Greece. For many years, the United States and Greece have enjoyed a relationship characterized by warmth, friendship, mutual cooperation and support. Our people share a common devotion to democratic ideals and individual freedoms. Indeed, America's democratic system of government is descended from that of the Greeks.

American citizens of Greek ancestry have made and continue to make important contributions to our cultural, economic, and political development. The close ties between the people of Greece and the Greek-American community help to strengthen the bonds between our two nations.

On many occasions, Greece has proven itself to be a loyal and reliable ally of the United States. Greece has fought with distinction at the side of the United States in World War I and World War II. Greece's contribution to the Allied Powers in World War II was enormous both in human terms—9 percent of the entire Greek population sacrificed their lives during the war—and in its impact on the Allied effort.

Greece's defeat of Mussolini provided the Allied forces with their first victory. The extraordinary German paratrooper losses suffered at the hands of the citizens on the island of Crete caused Hitler to eliminate massive airdrops from his war strategy. Many experts credit Greece's interruption of Hitler's timetable as the reason that his troops moved into the Soviet Union in the winter. This move contributed to the ultimate defeat of the Nazis. During the Korean war, Greece contributed nearly 1,000 troops to the United Nations effort on behalf of freedom and defeat of Communist aggression.

Over the years, the United States has demonstrated its support for Greece as well. In 1946, the United States began to send economic aid to help rebuild Greece after World War II. Under the Truman doctrine, vital military assistance to Greece began. American economic and military assistance enabled Greece to effectively prevent the expansion of Communist influence and to maintain Greece as the cradle of democracy.

The American people and their representatives in Congress supported the continuation of economic and military aid to Greece until the military junta usurped the democratically elected government of Greece in 1967. At that time and until civilian government and democratic processes were restored in Greece in 1974, Members of Congress stood in support of the rights and liberties of the Greek people and in opposition to the undemocratic policies of the junta.

During the 7 years of the military regime in Greece, I vigorously opposed the junta and called for a return to con-

stitutional government. I also urged the U.S. Government to embark upon a review of American policy, to end its unquestioned support of the military regime, and to support the democratic elements in Greece. The restoration of a democratic form of government in Greece in 1974 was a development welcomed by the American people and Members of Congress, myself among them.

With the Turkish invasion of Cyprus, the U.S. Congress demonstrated its support for Cypriot Greeks by imposing an embargo on arms to Turkey. I vigorously opposed lifting that embargo and supported the many efforts to resolve the conflict between our two NATO allies, Greece and Turkey, over the Cyprus issue and the Greek-Turkish dispute in the Aegean Sea.

The United States also provided, at my urging, assistance to Greek Cypriot refugees. The close relationship between the United States and Greece is further demonstrated by the successful negotiation of an agreement which accommodates U.S. and Greek interests in the operation of American military bases on Greek territory.

By joining NATO and the European Community, Greece has demonstrated its commitment to Western defense and democratic values. Geographically, Greece plays an important role in NATO strategy for the defense of the Mediterranean and in insuring the integrity of NATO's southeastern flank. By virtue of its position and facilities, the island of Crete provides effective control of East-West air-and-sea communications to Israel, Egypt, and the Middle East. Politically, Greece, today, stands as a symbol of freedom and democracy for those members of the Soviet bloc which are positioned on its borders.

Mr. President, the contributions which Greece has made and continues to make to the defense of freedom and democratic values must not go unnoticed. The mutual ties and interests between the United States and Greece are many and far reaching. In the past, we have been able to build upon these bonds to develop a strong and mutually beneficial relationship. It is my fondest hope that the dedication to cooperation and spirit of friendship characteristic of United States relations with Greece will continue as we move through the decade of the 1980's and beyond.

A STRONG U.S.-GREEK RELATIONSHIP

Mr. KENNEDY. Mr. President, I am proud to join my colleagues in expressing deep support for strong United States relations with Greece. Greece has been a strong and true ally of the United States, and has made major contributions to America and the West through its civilization, through its tradition of democracy, and through new generations of Greek Americans.

By successfully reforming the immigration laws of 1965, we were able to raise the annual number of eligible Greek immigrants from 308 to 20,000. I

take pride in this achievement. Greek Americans helped to make this country great in the past, and will help to make it great in the future.

We care deeply about the future of Greece and the Greek people, and we should support both their democratic institutions and their aspirations of social and economic justice. Our national interest, and the international interest in the stability of the eastern Mediterranean, demand a more active American role in settling conflicts between Greece and Turkey over the Aegean Sea and over Cyprus.

What is needed is a lasting political settlement based on the legitimate rights of both the Turkish minority and the Greek majority in Cyprus, a solution that addresses both the constitutional issues and the territorial disputes in a just and viable manner. Such a solution is long overdue. I call on the administration to play an active role, without delay, to help bring lasting peace to the island of Cyprus.

In addition, America welcomes Greece's renewed participation in NATO, which strengthens our collective stability and security by bolstering the alliance's southern flank against the Warsaw Pact. The United States should strongly support continued, full Greek participation in NATO and should maintain a balance in our aid to Greece and Turkey.

Mr. President, I care deeply about the people of Greece and about the continued friendly relations between our two nations. It is in our mutual interests to build upon the friendship which characterizes our relationship today, and which holds so much promise for the future.

UNITED STATES-GREEK RELATIONSHIP: A COMMON HERITAGE AND STANCH ALLIES

Mr. ROBERT C. BYRD. Mr. President, I take this opportunity to commend the distinguished chairman of the Senate Foreign Relations Committee (Mr. PERCY) for organizing this colloquy on the importance we attach to Greece, both as a strategic ally and as an historic friend.

As the Senator who led the fight to lift the arms embargo against Turkey, imposed in the aftermath of the last Cyprus crisis, I welcome this opportunity to discuss the importance I attach to Greece as a friend and ally.

We, as Americans, should never lose sight of the influence Greek political thought played in the establishment of our own democracy. More than 500 years before the birth of Christ the city state of Athens formulated, and adopted, a constitution which laid out the parameters for the conduct of government. A representative democracy was established whereby much of the government's decisionmaking authority was entrusted by its citizenry to chosen representatives.

In 390 B.C., Aristophanes first exercised the political right that Americans cherish so much today—the right of dissent, or to publicly criticize governmental policies. Our Founding Fathers turned to ancient Greece, studied its democratic political thought, analyzed it, debated it, and determined that our basic

constitutional principles should be based upon a foundation of representative government. Therefore, we owe much to Greece as the cradle of modern day democratic political thought.

To a certain extent, it is somewhat tragic that America did not have the benefit of major waves of Greek immigration until 1900. We had adopted and refined ancient Greek political thought to fit our needs for representational government. Yet it was not until 1900 that the first wave of Greeks came to this country, enriching our already diverse culture. These new citizens, ambitious and hardworking, moved quickly up the ladder in this country. Through their extraordinary drive and adaptability, Greek-Americans fast became very successful in this Nation.

According to our own Bureau of Census data, the first Greeks who became U.S. citizens ranked 18th among 24 nationalities in their median educational attainment. However, their children have accomplished one of the most impressive feats of any group of people in the world. They quickly rose to the top and now rank at the top among American ethnic nationalities in median educational attainment. Today, there are literally thousands of Greek-Americans throughout this Nation playing major roles in their communities, cities, and States.

The interrelationship among the people of Greece and those of the United States is crucial to an understanding of the remarkable support each nation has provided for the other during their times of need. It behooves our countries to continue this critical relationship.

But the history of friendship between the United States and Greece goes beyond our common democratic heritage and the cultural enrichment that Greek immigrants have brought to this country. Greece is also very strategically important to the United States. Lying on the southern tip of the Balkan Peninsula, the land mass and isles of Greece constitute the geographical link between Italy to the West and Turkey to the East. It is also a bridge between the continents of Europe, Asia, and Africa.

Thus, Greece is pivotal to the defense of both Turkey and Italy. Whoever controls Greece can isolate Turkey and outflank Italy. Greece insures the strategic integrity of NATO's southeastern flank and provides early warning and air defense coverage for allied naval forces operating in the Mediterranean. In addition, the Greek islands dotting the Aegean form successive defense lines against an attack from the North, effectively denying Mediterranean access to a hostile force.

By virtue of its central position, its splendid natural harbor of Suda Bay, and its military airport facilities, the Island of Crete can effectively control East-West air and sea communications to Israel, Egypt, and the oil rich Middle East.

There are numerous considerations in looking at the strategic assets Greece brings to the NATO alliance and I shall

not go into every one in detail here. However, I do want to take this opportunity to go to the crux of my remarks. I am disappointed that no agreement has been achieved on the future of U.S. bases in Greece. These bases serve both United States and Greek interests.

I urge that we move expeditiously to resolve the impasse in these negotiations and conclude the agreement just as soon as possible. America's foreign policy toward Greece should be as supportive as possible. Greece has been an unswerving ally in all major international confrontations, and we should recognize the sacrifices we have made together. It is now time to cement that relationship once again with a base agreement.

Mr. PERCY. Mr. President, I thank the distinguished minority leader for his statement. I know of no Senator who has a greater reverence for the Constitution of his own country and the democratic process, who practices it as an art and a science more diligently, and who contributes, year after year, more to the working of this process in our country to pay tribute, as he has, with others of our colleagues, to the cradle of democracy, Greece, and the strength of the Greek people, particularly as they approach another election in their country. I know we all very much appreciate the words expressed so eloquently by our distinguished minority leader, Senator ROBERT C. BYRD, of the great State of West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished chairman of the Committee on Foreign Relations for his very generous remarks.

GREEK-AMERICAN FRIENDSHIP

Mr. ROTH. Mr. President, I rise today to offer a few remarks on the enduring friendship between the United States and Greece. As a nation, we trace our history back 4,000 years to the city-states of Greece where the idea of democracy was born. The word itself comes from the Greek language, meaning "rule of the people."

But perhaps even more important than this rich cultural and philosophical heritage is the rich contribution to American life and society that has been made by the millions of Americans who are of Greek ancestry. At the beginning of this century, desperate conditions in Greece coupled with the opportunities available in the United States brought thousands of Greeks to our shores. During these early years, nearly one in four Greek males between the ages of 15 and 45 left Greece for America.

Although those first Greek immigrants by and large had very low educational levels—in fact, opportunities for education was one of the major incentives for leaving their homeland—they brought with them skills, energy and a zest for life that enabled them to quickly improve the condition of life for themselves and their children.

Today many of our most prominent citizens are of Greek ancestry. William Tavoulareas, president of Mobil Oil, and John Brademas, an eight-term Congressman who is now president of New

York University are just two among the thousands of Greek-Americans making outstanding contributions to our national life.

Yet even third generation Greek-Americans have not forgotten their ancestral origins. The ties between the Greek-American communities in this country and the people of Greece remain extraordinarily strong. Despite ups and downs in the political fortunes of Greece, the peoples of both our countries have remained true to the common values that we have both inherited from ancient Greece.

Greece and the United States fought side by side in both world wars. Over 600,000 Greeks died fighting in World War II. In a nation of only 7 million, that equates to fully 9 percent of the population.

After World War II, Greece stood up to and defeated the Soviet-backed Communist efforts to take over the country. The valor of the Greek patriots was such as to prompt President Truman to reverse the drift of U.S. policy and make a firm stand against the advance of Soviet power into the strategic Middle East.

In the Korean war, the valor of the Greek troops was legendary.

Today Greece still guards the southern flank of NATO by spending about 32 percent of its national budget and nearly 6 percent of its GNP on defense. Nothing could show more clearly the determination of the people of Greece to defend the values we hold in common.

Every effort should be made to assure the continuation of a close and cooperative relationship between our two countries. In addition to the bonds of friendship rooted in cultural and historical affinities, Greece has great strategic importance to the Western security system. In addition to its geographical location, the great shipping resources of Greece which are the third largest in the world, would be critical to the allied effort in an emergency.

This is why we must not let misunderstandings or technical disputes stand in the way of strengthening our ties. I would, hope, for example, that our two countries could soon resolve our differences over new U.S. bases agreement. And I would hope that the U.S. Government could continue its strong economic support for Greece.

Regardless of the issue of the day, however, I know that solidarity between the people of Greece and America will persist in their unbreakable bonds of friendship.

GREECE AND AMERICA

Mr. TSONGAS. Mr. President, I would like to speak today in support of the foreign aid package to Greece. Being of Greek descent myself, I can appreciate the close bonds shared by Greece and America in many aspects of our societies.

Greek American political traditions are closely bonded by shared democracies. The interrelationships of the Greek and American people runs very deep. The essence of a nation is in its people and

many of our historic and cultural ties with Greece reflect common democratic ideals.

In 1900, the United States welcomed many Greek immigrants in what was Greece's major exodus. One in every four Greek males between the ages of 15 and 45 departed for the United States. These immigrants became intermingled in U.S. society as shoemakers, drycleaners, and restaurateurs. My grandfather was one of these pioneers searching for a new life in America.

Greek families retained the tradition of the strong nuclear family, with close ties to their relatives in Greece.

Education has always been important to the Greek family as evidenced by U.S. Census Bureau figures this year ranking the children of Greeks first in median educational attainment among ethnic groups.

Greece and the United States have mutual defense and security interests. We cannot underestimate the strategic importance of Greece as a member of NATO, as a location for U.S. military bases, and as a power in the Aegean. This year, Greece allocated 32 percent of its national budget and 6 percent of its GNP to defense.

From 1946 to 1976, the United States appropriated over \$4 billion in military and economic aid to Greece. From 1977 to the present we have allocated an additional \$825.3 million in military grants, credits, and guarantees to Greece. For fiscal year 1982 I offered an amendment in the Foreign Relations Committee to add \$20 million to the administration's military aid request of \$260 million. I will strongly support the foreign aid increases that have been added to the administration's request in the House and Senate.

I also strongly urge the administration to recognize Greek concerns regarding American bases in Greece so that an agreement can be signed as soon as possible. In my view, America's foreign policy toward Greece should be as supportive as possible.

● Mr. HUMPHREY. Mr. President, it is with great pleasure that I express support and appreciation for years of positive Greek-American relationships. Greek traditions are democratic and have served as a cornerstone of American democratic ideals.

In matters of mutual security interest, the United States and Greece have worked together to encourage European nations to act within a collective framework both militarily and economically. The United States continues to support Greek participation in NATO and the European Economic Community (EEC). It is my opinion that Greece participation in NATO and EEC has helped to foster democracy in that country. In addition, the U.S. bases in Greece have served as a deterrent to any potential aggressor.

I cannot stress enough the contribution of Greek people in this country. Their mark can be found in every area of American life.

In conclusion, I salute the Greek people and will continue to support those efforts that foster a close relationship. ●

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m., during which Senators may speak for 5 minutes each.

AWACS

Mr. DIXON. Mr. President, foreign policy decisions, like all decisions, are seldom clear-cut choices between right and wrong. However, the administration's insistence on selling AWACS and F-15 enhancements to Saudi Arabia has caused more division among informed observers than similar debates of the recent past.

Advocates and opponents of the proposed sale have molded their views into tight frameworks since early this year, when details of the sale were first made known.

Members of Congress have had 6 months to contemplate the purported benefits of this sale. Now, they are asked to ponder the matter a while longer, as the administration presents its case. The deadline, however, is approaching, and the fine print of the sale cannot change the overall picture.

Therefore, I reiterate my firm opposition to the \$8.5 billion package, and note I am a cosponsor of the resolution of disapproval introduced by Senator PACKWOOD.

The sale has strategic, military and diplomatic ramifications that do not serve America's best interests.

It is argued that AWACS and F-15 add-ons lay the groundwork for a "strategic consensus" against Soviet or Soviet-sponsored incursions into the Persian Gulf. Yet, I am convinced that the proposed sale would increase tension and escalate violence in the Mideast.

The administration says the Saudis have acknowledged the "strategic consensus" theory, but it is not beyond reason to think they may have their own notions about an Arab "strategic consensus" that is diametrically opposed to American Mideast policy.

Saudi Arabia has undermined repeatedly U.S. efforts to achieve a lasting peace in the area. It has actively opposed the Camp David peace treaty, financed the Palestine Liberation Organization and threatened holy war against Israel.

Most recently Saudi Arabia joined an Arab condemnation of the United States after American fighters returned the fire of two Libyan jets over international seas. We were denounced for an act of "international piracy." In return, the Congress is asked to approve a sale of weaponry that the United States does not entrust to our NATO allies without the assurance of joint American command.

I share the concern voiced by many of my colleagues that internal problems in Saudi Arabia further add to the risk of selling it this advanced weaponry.

AWACS, in particular, are on the cutting edge of American technological sophistication—so far ahead of any system currently operated by the Soviet Union that our loss would be Russia's quantum leap of military advancement.

I will not debate the issue of Saudi stability. Whether the Government will survive for 2 years, two decades, or two centuries is not the point: Without guarantees of democratic stability from one ruler to the next, and acknowledging the possibility of internal uprisings, I am not prepared to support this sale of staggeringly advanced military hardware.

These are admittedly disturbing conclusions to arrive at, in light of the President's decision and the possible diplomatic fallout between Saudi Arabia and the United States. However, if there is to be a downward spiral in relations, the Congress cannot be blamed for an exercise of its duty to oversee transactions of this nature, as enunciated in the Arms Export Control Act.

A promise was not the President's to give. Only the Congress can consent to the President's decision.

We must continue to attempt to solve the burning issues of the Mideast, but not by renewing an arms race, or threatening the groundwork already laid. We must pursue strengthened relations with the Saudis, but in a clear-headed manner, wary of their intentions.

I am deeply concerned that the administration has started down the wrong road. It is my great hope that, we, as a nation, can correct these missteps before the Mideast again explodes.

The first order of business is to say no to the \$8.5 billion arms sale to Saudi Arabia.

THE MANPOWER PROBLEM

Mr. GOLDWATER. Mr. President, in recent years, the manpower problems of our military services have gotten increased attention from those who care about our national defense. This I regard as a healthy sign since the care and feeding of our troops has a definite bearing on their morale. Too often we have become wrapped up in the weapons systems and not enough attention has been paid to the people who must operate them. As a result, we have seen young men and women either retire as soon as possible or leave the services prior to retirement because their training and expertise allows them to obtain better jobs in the civilian world. In order to keep these highly trained and highly motivated people, we must get serious about giving them better pay and better working conditions. This very problem has been addressed in one of the periodic reports issued by the Association of the United States Army.

I ask unanimous consent that the text of this report be printed in the Record

for the benefit of my colleagues and to show that there are manageable answers to the manpower problem.

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

LONGER MILITARY CAREERS—WHAT MUST WE DO TO MAKE THEM ATTRACTIVE AND PRODUCTIVE?

In a recent letter to The Washington Post, Rep. Les Aspin (D-Wis.) decried the fact that so many members of our armed forces voluntarily end their careers after 20 years of service and pointed with special alarm to the fact that last year 1,744 servicemen and women retired at the age of 37. Mr. Aspin called upon the President and the secretaries of the armed services to exercise their statutory authority to keep people on active service longer.

Whether he realized it or not, Rep. Aspin was pointing out two very real needs for efficient military manpower management. First requirement is to make a military career more bearable. If we can eliminate the kinds of negative features like frequent moves and extended family separations; if we can make sure that a service member who moves in response to reassignment orders need not incur a personal debt; if we provide comparable pay and if we can assure both married and single service members a decent place to live—then we will have eliminated the largest drives toward early retirement. If a soldier does not find himself asking his wife to "hang on for just a few more years" of discomfort and deprivation, early retirement will lose much of its allure. The elimination of all these negatives is clearly within the constitutional purview of Congress.

Second, and just as important, Mr. Aspin was calling renewed attention to the need for modernizing the retirement system. The present system has evolved over the years as a result of many stop-gap actions. It is poorly understood by the Congress that oversees it and even by the military people who are its beneficiaries. It has been studied in depth by the Defense Manpower Commission during 1974-1976 and by the President's Commission on Military Compensation in 1977-1978, but none of the maze of resulting recommendations was ever given a close look by Congress.

Needless to say, there are ways to encourage longer service and, at the same time, to equitably compensate those careerists whose service must be foreshortened in order to keep a healthy mix of fighters, technicians and administrators. Armed with those equitable means, the service secretaries would be better motivated to manage their personnel more in accord with the needs of the service and less out of deference to individual choice.

MORTGAGE REVENUE BONDS: THE FUTURE OF HOUSING IS NOW

Mr. SASSER. Mr. President, the Mortgage Subsidy Bond Tax Act of 1980, which was passed as an amendment to the Omnibus Reconciliation Act, contained a number of provisions which inadvertently made it impossible for State and local governments to issue tax-exempt mortgage revenue bonds. These provisions created some technical problems that still require remedy, since these problems were unresolved in the regulations published by the Internal Revenue Service on July 1 of this year.

The legislation I have introduced to correct this situation, S. 1348, now has

25 cosponsors. I am glad to see the broad bipartisan support this legislation is drawing from every region in the country. The mortgage bond program is a good approach for providing desperately needed affordable mortgages for first-time homebuyers, and it should be allowed to work. I should also note that the Joint Committee on Taxation has assessed the bill as incurring no cost to the Treasury, a key factor in any legislation up for consideration in this Congress.

The Mortgage Subsidy Bond Tax Act of 1980 did place some significant limitations on the nature and scope of the mortgage bond program. Among the principal limitations to be preserved under S. 1348 are the State ceilings on overall bond volume. The State ceiling for any calendar year is 9 percent of the average annual aggregate principal amount of mortgages executed during the immediately preceding 3-calendar years for single-family owner-occupied residences in the State, or \$200,000,000, whichever is greater.

The IRS, using data prepared by the Department of Housing and Urban Development and the Federal Home Loan Bank Board, has issued a revenue procedure setting out mortgage bond safe harbor estimates of average single-family nonfarm residence purchase prices for certain areas. Under the 1980 act, and S. 1348, the maximum purchase price is 90 percent of the average area purchase price (AAPP) in nontargeted areas and 110 percent of the AAPP in targeted areas. Revenue procedure 81-36 also includes computations of State ceilings.

I have attached tables showing the ceilings for each State, as well as the HUD/FHLBB/IRS designations of the highest and lowest cost housing in each State. Since these figures are subject to variation within each State, and qualified home buyers (income less than 80 percent of area median) would not be eligible to purchase the higher priced homes, the precise number of units cannot be determined with pinpoint accuracy. But these tables will show a broad estimate of the potential gains for home buyers and homebuilders on a State-by-State basis.

Mr. President, the average mortgage rate nationwide has hit 17 percent. Ninety-five percent of the home-buying public has been frozen out of the market. Even if rates do subside by a point or two in the foreseeable future—and that is a big if—it will be only the wealthiest buyers who can stay in the market, and practically no first-time buyers. The statistics of devastation in the construction industry are well known: Unemployment climbing toward 20 percent, over a third of this country's contractors out of the homebuilding business, and the situation is deteriorating. The mortgage bond program will not solve these problems overnight. But it will allow State and local governments and local lending institutions to help make it possible for significant numbers of first-time home buyers to own their first home. As the

attached table shows, between 200,000 and 285,000 potential first-time home buyers would be able to finance new or existing homes if S. 1348 became law. Passage of S. 1348 is a necessary step to-

ward once again making homeownership an affordable dream for thousands of American families.

Mr. President, I ask that a table indicating the number of new or existing

housing units and corresponding average area purchase price data for all 50 States as these are affected by S. 1348 be printed in the RECORD.

The table follows:

State (ceiling)	New		Existing		State (ceiling)	New		Existing	
	AAPP ¹	Units ²	AAPP ¹	Units ²		AAPP ¹	Units ²	AAPP ¹	Units ²
Alabama (\$200,000,000):	\$64,700	3,091	\$56,100	3,565	Missouri (\$220,900,000):				
Alaska (\$200,000,000):	107,700	1,987	82,900	2,411	High	\$82,800	2,668	\$51,400	4,298
Arizona (\$203,500,000):					Low	58,800	3,757	47,100	4,690
High	89,100	2,284	79,800	2,550	Montana (\$200,000,000):				
Low	76,300	2,667	61,400	3,314	High	79,300	2,522	62,300	3,210
Arkansas (\$200,000,000):					Low	62,500	3,200	51,300	3,899
High	64,400	3,106	61,400	3,257	Nevada (\$200,000,000):				
Low	62,100	3,221	58,500	3,419	High	50,700	3,945	40,000	5,000
California (\$2,217,600,000):					Low	98,000	2,041	94,500	2,116
High	132,800	16,699	144,800	15,400	New Hampshire (\$200,000,000):				
Low	66,700	33,247	57,800	38,367	High	62,300	3,210	54,400	3,676
Colorado (\$308,800,000):					Low	107,900	2,962	87,600	3,650
High	80,000	3,860	70,200	4,399	New Mexico (\$200,000,000):				
Low	78,500	3,394	54,900	5,625	High	77,500	4,125	71,000	4,503
Connecticut (\$200,000,000):					Low	64,900	3,082	46,400	4,310
High	142,000	1,408	142,600	1,403	New York (\$412,900,000):				
Low	73,700	2,714	59,800	3,344	High	93,600	4,411	79,400	5,200
Delaware (\$200,000,000):					Low	65,500	6,304	41,800	9,898
District of Columbia (\$200,000,000):					North Carolina (\$200,000,000):				
Florida (\$614,900,000):					High	88,800	2,252	59,300	3,373
High	80,300	7,658	70,300	8,747	Low	44,800	4,464	43,200	4,630
Low	55,500	11,079	38,400	16,013	North Dakota (\$200,000,000):				
Georgia (\$201,500,000):					High	79,300	2,522	62,300	3,210
High	88,100	2,287	67,000	3,007	Ohio (\$540,400,000):				
Low	59,300	3,398	46,900	4,296	High	86,200	6,269	59,600	9,067
Hawaii (\$200,000,000):					Low	62,600	8,663	44,400	12,171
High	152,200	1,314	112,800	1,773	Oklahoma (\$200,000,000):				
Low	117,000	1,709	109,900	1,820	High	95,600	2,092	66,600	3,003
Idaho (\$200,000,000):					Low	67,600	2,959	46,200	4,329
High	78,500	2,548	67,100	2,981	Oregon (\$200,000,000):				
Low	82,100	7,700	71,300	8,867	High	76,500	2,614	61,800	3,236
Illinois (\$632,200,000):					Low	65,600	3,049	52,400	3,817
High	73,400	8,613	43,400	14,567	Pennsylvania (\$430,400,000):				
Low	85,600	2,584	49,900	4,433	High	77,100	5,582	57,800	7,446
Indiana (\$221,200,000):					Low	46,800	9,917	33,300	12,925
High	56,500	3,915	46,100	4,798	Rhode Island (\$200,000,000):				
Low	70,900	2,821	51,600	4,287	High	73,500	2,721	58,200	3,436
Iowa (\$200,000,000):					Low	71,800	2,786	51,400	3,891
High	71,900	2,821	51,600	4,287	South Carolina (\$200,000,000):				
Low	54,400	3,676	41,600	4,808	High	80,500	2,484	64,500	3,101
Kansas (\$200,000,000):					Low	53,000	3,794	49,600	4,032
High	72,100	2,774	50,200	3,984	South Dakota (\$200,000,000):				
Low	58,400	3,425	44,300	4,515	High	79,300	2,522	62,300	3,210
Louisiana (\$200,000,000):					Low	82,000	2,439	62,900	3,180
High	93,000	2,151	74,800	2,674	Tennessee (\$200,000,000):				
Low	76,900	2,601	56,200	3,559	High	47,800	4,184	45,100	4,435
Maine (\$200,000,000):					Low	111,400	6,961	86,200	8,995
High	73,500	2,721	58,200	3,436	Texas (\$775,400,000):				
Low	84,500	2,845	58,700	4,095	High	64,200	12,078	50,500	15,354
Maryland (\$240,400,000):					Low	91,700	2,181	54,900	3,643
High	55,100	4,363	56,500	4,225	Utah (\$200,000,000):				
Low	99,300	3,653	56,200	6,454	High	76,600	2,611	54,300	3,683
Michigan (\$362,700,000):					Low	58,400	3,425	47,900	4,175
High	77,500	4,680	45,000	8,060	Virginia (\$309,000,000):				
Low	93,200	2,573	68,800	3,485	High	85,500	3,614	60,700	5,091
Minnesota (\$239,800,000):					Low	67,500	4,578	49,800	6,205
High	70,900	3,382	56,500	4,214	Washington (\$239,900,000):				
Low	65,700	3,044	47,100	4,246	High	76,400	3,140	76,500	3,136
Mississippi (\$200,000,000):					Low	72,600	3,304	57,400	4,179
					West Virginia (\$200,000,000):				
					High	56,000	3,571	50,900	3,929
					Low	70,300	2,845	55,200	3,623
					Wisconsin (\$200,000,000):				
					High	79,300	2,522	62,300	3,210
					Low				
					Wyoming (\$200,000,000):				
					High				
					Low				

¹ AAPP—Average area purchasing price.

² Units—Number of units that can be financed at indicated average area purchasing price under State mortgage bond ceiling limitation.

REPORT ON THE ACTIVITIES OF THE INTELLIGENCE COMMITTEE

Mr. GOLDWATER. Mr. President, I send to the desk a report required by Senate Resolution 400 on the activities of the intelligence committee and ask unanimous consent that 1,000 copies be printed.

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

OBSERVANCE BY THE RICHMOND COUNTY BICENTENNIAL COMMISSION OF VICTORY AT YORKTOWN

Mr. HARRY F. BYRD, JR. Mr. President, as we celebrate the 200th anniversary of the Battle of Yorktown, I think it is important that we remember those lesser-known figures and events

which nonetheless contributed materially to the American victory.

Therefore, I commend the Richmond County, Va. Bicentennial Commission, which on September 19, 1981 commemorated the role of Richmond and neighboring counties on Virginia's historic Northern Neck in the Yorktown victory.

I am indebted to Mr. Charles H. Ryland of Warsaw for casting interesting sidelights on the battle in an excellent address given during that commemoration.

He told of how Northern Neck residents provided the allied American-French forces under George Washington with supplies at a critical moment in the struggle, and he recounts how the Northern Neck militia held Gloucester Point, thus sealing the only possible es-

cape route to the hard-pressed British forces.

I ask unanimous consent that Mr. Ryland's address be printed in the RECORD.

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

ADDRESS DELIVERED BY CHARLES H. RYLAND

I was highly honored when the Committee invited me to present a Historical Address here at Mt. Airy on the occasion of the celebration of "Victory at Yorktown."

It was my pleasure to speak here in 1967 on the history of our County in connection with its 275th birthday. It was also my privilege to speak here in 1976 at our County's celebration of the Bicentennial of our Nation.

This occasion, our third here at Mt. Airy, may well be our last for some years and, as the Senior Senator Byrd remarked at the dedication of the new Downing Bridge, when

it was suggested that the time had come for the group to leave—"Let's take our time and savor this occasion, for it will not happen again in our lifetime."

Many of us here will recall the celebration fifty years ago at Yorktown—the French Warships, and the refreshments served on board, the arrival of President Hoover, and the festive occasion which marked the sesquicentennial of the victory at Yorktown. Today all of us are fortunate that we can take part in honoring the events of two centuries ago.

The key note of this celebration should be *Victory Bought at a Price*.

Shakespeare, in his *Julius Caesar*, epitomized this event in the oft-quoted speech of Brutus when he said:

"There is a tide in the affairs of men,
Which, taken at the flood, leads on to
fortune;

Omitted, all the voyage of their life is bound
in shallows and in miseries."

What took place in the Town of York on the 19th of October, 1781, is a landmark in our history, for without it this western world would have been quite different. If Yorktown had not occurred, we might well have today a Commonwealth status with Great Britain and many of the milestones in our history of the last two centuries would not have occurred.

We all know of the elements that combined together so fortunately in so short a time—and how the movement of Washington's Army—the support of Lafayette and of the Virginia militia—the arrival of the French Fleet—all conspired to bring about the resulting surrender of the British Forces under Lord Cornwallis. The odds against this happening were tremendous—and into the making of this victory went the sacrifices of many unsung heroes.

For a few moments this morning, I want to talk about an aspect of Yorktown that few histories record.

Surrounded on the South side of the river and bottled up in the Town of York, Cornwallis prudently fortified Gloucester Point, under the command of the notorious General Banastre Tarleton, for Gloucester Point was his back door, which he was saving as an escape route.

Realizing this, Washington directed Brig. General George Weedon, of Fredericksburg, to gather militia from the surrounding counties and march to Gloucester to keep that back door closed. Militia from the four lower Northern Neck Counties of Richmond, Westmoreland, Lancaster and Northumberland were ordered into active duty for three months. They were later joined by the French Legion of some 600 troops under the command of Duke de Lauzun, and 800 French marines furnished by Admiral DeGrasse. The stage was set and General Weedon waited for Cornwallis to make his move.

But another factor appeared, which almost proved fatal—the continuing necessity of furnishing supplies to these troops in Gloucester and to the French fleet—Gloucester and Mathews Counties having been thoroughly stripped by the British and allied forces of available food and supplies.

When the tide of war had come to Virginia in 1780, Thomas Jefferson, then Governor, in June of that year, appointed in each of the eastern counties a Commissary under what was then known as the "Provision Law," to obtain—by impressment if necessary—supplies for the Army. Robert Hill was the Commissary appointed for King and Queen County. So General Weedon turned to the adjoining County of King and Queen and on September 27th, only three weeks before the surrender, wrote a letter to Robert Hill. The letter is quite remarkable.

It was altogether in Weedon's own handwriting; it was written from his headquarters at Gloucester Courthouse undoubtedly by candlelight. It was sent by Sgt. Hawkins on a fast horse and the letter stated in most positive terms—and I quote:

"A warrant for immediately impressing cattle, sheep, flour, meal, waggons, horses and vessels for the use of the allied Army under his Excellency Genl. Washington will be delivered to you by Sgt. Hawkins claiming your utmost aide in the execution thereof. The present position of our affairs require the most extraordinary exertions. A Fleet & Army greatly exceeding calculation we had formed of assistance from our Great & Good Ally is now to be Fed and Supported. I have therefore to require you with the utmost activity to draw from your County the several articles specified in the above mentioned warrant and to take means in conjunction with the Sergeant for their immediate transportation."

Acting promptly, Robert Hill produced the "Extraordinary Exertions" requested in Weedon's letter, and the transportation of supplies began immediately—and perhaps only just in time, for Cornwallis on the night of October 16th made his move to escape Yorktown through his back door at Gloucester Point.

A principal part of the British Troops were transported across the York River but a "violent storm" prevented the remaining troops from crossing. Weedon's command stood firm. The next day Cornwallis called for a 24 hour truce and both sides met at the Moore House just outside of the Town of York. We know about the surrender by Cornwallis of his troops on Surrender Field, just outside of Yorktown. We know about Lord Cornwallis' indisposition and the parts played by Generals Lincoln and O'Hara.

Little is known, however, of the surrender at Gloucester Point. At 1:00 P.M. on October 19th, one hour before the capitulation at Yorktown began, two of the British Redoubts at Gloucester Point surrendered and at 3:00 P.M., to the sound of trumpets and drums playing a march, the British Infantry, with shouldered arms, and the Cavalry with swords drawn, marched between two columns of the allied forces and LAID DOWN THEIR ARMS.

We recall from our history the short reign of Richard the III of England, and how on Bosworth Field, King Richard's forces were soundly defeated by an Army under the Earl of Richmond. Richard was killed. The Earl of Richmond became King Henry the VII.

From the folklore of that battle has come to us the story of the Horseshoe Nail—

"For want of a nail, a shoe was lost,
For want of a shoe, a horse was lost,
For want of a horse, a rider was lost,
For want of a rider, a message was lost,
For want of a message, a battle was lost,
For failure of battle, the kingdom was lost;

And all for the want of a Horseshoe Nail."

Many horseshoe nails could have been lost on the road to Yorktown.

If George Weedon, a native of Westmoreland County, had not been available; IF the militia from the Northern Neck had not marched to the defense of Gloucester; IF the French Legion had been ordered elsewhere; IF Admiral DeGrasse had not ordered the French marines ashore; IF General Weedon had not waited for Cornwallis' attempt to open his back door and saved his forces for that stormy night; IF Robert Hill had not acted promptly and impressed the supplies needed—and we can be sure it did not increase his popularity among

his own people)—and IF the supplies had not reached Gloucester in time—

These events that did occur—and many hundreds of others like them—are the slender threads which supported the Victory at Yorktown—the horseshoe nails which enable us today to celebrate the bicentennial of our victory.

Today, we are the inheritors of those who sacrificed and lost their lives and fortunes to bring freedom to this western world.

Many, many, many centuries ago, someone far wiser than we are, put these thoughts together as we read from the Book of Deuteronomy:

And it shall be, when the Lord Thy God shall have brought Thee into the land which he swore unto Thy Fathers, to Abraham, to Isaac, and to Jacob, to give Thee great and goodly cities, which thou didst not build, and houses full of all good things, which thou didst not fill, and cisterns hewn out, which thou didst not hew, and vineyards and olive trees, which thou didst not plant, and when thou shalt have eaten and be full—then take heed lest thou forget the Lord, who brought Thee forth out of the land of Egypt, and out of the house of bondage. . .

HIGH INTEREST RATES

Mr. BOREN. Mr. President, during the course of the past several days, I have had the opportunity to crisscross the United States to fulfill some speaking obligations and at the same time to continue my assessment of the mood of Americans regarding the economy in general and persistent high interest rates in particular.

To say that I found a great deal of uncertainty and alarm would be an understatement. The only consistent thread that ran through the many conversations I have had was that interest rates were too high and that if some action were not taken soon the economic chaos that has marked many segments of our economy would deteriorate even further and result in the collapse of industries such as housing, small business, the automobile industry, and large segments of agriculture.

If it is proper to say that confusion can be a constant, then it is, when applied to the numerous newspaper articles, private reports, television, and radio newscasts, and other means of mass communication that have deluged the American people with every conceivable theory of what causes high interest rates and how they can be cured.

It is small wonder, Mr. President, that people lack confidence in the ability to effectuate needed reforms when every idea is met with a cacophony of pronouncements detailing why it will not work. These precursors of doom usually follow their demolition of someone else's idea with a mandate that the President and the Congress and the country must accept their plan, because it is, after all, the only reasonable method to solve the dilemma in which we find ourselves.

Thus, we are told that interest rates will remain high until we return to the gold standard, or until we actually balance the budget, or until we persuade the Federal Reserve Board to open the

money spigots full blast, or until we persuade Wall Street that the Congress is serious about reducing the Federal deficit, or until we prevent corporate mergers that soak up needed capital from the money market, or until we increase productivity, or until we do any one of a hundred other things.

Mr. President, I do not mean to imply that people who advocate these sorts of remedies are necessarily wrong. In fact, I have and I continue to support some of these ideas myself. I do mean to say that the American public is greatly confused by the profusion of these ideas, and alarmed by the thought that if no one can agree on a solution, there will be no solution. In addition, these theories all seem to come separately, rather than as a part of an overall strategy designed to attack on several fronts what is a highly complex economic problem.

All of these suggestions, in other words, seem to imply that the only way to overwhelm the high interest rate castle is a single frontal assault with one super weapon. Instead, I believe that it will take a wide variety of weapons and cooperation among many different people and segments of our society to overwhelm that castle.

The first step in achieving a kind of broad assault on interest rates that I feel is absolutely necessary, Mr. President, is to gather together the varying elements charged with dealing with this problem and giving them a mandate to come up with a workable scenario. The only person who can call such an economic conference is the President of the United States. At the same time, I believe the President should direct members of his administration such as Secretary Regan and Chairman Volcker and others to stop making inflammatory remarks and issuing statements that either cannot logically be believed or are in conflict with statements made by others in his own administration.

What do I mean by that, Mr. President? I would invite the attention of my colleagues to an insertion made in the CONGRESSIONAL RECORD yesterday by the distinguished minority leader of the Senate, Senator BYRD of West Virginia. That insertion contained statements made by members of the administration over a period of time which they had to know were not, and were unlikely to ever, be accurate. For example, the Chairman of the Council of Economic Advisers saying in March of this year "the turnaround that we have forecast in interest rates is already a reality."

The record is replete with statements made by administration officials which within days were either contradicted, clarified, or modified by other members of the administration or, in some cases, by the very person who made the original statement.

This sort of thing does nothing but sow the seeds of confusion and uncertainty at a time when we must be promoting a sense of stability, purpose, and direction.

It also does very little good, Mr. President, for the Chairman of the Federal

Reserve Board to appear before a Senate committee and say that the only solution to high interest rates is for the Congress to slash even deeper into the budget than we have done so far. That sort of inflammatory rhetoric does nothing to enhance the possibilities of cooperation necessary to achieving the broad-based solutions needed.

Certainly, it is true that further spending cuts now and in future fiscal years will be required to reduce the Federal deficit and achieve a balanced budget. No one disputes the desirability of removing the Federal Government from the credit market.

One only has to realize that during the last quarter of this year the Government will have to borrow \$33 billion in order to meet its obligations, to understand the depths to which the Federal Government is involved in the money markets. This is the largest single dip into the credit pool that the Government has ever made. Mr. President, one-half of all savings, other than that needed just to replace worn-out plants and equipment, goes to finance the Government's deficits.

But to contend that further budget cutting is absolutely the only solution to this problem is untrue and misleads the American public.

The policies of the Federal Reserve Board itself have an immense impact on the economy. The manipulation of the money supply, the so-called "tight money" policy that the Board has had in place since October 1979, has had as much to do with producing high interest rates as has the failure of the Congress to balance the budget.

Just as I believe that the entire blame for and the solution for high interest rates does not rest on Capitol Hill, I also do not suggest that a complete reversal of the Federal Reserve Board's policies is in order. However, Congress can help the situation by budgetary actions, and the Federal Reserve Board can assist by moderating its policy.

To a very limited extent, they have already done so, and I note with interest that some in the administration have suggested that they could do some more.

I understand the argument that to greatly increase the money supply could lead to an increase in inflation, which mercifully has been declining recently and that the anticipation of a new inflationary spiral could produce higher interest rates rather than lowering them.

However, that does not mean that no increase in the money supply can be achieved. I believe that a moderate increase by the Fed in conjunction with other actions in other segments of the public and private sector, would be an acceptable component of an overall plan of action.

At the same time, the Congress must recognize its own responsibilities as another component in that over-all plan. We must approach the possibility of additional spending cuts with an open mind. That does not mean that we must automatically endorse deeper slashes in programs without assessing their impact. It does mean that we should consider all

possibilities open to us. No section of the budget, including defense and entitlement programs, should be absolutely sacrosanct.

If, as I have been saying for many weeks, and many of my colleagues have proclaimed, the economic crisis we face is a matter of survival for the Nation, then we should not and cannot afford to play political games or to ignore any possible solution.

Now, lest I be misunderstood, Mr. President, let me make it very clear that in the areas of social security and defense, I am not advocating wholesale slaughter. No one in this body or in this Congress or in this Nation feels more strongly than I do about the absolute need for a solid, viable national security program. However, it would be less than candid if I did not admit that out of a one trillion dollar budget over the next 5 years, some savings are not possible.

In the same vein, I yield to no person in my dedication to protect the rights and the health of those people in our society who depend upon social security and similar assistance programs to maintain themselves in the latter years of their lives with the dignity to which they are entitled.

But, again, it is not a favor to social security recipients, or to the Nation as a whole, to allow the economy of the country to reach such a point that collapse is imminent—a collapse that would mean that payments of this type could be jeopardized even further or completely.

Returning to my theme that the solution to the interest rate problem lies in a broad base assault by all segments of our Nation, Mr. President, I say that the private sector must also do its part.

To fail to achieve a solution because the private sector is unwilling to believe that a solution could be found, would be a great tragedy. It is frustrating for those of us in the Congress to go through the soul-searching exercise of voting for spending cuts in needed and justified programs, to then be told that we are not serious.

In many respects, the successful completion of a project rests on the faith of those involved that it can be completed. In many instances, Mr. President, if you enter a contest believing you will fail, you will, in fact, fail. History, and I might say American history, is filled with examples of battles won against tremendous odds because people believed they could be won.

Financial markets and the people of the United States who invest in them must be willing to take the risk of believing that budget deficits can be reduced and a balanced budget can be achieved and that interest rates can come down.

Perhaps this is the most difficult component of this battle—to define and to articulately set forth. It is psychological and elusive and at the same time very important to achieve.

There is no doubt that problems abound. I have pointed out before the statistical evidence of the devastating effect of high interest rates. The scarcity

of mortgage money has so depressed housing activity that starts for new homes fell in August to a seasonally adjusted annual rate of 937,000 units, the lowest level in 5 years. The figure for single family houses was 591,000, a record low. Mortgage interest rates are 17 percent or more, and no turnaround is in sight.

As a recent article in the Washington Post noted, interest rates have similarly stymied businesses, long-term borrowing plans and have limited the prospect of increased investment in new plants and equipment next year.

Similarly, gloom pervades the world forecasts for economic activity. I am certain that when finance ministers and world bankers come to Washington for the annual meeting of the World Bank and International Monetary Fund, you will be able to cut the gloom with a knife.

At the same time, each small molecule of good news is immediately dashed on the rocks of dire prediction. For example, the prime rate dropped one-half of 1 percent recently and was immediately followed by a front page story in the Wall Street Journal headlined "Many Analysts Grow Gloomier on Outlook of Interest Rates."

The article says that analysts remain pessimistic, despite the drop in the prime rate. The conventional wisdom is that it is temporary only and that heavy Treasury and corporate borrowing later this year will put renewed upward pressure on interest rates.

Such outlooks form at least part of the basis for the reason that despite the decline in the inflation rate, interest rates remain high, thus running contrary to the historic condition that interest rates normally run only 2 to 3 percent above the inflation rate. In this instance, we find interest rates running 7 and 8 percent or more above the inflation rate. Gloomy forecasts which cause investors to believe that the Federal Reserve will not maintain a reasonable control of the money supply or that the Congress and the President will not be able to reduce deficits and balance the budget cause interest rates to remain at record levels as a hedge against the perceived coming failure.

So what are we to do? I return to my original premise, Mr. President, that viewed singly, the gold standard, tight money, reducing the deficit, balancing the budget, creating faith in Wall Street, are not answers. Taken in combination, perhaps they are. But, it will take the cooperation and the understanding and the faith of all the apostles of these various theories to find an achievable solution. I call again on the President to bring these elements together and make a sustained effort to devise an emergency broad-based plan.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for the transaction of routine morning business has expired.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

The PRESIDING OFFICER. The Chair advises the Senate that, under the previous order, the time for morning business having expired, the Senate will now proceed to the consideration of S. 1196, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 1196) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, today the Senate will consider the International Security and Development Cooperation Act of 1981. The funds this bill authorizes are intended to assist developing countries provide for their security and improve their economic welfare. By doing so, the security and economic interests of the United States will be substantially enhanced.

The provisions of this bill also set important foreign policy directives for the United States. It is for this reason that the President of the United States places a very high priority on passage of this legislation.

Consideration of the foreign assistance bill is never an easy task, Mr. President. It is particularly difficult to address these programs now, when we are in the midst of another painful process of cutting back many domestic programs in order to produce an austere Federal budget.

Taking all of this into account, Mr. President, and certainly, the President of the United States is in the best position to take that into account. I should like now to read a letter dated September 22, 1981, from President Ronald Reagan:

DEAR MR. CHAIRMAN: As the Senate begins its deliberation of the foreign assistance authorization bill, I want to emphasize the importance of this legislation to my entire agenda for foreign affairs.

America today faces some of its most serious challenges abroad from the adventurism of the Soviet Union and its proxies in such areas as Southwest Asia, the Caribbean, and Africa. This legislation, which I have requested, will provide vital tools to assist us in meeting these challenges and promote and protect America's interests abroad. The reduction of these assistance programs would have serious repercussions on our foreign policy and would endanger our national security objectives.

As you are aware, well over half the au-

thorization request is allocated to security assistance. These funds are designed to help our friends develop the means to deter regional threats, and the funds therefore promote our vital interests. I have also taken steps to ensure that this legislation contains the necessary resources to help less developed countries make progress in coping with their serious economic problems.

I appreciate your assistance and leadership in guiding this crucial bill through the Senate.

Sincerely,

RON.

Mr. President, all of us on the Committee on Foreign Relations were fully aware of the need for budget austerity as we deliberated on this year's bill. We were determined to produce legislation which was as lean as possible. When the new administration came into office, they reviewed the Carter budget for the programs in this bill and reduced the development programs by \$570 million, while increasing the security programs by \$1 billion. Overall, while engaged in an extraordinary effort to cut the Federal budget, the new administration nonetheless deemed it necessary to increase the request for these programs by over \$400 million.

We on the committee took a hard look at each program and produced a package which reduced the Reagan budget by \$900 million. This reduction makes the proposed fiscal year 1982 foreign aid program fully consistent with the first concurrent budget resolution and the reconciliation legislation as passed by Congress.

The reductions made by the committee included large cuts in both security and development aid programs; for example, the proposal cuts an additional \$105 million from development programs over and above the \$570 million already cut by the Reagan administration.

Many of us on the committee were not happy about those cuts, any more than we were about the reductions we have made on many domestic programs. But we believed it was necessary to make these reductions and still maintain a core program which would allow the administration to pursue a dynamic foreign policy.

While we recognized the need to reduce the Federal budget, we were also aware of the need for the United States to have a full array of foreign policy instruments at its disposal to protect our interests in the international arena.

The committee strongly believes that any further budget reductions for these programs would be quite detrimental to our national interest.

At the same time, the managers of the bill believe that increases that may be proposed to this bill should be kept to an absolute minimum. I would hope that any proposals to increase programs would be accompanied by an offsetting proposal for an equal reduction elsewhere in the bill. By the same token I hope my colleagues will recognize the large cuts we have already made and, therefore, will not propose additional cuts here.

The American public, the administration, and the Congress will agree that

our relative defense capabilities have deteriorated over the past years.

Thus, even during a general period of budget cutting, there is a consensus that the defense budget should be increased significantly from last year's level.

We dedicate those resources to defense not because of an obsession with new weaponry for its own sake, but because we believe the United States must have the capacity to defend itself in an increasingly complex world, to discourage others from taking steps which would be detrimental to our own security, and to provide a better overall base to carry out an effective foreign policy.

The programs in the bill we are considering today address some of the same issues. Our defense expenditures are made primarily in the hope that our military forces will not have to be used in battle.

It is, therefore, important to help friendly countries build the military capacity they need to defend themselves and provide also for the common defense. Such strength will lessen the attractiveness for neighbors or other powers to take actions which would threaten their stability or territorial integrity.

Such assistance should reduce the possibility that American men and equipment would be directly engaged in conflicts. Of equal importance, economic and development assistance can help friendly nations provide the economic growth and improved standards of life for their citizens which over the long run will build more stable, Western-oriented societies.

We are currently engaged in evaluating what kind of relationship we should have with the world's other superpower. That is appropriate, and the Committee on Foreign Relations will expend considerable time on that subject.

But we must not lose sight of the fact that our relationships with the developing countries is also of great importance. Indeed, much of the East-West conflict which is now the center of our attention is played out in the South—in the developing world.

We might note that of the tens of thousands of American lives and hundreds of billions in American dollars lost to conflict since World War II, all have been expended in conflicts in the developing countries.

Mr. President, the developing world is also particularly important to the United States because it is the source of many critical raw materials and it provides a market for roughly 40 percent of our exports. The fastest growing markets for our food and manufactured goods are in the Third World.

Finally, I should not neglect to note that in spite of all our domestic problems, the United States still represents nearly one-fifth of the world's wealth, with only 4 percent of the world's population. I think most Americans agree that we have some moral obligation to help those whose needs are desperate as compared to ours.

The millions of Americans who support private voluntary activities to assist people in the developing world attest to that belief.

The bill we are addressing today is thus not a giveaway program, but an investment in America's future. The United States, with our democratic form of government and market-oriented economy, is well suited to live in a world of diversity and change.

We want to promote an international political and economic system where diversity and change are respected, and we want to promote social and economic development in individual countries which also increases respect for such diversity and change.

It is in that kind of world, and with those kind of societies, that the United States will best be able to pursue its own interests and live at peace in the future. These programs will help bring about that kind of world.

Let me briefly summarize the main provisions of the bill, Mr. President.

The bill authorizes a foreign military loan program of \$4.1 billion, of which \$990 million would be forgiven by the President. The major beneficiaries of this program would include Israel, Egypt, Turkey, Greece, South Korea, Spain, and the Sudan.

In addition, \$31 million is authorized for grant military assistance and \$42 million for international military education and training.

Also in the military field, the bill establishes a new special defense acquisition fund financed primarily from FMS receipts. The fund would reduce the lead-time needed to deliver military equipment to U.S. allies. The commercial arms sales ceiling is repealed in the bill, while increased congressional control and new regulations for defense articles leasing authority is also included.

Finally, the bill increases emergency military assistance authorities by \$50 million and defense article stockpiling by \$100 million.

The bill authorizes \$2.5 billion in economic support fund programs for fiscal year 1982, including \$806 million for Israel, \$771 million for Egypt, \$300 million for Turkey, \$100 million for Pakistan, \$50 million for the Philippines, \$50 million for the Sudan, \$40 million for El Salvador, and \$40 million for Jamaica.

In the development assistance area, authority is provided for appropriations of \$1.6 billion for AID's programs in fields such as agriculture, population planning, health, education, and energy, plus AID operating expenses.

Additional authorizations of \$102 million is provided for the Sahel development program, \$27 million for international disaster assistance, \$7 million for trade and development program, and \$12 million to support American schools and hospitals overseas.

The bill also attempts to improve the efficiency with which foreign assistance is provided. The International Development Cooperation Agency is abolished, as the committee believes IDCA is an unnecessary bureaucratic layer. Dozens of reporting requirements are consolidated and several outdated provisions of the Foreign Assistance Act of 1961 are repealed.

Appropriations of \$105 million are au-

thorized for the Peace Corps, and the Peace Corps is separated from ACTION. This latter provision has already been passed by the Senate as an amendment to the State authorization bill.

The authority for the Overseas Private Investment Corporation is extended until September, 1985, and several current restrictions on OPIC's operations are liberalized, including raising the annual per capita income ceiling on countries in which OPIC can operate.

The authority for the housing guaranty program is also extended until September 30, 1983, and the program is allowed to deposit fees and other income in interest-bearing U.S. obligations.

An authorization of \$38 million is provided for the international narcotics control programs in fiscal year 1982. In addition, the ban on using U.S. funds to support the spraying of marijuana with paraquat and other herbicides is repealed.

Restrictions on programs in several countries are also modified. The prohibition on foreign assistance for Argentina is repealed, if the President determines that substantial progress has been made in the human rights situation in that country.

The Clark amendment on covert assistance to forces in Angola is repealed, but the President is required to make certain determinations if such assistance is contemplated. A national security waiver to section 669 of the Foreign Assistance Act—the Symington amendment on nuclear programs—is granted for military and economic assistance to Pakistan.

Finally, the President is required to make certain certifications to the Congress on conditions in El Salvador if he wishes to provide assistance to that country.

Mr. President, I firmly believe that the Committee on Foreign Relations has produced a bill which is supportive of the President's programs, while holding expenditures to an absolute minimum.

I would like to thank my colleagues on the committee for the time they have spent in developing reasoned positions on many difficult issues related to this bill.

I would especially like to thank the Senator from Rhode Island, Senator PELL, for his leadership role and cooperation in the development of this bipartisan bill.

Passage of this bill will clearly signal to our friends overseas that the United States continues to have a strong and sincere interest in their security and economic welfare. I strongly commend S. 1196 to my colleagues in the Senate.

Mr. President, S. 1196 includes as Title V provisions concerning the Overseas Private Investment Corporation (OPIC). OPIC is a U.S. Government corporation created in 1969 to insure U.S. private investments in developing countries against political risks. OPIC is backed by the full faith and credit of the United States of America.

OPIC's purpose is: "To mobilize and facilitate the participation of U.S. private capital and skills in the economic

and social development of less developed countries and areas, thereby complementing the development assistance objectives of the United States."

With the intention of increasing OPIC's ability to realize its developmental purposes, the Foreign Relations Committee has reported favorably a number of statutory changes. I will take time to mention a few of the major changes, but refer my colleagues to the committee's report for a more thorough description of the recommended changes in law.

The legislation would extend OPIC's operating authority for 4 years, through September 30, 1985; 4 years is the customary period of extension of OPIC authority, and was requested by the administration.

The current statutory restriction on OPIC support for investments in countries with average annual per capita incomes of \$1,000 or more in 1975 U.S. dollars would be raised to a level of \$2,950 or more in 1979 U.S. dollars. The restriction is not a prohibition, and has not been regarded as such by OPIC. The committee report includes a lengthy list of exceptions used by OPIC to justify support for investments in high-income developing countries despite the statutory restriction.

OPIC has also used a case-by-case exception where the general exceptions did not apply. I assume OPIC will continue to use the case-by-case exception as well as the general exceptions in the same manner and as conservatively as they have in the past.

OPIC has agreed to report to the Foreign Relations Committee regularly on the justification for case-by-case exception. With these policies and understandings, I believe OPIC will have sufficient operating flexibility, but the purpose of the statutory restriction on support in high-income countries can be retained.

The committee report also mentions that OPIC is expected: "To scrutinize closely all proposals for insurance or other OPIC assistance for projects in higher income developing countries,***"

I wish to state for the record that the committee did not intend in its comments to imply that OPIC does not currently give sufficient scrutiny to proposals which come before it, nor to establish any tests or standards not contained in nor reasonably inferred from statutory provisions.

The committee expects OPIC to scrutinize closely all proposals, regardless of the income level of the country in which the investment is to be made.

The legislation would also add a provision requiring OPIC, when deciding whether to insure projects, to "seek to support those developmental projects having positive trade benefits for the United States." OPIC has repeatedly assured me that this new provision, "will in no way denigrate OPIC's prime developmental purpose." I understand that OPIC will continue to evaluate thoroughly the development impact of proposed investments, and will not lower by a single millimeter the threshold of acceptable development impact it applies.

Mr. President, the purpose of the new provision is not to encourage OPIC to support investments which do not have an acceptable level of development benefits just because there would be positive trade benefits for the United States.

The purpose of the amendment is to emphasize OPIC's positive contribution to U.S. trade.

OPIC supports only investments which are expected to have positive net trade benefits for the United States, and where OPIC's financial ability to support investments is limited, OPIC will give priority to supporting those investments meeting its development impact standards which have the highest net positive trade benefits for the United States.

The legislation also authorizes OPIC to begin offering insurance against civil strife risks to U.S. investments in developing countries. OPIC would be required to report to the Foreign Relations Committee in detail on its plans for such insurance coverage before actually offering such insurance.

The bill also adds two new members to the OPIC Board of Directors: A representative of the Department of Labor and an additional small business sector representative.

These additional members should assist OPIC in carrying out the intent of Congress and the recommendations contained in the report of the General Accounting Office dated February 27, 1981.

The bill also adds a provision requiring OPIC when deciding whether or not to support investments in developing countries to consider whether the investment is likely to be made without OPIC support. I recognize that there may be instances in which OPIC might come to the conclusion that there was very little likelihood of additionality, but OPIC might support an investment for reasons of U.S. national interest. I would consider such action consistent with the overall statutory framework in which OPIC operates.

The bill also contains a provision intended to address the growing detrimental impact on U.S. trade arising from the application by foreign governments of performance requirements to U.S. investments.

Such requirements include local content and reexport requirements which tend to distort trade flows to the disadvantage of the United States. The provision would require OPIC to refuse to support any investment subject to incentives or performance requirements which would tend to reduce significantly the positive U.S. trade benefits which would otherwise arise from the investment.

OPIC and a number of users of OPIC have expressed concern that this provision could discourage U.S. investors. The provision leaves considerable discretionary judgment to OPIC, however, including the assessment of the impact of the performance requirements and the magnitude of the reduction in trade benefits sufficient to preclude OPIC support for an investment.

In any case, OPIC does not support investments which do not have net positive trade benefits to the United States, and there would be few cases in which

the positive trade benefits were significantly reduced without becoming negative and therefore precluding OPIC support. Foreign governments should not, in any case, be led to expect the United States to subsidize investments through Government insurance, when those foreign governments apply measures which impose significant trade losses on the United States.

Mr. President, to the best of my knowledge, outside of a possibility of a contingency fund request from the administration, despite a \$900 million cutback in the so-called Percy-Pell amendment, I do not believe that the administration will request a restoration of funds. It was almost as if my distinguished colleague, the ranking minority member of the committee, and our distinguished staffs, who worked so hard on this measure, were prophetic about the fact that the very day we are introducing this legislation—which calls for a budget reduction of \$900 million in the Reagan administration budget—with some foresight, we might have known that we would be going through another budget crunch and that the President would be digging every place to find domestic programs that can be cut back, and that recommendations along these lines would be offered by the congressional leadership.

So that at this time, when this program is before the Senate, I believe that, on behalf of my colleague, Senator PELL, myself, and other members of the Committee on Foreign Relations, we can certify and testify to the fact that this is a lean, hard, tough budget.

As the President aptly said in his letter, cuts below this would seriously endanger our security assistance programs, which are an integral part of our national security effort and our defense effort and would undercut the stability of the world. Certainly, this Nation's well-being depends upon that stability.

This is particularly so when we take into account that in the developing parts of the world where we have assistance programs, we are finding that those countries are the largest markets, and increasingly large markets, for our own products—services, agricultural products, and manufactured goods.

Forty percent of our manufactured goods that are exported go to developing countries. They are increasing in sales at the rate of 20 percent compounded each year. That is far faster than markets are developing in developed parts of the world and certainly faster than our own domestic markets, which are a long way from compounding in growth at the rate of 20 percent a year.

When we take into account that virtually 80 percent of all the raw materials used in our factories across the country, which provide employment to our people, come from abroad, we can recognize that the stability of the world and its well-being are in the interests of the people of the United States of America.

As I go around, I hear aspersions cast against foreign aid, and I have never hesitated to comment that when we cut

budgets this year in Congress, we have cut foreign aid and foreign assistance along with other budgets.

Every President and every Congress has recognized the necessity of maintaining assistance programs abroad, not only security assistance to buttress and strengthen our own security efforts but also the necessity of assisting countries in volatile parts of the world where, without that assistance, whether it is through multinational sources of bilateral sources, we would have less stability, we might have turmoil and chaos, we would lose raw materials vital to this country, and we would lose markets that are important to the future generations of our Nation.

Mr. President, after the distinguished Senator from Rhode Island (Mr. PELL) completes his remarks, I urge Members of the Senate to come forward with amendments at the earliest possible time, because this measure will be set aside tomorrow. We cannot get back on it again until next week. We would like to finish up as much as we can today.

Mr. PELL. Mr. President, I am pleased to join the distinguished chairman of the Senate Committee on Foreign Relations in recommending to the Senate, S. 1196, the International Security and Development Cooperation Act of 1981.

The Committee on Foreign Relations unanimously approved a favorable report on S. 1196 after 19 days of hearings and 4 days of markup on the administration's fiscal 1982 foreign assistance legislation. During our consideration of this legislation, the committee reduced the President's request by a total of \$900.1 million, or 14 percent.

Among the reductions approved by the committee are the following: \$95.6 million in development assistance; \$208 million in the proposed contingency fund for economic support fund programs; and \$596.9 million in military assistance, including elimination of a proposed \$100 million contingency fund for the military assistance program (MAP) and \$496 million in a new direct credit foreign military sales program.

The committee undertook these reductions cognizant of its responsibility to maintain economic and security assistance programs at a reasonable level, while also mindful of its fiscal responsibility to keep these programs lean. Consequently, the committee adopted most of the increased security assistance requested by the Reagan administration, while actually authorizing less funds for development assistance than were approved for fiscal 1981.

Mr. President, the United States faces some of the gravest foreign policy challenges in the post-World War II era. The continuing Soviet occupation of Afghanistan, chaos in Iran, the festering conflict between Iran and Iraq, political and military conflict in southern Africa, potential threats to the vital Persian Gulf, and the need to insure continued progress in the Middle East peace process, and the increasing turmoil throughout Central America and the Caribbean, are all notable examples of the challenges which confront our Nation at this time.

Mr. President, these challenges underscore the need for the United States to strengthen its existing alliances and friendships abroad. It is in this context of international challenge that the Committee on Foreign Relations also sought to provide the President and the Secretary of State with greater flexibility in order to respond to an ever changing international climate fraught with danger, but also presenting opportunities to advance U.S. interests.

This year, as in 1980, the Committee on Foreign Relations considered security and development as one single piece of legislation. This is because both of these efforts are inextricably linked to the national security interests of the United States. For fiscal 1982, \$6.68 billion has been proposed for security assistance and related programs, only \$3.123 billion of which will require actual appropriations by the Congress. Almost 65 percent of this security assistance is destined for the Middle East, with Israel designated to receive 33 percent and Egypt 25 percent of the total security assistance provided in fiscal 1982 recommendations.

Having reduced the President's request by an additional \$95.6 million, the committee recommends an authorization of \$2.145 billion for development assistance efforts. This amount actually represents a \$21 million reduction from the fiscal 1981 authorization level, approved last year. In supporting this reduced level of development assistance, the committee reasserts its firm conviction that U.S. security interests abroad must be bolstered by a strong commitment to meeting the basic human needs within the developing nations of Africa, Asia, and Latin America.

The committee report on S. 1196 has made mention of the important confluence of interests between development and security assistance. This confluence of interest will continue to grow in importance, directly affecting the U.S. economy and security over the next 20 years. Over 1 million American jobs are presently dependent on U.S. exports to the developing nations. Nearly one-third of the U.S. wheat, rice, and cotton crops is purchased by these same nations. And while our exports have expanded to the developing nations, we have become increasingly dependent on them for imports of strategic minerals and other raw materials. The United States imports 75 percent of its cobalt, 90 percent of its bauxite, 100 percent of its tin and natural rubber, and 56 percent of its mercury from the developing countries.

Mr. President, certainly these statistics remind us that the United States has a vital stake in the present and future economic and political stability of these countries. I would submit to my colleagues in the Senate that our development assistance program is a primary resource with which the United States can assist these societies in building a solid economic and political structure.

Mr. President, if we are, as Abraham Lincoln once said of the United States, "the last best hope of earth," then we must proceed to approve this essential legislation for President Reagan as he

attempts to fashion his foreign policy at this challenging juncture of history. The Committee on Foreign Relations has provided the President with strong bipartisan support in this endeavor, and I join with Chairman PERCY and the full Senate Committee on Foreign Relations in recommending that the Senate approve the International Security and Development Corporation Act of 1981.

UP AMENDMENT NO. 409

Mr. PERCY. Mr. President, the first amendments to be offered are technical amendments.

During the committee markup, Senators KASSEBAUM and LUGAR offered amendments which consolidated several reporting requirements in current law. This was a very useful amendment designed to clean up the Foreign Assistance Act and Arms Export Control Act.

Several technical amendments are required to conform their effort to current law and other provisions in the bill. It was clear during the markup that neither Senator KASSEBAUM nor LUGAR intended to make policy changes with their amendment.

Technical amendments one to seven make changes related to the Kassebaum-Lugar amendment.

Technical amendment eight makes clear the intention of the committee that funds for Costa Rica be earmarked in the bill.

I send the amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an unprinted amendment numbered 409.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(1) On page 3, line 3, delete the period and add a comma in lieu thereof, followed by quotation marks and a semicolon.

(2) On page 9, delete lines 10 through 13.

On page 18, delete lines 11 through 17.

(3) On page 67, between lines 7 and 8, insert the following and renumber the paragraphs accordingly.

"(5) the aggregate dollar value and quantity of defense articles and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 of the Arms Export Control Act, by commercial sale licensed under section 38 of that Act, or by other authority."

(4) On page 72, line 4, add the following sentence: "This report shall include—"

(5) On page 76, strike lines 10 through 23 and, in lieu thereof, insert the following:

(12) (A) a full and complete description of the practices regarding the observance of and respect for internationally recognized human rights (within the meaning of sections 116(a) and 502B of this Act) in each country proposed as a recipient of foreign assistance and in all other countries which are members of the United Nations, with consideration being given to (1) relevant findings of appropriate international organi-

zations, including nongovernmental organizations such as the International Committee of the Red Cross, and (ii) the extent of cooperation by the government of the country in permitting an unimpeded investigation by any such organization of alleged violations of internationally recognized human rights; and

(B) a description of the steps the Administrator of the agency primarily responsible for administering part I of this Act has taken to alter United States programs under such part in any country because of human rights considerations;"

(6) On page 79, line 10, strike "502B(b)" and on line 12, after the number "668," insert the following: "the first sentence and the words 'report or' in the second sentence of section 502B(b)."

(7) On page 79, between lines 3 and 4, add a new subsection (b) as follows:

"(b) Section 624(f)(2)(B) of the Foreign Assistance Act of 1961 is amended by inserting 'and section 634(a)(12)' immediately after 'section 502B.'"

(8) On page 23 between lines 4 and 5 insert the following:

"(d) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, \$2,500,000 shall be available only for Costa Rica in order for that nation to meet its international obligations, and its increasing debt burdens."

Mr. PERCY. Mr. President, I point out that the need for the amendment was originally pointed out to me in a letter dated September 14, 1981, from Senator CLAIBORNE PELL, the ranking minority member, and I express appreciation to Senator PELL for pointing out the necessity for the technical amendments which are under consideration now, which have been agreed to by Senator KASSEBAUM and Senator LUGAR.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 409) was agreed to.

AMENDMENT NO. 525

(Purpose: To provide that funds may be made available for the Special Defense Acquisition Fund only to such extent or in such amounts as are provided in advance in appropriation Acts)

Mr. PERCY. Mr. President, I call up amendment No. 525.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 525.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, line 19, before the period at the end of the line, insert the following: "except that in any fiscal year such funds shall be available only to such extent or in such amounts as are provided in advance in appropriation Acts".

Mr. PERCY. Mr. President, this amendment is consistent with other provisions of law relating to similar funds.

Senators KASTEN, HATFIELD, DOMENICI, INOUE, PROXMIER, and HOLLINGS have submitted an amendment to limit the special defense acquisition fund to the extent provided for in appropriation acts. The majority manager of the bill accepts this amendment; and if it is acceptable

to my distinguished colleague, we can move along.

● Mr. KASTEN. Mr. President, this amendment is offered on behalf of myself; the chairman of the Appropriations Committee (Mr. HATFIELD); the chairman of the Budget Committee (Mr. DOMENICI); Senator INOUE, the ranking minority member of the Foreign Operations Appropriations Subcommittee, which I chair; and the ranking members of the Appropriations and Budget Committees (Messrs. PROXMIER and HOLLINGS).

Mr. President, I will not take much time explaining this amendment inasmuch as it is a very straightforward one, and it is my understanding that the managers of the bill have no objection to it.

The Senate Foreign Relations Committee has reported out a provision which creates a special defense acquisition fund, in its original form a revolving fund, which would be used to procure military equipment in advance of actual need. The problems this addresses are the many instances where our foreign friends need military equipment on an urgent basis which, therefore, must be taken directly from U.S. forces. Perhaps the best example of this was in 1973 when our own supply of ammunition became dangerously low as a result of the provision of ammunition to Israel. This fund is desired to procure equipment in advance so that such situations do not occur again.

I strongly support the creation of this fund, although I and the cosponsors have one housekeeping problem which the amendment I am offering seeks to remedy. The problem basically is that this provision creates new spending which under the Budget Act must be provided through the appropriations process. Without this technical change, I understand that the Budget Committee would make a point of order against this provision, and I, speaking for myself, would have to likewise object on the same basis. Therefore, we are offering the amendment.

I want to emphasize that the amendment uses the word "provided," and not "appropriated," and as the chairman of the Foreign Operations Appropriations Subcommittee, it would be my intention to provide a limitation and not an appropriation, the latter being likely to create problems.●

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 525) was agreed to.

Mr. PERCY. Mr. President, we have a number of amendments that we know will be proposed by Members. Because the managers of the bill have no further amendments to be proposed at this time, we urge our colleagues to come to the Chamber and to propose the amendments that they might have to this bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

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

GERMAN PARLIAMENTARIANS VISIT SENATE

Mr. PERCY. Mr. President, I announce to our colleagues that we have the great distinction and honor of hosting a coffee at 3 p.m. for a group of German Parliamentarians in the Senate Foreign Relations Room, S. 116, with Senator LARRY PRESSLER as the host of that group. The German Parliamentarians are here on official business and I know that as many of our colleagues as possible would want to pay their respects. If they cannot stay for the full coffee, they can stop by to introduce themselves and be introduced to our foreign relations counterparts in the German Parliament.

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

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

The Senate continued with consideration of the bill.

AMENDMENT NO. 555

(Purpose: To make available funds under the Foreign Assistance Act of 1961 for Haiti only if the President determines that the Government of Haiti has cooperated with the United States in halting illegal emigration from Haiti, and for other purposes)

Mr. CHILES. Mr. President, I call up my amendment No. 555 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida (Mr. CHILES) proposes an amendment numbered 555:

On page 84, between lines 2 and 3, insert the following:

"SEC. 716. (a)(1) It is the sense of the Congress that funds made available under chapter 1 of part I or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 should be used for programs in Haiti which would ameliorate the conditions of poverty and underdevelopment which contribute to the emigration of Haitian citizens and which would assist Haiti to deal with the problem of illegal emigration.

"(2) To the maximum extent practicable, assistance for Haiti for the fiscal year 1982 under chapter 1 of part I of the Foreign Assistance Act of 1961 should be provided through private and voluntary organizations.

"(b) Funds available for the fiscal year 1982 to carry out chapter 1 of part I or chapter 2 or chapter 5 of part II of the Foreign Assistance Act of 1961 may be expended for Haiti, and credits and guarantees extended for the fiscal year 1982 under the Arms Export Control Act may be approved for use for Haiti only if the President determines that the Government of Haiti—

"(1) is cooperating with the United States in halting illegal emigration from Haiti;

"(2) is not aiding, abetting, or otherwise supporting illegal emigration from Haiti;

"(3) has provided assurances that it will cooperate fully in implementing United States development assistance programs in Haiti (including programs for prior fiscal years); and

"(4) is not engaged in a consistent pattern of gross violation of internationally recognized human rights.

"(c) Six months after the date of enactment of this Act, the President shall prepare and transmit to the Congress a report on the extent to which the actions of the Government of Haiti are consistent with paragraphs (1), (2), (3), and (4) of subsection (b) of this section.

"(d) Notwithstanding the limitations of section 660 of the Foreign Assistance Act of 1961, funds made available under such Act for the fiscal year 1982 may be used for programs with Haiti if such funds are used to assist in halting significant illegal emigration from Haiti to the United States."

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 717."

Mr. CHILES. Mr. President, all of us are vitally concerned with the massive influx of illegal immigrants into this country, a situation which has strained our social service network to the limit and made a mockery of our immigration laws. It is a crisis which demands a prompt and firm response. Part of that response must be the development of a workable immigration policy which will limit and control the flow of refugees into the United States. Another aspect of that response must be an immediate effort to use all of our potential resources to stem the flow of illegal immigration. The amendment I am proposing today seeks to insure that we will use one of these resources, namely foreign assistance, to deal with the continued stream of refugees from Haiti.

The Haitian problem was aptly described in the opening paragraph of a recent Tampa Tribune editorial:

Two boats carrying 175 Haitians glided ashore at the usual spot on Miami's beaches yesterday, following a ferry route Floridians can almost set their watches by.

Each week that goes by brings more Haitian refugees to Florida's shores, aggravating an already overwhelming problem. The burden of these refugees has fallen directly on the State of Florida and the people of south Florida. The ability of local government to cope is past the breaking point. An inhumane and dangerous situation exists at the Krome North facility in Dade County where over 1,000 Haitian refugees are housed under appalling conditions.

For most Americans, Mr. President, immigration is an abstract problem that does not affect their daily lives. The people of south Florida have to live with this problem every day. They are worried and frustrated and they should be. The handling of the Haitian refugee problem by the Federal Government, or perhaps I should say "mishandling," is a monument to Government at its worst.

Our task now must be to redress that situation as soon as we can. South Florida cannot wait while the wheels of Congress and the administration turn slowly to develop a new immigration statute. They need action now to stop the flow of illegal aliens. One step we can take is to seek and in fact insist upon the cooperation of Haiti in restraining illegal immigration. That is the purpose of this amendment.

This amendment addresses the two factors that are causing the flow of illegal immigrants to the United States; the dif-

ficult economic conditions in Haiti and the question of human rights.

It provides that funds made available to Haiti will be used to address the conditions of poverty and underdevelopment that contribute to immigration from Haiti and to assist with programs to deal with the problem of illegal immigration.

It provides that to the maximum extent possible assistance to Haiti should be provided through private and voluntary organizations. It further stipulates that military or development assistance funds will be approved for use in Haiti only if the President makes a determination that the Government of Haiti—

First, is cooperating with the United States in halting illegal immigration from Haiti;

Second is not aiding, abetting, or otherwise supporting illegal immigration from Haiti;

Third, has provided assurances that it will cooperate fully in implementing U.S. development assistance programs in Haiti; and

Fourth, is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

The Government of Haiti cannot be allowed to either encourage illegal immigration as a means of solving its internal problems or to fail to cooperate with the United States in resolving this dilemma. The administration has indicated it recognizes that the causes of illegal immigration are international in scope and will require an international solution. Negotiations are being pursued with Haiti. Making the provision of both military and development assistance conditional on full-fledged cooperation by the Government of Haiti will provide the leverage to insure that such cooperation is forthcoming.

Mr. President, this amendment represents a sensible and prudent action we can take right now to alleviate the critical problem of Haitian immigration. Whatever the ultimate U.S. policy for stemming the flow of refugees, it cannot succeed if the Government of Haiti does not enforce its own immigration laws. I believe approval of this amendment by the Congress will help to staunch the flow of illegal immigrants and I urge its adoption.

Mr. PERCY. Mr. President, I commend my distinguished colleague, Senator CHILES, for this amendment.

I can well remember earlier this year, when I was visiting my brother in his home in Palm Beach, that a ship came in with Haitians and hit the beach. They headed for parts unknown, and they were just absorbed into the population, ending up on welfare rolls or payrolls or whatever; but there was no due process of immigration whatsoever.

The problem is a very grave one, and it is a problem for my own native State of Florida and a concern of the distinguished Senator from Florida.

In my judgment, this amendment is a constructive effort to deal with this extremely difficult problem.

Basically, this amendment urges that we continue programs in Haiti to alleviate poverty and help stem the flow of illegal immigrants to the United States

if the Haitian Government provides us with adequate evidence that we can work with it with some hope of success. The amendment requires that the President report to the Congress on the degree to which the character and actions of the Haitian Government are consistent with continued United States assistance. The administration has indicated it can accept this position.

I point out that our colleagues in the House have recently looked over the Haitian situation, and the GAO is also beginning a study of our programs there. I believe our committee will also take a close look at our activities in Haiti later this year. These actions, plus this amendment, should assure that our programs will do the job or be terminated.

The amendment also provides a 1-year exemption to allow some assistance to Haiti to help stem the flow of illegal immigrants to the United States. This is part of a larger question of assistance to law enforcement agencies. It is a particular problem in the Caribbean region, which is beset by problems of drug trafficking and illegal emigrant flows, which are often the responsibility of police forces in countries with small or non-existent military structures. We may have to take a look at the adequacy of current legislation to deal with these problems. This amendment in no way prejudices the conclusion of such a review, and it is clearly limited to an exemption for a single purpose in a single fiscal year for a single country.

On behalf of the majority side, we are willing to accept this amendment; and I turn to my distinguished colleague, the ranking minority member of the Foreign Relations Committee, for his reaction and comments.

Mr. PELL. Mr. President, this amendment has been worked out with the staff on both sides of the aisle and the staff of the Senator from Florida. It seems to be an excellent amendment, and I recommend its acceptance.

Mr. CHILES. I thank the distinguished ranking minority member and the distinguished chairman, and I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 555) was agreed to.

UP AMENDMENT NO. 410

Mr. DODD. Mr. President, I have an amendment that I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Connecticut (Mr. Dodd) for himself, Mr. DURENBERGER, Mr. HELMS, and Mr. ZORINSKY proposes an unprinted amendment numbered 410.

On page 23 between lines 4 and 5 strike subsection (d) which was added as a technical amendment and insert in lieu thereof the following new subsection (d):

"(d) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, \$15,000,000 shall be available only for Costa Rica for the purposes of economic assistance."

The PRESIDING OFFICER. Let me interrupt the Senator from Connecticut.

The Parliamentarian has raised a point which is that the amendment is not in order at this time and it requires unanimous consent for the amendment to be considered.

Mr. DODD. Mr. President, I ask the Chair for the basis of that.

The PRESIDING OFFICER. It amends a previously agreed to amendment. The Senator will have to seek unanimous consent for the amendment to be in order.

Mr. DODD. Mr. President, I so make that unanimous-consent request.

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

Mr. DODD. Mr. President, I ask unanimous consent that the distinguished Senator from Minnesota (Mr. DURENBERGER) be listed as an original cosponsor of this amendment.

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

Mr. DODD. Mr. President, this amendment would earmark an additional \$12.5 million in economic support funds for Costa Rica.

The Foreign Relations Committee has already earmarked some \$2.5 million for Costa Rica in the bill.

I would stress that this amendment is not an add-on. We are not asking the Senate to fund additional moneys for Costa Rica but rather to take from the existing funds of some \$2.4 billion the \$12.5 million that I am adding onto the \$2.5 million already in the bill to provide needed economic assistance for Costa Rica.

Most Members here, of course, are fully aware that Costa Rica among the Central American nations has been a bastion of democracy and a free market economy over the years in what would otherwise be one of the most troubled spots in the world. In a region beset by civil strife, military rule, and guerrilla warfare, Costa Rica has managed to maintain a unique democratic government since 1948.

In a region where military solutions to problems are often preferred Costa Rica has no standing army. They do not have a military. They have a national police force which numbers 1,000 which is in fact fewer than the number of police who protect this very building in the Capitol Police Force.

Costa Rica has been traditionally an ally of the United States and yet because of its economic plight Costa Rica now needs our help desperately.

Costa Rica is now experiencing its most severe economic crisis in decades.

Huge increases in the price of oil and a depressed coffee market have drained Costa Rica's foreign reserves. Its external debt has grown to \$3 billion, an increase of over 50 percent in 18 months, and inflation is expected to reach 60 to 70 percent this year. National unemployment has doubled between November 1979 and July 1980.

The Government, I quickly add, has taken some serious steps on its own to get the economy under control. Its currency was devalued by 100 percent in 1981 in an effort to control imports.

In May 1981, the Government negotiated a 3-year economic stabilization program with the International Mone-

tary Fund. While this program may have to be renegotiated it is evident that Costa Rica will accept a long period of austerity and economic discipline in order to stabilize its economy.

Mr. President, to conclude, I think it is noteworthy that Costa Rica's efforts to stabilize its economy is based on controlling public spending and strengthening the private sector. The current economic crisis has precipitated instances of violence in recent months. Costa Rica is not as stable as it was only a few short months ago.

A relatively modest increase in funds for Costa Rica could help bolster an allied, democratic government to help forestall the possibility of leftist exploitation of Costa Rica's current economic difficulties.

Such assistance I believe is an investment in our own future.

Mr. President, the House of Representatives, I might add, has earmarked some \$25 million for Costa Rica. My amendment would total \$15 million, and I stress again this is not an add-on but rather comes out of the funds that have been authorized presently in the bill.

Mr. President, I ask unanimous consent to add as cosponsors the Senator from North Carolina (Mr. HELMS) and the Senator from Nebraska (Mr. ZORINSKY).

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

Mr. DODD. Mr. President, I ask for adoption of this amendment and yield back my time.

Mr. ZORINSKY. Mr. President, I enthusiastically support Senator Dodd's amendment to increase economic assistance to Costa Rica. We would have to search far and wide for a case that is more deserving than Costa Rica of this special consideration.

Tiny Costa Rica has been the bulwark of democracy in Latin America ever since 1948 when the nation's leaders transformed the political, economic, and social system into one of the most successful governmental systems in the world. Costa Rica's democratic governments have been very close friends of the United States and could always be counted on to support our international positions. Now the time has come to show Costa Rica that we appreciate this support by increasing the economic assistance funding by a relatively modest amount.

Today Costa Rica is beset by economic and political problems to which that nation is unaccustomed. A depressed coffee market plus a high bill for imported oil has contributed to a very real economic crisis in Costa Rica. Costa Rica's external debt has risen to \$3 billion. Inflation is at about 70 percent this year. Unemployment has doubled in less than a year.

Costa Rica is trying. That is the Costa Rican way. The government has taken drastic steps to control the economy such as the 100-percent currency devaluation. An economic stabilization program is being worked out with the IMF which will mean austere times for the good people of that country.

Aside from the important reasons that I have just discussed, I think it is es-

pecially significant to note to the American people that the earmarking of the \$15 million for Costa Rica is not an add-on. No additional funding is required. It comes out of the economic support fund total.

It is important for my colleagues to vote their approval of this amendment so that Costa Rica can maintain its time-honored tradition of being a stable, democratic nation in a sea of turmoil in Central America.

Mr. DURENBERGER. Mr. President, I have a long-standing interest in Central America as my colleagues are aware, and I have traveled to Costa Rica on many occasions. During the past 3 months, I have had the opportunity to speak with Mr. Bernd Niehaus, the Costa Rican Foreign Minister, and with such other notable Costa Ricans as Francisco Sotelo Harrison, former Ambassador to the Court of Saint James and a prominent attorney.

From these conversations, one point has emerged with absolute clarity. The Costa Rican economy is in trouble, largely because the world prices for Costa Rican exports have fallen dramatically. This in turn has created inflation, and the value of the colon has fallen against the dollar. The result is the added punishment of decreased foreign investment.

I am satisfied that the Costa Rican Government is taking firm measures to bring its economy under control. But it needs assistance if it is to do so. And this assistance is clearly in our own national interest. With the increased and overdue attention to Central America by all Americans, it should be self-evident that Costa Rica plays a crucial role in the stability of the region. Costa Rica is a stable democracy which is so peaceful that it is able to boast that it has no army. But, like any democracy, it cannot long withstand the erosion of confidence created by continued inflation.

I am therefore very happy that Senator Dodd has introduced his amendment, and wish to commend him for addressing an urgent problem.

Mr. PELL. Mr. President, I think this amendment has a great deal of merit. As has been pointed out, it does not add a nickel to the bill. It merely identifies where some money should be spent. It earmarks funds for a particularly sensitive part of the Americans, and I hope, very much indeed, that it will be accepted by our colleagues.

Mr. PERCY. Mr. President, I commend my distinguished colleague from Connecticut for his amendment.

Costa Rica has been a staunch ally of the United States and has the oldest surviving democracy in Latin America. The House Foreign Affairs Committee has provided \$25 million in ESF for Costa Rica.

This amendment would not add money to this bill. It would simply increase the existing earmark from \$2.5 to \$15 million.

Costa Rica's economic plight has deteriorated sharply over the past 2 years. Interest rates jumped from 18 percent to 23 percent over the past year, while re-

tail prices rose 17.8 percent and wholesale prices soared a whopping 22 percent.

Costa Rica is a traditional ally of the United States, amidst a turbulent sea of civil strife, military coups and guerrilla warfare in the region, and boasts a unique, democratic government which has been in place since 1948. It has no standing army and maintains a national police force of 1,000 men, less than the Capitol Hill Police Force here in Washington.

On behalf the majority, as manager of the bill, I accept the amendment.

I think we are ready for a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Connecticut.

The amendment (UP No. 410) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

UP AMENDMENT NO. 411

(Subsequently numbered amendment No. 562).

Mr. LUGAR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Indiana (Mr. LUGAR) proposes an unprinted amendment numbered 411:

S. 1196

On page 59, line 17, strike out "(a) Funds" and all that follows through page 62, line 18 and insert in lieu thereof the following:

"Sec. 707(a). The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in El Salvador has caused great human sufferings and disruption to the economy of that country, and that substantial external assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

"(b) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

"(1) the realization of the U.S. policy objective of achieving a peaceful and democratic resolution to the strife in El Salvador;

"(2) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

"(3) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

"(4) continued progress in implementing essential economic and political reforms, including land reform and support for the private sector;

"(5) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

"(6) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

"(7) free, fair and open elections at the earliest date, the modalities of which should be negotiated between all groups which renounce and refrain from further military or paramilitary opposition activity in pursuit of an equitable political resolution of the conflict;

"(8) increased professional capability of the Salvadoran Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic process can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

"(c) Within six months after the date of enactment of this section, the President shall report to the Congress concerning the status of his efforts in implementing the U.S. policy objective of a peaceful and democratic resolution to the strife in El Salvador and shall identify any remaining obstacles to achieving that objective."

Mr. LUGAR. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LUGAR. Mr. President, the amendment which I have just offered is a sense of the Senate resolution dealing with the questions about aid to El Salvador which arose during markup of that portion of the Foreign Assistance Act dealing with El Salvador.

I rise to offer this amendment to section 707 of the bill and in place of the language in the bill I propose to substitute language which expresses the goals of American assistance to El Salvador.

I do this deliberately because during the excellent conversation which the Committee on Foreign Relations enjoyed with President Napoleon Duarte yesterday the point made by President Duarte again and again was that he very much supports the goals, and he emphasized that word "goals," which goals are expressed in the original committee language and in the language which I have presented in the form of an amendment today.

The point I shall make repeatedly is that there is a profound difference between goals and conditions. President Duarte made the point that for a great power such as the United States to impose conditions on a sovereignty such as El Salvador is not an acceptable situation. He would have felt on the face of it that it was unacceptable, given the relationship we have, and he went over the language that has just been made a part of this amendment word by word, agreeing explicitly with the goals that are represented, as do I and, as I suspect, do all of our colleagues.

But, Mr. President, the gist of the language that came forth from the Committee on Foreign Relations and became a part of the bill we are considering today imposes very stringent conditions, and those conditions, after original certification and then once every 6 months, could bring an end to all of our aid to El Salvador.

I offer this amendment for several reasons: In recent months many Americans have become deeply aware of the violence which has torn apart El Salvador. Americans have seen and heard of the murders, abductions, disappearances, and other acts of senseless violence which occur in El Salvador each day. El Salvador experiences tragedy and violence which is almost beyond comprehension.

We all deplore this. No one defends it. The question is, however: What are we to do about it? Our revulsion toward brutality is by itself no policy at all. Our deep feelings of compassion for the people of El Salvador cannot and will not substitute for hard thinking about our responsibilities.

Some in our country would just as soon wash their hands of the entire matter. They would say, "Withdraw all military assistance to El Salvador and let the people of El Salvador solve things themselves." But if we withdraw our support for the one force which is committed to free elections, the people of El Salvador will not solve things themselves. A small group of guerrillas, supported by outside assistance, will seize power and establish a repressive dictatorship. It is very fine to speak of self-determination; the fact is that there will be no self-determination in El Salvador without continuing and unwavering American assistance to the democratic forces in that country.

Let us consider the alternatives before us today. The language in the bill places restrictions and certifications upon the President's conduct of policy toward El Salvador. Indeed, the language of the bill contains the most restrictive language to be imposed on the Presidential conduct of foreign affairs in years.

And I stress that point, Mr. President, because this is not a set of mild-mannered conditions. This is the most restrictive net placed upon any relationship that our State Department, in the hands of either party, has seen in years.

First, it requires a Presidential certification that five separate conditions are being met prior to each and every provision of military assistance, provision of military trainers, and provision of credits or loans. What the bill requires is a lengthy Presidential certification every time one single bullet is provided to El Salvador; every time a military trainer is rotated to El Salvador, and every time one penny of credit or loan is offered. Whatever one may think of affairs in El Salvador, this is surely not the way to make good law.

Second, it requires a similar—and redundant—certification by the President every 6 months.

Third, before any of these certifications can proceed, the bill requires a prior certification regarding the investigation into the murders of the six American citizens in El Salvador.

Fourth, the bill requires an immediate cutoff of assistance if at any time a Presidential certification is not able to be made.

Mr. President, this is not good law; this is not good constitutional precedent for the relations between the legislative and executive branches of Government; and it is not good foreign policy.

In place of this I am offering a different, more positive approach. I do not propose a simple repeal of the language in the bill. Rather, I believe that the language of the bill represents a very real attempt to give expression to the concern which all of us share about the violence in El Salvador. My amendment gives expression to the deep concern of Members

of this body about the importance of human rights in El Salvador and about the necessity of American policy to support free and democratic government in that country.

But it does so in a realistic and constructive way. It does not impose conditions only upon the Government of El Salvador. It will not send to the guerrilla groups and their supporters the message that the Congress can be counted upon sooner or later to undermine the administration's support for the Government of El Salvador. We cannot and we should not give partial control of our decisions to guerrilla groups which can and will frustrate our best intentions.

What we are being asked to do in the language of the bill is to cast continuing doubt upon our support for the genuinely democratic forces in El Salvador. And who does this help?

Does it help the political parties which are now struggling to organize themselves in the face of systematic terrorism?

Does it help the Government of El Salvador which is committed to elections next March?

Does it help President Duarte?

President Duarte met with the Foreign Relations Committee yesterday afternoon, as I have said. He said that conditions imposed upon our aid would not help him or his government. He said that he supports the goals—and he stressed the word "goals"—of free, democratic government, an end to random violence, and the participation of all people who renounce violence as a means of taking governmental power.

The fact is that conditions imposed upon American assistance will help only those who hope to see the end to American support for El Salvador. For these reasons, the administration opposes the language now contained in the bill. Secretary Haig has written to the committee about this provision. In a letter dated May 11, Secretary Haig said:

Our opposition is not to the bill's objectives. Indeed, the specific conditions cited in the amendment parallel many of the elements of our policy or the objectives of the Government of El Salvador itself.

And in another quote, he said:

Our concern, however, is that the bill is not likely to lead to those objectives that we share. Its effect could well be the opposite for the following reasons:

El Salvador's rightist terrorists or the Marxist guerrillas and their foreign communist supporters will conclude the legislation that they can force an end to U.S. assistance to the established government by stepping up their violence to the point where it blocks further progress on the reforms or undermines the election process.

The measure could work to delay the peaceful solution that we all seek by encouraging extremists of the left and right to persist in their internal attacks and their external propaganda in the belief that their persistence would ultimately be rewarded with a Congressional curtailment of U.S. support for the Salvadoran Government.

That is why our Ambassador to El Salvador, the U.S. Ambassador to El Salvador, Deane Hinton, also opposes the original language of the bill.

I urge my colleagues to support the provision which I have introduced which preserves the worthy objectives of the language of the bill, but removes the harmful effects. The substitute language which I have presented is, I believe, a constructive step forward.

Now, Mr. President, it will be argued that it is perfectly proper for the Congress of the United States to impose whatever conditions it wishes to upon executive activity. It will be argued in a constitutional sense that, indeed, the President does have certain authority under the Constitution to move foreign affairs in behalf of this country, but that a checks and balance system persists and that clearly the checks aspect is at work in the Foreign Relations Committee work.

Mr. President, as I pointed out, this is an extreme form of checks and balances. It comes, I suspect, from the very real concerns that many Americans feel that the United States might become bogged down in El Salvador in a seemingly interminable and seemingly unwinnable situation. I respect those sentiments. There is a legitimate debate in this country as to whether the United States should be involved in El Salvador at all. Clearly, it is not the scope of our debate today to recite the doleful history of that small country.

But the fact is that El Salvador has been a battlefield, it has been an area of unhappiness, an area of dire poverty, and an area in which millions of citizens now and in the past have cried out for liberty and for better conditions of life. It is ripe for change. And indeed, the drama of the visitor yesterday, President Duarte, is very pointed if one considers that President Duarte was a candidate for national office in El Salvador in 1972 and apparently had won the election only to see it set aside by military rulers in that country at the time. President Duarte was imprisoned, was tortured, and went in exile for 7 years. Now this man, Napoleon Duarte, with whom we visited in our midst yesterday, is not a repressive ruler and someone attempting to hold down reforms. Quite to the contrary, President Napoleon Duarte has attempted to institute, under very tough conditions, land reform, banking changes, changes with regard to foreign trade, and a very, very wide-sweeping program trying to open up ownership and opportunity to his fellow citizens.

It has been a remarkable program.

The problem of our intervention in this situation comes because most Americans say, "Why not support El Salvador in an economic way? Why not try to bring about reform through our money, through our expertise, through humanitarian missionaries of all sorts in this country?"

I think there is no argument. Why not? We should. We have.

But, Mr. President, I would simply point out that our citizens who attempt to help in a humanitarian way are not safe in doing so if, in fact, anarchy and chaos prevail in El Salvador.

It is all too clear that, in a sense, both the left and the right of the political

spectrum on this issue come together, and on the left persons throughout the world would argue, "Let the guerrillas have a go at it." They would argue that history is on the side of the leftist, revolutionary, guerrilla groups, who inevitably wear down the patience if not the strength of whatever the prevailing power might be, and eventually come into their own. There is that point of view in this country on occasion, or widespread throughout the world.

There is the point of view on the right that the United States ought to stay out of it altogether, too, because, some would argue, the ruling group that was there might still be there if we were not involved, if the United States of America was not trying to help a centerist regime, if we were not there attempting to encourage elections, providing money for land reform, doing a number of things that are a radical change from the regime that has been deposed.

Indeed, extremists of the right and the left could very well say to the United States, "Get out and stay out, because we believe either we will have to repress the dictatorship of the right or the left and we are not interested, when it comes down to it, in the niceties of democratic elections, in trying to get a middle-class market enterprise situation going, trying to spread genuine ownership and equity in land."

Mr. President, I see very little in the program of either the Marxist guerrillas or the far right, many of whom are now exiled in Miami, Fla., from El Salvador that points to very much promise of economic reform, of the ordinary person in El Salvador progressing to much exercise of political liberty.

Here comes the United States in this situation. We are saying in the finest of humanitarian traditions, "We believe that El Salvador is a close neighbor. We believe that we ought to help. We resent interference from outside this hemisphere, whether it be encouragement by the Soviet Union, encouragement by Cuba, encouragement by anyone, for that matter, who might, with the network operatives of the Soviet Union and the Cuban surrogates, attempt to foment difficulty. At the same time, we resent attempts by deposed El Salvadoran leaders, operating wherever they are, to try to take back control from the Duarte government, to try to seize back the initiative before elections can be held."

This is why the debate we are having in a sense is unfortunate, Mr. President, because our Secretary of State in very explicit terms in his letter of May 11, 1981, which I have quoted to the Senate today, said that the language adopted by the Foreign Relations Committee in its markup, is an open invitation to obstruction. The difficulty with the language in the bill is simply that a group of either the left or the right can create enough unhappy conditions because of the certification which is demanded at the outset and every 6 months, and on every occasion of a single piece of military equipment or a troop or any sort of economic

aid. Every time a certification occurs it is an open invitation simply for the United States to be unable, under the law, to provide assistance to El Salvador.

This number of certifications, this degree of overbureaucracy, this number of subjective judgment calls, in my judgment, is unprecedented and unwarranted.

The purpose of the original language was, in fact, simply to make certain we get out of El Salvador, those who want to see the United States withdraw now and for good. That purpose is accomplished with great strength. It would not take great skill, Mr. President, for someone who did not share the idealism of any of the members of the Foreign Relations Committee, the President of the United States, or the Secretary of State to use the language of this original bill and make very well sure we were out of El Salvador within a 6-month period of time. I think Senators need to see that point.

I have great respect for my colleague from the State of Connecticut, Senator DODD, who has worked diligently within the committee and subsequently to think through the implications of this language. I know that he will want to respond with his own thoughts, which are important ones, based upon personal experience, personal visitations with many of the parties involved.

I would submit that at least one of the arguments that I have heard the distinguished Senator from Connecticut propose is that the language in this bill provides to President Duarte a club to use against the military or against other forces within his country that do not favor his sense of reform; in essence, that we, in our legislation, are propping up President Duarte, or we are giving him an argument so that he can go to El Salvadoran officials and say, "Here, I have the Senate bill, and if we do not comply with these things the aid is gone and, therefore, we have to comply." It is an interesting argument and I think one worthy of attention.

But, Mr. President, the facts of life are that others, quite apart from President Duarte, or people with whom he is visiting in El Salvador, or members of the Foreign Relations Committee who had a debate on this at one point may all be in one camp in interpreting this law, but others, as I read it, who have not followed this thing that closely, or with not so much concern for the evolution of affairs in El Salvador, will simply pick up the language in this committee bill and point out that as best they can see affairs are not proceeding along the lines of the goals of President Duarte or ourselves and, for that reason, the United States ought to cut off aid and do so immediately.

That I think would be unfortunate.

Mr. President, attempts have been made to try to find a combination in this area and they have been unsuccessful. I will say that candidly. That is the reason that I offer this as a sense of the Senate resolution, that type of language as opposed to a set of conditions. It is a deliberate attempt to break this thing

open, and to give our foreign policy a chance to rise in the process. I think it is an important option for our Secretary of State to have in this embattled condition that he finds himself in this particular issue.

Furthermore, it seems to me it is an affirmative step we might take to indicate our support of Napoleon Duarte, our good friend who has been with us, and in whom we share a great deal of confidence because he is the best thing we find, those who have compassion for the people of El Salvador.

Mr. President, let me add one further point. It will be suggested that when this language came before the Foreign Relations Committee, the vote on the amendment presented by the distinguished Senator from Connecticut, Senator DODD, was passed by a vote of either 12 or 13 to 1. The number escapes me, but the one vote against the motion at that time was, in fact, myself. Why would I do such a thing like that? Well, of course, I was holding the letter of the Secretary of State in hand. The Secretary of State wrote to us before the vote.

I think we really have to give some attention on occasion to our Secretary of State, who has appealed to us on this issue before.

Let me also point out in fairness, Mr. President, that I was not present at the time my vote was cast. It was a proxy vote. I and a great number of other members, unfortunately, of the Foreign Relations Committee were engaged on that very day in another one of the farm bill markups.

Senators will recall mention throughout last week of the 24 days, or some such, of markup. That occupied us right through the debate on El Salvador. So we really were not up to speed, I think, as a committee. The chairman did his best to get members there and was diligent throughout this in trying to excite our attention, but the distinguished Senator from North Carolina, the chairman of the Committee on Agriculture, was involved with the farm bill, understandably. So were Senator BOSCHWITZ, as I recall, and Senator ZORINSKY was over there a good bit in those days. I was there. A number of us were preoccupied with that. Once we began to rivet our attention on this question, we felt it was important to bring the situation to the attention of the Senate as a whole.

Mr. President, I see the distinguished chairman of the very committee I have just mentioned that was involved in all of these markups at the time the discussion on El Salvador was going on. I am pleased to yield to the Senator from North Carolina for a comment if he has one.

Mr. HELMS. Mr. President, I ask unanimous consent that the Senator may yield without losing his right to the floor.

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

Mr. HELMS. Mr. President, I have listened with great interest to the able Senator from Indiana. He is exactly right. Members of the Committee on Foreign Relations know that we met informally with President Duarte. He is an exceed-

ingly impressive man and, I think, an absolutely genuine person. He has problems in that country which we cannot even imagine in our own land. To load him down with all sorts of restrictions and limitations and requirements is simply going to play into the hands of those who have no friendship for the United States. The least that we can do is give President Duarte a fair shot at getting his country straightened out. That is why the amendment of the distinguished Senator from Indiana is so essential at this time.

Mr. President, we talked yesterday about his crops. There has been an increase in cane production if he can keep the terrorists from burning it up. There has been an increase in cotton if he can keep the terrorists from destroying it. To hamstring this man, who has come to this country, making clear his friendship, is the wrong course of action. I simply do not think that we ought to tie his hands behind his back to any degree whatsoever.

Mr. President, we are not talking about central Asia; we are not talking about central Africa; we are talking about Central America, our own front yard. We are talking about this hemisphere. Anybody who even takes a casual glance at the news is bound to understand that the Soviet Union, through its surrogates, is doing everything possible to destroy freedom in this hemisphere and we had better help our friends now, because we may not have any friends left to help.

Mr. President, I commend the distinguished Senator from Indiana for his amendment and I certainly hope the Senate will support it.

Mr. LUGAR. Mr. President, I thank the Senator from North Carolina for his support and the cogency of his argument. Very clearly, Mr. President, the foreign policy of the United States has many objectives, but one of the most important must be friendship, prosperity, and movement within our own hemisphere.

The exciting reason we are involved in El Salvador is that we and others in the Western Hemisphere believe that conditions of land reform, the growth of new businesses, the political participation of citizens party to free elections are very important objectives. We likewise see the dire circumstances by which all of these are likely to be precluded in El Salvador without our vigorous participation.

Mr. President, the purpose of my amendment is simply to make certain that the world knows that we shall be constant, that Congress is not about to pull the rug out from under our President and the Secretary of State under the pretext of 6-months certifications, of endless hassles, of bureaucratic snafus; that, in fact, having said that we are going to help, for the goals that we have stated and for those reasons, we shall be constant in that fight.

Mr. President, I yield the floor.

Mr. CRANSTON. I am an original co-sponsor of S. 869, the El Salvador Assistance Act, which was reported out of the Foreign Relations Committee. I believe

it is important for Congress to establish some specific limits on the use of U.S. military aid and personnel in the war in El Salvador.

The situation in El Salvador has not improved. There continue to be reports of killings and terrorist activities in that country. We must make certain that U.S. taxpayer dollars and personnel to El Salvador are being used in ways that promote goals which we can fully support.

Conditional U.S. military and economic assistance to El Salvadoran authorities insures that the government we are supporting is prepared to make certain political, social, and economic changes. These reforms are essential to drying up the limited popular support for leftist opponents of the current government.

The American people will not support military aid to El Salvador unless it is clear that our involvement is helping to resolve the current civil war and establish enduring peace for the El Salvadoran people. We must be responsive to U.S. taxpayers as well as to the people of El Salvador. That is why I urge support of the bipartisan compromise language adopted by the Senate Foreign Relations Committee under the sponsorship of Senator DODD.

The minority has been once more accommodating on the floor on this matter to take into account the views of the chairman of the committee and others on the majority side. I think Senators on the majority side will respond in a reciprocal way.

UP AMENDMENT NO. 412

(Subsequently numbered amendment No. 563)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. JEPSEN). The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 412 to amendment numbered 411.

Mr. HELMS. 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:

In lieu of the language proposed by Mr. LUGAR, substitute the following:

"SEC. 707. (a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American States generally, that the recent civil strife in El Salvador has caused great human sufferings and disruption to the economy of that country, and that substantial external assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

"(b) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

"(1) the realization of the U.S. policy objective of achieving a peaceful and democratic resolution to the strife in El Salvador;

"(2) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

"(3) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

"(4) continued progress in implementing essential economic and political reforms, and support for the private sector;

"(5) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

"(6) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

"(7) free, fair and open elections at the earliest date, the modalities of which should be negotiated between all groups which renounce and refrain from further military or paramilitary opposition activity in pursuit of an equitable political resolution of the conflict;

"(8) increased professional capability of the Salvadorean Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic process can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

"(c) Within six months after the date of enactment of this section, the President shall report to the Congress concerning the status of his efforts in implementing the U.S. policy objective of a peaceful and democratic resolution to the strife in El Salvador and shall identify any remaining obstacles to achieving that objective."

Mr. HELMS. Mr. President, this amendment modifies the Lugar amendment in only one sense. That is to strike the reference to land reform, because that is covered elsewhere in the bill.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY. Will the distinguished Senator yield?

Mr. HELMS. I am happy to yield, Mr. President.

Mr. PERCY. Mr. President, Senator WEICKER is on his way from New York and will be here at 4 p.m. May I ask if it is the feeling of the distinguished Senator from North Carolina that we may withhold voting on this amendment until the Senator from Connecticut may be here?

Mr. HELMS. Mr. President, I certainly want to accommodate Senator WEICKER and any other Senator.

Mr. PERCY. I thank the Chair.

UP AMENDMENT NO. 413

Mr. PELL. Mr. President, I send to the desk a perfecting amendment to the bill that makes two changes to the basic provisions of the bill. It provides that the certifications will occur just three times a year, not four times a year plus other times, as in the bill today. Also, it modifies some of the language of the original bill in paragraphs 1 and 4. It somewhat weakens them, maybe, but makes them more acceptable, I hope, to the majority of my colleagues.

The PRESIDING OFFICER. The Chair advises the distinguished Senator that the amendment he sent to the desk was a substitute amendment and therefore is not in order. A perfecting amend-

ment would be in order but not a substitute.

Mr. PELL. Could the Chair repeat what he said? I could not hear.

The PRESIDING OFFICER. Yes; the Chair advises the Senator that the amendment he sent to the desk is a substitute amendment and therefore is not in order. A perfecting amendment would be, but not a substitute amendment.

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

Mr. HELMS. Mr. President, for the moment, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue the call of the roll.

The legislative clerk continued the call of 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. PELL. I thank my colleague from North Carolina.

Mr. President, I send to the desk a perfecting amendment that would remove all the language in the Lugar amendment on pages 2 and 3 and would substitute for it the language I am sending to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 413.

Mr. PELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 2, line 1, strike out through the end of the amendment and insert in lieu thereof the following:

"SEC. 701. (a) In fiscal years 1982 and 1983 funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if every 120 days after enactment of this act, the President makes a certification in accordance with subsection (c).

"(b) If the President does not make such a certification, then the President shall immediately—

"(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

"(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

"(3) suspend all deliveries of defense

articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

"(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 until such time as the President makes a certification in accordance with subsection (c).

The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador, to the extent not precluded by forces outside its control—

(1) is making a concerted and significant effort to control gross violations of internationally recognized human rights;

(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(d) On making the first certification under subsection (a) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

Mr. PELL. Mr. President, this amendment provides that the certification will occur each 120 days, or three times a year. This seems a good compromise between the almost infinite number proposed in the original bill and the single certification that the administration desired.

It also softens some of the language on page 2 of the bill, discussing the questions of a concerted and significant effort to control gross violations of internationally recognized human rights and the language in paragraph 2 which says that the Government of El Salvador is moving to achieve control over all elements of its own armed forces, so as to bring to an end indiscriminate torture and murder of Salvadoran citizens by these forces.

This amendment seems a reasonable compromise between both views, and I hope it will secure the acceptance of this body.

Mr. DODD. Mr. President, will the Senator yield?

Mr. PELL. I yield to the Senator from Connecticut.

Mr. DODD. Mr. President, I support the language offered by the distinguished Senator from Rhode Island (Mr. PELL). As the author of the original language in the bill, I believe this language is reasonable.

I had preferred the language contained in the committee bill. However, I recognize that, with respect to those who are somewhat uneasy about the certification process, requiring it once every 120 days is not an unreasonable request. Therefore, I will support this language as a modification of the language presently in the committee bill.

Mr. President, I take this opportunity to try to put this entire issue in perspective.

This is the first opportunity in this Congress that we have had an opportunity to debate the issues of El Salvador, despite the fact that the events in that war-torn nation have dominated the headlines and news reports for the last 6 or 7 months.

So I welcome the opportunity to raise the issues that surround the events in El Salvador and our commitment to the government of Napoleon Duarte and a chance to discuss the importance of a certification process in placing some sort of conditions or, if you will, to use the language of President Duarte yesterday, some mutually agreed-upon goals in El Salvador.

Mr. President, daily, as I mentioned, the grim reality of El Salvador is there for all of us to see. It is there on the front page of our morning newspaper. And it is there again on the evening television news. More and more it is a media event, and slowly but surely it has become a part of the national consciousness. Not surprisingly, I suppose, the grotesque nature of this human tragedy has taken on something of a surrealistic quality, despite the fact that the story behind it is all too familiar, all too common. Indeed, it is a story which for all practical purposes dates back to the dawn of time.

But as ancient as the story may be, each generation needs, or so it seems, some reminder of the horrors of war; some reminder of the revulsion that comes from civil strife, human suffering and more bloodshed; some reminder of the utter brutality of armed conflict. El Salvador has it all. And unfortunately, it helps to provide such a reminder for this generation and for our time. For in that tragic and unhappy land, those who would be king have, as Shakespeare wrote, "Let slip the dogs of war."

The burden of political power, the abuse and corruption of it and the consequences that flow from such abuse and corruption are as much a part of the recent political history of El Salvador as they are a part of so many Shakespearean tragedies. The tragedy of King Richard the Second—in setting the stage for Civil War in England, a less than popular King Richard, still determined to hold on to the political reigns of the kingdom, lashes out—in wanton disre-

gard of the consequences of his action—"cry woe, destruction, ruin and decay; the worst is death and death will have his day." The drama, the calamity of civil conflict, Shakespeare said it well.

Today, the drama has become the reality—the deadly drama, the deadly reality—of El Salvador. This is a nation at war with itself. A nation engulfed in the flames of civil violence. The origin of the violence can easily be traced to the abuse of political power, to the repeated disregard for that abuse and to the eventual corruption of it. The price of that corruption, and the price of the evil which it has spawned, mounts with each passing day. No segment of Salvadoran society has escaped or been spared the agony and the grief that now wracks that war-torn nation—a nation which otherwise would largely go unnoticed; a nation of coffee trees, cotton and rice; but a nation caught between the feudal structure of the old order and the political imperatives of the new. And the clash between old and new has taken a heavy toll.

Thousands of ordinary people lay silent: nuns and priests, labor leaders—the rank and file, businessmen and professionals, educators and students, politicians and government officials, landlords and campesinos, the haves and the have-nots. All elements of society in El Salvador, from the very top of the social ladder to the very bottom, have been victimized by the mindless and seemingly perpetual violence that now grips the Salvadoran psyche like some curse or plague from the distant past.

The death toll for this past year alone is estimated at somewhere between 10,000 to 15,000 people.

The fact that we were not even able to say whether it is 10,000 or 15,000 people should speak more loudly than any other words than I could utter and at this juncture most observers, regardless of their political persuasion, agree there is no end in sight for the violence in El Salvador. Yes, at this point, as the foreign policy wags are accustomed to saying, "if there is a light at the end of the Salvadoran tunnel, it is only the glow from the headlamp of the oncoming train."

How did it all happen? What's the political prognosis? Where do we go from here? The questions seem relatively simple. The answers, at least by comparison, are more complex and complicated. But regardless of how complex and complicated they are, they are urgently needed and with this purpose in mind, I want to bring to the attention of my colleagues three recent articles which serve to analyze the Salvadoran political situation and our Government's role in it.

The first article is from the summer, 1981 issue of *International Security*. It is entitled, "A Splendid Little War: Drawing the Line in El Salvador" by Prof. William Leogrande. Professor Leogrande serves as director of political science in the School of Government and Public Administration at the American University, here in Washington, D.C. The second article, "Death as a Way of

Life" comes from Mr. Christopher Dickey, a reporter and writer for a local newspaper, the Washington Post here in this city, who has lived and been in charge of the Mexico City bureau for some years. The third and final article is the work of Mr. Loren Jenkins, who also serves as a foreign correspondent for the Washington Post and whose article "El Salvador: From Conquistadores to Communists, Why the Killing Will Never End," can be found in the August 16, 1981 issue of the Sunday Washington Post magazine.

Each of these articles, I believe, makes a substantial contribution to better understanding the Salvadoran civil war. And each, in its own way, raises serious questions about the nature of the Salvadoran Government, particularly the military and security forces component of it, and about the nature of our commitment to it. These are the key questions. These are the key issues. And I strongly urge my colleagues and the public at large to give very careful consideration to the views and comments contained in these articles, which I ask unanimous consent to have printed in the *Record* at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. DODD. Mr. President, like many other observers, including the ones noted above, I do not know whether the government of President Napoleon Duarte can survive or not.

As I said to him yesterday at a closed-door briefing in the presence of my colleagues on the Foreign Relations Committee, I do not take a back seat to anyone in my continued support and admiration for Jose Napoleon Duarte.

The record that he has established as a politician in that country has gone unchallenged, and he is someone who has been a victim of torture, been incarcerated and understands political exile, having had to live in Venezuela for some 7 years. He is certainly a man to be admired and his efforts to bring about reform in that country should be supported by all of us who believe in economic justice and certainly the democratic process.

The backing of the U.S. Government to this particular government and to this particular individual is absolutely necessary if the centrist reform-minded Duarte is to survive at all. But our support will not be decisive, or the critical factor in whether or not the Duarte government succeeds or not any more than Cuban or Soviet support will be the decisive or the critical factor for the insurgence in that country, and I suspect that President Duarte would agree with that conclusion himself.

What will be decisive, in my opinion and in the opinion of many others, including President Duarte, is the extent to which his government is able effectively and expeditiously to implement the kind of social, political, and economic reforms which El Salvador so desperately needs. If the Duarte government can make significant progress in the reform effort and if it can do so while reducing the level of

violence and repression, then it has some chance of success.

If it succeeds, then we all also will succeed and so will be the democratic forces throughout the hemisphere.

Similarly, if it fails, then it is our failure too and a real setback for the forces of political moderation elsewhere in the region will be felt.

The stakes are high and the chances for success are, I believe, even money at best. The fact is the Duarte government's record to date is less than encouraging despite their good intentions. And in all honesty, the outlook is not promising. This suggests, in my opinion, that it is all the more incumbent upon the United States to do everything it can to help strengthen President Duarte's hand within his own government. Plain and simple, he needs all the help he can get. He needs it because of the disunity, the marked divisions within his government, the divisions between the civilians and the military, the divisions between the reformist and the antireformist elements even within his own government.

These divisions must be overcome and they must be overcome decisively. There can be no "ifs," "ands," or "buts." They must be overcome—period. They must be overcome so that the reform program can go forward, so that it can deliver on the promises it has made, so that it can undermine the appeal of the armed insurgents and finally, so that it can instill a measure of hope in those who believe they have less and less to lose, namely, the great bulk of the people of El Salvador.

This is a very tall order. Whether Duarte and company can fill it remains to be seen. I certainly have my doubts, as I expressed earlier, but I do believe and I am certain that the United States can help. It can help strengthen President Duarte's hand. We can help move the reform program along. We can help overcome the divisions and the disunity within the Salvadoran Government. We can do all of this, we can provide this help if we have the wisdom and the courage to insist on certain fundamental conditions before sending additional military equipment and advisers to the government in San Salvador.

If we do this, if we insist, then, we will provide President Duarte with the kind of political tool, the kind of political weapon that he can use effectively against the more recalcitrant, if not more repressive elements within his own governmental circle. If we do not give him this kind of weapon, if we deny him, then, we will have turned our back on the reform effort and left it and Napoleon Duarte and a lot of other decent people "to twist slowly in the wind."

Make no mistake about it. If we continue to provide military aid, sales, and advisers to El Salvador on unconditional terms, we will, for all intents and purposes, have sealed the fate of President Duarte and of the moderate elements in his government. That is all there is to it.

Mr. President, because of the strong convictions I hold on this issue, convictions based on several years of firsthand experience in the Latin America

region, I introduced earlier this year S. 869, the El Salvador Assistance Act of 1981.

Very briefly, this measure would require President Reagan to certify that five conditions have been met before additional U.S. equipment and advisers could be sent to El Salvador.

I said at the outset that I support the modifications being offered by the Senator from Rhode Island which would require that certification be given once every 120 days rather than as could be interpreted by the original language at the time, before every single soldier or every jeep or piece of military equipment that were to go to that country, and I will accept that modification. But the principle of certification is absolutely necessary.

These conditions include certification that the Salvadoran government is not engaged in a consistent pattern of gross violations of internationally recognized human rights; that it has achieved substantial control over its own security forces; that it is making continued progress in implementing essential economic and political reforms, including land reform; that it is committed to holding free elections at an early date; and that it has demonstrated its willingness to negotiate an equitable political solution to the conflict.

In addition, the measure would require the President to certify that the "government of El Salvador has made good faith efforts both to investigate the murders of the six U.S. citizens in El Salvador in December 1980, and January 1981, and to bring to justice those responsible for those murders."

This proposal, in a slightly revised form, has been adopted by vote of 12 to 1 by the Committee on Foreign Relations and it is now part of the proposed International Security and Development Assistance Act of 1981, S. 1196, with the new proposal by the Senator from Rhode Island's modification.

The committee's report accompanying the bill spells out clearly the reason for its virtually unanimous decision:

This section represents the committee's bipartisan view concerning El Salvador. The committee believes that the amendment would strengthen President Duarte's ability to undertake the basic reforms necessary to bring peace to his nation.

I ask unanimous consent that the text of the El Salvador provision as approved by the committee, together with the full explanation of it from the committee's report, be inserted at the appropriate point in the *Record* following the conclusion of these remarks.

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

(See exhibit 2.)

Mr. DODD. I also want to point out that the House Foreign Affairs Committee by vote of 26 to 7 has adopted a similar measure. This vote, as well as the vote in the Foreign Relations Committee, is a pretty solid expression, I think, of how Congress and the public view the issue of future military aid to the Government of El Salvador and of how determined

they are not to provide it with yet another blank check.

Finally, Mr. President, I fully subscribe to the general rule that one should always be leary or skeptical of simple explanations and descriptions in assessing or making a judgment about the political affairs of other nations. As we know from bitter experience, such explanations, such descriptions fail, all too often, way short of the mark. Vietnam and Iran come readily to mind. But, by the same token, I also recognize that we cannot be a prisoner to the past.

Accordingly, and at some risk to violating the rule laid down above, I want to conclude with an observation made many years ago by a poet, W. H. Auden. It is a brief observation, but one which I believe can add immeasurably to our understanding of and appreciation for the political nightmare in El Salvador. In 1939, Auden wrote:

I and the public know
What all schoolchildren learn
Those to whom evil is done
Do evil in return.

In a nutshell, these few lines from the poet's pen come as close as possible, I believe, to explaining the cycle of violence and counterviolence that is currently sweeping El Salvador. That cycle must be broken. And the United States can make a contribution to it by terminating unconditional military assistance to the Salvadoran Armed Forces.

Mr. President, I fully respect the intentions of my distinguished colleague from Indiana and the purpose behind his proposal to have a sense of the Congress. Many of the provisions which he has included in his resolution are, in fact, views which I hold, which we share together, which are, in effect, included in my own original amendment to the committee bill.

But I would like to stress our fundamental difference is not to the common goal stated in his resolution nor the goals stated in my amendment for, in fact, yesterday President Duarte went over the very provisions that were included in the committee bill, he laboriously went over them one by one, and explained to the committee how he fully endorsed the goals as stated in every single one of the provisions included in that bill, and was candid enough to say he would not take a position on the certification issue, for that is indeed a domestic consideration in this country, but that he embraces and that he endorses the goals included in that bill, which is something that I think is worth noting.

So the issue is not over whether or not we ought to have the protection of human rights and agrarian or land reform in that country or whether or not there ought to be control of the armed services in trying to restrain the level of violence that goes on or that we ought to proceed to investigate the murders of Americans in that country. We all agree on that. The administration agrees, President Duarte agrees, those of us in this body agree as well.

The issue is whether or not we ought to require the administration to certify that those things are occurring before

we are willing to send down additional military assistance.

As I mentioned earlier, I accept the modification of 120 days. That is designed specifically to say to those within the Duarte government, "If you have any intentions of taking action which can undermine the Duarte government in any one of the areas mentioned here, then the consequence of that action would be that we would terminate military assistance."

That is what we want as a message to go there, that we want them to understand that the success of Duarte, the success of this reform movement, depends upon those conditions being met.

Unless human rights are recognized, unless the reform movement, democratic process, and social justice, are the center piece of this effort, then Duarte and his government will fail. Of that much I am sure, and I think the majority of my colleagues on both sides of the aisle would agree with that.

This amendment, this language, with the modifications as suggested will do that. It will shore up his government, it will give them the opportunity to face those who would do otherwise and say, "We will not accept that."

So, Mr. President, I want to urge my colleagues to support the modification being offered by the distinguished Senator from Rhode Island. With all due respect to the efforts by my colleague from Indiana, the distinguished Senator from North Carolina who, I believe, as well endorses these goals and concepts, this is a better way to go. This is a way in which we can guarantee the kind of outcome we all want to have in El Salvador, that is, an end to the violence, an end to the bloodshed, a restoration of the democratic process and social justice in that country.

I yield back to my distinguished colleague from Rhode Island.

EXHIBIT 1

A SPLENDID LITTLE WAR—DRAWING THE LINE IN EL SALVADOR

(By William M. LeoGrande)

In the midst of the presidential campaign, a skeptical reporter asked one of Ronald Reagan's foreign policy advisers whether he and his candidate really believed their own rhetoric about the communist menace in El Salvador. "El Salvador itself doesn't really matter," the adviser replied, "we have to establish credibility because we're in very serious trouble."

The Reagan Administration has moved quickly to establish that credibility by "drawing the line" against "communist aggression" in El Salvador.¹ During his first two months in the Oval Office, President Reagan fired the Carter Administration's reformist Ambassador to that country; launched a major political offensive in Europe, Latin America, and on Capitol Hill to convince anyone who would listen that the insurgency in El Salvador is "a textbook case of indirect armed aggression by the communist powers"; and moved to more than double both economic and military assistance to the beleaguered Salvadoran government.²

A nation of virtually no inherent strategic or economic interest to the United States, El Salvador has suddenly become a symbol—a vehicle through which the Reagan Administration hopes to set the tone, by dint of

example, for its whole foreign policy. Because the war in El Salvador looks like an easy victory, it provides a perfect opportunity for the new administration to demonstrate its willingness to use force in foreign affairs, its intent to de-emphasize human rights, and its resolve to contain the Soviet Union. In short, the conflict in El Salvador is a splendid little war, made to order for an administration determined to repudiate much of its predecessor's foreign policy.

There is no doubt that Ronald Reagan intends to vanquish the incipient regionalism of the Carter Administration's international outlook and restore globalism to its traditional place of pre-eminence in America's strategic thinking. Whether reality will be so amenable is less clear.

HUMAN RIGHTS IN CENTRAL AMERICA: THE REFORMIST INTERLUDE

Jimmy Carter's decision to make the promotion of human rights a major objective of U.S. foreign policy was at once the most celebrated and excoriated of his international initiatives. From the outset, the policy was presented in moral terms—it was an approach to the world as good and decent as the American people themselves.

It was also intended to distance the United States from the brutal excesses of decaying autocracies, rather than wager the prestige and interests of the nation on their doubtful survival. It made more sense, according to Carter's analysts, to adapt U.S. policy to the currents of history than to try vainly to stem the tide. They argued that right-wing dictatorships bent on preserving anachronistic social orders make bad security risks; that the more they rely upon brute force to sustain themselves, the more rapidly they mobilize and radicalize their opponents. For the United States to enlist wholeheartedly in support of right-wing dictatorships would actually endanger national security; ultimately, such regimes would collapse, and an angry populace would bitterly recall—as it did in Iran—that the United States has sided with the tyrants. The Carter Administration believed that the best strategy for preserving national security was to help create pluralist democracies with relatively egalitarian social structures. Such states would tend to be cul-

When crucial allies were involved (e.g., South Korea, the Philippines, the Shah's Iran), the morally and philosophically closer to the United States than to the Soviet Union and, moreover, would be politically stable.³ Despite the complaints of Carter's conservative critics,⁴ human rights were never allowed to overshadow immediate national security concerns of a more traditional kind. Issue of human rights was always muted. But in Latin America, where there appeared to be no immediate security threats in 1977, the human rights policy was applied full force. This was especially true in Central America, where the four nations of the northern tier (Nicaragua, Honduras, El Salvador, and Guatemala) were all ruled by military dictatorships notorious for their systematic repression. By reducing or terminating economic and military assistance to these regimes Washington sought to force them to improve their human rights practices.

The revolution in Nicaragua threw the Carter Administration's human rights policy into crisis. As stability slipped away in Nicaragua after the assassination of opposition leader Pedro Joaquín Chamorro, the objective of promoting human rights was forced once again to compete with the desire to preserve order. Washington could not bring itself to break completely with Somoza, but was equally unwilling to re-enlist wholeheartedly on the side of his increasingly brutal National Guard.⁵ During the last eight months of the Nicaraguan insurrection, the unambiguous objective of U.S. policy was to prevent a Sandinista victory. Only the means for achieving this were at issue: should Somoza be forced out in favor of a government

Footnotes at end of article.

of moderates or should he be given the military wherewithal to defend himself, whatever the cost in bloodshed? The failure of policy in Nicaragua was the failure to actually select one strategy or the other. For nearly a year, leaders of Nicaragua's moderate opposition waited in vain for Washington to call for Somoza's resignation, while the Carter Administration persisted in the naive hope that it could somehow conjure up a reformed Somoza to reign over a stable Nicaragua.

The Sandinista victory in Nicaragua set in motion a full-scale review of U.S. policy toward Central America—a review aimed at devising a more effective strategy for preventing similar leftist victories in El Salvador, Guatemala, and Honduras. At issue was the question that had not been adequately addressed during the Nicaraguan crisis: how could the Administration reconcile its commitment to human rights with its desire to preserve political stability? Hardliners within the government argued that these objectives were inherently contradictory, and that stability ought to take precedence even at the expense of human rights. They argued for restoring military aid to the region's anti-communists—in essence, a return to the Kissingerian policy of supporting dictators so long as they were "friendly" ones.

Defenders of the human rights policy replied that military aid could not buy stability in the region and that Washington should instead press for progressive social and political reforms. As in the Alliance for Progress, evolutionary change was prescribed as the antidote to revolutionary upheaval. This option won the bureaucratic battle in Washington, and was put into effect almost immediately in an effort to avert the approaching civil war in El Salvador.

CARTER AND THE SEARCH FOR ORDER IN EL SALVADOR

For generations, the government of El Salvador served as the guardian of the landed oligarchy, suppressing by force of arms any challenge to the nation's rigid social order. The army seized power in 1932 in order to crush a peasant rebellion, which it did successfully at the cost of 30,000 lives. The military's monopoly on political power was retained for the next half century through alternating periods of modernization and retrenchment. But throughout these five decades, two political characteristics held constant: the policies of the regime never threatened the socio-economic foundations of oligarchic power and the military never allowed the political system to become so open that reformist civilians might actually win control of the government.⁶

The process of political polarization in El Salvador began to accelerate in 1972 when the Christian Democrats (PDC) led by Napoleon Duarte won the presidential election, but were cheated out of victory by the military's fraudulent counting of the ballots. In the wake of this electoral fiasco, the armed forces unleashed a wave of repression against the PDC which drove most of its leaders into exile. Despairing of the prospects for peaceful change, many rank and file Christian Democrats began looking to the radical left as the only viable opposition. The mid-1970s witnessed the rapid growth of both the guerrilla left and the "popular organizations"—grass roots community groups of urban and rural poor who enforced their demands for economic reforms by mass demonstrations and civil disobedience.

The rising tide of popular opposition prompted the military government of General Humberto Romero to enact, in 1977, the Public Order Law—a legal license to terrorize the population into silence. The Public Order Law instituted full press censorship, outlawed strikes, banned public meetings, and suspended normal judicial proceedings. Its effect was to demolish the remnants of the

centrist political parties, further polarizing the political situation. The clandestine guerrilla organizations proved to be beyond the reach of the security apparatus; the repression served only to bring them new recruits. The oligarchy and its extremist allies within the armed forces were terrified by the growing strength of the left and the government's inability to contain it. They undertook a private solution—the formation of the death squads, which proceeded to wage a campaign of assassination against priests, students, and trade union leaders.

By the summer of 1977, political order in El Salvador was decaying rapidly. Washington, armed with its new reformist strategy for the region, began pressuring General Romero to ease the strictures of his military rule and to initiate social and economic reforms to stem the growing strength of the revolutionary opposition. Romero refused and in October was ousted by progressive military officers who promised the sorts of changes he had resisted. The new junta quickly incorporated civilian leaders from the centrist opposition parties and even suggested its willingness to reach some sort of accord with elements of the radical left. The regime promised to create democratic institutions and to enact social reforms that would break the socio-economic dominance of the landed oligarchy. This government was a seemingly perfect vehicle for Washington's new regional policy of reformism; the Carter Administration quickly pledged to support it.

Unfortunately, the October junta proved to be incapable of carrying out its promises—a failure due largely to the internal politics of the Salvadoran armed forces and to the reticence of the United States to carry its support for reformism to its logical conclusion. While the Salvadoran military had traditionally governed in ways congenial to the oligarchy, it also had a tradition of allowing progressive officers to initiate modernizing reforms as long as they did not threaten the basic structure of the existing social order. The October coup was very much in this tradition, but the reforms it promised were more radical than those of the past. Whenever the progressive officers and their civilian allies proposed reforms of any significance, rightists within the armed forces blocked them as being too extreme. The result was paralysis of the government which could only have been overcome if the progressive officers had been willing to break with their rightist brethren and take full control of the ideologically divided military.

This they were unwilling to do—partly because of institutional loyalty and partly because the United States was unwilling to stand behind them. Though Washington favored social reform, it balked at the October junta's willingness to bring elements of the radical left into partnership with the government. The Carter Administration's strategy was to isolate the radical left politically, not to allow it to share power.

The October junta's paralysis demolished any hope of accord with the radical left, which proceeded to escalate its insurrectionary activities. The mere suggestion of real socio-economic change terrified the oligarchy, which in turn escalated its paramilitary terrorism. Amidst this spiral of political violence, the moderate civilians within the government sought a showdown with the officers, demanding that reforms be implemented and that the rightist Defense Minister, General Jose Guillermo Garcia, be removed. The military refused, the civilians resigned, and the government moved sharply to the right. At this critical juncture, the United States did nothing to preserve the moderate reformist character of the government. In fact, despite this fundamental shift in the balance of political forces within the government, U.S. policy changed not at all. The Carter Admin-

istration continued to provide both economic and military aid to the regime, justifying its policy with claims that it was supporting a moderate centrist government under attack from extremists on both the left and the right.

REFORM WITH REPRESSION: LAND REFORM AND THE RIGHTWARD SHIFT OF THE JUNTA

Since January 1980, the moderation of the Salvadoran government has been more chimerical than real. The key difference between the junta formed in January and its predecessor lies in their strategy for resolving the nation's political crisis. While the October junta sought to create a political opening to the left, the January government has sought to defeat the left militarily. At the insistence of the United States, the government grudgingly undertook some social reforms, the most touted of which has been the agrarian program, but this strategy of "reform with repression," as Archbishop Oscar Romero characterized it, has been considerably more repressive than reformist.

Under the stewardship of Ambassador Robert White, the U.S. pursued four interrelated objectives during 1980:

To pressure the government into implementing real social reforms designed to undercut the left's popular support;

To urge the government to reduce the level of official terrorism by reining in its own security forces, even if that required the removal of some rightist officers;

To protect the government from a coup by the extreme right; and

To entice the moderate left away from its alliance with the guerrillas, thus opening the way for a negotiated settlement that would leave the radicals isolated on the political periphery.

By year's end, it was apparent that this reformist strategy had failed. The agrarian program, the cornerstone of an otherwise modest package of reforms, was at a standstill. The level of official violence had risen dramatically rather than subsiding, and there was no evidence whatsoever that the government was making any serious effort to curtail it or to bring its perpetrators to justice. The extreme right had not overthrown the government, but the government itself had moved so far to the right that its extremist opposition was quiescent.

The agrarian reform program had come to symbolize the moderation of the Salvadoran government, but its progress offers a microcosm of the political dynamics blocking real social reform. Phase One of the program, promulgated on March 6, 1980, expropriated large landed estates (those in excess of 1,250 acres) and transferred them to the resident peasants to be run as cooperatives. This reform affected only 14.7 percent of the arable land, and many of these estates encompassed the least fertile farm acreage in the country. The implementation of Phase One was accompanied by a state of siege and carried out by the security forces who, with or without the consent of higher authorities, used it as an opportunity to conduct military operations against the peasants in regions with a history of leftist sympathies. Statistics compiled by the Salvadoran Catholic Church show that the flow of refugees and the number of peasants killed by security forces in 1980 were highest in those areas affected by Phase One of the reform.⁷ An evaluation of the program prepared by AID notes that this violence has produced "an oppressive atmosphere of uncertainty, insecurity, and fear among the people on intervened farms throughout the country."⁸

Phase Two of the reform would nationalize estates between 250 and 1,250 acres, and distribute the land in the form of family farms. This phase would affect approximately one-third of the coffee fincas, which occupy

Footnotes at end of article.

the most productive acreage and have long been one of the principal sources of agricultural wealth. There are no plans to implement Phase Two in the foreseeable future, and U.S. officials concede that is unlikely it will ever be carried out.

Phase Three of the reform was enacted by Decree 207 on April 28, 1980. It gives all renters ownership of the land they work and has been optimistically described by its promoters as "self-implementing."⁹ Designed by Dr. Roy Prosterman, Phase Three is named "Land to the Tiller," after Prosterman's earlier effort in South Vietnam, which served as a model for the Salvadoran reform. The AFL-CIO's American Institute for Free Labor Development (AIFLD) has been deeply involved in the implementation of Decree 207, and internal evaluations conducted for both AIFLD and AID indicate that the program is in shambles. Titles to the land have only just begun to be distributed and landlords have been evicting renters so they cannot claim titles. According to the AID report, forcible eviction by "private guards or national security forces" has been "widespread." Moreover, the reform is opposed and often actively obstructed by both the Ministry of Agriculture and the Institute for Agrarian Transformation (ISTA)—the two agencies charged with carrying it out. In May 1980, for example, the Minister of Agriculture suggested that Decree 207 be restricted to peasants who held written rental agreements—a condition which would have rendered over 80 percent of the renters ineligible. This proposal was not adopted, but such resistance to the reform from within the government prompted ISTA Director Rodolfo Viera to threaten to resign last year and lead his Salvadoran Peasants Union into opposition.¹⁰ Shortly thereafter, Viera and two AIFLD advisors were assassinated.

Both the AID and AIFLD evaluations report that Decree 207 has had little effect. An AIFLD survey of beneficiaries of the reform found that 93.4 percent thought they were still renters rather than owners. While most respondents claimed to have heard of the decree, 89.6 percent did not think it had altered the ownership of the land they were renting, and 68.4 percent could not say when it would. By the terms of the decree, all these people now own the land they work, though almost none of them are aware of it. According to the AID report, rental arrangements continue "as if the law had never been announced."¹¹

Though the Salvadoran land reform has not significantly altered the socioeconomic condition of the nation's 2.5 million peasants, it has nevertheless been, in a perverse sense, a success. From the outset, the principal objectives of the reform package were political rather than socio-economic. For the Salvadoran government, it was a way of satisfying U.S. demands for reform without alienating rightist officers like Defense Minister Garcia who hold the real reins of power for the United States. It was tangible "proof"—indeed, the only proof—that the government of El Salvador was truly as moderate and reformist as the Administration portrayed it. For if the agrarian reform is a sham or a failure, it is difficult to imagine on what grounds the Salvadoran government might qualify as either moderate or reformist. Certainly not in the political sphere. Ambassador White's hope of consolidating the position of the moderates within the government had even less success than the agrarian reform.

THE LOOSENING GRIP OF THE MODERATES

The pivotal political issue over the past year has been whether the Christian Democratic civilians and the progressive military officers within the government could muster the influence to win control of the security

forces away from the right. Such control would have allowed the moderates to remove extremists officers from command positions, punish those guilty of political murders, crack down on the death squads, and thereby curb the repression which took the lives of some 10,000, 80 percent of which were civilian deaths ascribed to state security forces.¹²

Not only were the moderates unable to restrain the security forces; they were unable even to maintain what little influence they had. The right-wing coup which Ambassador White labored so diligently to prevent occurred slowly, by degrees, not in the streets but in the high councils of the officers corps. As the rightist officers lost patience with reform, they slipped quietly into agreement with their more extremist compatriots, becoming convinced that the only way to meet the challenge of the left is with violence—however much violence that might take.

Over the past year, the rightist officers—the same officers who blocked the reforms of the October 1979 government—have consolidated their hold on power by reducing the Christian Democrats and the progressive officers to impotence. The steady stream of resignations by Christian Democrats over the last twelve months stands as testimony of the rightist character of the regime. Almost without exception, each letter of resignation has cited the intransigence of the rightists and the inability of the moderates to circumvent them.¹³

The progressive officers within the government have fared worse than the Christian Democrats. In mid-summer of 1980, the rightist officers began a campaign to systematically strip the progressives of their command positions, demoting or reassigning them to diplomatic posts.¹⁴ Shortly thereafter, several of the most prominent progressives were assassinated by death squads, and in November their leader, Colonel Adolfo Majano, was finally removed from the five-member governing junta. Majano was later arrested and sent into exile. The progressive faction within the officers corps, which was powerful enough in 1979 to overthrow Romero's government, has now ceased to be a significant political force.

Without allies in the armed forces, the Christian Democrats serve at the pleasure of the rightist officers. The appointment last November of Christian Democratic leader Napoleon Durate as president should not be mistaken for a significant realignment of political forces. The leadership shuffle that placed Durate in the presidency left the senior military command basically intact, leading one diplomat to describe Durate as an "adornment."¹⁵

Durate may have his own agenda, but he does not have the political power to carry it out. This is apparently by his inability to act in his own interests: for example, Durate can neither proceed with the agrarian program nor can he dismiss his military opponents. Like the agrarian reform, the restructuring of the government came at the insistence of the United States. The Carter Administration needed it to preserve the centrist image of its client in the wake of the murders of four North American religious women, and the Salvadoran officers acquiesced to it in order to mollify the State Department. But the reorganization has not altered the structure of political power in El Salvador one iota. The government was and remains a rightist military regime with a civilian facade.

Nothing demonstrates this more clearly than the practices of the government itself. The violence of the security forces accelerated in 1980: despite the pleas and promises of the Christian Democrats, the reign of official terror was much worse than under the openly reactionary government of General Humberto Romero. So too, the atrocities committed by the death squads.

Not one person has been arrested for the hundreds of murders of Salvadorans for which the extreme right took "credit" in 1980.¹⁶ Officers on the extreme right who have been caught plotting against the government have not even been punished. Major David D'Aubuisson, who led a coup attempt last May, was arrested and then released after the officers corps voted not to place him on trial. The Vice-Minister of Defense, also implicated in the plot, was not even removed from his post.¹⁷

THE OPPOSITION OF THE LEFT

Despite U.S. efforts to portray the Salvadoran regime as a centrist government beset by both the left and the right, there are really only two sides to the conflict in El Salvador: the rightist government and its leftist opposition, which is no more a "Pol Pot" left than the government is "centrist." The opposition includes a broad, politically heterogeneous array of groups organized under the political rubric of the Revolutionary Democratic Front (FDR), and the military command of the Farabundo Marti Front for National Liberation (FMLN). The FDR unites middle class social democrats, Christian Democrats who have split from Duarte, professional associations, trade unions, and the popular organizations whose ideology is best described as a homegrown amalgam of Marxism and liberation theology. The FDR's President, Guillermo Ungo, was Napoleon Duarte's vice-presidential running mate in the election of 1972.

The FMLN unites the various guerrilla armies which span the ideological spectrum of Marxism from Trotskyist to Castroist to orthodox Marxist-Leninist. Since early 1980, the FDR and the FMLN have pursued a coordinated political, diplomatic, and military strategy to defeat the rightist government. This collaboration has resulted in a moderation of the guerrillas' socialist political program and the joint adoption of a social democratic platform for a revolutionary government modeled on the Nicaraguan example. The platform calls for radically redistributive socio-economic reforms, but promises an economic role for the private sector, the preservation of political pluralism, and a foreign policy of nonalignment.¹⁸ The viability of such a program is by no means certain, but would depend, as in the Nicaraguan case, upon a host of internal and external circumstances.

The left clearly failed to create an irreversible military situation before Ronald Reagan entered the Oval Office, but the January 1981 offensive was hardly a great victory for government forces either. Though the guerrillas were unable to defend any of their initial territorial gains, they demonstrated their ability to launch coordinated assaults throughout the country and to operate with impunity in many rural areas. Never before had the various guerrilla groups demonstrated such a capacity for coordinated action. Indeed, the threat posed by the January offensive was severe enough to prompt the Carter Administration to radically reverse its own policy. Lethal military aid had been withheld from El Salvador since 1977 on human rights grounds, and \$5.7 million in "nonlethal" aid was suspended in November pending the outcome of the investigation into the murders of the North American missionaries. On the very eve of leaving office, the Administration restored the "nonlethal" aid and rushed an additional \$5 million in lethal material to the Salvadoran armed forces, though the offensive was thwarted before the aid arrived.

Ironically, the Carter Administration's decision to restore military aid came on the same day as Carter's Farewell Address in which he offered a stirring rhetorical defense of his human rights policy. Nothing could have better symbolized the contradictions of Carter's policy in Central America. Ulti-

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mately, the Administration's commitment to social and political reform could not compete with Washington's traditional fear of leftist governments.

The current military situation appears to be one of stalemate; the left does not yet have the capacity to defeat the armed forces, but neither do the armed forces have the capacity to exterminate the guerrillas. The January offensive was by no means the final battle of El Salvador's civil war—more likely, it was only the opening shot fired. The future course of the war could well depend as much upon external actors as upon the domestic principals, and a great deal more than the tranquility of El Salvador may be at stake.

REGIONAL/INTERNATIONAL ALIGNMENTS

The conflict in El Salvador has never been a purely domestic affair. The long succession of rightist regimes there have always relied upon Washington's military and political support to help cow their opponents. As political strife escalated in 1980, so too did the level of international involvement, and no external actor was more prominent than the United States. In addition to providing nearly \$100 million aid, Washington was intimately involved in the internal politics of both the Salvadoran government and its armed forces.

The United States has not been the only patron of the Salvadoran government; support from Venezuela and Costa Rica have been crucial for maintaining the regional legitimacy of U.S. policy. Venezuelan President Herrera Campins has lobbied hard within the international Christian Democratic movement to gain acceptance for Duarte's government, and Venezuela has provided considerable economic assistance to San Salvador. Venezuelan opposition leaders accuse their government of covertly shipping arms to the Salvadoran security forces, but Herrera Campins denies the charges. Costa Rica's Christian Democratic president, Rodrigo Carazo has also been supportive of U.S. policy and maintains cordial relations with Duarte's government, though Costa Rica does not have the resources to make any major material contribution to the conflict.²³

Guatemala and Honduras are allies of the Salvadoran regime, a fact which the U.S. government has been less than eager to spotlight. Both nations are ruled by right-wing military governments which perceive the possibility of a leftist victory in El Salvador as a threat to their own internal security. Over the past year, both have sought closer ties with the rightist officers in the Salvadoran armed forces rather than with the government *per se*. During the left's January 1981 offensive in El Salvador, Honduran and Guatemalan forces were mobilized along the border, ostensibly to prevent the fighting from spilling across the frontiers. In effect, however, they were providing an anvil against which the Salvadoran military hoped to pound guerrillas. There were numerous reports, though unconfirmed, that some Honduran and Guatemalan units crossed the frontier to operate jointly with their Salvadoran allies.

Whether or not such reports are accurate, there is little doubt that the Guatemalans are predisposed to intervene in El Salvador if the left appears to be gaining militarily. The Guatemalan armed forces have a history of coming to the aid of the Salvadoran right in times of crisis (in 1932 and again in 1972), and the Guatemalan government has spoken openly of the need to halt the "communist tide" before it reaches Guatemalan shores. Finally, U.S. intelligence reports reveal that both the Guatemalan and Honduran governments are assisting in the creation of paramilitary groups within their territories,

groups composed of former Nicaraguan National Guardsmen and anti-Castro Cubans whose objective is to wage war against communism on a regional scale.²⁴

The left, too, has its international allies, among whom Mexico, Nicaragua, and Cuba have been the most vocal. Though Mexico has not formally broken relations with El Salvador, the Mexican government and ruling Institutional Revolutionary Party (PRI) are firm supporters of Salvadoran leftists. Mexico City is the principal base of operations for the FDR's efforts to build diplomatic support.

Mexico and the United States are father apart on the issue of El Salvador than on any other. Within hours of Reagan's election, President José López Portillo publicly warned the incoming Administration against intervention in Central America. Mexican protests escalated in January when the Carter Administration restored military aid to El Salvador; Foreign Minister Jorge Cárdena warned the United States to let the Salvadorans "solve their own problems," and PRI President Gustavo Carvajal promised that the party would support any people that "fights for its freedom." That same week, 25,000 Mexicans marched against U.S. intervention in El Salvador—the largest such demonstration in recent years.²⁵ In February, when General Vernon Walters travelled to Mexico City to present Washington's evidence of Cuban involvement in El Salvador, he was denied an audience with President Portillo. Portillo then followed Walters' visit with a speech in which he went out of his way to stress Mexico's close relations with Cuba, calling it the Latin American state "most dear" to Mexico.²⁶

Mexican policy is based upon an assessment of Central American reality not so different from that of the Carter Administration. The Mexicans are convinced that the military governments of El Salvador, Guatemala, and Honduras cannot long survive the growing demands of the poor for social change. Stability in the region therefore requires that these narrowly-based dictatorial regimes be replaced with popular governments willing to dismantle the oligarchic land-owning systems and distribute the benefits of development to a broader cross-section of the populace. While the Mexicans have no desire to see pro-Soviet Marxist-Leninist regimes predominate in Central America, they see fundamental change as inevitable and believe that strong international support for social democratic opposition elements offers the best hope for long-term stability. The Mexicans, unlike the Carter Administration, have not been afraid to carry this policy through to its logical conclusion, i.e., supporting the revolutionary oppositions in El Salvador and Guatemala. Based upon their experience of peaceful co-existence with Cuba, the Mexicans are confident that they can live cordially with whatever form of revolutionary government emerges.²⁴

Mexico's view is widely shared within the Socialist International, which has provided financial assistance and diplomatic support to the FDR. A number of key European Democratic parties, including those in Germany, Sweden, Holland, and Norway, are on record as supporting the FDR and opposing any deeper U.S. military involvement in El Salvador. Sweden's support for the left has been so vocal that the Reagan Administration was moved to lodge a formal protest in February—the first such protest made to a West European nation since the war in Vietnam.

The breadth of the FDR's European support prompted Washington to launch a major diplomatic offensive on the continent in an effort to counter it. Assistant Secretary of State for European Affairs Lawrence Eagleburger was dispatched to Germany, France, Belgium, the Netherlands, and the United Kingdom to convince the allies that Cuban

and Soviet arms shipments to the Salvadoran left constituted a "textbook case of indirect armed aggression" requiring a coordinated allied response.²⁵ He did not meet with stirring success. Most of the Europeans were unwilling to enter in the Administration's crusade against communism in El Salvador until the Administration provided more detail on how it proposed to respond. None of the Europeans were anxious to see the United States escalate its military involvement; all expressed support for a negotiated political settlement rather than a military solution.²⁶

The role of socialist and radical states, especially Cuba and Nicaragua, has received great attention because of the State Department's report on "communist interference" in El Salvador. Up until the last few months of 1980, Cuban and Nicaraguan aid to the left was more political than military. Both states had openly endorsed the Salvadoran opposition and were routinely providing it with advice. Managua, like Mexico City, served as an important center of diplomatic and political activity for the FDR and FMLN, but U.S. intelligence could discern only a trickle of arms from Nicaragua to El Salvador. As late as September, 1980, Washington certified that the Nicaraguan government was not materially promoting the revolution in El Salvador and was therefore in compliance with the Congressionally-imposed condition for the release of \$75 million in economic aid.

THE TIDE TURNS: PRESIDENTIAL TRANSITION AND COMMUNIST INVOLVEMENT

In the midst of the guerrillas' January offensive, the Carter Administration reversed itself, claiming that it had "compelling evidence" that Cuba, Vietnam, and the Soviet Union had begun channelling massive arms shipments into El Salvador via Nicaragua.²⁷ This sudden flood of arms, along with the exigency of the guerrilla offensive itself, were cited as justifications for the resumption of U.S. military aid to the Salvadoran armed forces. At the same time, economic aid to Nicaragua was suspended in an effort to force the Nicaraguans to close the arms conduit.

In February, the Reagan Administration released a White Paper documenting the charges initially levelled by Carter. Compiled from a variety of intelligence sources, the report argued that Cuba and the Soviet Union orchestrated the shipment to El Salvador of 200 tons of arms supplied by a number of socialist and radical Arab states.²⁸ Most of these arms were said to have been shipped through Nicaragua. While the report left little doubt that sizable quantities of arms were in fact provided to the Salvadoran left by the socialist camp, the report was virtually silent about other supply channels, merely acknowledging in passing that they exist.

Whatever its accuracy, the White Paper is a quintessentially political document in that it was designed not so much to clarify the international dimensions of the Salvadoran civil war as to provide a justification for the Reagan Administration's determination to cast the issue of El Salvador in East-West terms.²⁹ This effort would have been seriously compromised had the Administration detailed the FDR's contacts with foreign social democrats as meticulously as it documented the FDR's travels within the socialist bloc, or if the report had explored the extent of arms shipments to the left from Panama and Mexico as well as from Cuba and Nicaragua. Even if every allegation in the White Paper is accurate, it still provides only a partial view of the complexity of international involvements in the Salvadoran civil war.

The White Paper serves effectively as a justification for the Reagan Administration's decision to escalate U.S. military involvement in El Salvador. Armed with the report, briefing teams were dispatched to Europe, Latin America, and Capitol Hill in a well-orchestrated effort to build domestic and international support for a change in U.S.

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policy. But the basic thrust of this new policy was determined long before the arms build-up described in the White Paper. Early in the presidential campaign, Reagan and his foreign policy advisors targeted Carter's human rights policy, especially as applied in Central America, as a major focus of attack. The insurgency in El Salvador was portrayed as resulting primarily from Cuban and Soviet subversion rather than domestic social and political conditions,³⁰ and Carter's strategy for achieving stability through reform was denounced as idealistic and foolish, merely aiding the cause of international communism.³¹

The Administration's new policy for El Salvador is one of keeping the left from coming to power, whatever the cost. Within days of assuming office, Reagan increased economic aid by 63 percent and began a full review of policy toward the Salvadoran government. Shortly thereafter, Ambassador White, who was closely identified with the Carter Administration's effort (albeit unsuccessful) to promote reform, was fired. He was replaced by Chargé d'Affaires Frederic Chapin, reassigned from the Defense Department where he had been preparing contingency plans for a major increase in U.S. military aid to the Salvadoran armed forces. Secretary of State Alexander Haig's pledge to shift the focus of U.S. policy away from human rights toward the battle against "international terrorism" was quickly followed by an announcement that U.S. aid to El Salvador would no longer be contingent upon either reforms or human rights.³² The next day, Department of State's William Dyess tried to dispel the impression that the Reagan Administration was indifferent to reforms in El Salvador, but the afterthought served only to reinforce the obviously tertiary nature of the concern.

The likelihood that this new policy will have the effect of curtailing social reform and encouraging the terrorism of the security forces seems beside the point for the Reagan Administration. The parallels between El Salvador and Vietnam are not merely the constructs of the Administration's liberal critics. Reagan himself seems to see the light of victory in Vietnam at the end of the Salvadoran tunnel. The Administration appears to be less interested in El Salvador per se than in creating a symbol of U.S. resolve to use military force abroad and to get tough with the Soviet Union.³³ El Salvador provides what appears to be a geopolitically safe testing ground on which the United States can probe the depths of Soviet commitment to national liberation struggles, assess the cooperativeness of the allies, and begin to purge the national psyche of the "Vietnam syndrome" that Reagan has so denounced.

EL SALVADOR AND THE LESSONS OF VIETNAM

The parallels between El Salvador and Vietnam apply not so much to the military circumstances of the two cases, which are quite different, but to the way in which U.S. policy is unfolding. El Salvador, like Vietnam before it, is being transformed from an internal war into an international test of will between East and West. The domino analogy has been resurrected to characterize the nations of Central America, falling in chain reaction from El Salvador north to Guatemala and Mexico, south to Costa Rica and Panama. As candidate Reagan warned, "We are the last domino."³⁴

Claims of an East-West confrontation distort reality in two ways—by making it sound as if the Salvadoran revolution is a Cuban creation, and as if it is a purely military struggle that can be won merely by countering the flow of arms from abroad. The revolution in El Salvador began long before the first Cuban arms shipments and it will not

fade away if those shipments are halted. By failing to focus on the socio-economic causes of political turmoil, the Reagan Administration betrays a narrowly military conception of national security and a preference for using military means to manage political problems. Revolutions spring from deep social and political fissures in the very foundations of a society—problems that cannot be solved by simply throwing guns at them. Though massive fire-power failed to bring about victory in Vietnam, Administration policies reflect a considerable faith in the efficacy of arms.

By declaring El Salvador to be a test of will with international communism, the Reagan Administration is wagering U.S. prestige and credibility on the survival of one of the weakest, most brutal, and least popular governments in the hemisphere. A nation of virtually no inherent strategic or economic interest to the United States is thus cast, like Vietnam before it, onto the world's centerstage, and the success or failure of U.S. policy takes on implications it would never have otherwise. Once begun, the process of investing blood and treasure in this exemplary case provides its own rationale for incremental escalation.

Policymakers in Washington have already been seduced by the view that just a little more aid, a few more advisors, or one additional reorganization of the government will somehow produce success. Since January 1980, the United States has been drawn almost imperceptibly into a position so totally identified with the Salvadoran government that to disassociate from it would be viewed as a radical change in policy.

American aid has not produced a strong, stable government; it has only fostered dependency. The Salvadoran economy is already comatose, surviving solely on the life support system of U.S. largesse. With the munificence of the United States as a crutch, the rightist military regime has no incentive to make the kinds of political concessions and compromises necessary to achieve a lasting peace. Large-scale military aid to the Salvadoran armed forces will not strengthen them; it will only allow them to continue to ignore political reality. The Reagan Administration promises that it will never send American troops to fight in El Salvador. But if, a year from now, the Salvadoran government is on the verge of collapse, as Saigon was in 1965, how will this Administration respond?

One of the clearest parallels between El Salvador and Vietnam is the way in which the Reagan Administration, and the Carter Administration before it, have waged the public relations war at home. The selling of the war began, as in Vietnam, with a natural effort to put the best possible face on U.S. policy. The Salvadoran government was described as "centrist" even as it engaged in repression worse than its "rightist" predecessor; the opposition was labelled a "Pol Pot left," even though it bore closer resemblance to the Sandinistas than to the Cambodians.

In mid-1980, the Carter Administration evolved a conscious policy of attempting to manage U.S. public opinion on El Salvador by encouraging media coverage favorable to the government. The objective, according to a dissent document purportedly prepared by foreign policy analysts within the Administration, was to prevent the creation of a positive image for the Salvadoran left of the sort enjoyed by the Sandinistas.³⁵ It was then that truth became hostage to policy; the Carter Administration began making public pronouncements sharply at variance with internal reports—on the effectiveness of the agrarian reform, for example.

The Reagan Administration has continued in this vein. Throughout 1980, Carter's State Department acknowledged that the right in El Salvador was responsible for the over-

whelming majority of political murders. One official called the mortality statistics gathered by the Salvadoran Catholic Church "the best data we have." Reagan's State Department now claims that the guerrillas have been committing most of the atrocities, and the same official who acknowledged the veracity of the church's data in January now solemnly contends that the church's figures are unreliable because it sympathizes with the communists. Truth has indeed become the first casualty.

Despite strenuous efforts, the Reagan Administration's public relations campaign to justify American involvement in the Salvadoran conflict has not met with overwhelming success. Domestic opposition to the war is mounting and is already greater than was opposition to Vietnam at a comparable stage of the war. On May 3, 1981, some 25,000 people marched in Washington in an anti-war demonstration reminiscent of the 1960s. The Reagan Administration appears to recognize that it cannot sustain U.S. military involvement in El Salvador without the support of the U.S. public. What the Administration appears not to recognize is that public support cannot be manufactured by good public relations; it is inextricably tied to the nature of the conflict itself. A massive counterinsurgency effort against a popular insurgency inevitably requires widespread brutality against the civilian populace if it is to succeed. The lesson of Vietnam at home is that the people of the United States will not long tolerate a policy that necessitates such brutality.

The Reagan Administration's narrow military view of the domestic political situation in El Salvador is matched by its narrow geopolitical view of the conflict's international context and the implications of committing massive economic and military resources there. The Administration seems to believe it can confront the Soviet Union in Central America with relatively little risk—that the Soviets will retreat rather than try to match U.S. escalation in a region far from the areas vital to Soviet national interest. All this is true enough, but it by no means follows that a major U.S. economic and military commitment in El Salvador bears no serious cost. On the contrary, its cost is potentially immense.

THE U.S.-LATIN AMERICAN RELATIONS ANGLE

Reagan's policy places the United States on a collision course with Mexico at the very time that Mexico is unveiling a more activist foreign policy that seeks to extend Mexican influence throughout its "area of concern"—Central America and the Caribbean. While Mexico wants to maintain good relations with the United States, President López Portillo has repeatedly warned against the very policy Washington now seems intent on pursuing. A direct American intervention in El Salvador would demolish relations with Mexico just when it has emerged as the most important Latin American nation for the United States.

Even Venezuela and Costa Rica, two principal regional supporters of the United States on the issue of El Salvador, could not suffer U.S. intervention in silence. In both countries, the social democratic oppositions have harshly criticized their ruling Christian Democratic parties for supporting the Salvadoran government. Deeper U.S. involvement will intensify that opposition and could easily lead those governments to begin distancing themselves from American policy. A direct U.S. intervention could cause their support to evaporate immediately. Indeed, the Organization of American States would probably condemn such an intervention with only a few nations dissenting.

American relations with Nicaragua would

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probably not survive a major escalation of U.S. involvement in El Salvador. The insurrection there has already become the principal flash point in bilateral relations, with the Reagan Administration charging that Nicaragua has served as a conduit for arms shipments to the FMLN, and threatening to cut off economic aid to Nicaragua in reprisal. Virtually all observers agree that a cutoff of aid would provoke a severe deterioration of U.S.-Nicaraguan relations, a rapid radicalization of domestic Nicaraguan politics, an unavoidable economic dependence on the Soviet Union, and an increased Nicaraguan role in El Salvador.

DIPLOMATIC COSTS OF INVOLVEMENT: EUROPE AND THE THIRD WORLD

The repercussions beyond the hemisphere of escalating U.S. involvement in El Salvador would be no less damaging. The cool reception encountered by emissaries sent to brief the allies on the Cuban and Soviet role in El Salvador suggests that Reagan will find little support for his policy in Europe. Most of the Western European states would probably be content to leave El Salvador to the United States, but if Washington continues to insist that events in El Salvador will determine whether the United States enters into arms limitation talks with the Soviet Union, the issue will cease to be one which the allies can afford to ignore.²⁶ Given the strength of European social democracy and its support for the Salvadoran opposition, Reagan may well find that his policy exacerbates tensions within the North Atlantic Community rather than forging a new unity and resolve to resist "communist aggression" in the third world.

In the third world, Reagan's policy of deepening U.S. involvement in El Salvador will undo most of the diplomatic gains accruing from Carter's human rights policy. Third world suspicions, focused in recent years upon the Soviet Union because of its interventions in Ethiopia and Afghanistan, would shift back to the United States if Reagan were to intervene directly in El Salvador. The Soviets have had the good sense not to stake their prestige or credibility on the Salvadoran left, so its defeat would damage the Soviet Union not at all. But the sort of commitment by the United States required to defeat the left (if that is possible at all) would damage U.S. relations with the rest of the hemisphere, strain the Western Alliance, erode U.S. prestige in the third world, and prompt a new wave of domestic recriminations in the United States itself. Not incidentally, it would hand the Soviet Union a custom-made sphere of influence argument to justify its policy in Afghanistan and Poland.

THE COSTS OF MILITARY INVOLVEMENT: TUMBLING INTO WAR

The military implications of Reagan's policy are even more sobering than the diplomatic ones. By siding with the right in El Salvador and justifying a deeper U.S. military involvement with claims of Cuban intervention, the United States, intentionally or not, lowers the barriers against direct intervention by Honduras and Guatemala. If massive U.S. aid can be justified as merely a necessary response to Cuban subversion, cannot Guatemalan or Honduran intervention be similarly justified? The Guatemalan government is faced with a major guerrilla insurgency of its own, and the Guatemalan left would surely respond to Guatemalan intervention in El Salvador by escalating its activities and extending its cooperation with the Salvadoran left. The Salvadoran war would thus become a transnational war of left against right in which national boundaries would cease to have any practical meaning.

The danger in Honduras is somewhat different since guerrilla forces there still num-

ber only a handful. But Honduras borders Nicaragua, and relations between the two states are strained because of attacks launched on Nicaraguan border areas by former National Guardsmen based in Honduras, and clashes between Honduran and Nicaraguan border guards. Guatemalan or Honduran intervention in El Salvador would be viewed by Nicaragua as a clear and present threat to its own internal security. In such an atmosphere, the former Guardsmen might well try to provoke a conflict between Nicaragua and Honduras by launching a major border attack. If they should succeed, the whole northern tier of Central America would be engulfed by war.

Unfortunately, the danger does not end there. Nicaragua at war would be forced to turn to Cuba and the Soviet Union for major infusions of military aid. If the war were to go badly and Nicaragua were to call for Cuban troops to help defend Nicaraguan territory, Cuba would probably provide them, for the scenario would fit exactly the circumstances under which Cuba has in the past deployed combat troops abroad—at the request of a friendly government threatened by external attack. The arrival of Cuban troops amidst war in Central America would surely call forth a response by the United States—most probably a naval blockade. The stage might then be set for a re-enactment of the Cuban Missile crisis, but without the 3 to 1 U.S. nuclear superiority that is thought to have determined the outcome in 1962.²⁷

IS THERE NO EXIT? PURSUING THE "ZIMBABWE SOLUTION"

Ironically, all the actors in the Salvadoran drama profess to recognize the need for a political rather than military solution to the civil war. Thus far, the obstacle to negotiations between the government and opposition has been the conviction of each party that the other lacks sincerity. Such suspicions produce negotiating proposals which are so clearly unacceptable that they must be understood as propaganda ploys rather than as serious initiatives. Yet even these spurious overtures serve to place the combatants on record favoring some sort of negotiations, thereby opening the possibility, however remote, that an appropriate coalition of international actors might be able to devise a workable negotiating formula.

There is little doubt that most of the international supporters on both sides in the civil war truly desire a political solution, and several have been actively pursuing a way to get the process started. Social Democrats in Western Europe, led by the Germans and Swedes, have attempted to cast themselves and their Christian Democratic counterparts in Germany and Italy as intermediaries between the Salvadoran government and opposition, thus far to no effect. In Latin America, Mexico, Venezuela, Brazil, Costa Rica, and even Nicaragua are also searching for an acceptable mechanism to initiate a dialogue.

Since there is no measure of trust whatsoever between the Salvadoran government and opposition, three necessary conditions must be met before negotiations can begin: (1) each side must be convinced that it has no hope of winning a military victory in the near term; (2) each must be certain that its opponent will not be able to gain military advantage during the negotiations themselves; and (3) each must be assured that the other will have to abide by the outcome of whatever political process emerges from a peace conference. Even then substantial political pressure will probably have to be exerted by the international allies of both sides to bring them to the bargaining table.

The military stalemate that currently exists in El Salvador provides what may be the last opportunity for arranging a political solution, but it is fleeting. As the Reagan Administration begins to provide massive amounts of economic and military aid to the

Salvadoran government, the armed forces there become increasingly convinced that their drive for military victory will be underwritten by Washington. By announcing that aid will no longer be tied to reforms or human rights practices, the Administration is sending the Salvadoran security forces the message, whether intended or not, that the United States will tolerate and abet whatever level of violence pacification requires. Instead of providing unconditional military support of the Salvadoran government, the Reagan Administration ought to be cooperating with European and Latin American efforts to convene a peace conference modelled loosely on the Lancaster House negotiations which produced peace in Zimbabwe.

Indeed, the role of the United States is crucial to meeting all the conditions necessary to launch such a conference. As the premier foreign source of material aid to the Salvadoran government, only the United States has the ability to restrain the Salvadoran Army's quest for military victory, to bring the Salvadoran government to the negotiation table, and to assure that it will abide by any agreements reached (on pain of a cutoff of aid). Germany, Mexico, and Nicaragua can probably bring the FDR-FMLN to the bargaining table, just as the "front line states" brought the Patriotic Front to the Lancaster House conference; only the United States can play the role of Britain by assuring the participation of the Salvadoran government.

Unfortunately, the Reagan Administration's determination to make El Salvador a global example of U.S. resolve probably makes negotiations impossible. Indeed, for Washington, they are counterproductive. It would hardly do to "draw the line" against communism in El Salvador and then fail to win a clear victory. The Reagan Administration gives every indication of believing it can "win" in El Salvador, even if it has to destroy the country in order to save it. As Washington maps this initial gambit in its game of global chess with the Soviet Union, it is Salvadoran pawns that stand in the front rank, about to be sacrificed.

FOOTNOTES

¹ The phrase "drawing the line" was first used by Secretary of State Alexander Haig when he briefed the Congressional leadership on the State Department's White Paper, *Communist Interference in El Salvador*, Special Report Number 80, February 23, 1981 (reported in *The New York Times*, February 18, 1981).

² *Ibid.*

³ For an excellent description and evaluation of Carter's human rights policy by one of the participants, see Richard E. Feinberg, "U.S. Human Rights Policy: Latin America," *International Policy Report*, Vol. 6, No. 1 (Center for International Policy), October 1980.

⁴ See, for example, Jeane Kirkpatrick, "Dictatorships and Double Standards," *Commentary*, November 1979, pp. 34-35.

⁵ A more detailed explanation of this argument appears in William M. LeoGrande, "The Revolution in Nicaragua: Another Cuba?" *Foreign Affairs*, Vol. 58, No. 1 (Fall 1979), pp. 28-50.

⁶ William M. LeoGrande and Carla Anne Robbins, "Oligarchs and Officers: The Crisis in El Salvador," *Foreign Affairs*, Vol. 58, No. 5, (Summer 1980), pp. 1084-1103.

⁷ Legal Department of The Archdiocese of San Salvador, *Repression Carried Out by the National Army... The Military Corps of National Security... and Paramilitary Organizations* (San Salvador, 1980): Volumes 1-4.

⁸ This internal report, prepared by AID, is entitled "El Salvador: Agrarian Reform Organization Project Paper," July 25, 1980. On the whole, the best assessment of the agrarian reform is the report by Laurence R. Simon and James Stephens, Jr., "El Salvador Land

Reform: 1980-81: Impact Audit" (Boston: Oxfam America, 1981).

⁹ Roy Prosterman and Mary Temple, "Land Reform in El Salvador," *Free Trade Union News*, Vol. 35, No. 6, June 1980, pp. 1-4.

¹⁰ *The Washington Post*, January 5, 1981.

¹¹ AFL-CIO, American Institute for Free Labor Development, Preliminary Report: Survey of Beneficiaries of Decree 207.

¹² This widely cited estimate of 80 percent originated with the Salvadoran Catholic Church (*supra* note 7). During the Carter Administration, State Department officials were willing to acknowledge in private that these were the most reliable figures available.

¹³ Cynthia Arnsen and Delia Miller, "Background Information on El Salvador and U.S. Military Assistance to Control America" (Institute for Policy Studies), June 1980.

¹⁴ *The Washington Post*, September 5, 1980.

¹⁵ *The New York Times*, December 14, 1980.

¹⁶ Two Salvadoran rightists were recently arrested however, for the murders of Rodolfo Viera and his two AIFLD advisors.

¹⁷ Vice Minister Carranza was eventually transferred in November 1980 as part of the government reorganization in which Duarte became President.

¹⁸ The Platform of the Democratic Revolutionary Front is included as an appendix to Robert Armstrong and Janet Shenk, "El Salvador: A Revolution Brews," *NACLA Report on the Americas*, Vol. 14, No. 4 (July-August 1980). See also, *The New York Times*, January 26, 1981.

¹⁹ The designation "non-lethal" must be understood in a technical sense rather than literally; it includes transportation and communications equipment essential for counter-insurgency warfare.

²⁰ *The Washington Post*, January 17, 1981.

²¹ This report, entitled "Dissent Paper on El Salvador and Central America," was circulated in Washington, D.C. during November 1980. For a synopsis, see *The Boston Globe*, November 28, 1980. The report has a rather mysterious history. The State Department denies that it was an official dissent channel document, but several Department officials have told the author that the paper cites existing intelligence reports accurately. This suggests it was either written by analysts within the government or by someone with access to classified material.

²² *The Washington Post*, January 25, 1981.

²³ *The New York Times*, February 21, 1981.

²⁴ For an excellent report on the Mexican position, see the interview in *The New York Times*, January 4, 1981.

²⁵ This phrase is from the State Department White Paper, "Communist Interference in El Salvador," *op cit*.

²⁶ *The New York Times*, February 2, 1981.

²⁷ *The New York Times*, January 1, 1981.

²⁸ Department of State, "Communist Interference in El Salvador," *op cit*.

²⁹ In describing the implications of the White Paper, Acting Assistant Secretary of State for Latin American Affairs John Bushnell was explicit: "This outside interference dramatically changes the nature of the struggle in El Salvador from a national one to an international one with East-West dimensions." U.S. Congress, House of Representatives, Statement before the Subcommittee on Foreign Operations, House Committee on Appropriations, February 25, 1981.

³⁰ National Security Advisor Richard Allen, for example, promised that a Reagan Administration would undertake "quick action against Fidel Castro's Soviet directed, armed, and financed marauders in Central America, specifically Nicaragua, El Salvador, and Guatemala," *Latin America Weekly Report*, November 14, 1980.

³¹ See, for example, Jeane Kirkpatrick, "Dictatorship and Double Standards," *op cit*.

³² The delinking of aid from reform issues was announced shortly thereafter by State Department Spokesman William Dyess, quoted in news reports of *The New York*

Times, February 18, 1981. Alexander Haig's statement of this shift came in his press conference of January 28, reported in *The New York Times*, January 29, 1981.

³³ *The New York Times* and *The Washington Post*, February 14, 1981.

³⁴ NBC News, White Paper, *The Castro Connection*, aired in October, 1980.

³⁵ See *supra* note 21.

³⁶ President Reagan said in February that the Soviet "invasion" of El Salvador would have to be "straightened out" before a resumption of arms control talks would be possible. See *The New York Times* coverage of February 28, 1981.

³⁷ Indeed, there is even a possibility that the Administration itself might seek to provoke such a superpower confrontation. Several Administration officials have suggested that the United States might act directly against the "source" of subversion in El Salvador, i.e. Cuba. See, for example, White House Chief of Staff Edwin Meese's comments reprinted in *The New York Times*, February 23, 1981.

[From the Playboy Magazine, October 1981]

DEATH AS A WAY OF LIFE

(By Christopher Dickey)

October 15, 1979. The general expected the call, but when it came, he wasn't ready.

For two years, he had been the president of El Salvador, the last in a 50-year line of carefully selected dictators. He had been picked by the general who preceded him because he was tough, and he had set out to show that his reputation was justified. His government would suffer no dissent from Communists who wanted to restructure the society of his little country. They would be taken care of as they were always taken care of. They could leave the country, or they could disappear, or they could die.

But now everything seemed to be going wrong. Everywhere the general turned, more Communists were springing up. They seized factories, government buildings, churches, embassies. In the countryside, they somehow managed to train 30,000 peasants workers and students. They brought them into the city and marched them through the streets and nothing seemed to stop them. What was the point of having 80,000 paramilitary men in Orden if they let that kind of thing happen?

Three months earlier, Nicaragua had fallen to the Communists and everything pointed to El Salvador as their next target. Mother of Jesus, if Somoza could fall, anything could happen. Thousands of Somoza's national guardsmen had been rounded up and thrown into jail. Some had escaped to El Salvador to tell stories of defeat and chaos, and the general's soldiers had listened to them. Horrified.

Now his troops were getting restless and disillusioned. He could see it. There were Communists in their ranks and constant reports that they were plotting a coup. The troops were saying they had never had a voice in picking him for the job, but why should they? Nonetheless, they resented him. He paid them, applauded them, and they hated him still.

In August, the general had called several of the most obvious conspirators to the Casa Presidencial. Of course, they denied everything. Where could he turn? Washington was no help. The Yankees were always throwing their weight around, but they were never there when you needed them. Now they were full of this human-rights talk. Human rights was nothing but Communist propaganda, but Mr. Carter up in the White House played right along. The general would have no part of it. He refused to take a single Yankee gun for his troops rather than listen to such nonsense.

Besides, today there was a more immediate problem. All morning long, the general's aides had been calling the cuartels and no one was answering. Now there was a phone call for the general from one of those colo-

nels—Jaime Abdul Gutierrez—who had denied everything in August.

This was too soon. It was the wrong time of day. Coups always came at midnight on a weekend in El Salvador, and this was a Monday morning. Outside the breeze-blown palace, beyond the scar-faced guardsmen with their machetes and machine guns under the trees, traffic was moving normally. The city seemed peaceful, more peaceful than usual.

"Señor Presidente," said the voice, "the armed forces of El Salvador have decided to remove you from the presidency of the republic. We have declared ourselves in rebellion."

Within five hours, General Carlos Humberto Romero was on an airplane bound for Guatemala. His key ministers and his high command were with him.

Two young colonels, Gutiérrez and Adolfo Arnoldo Majano, were now in command—vowing economic reforms, respect for human rights and the beginning of a new democracy.

On the other side of the city, behind the reinforced concrete and the bullet-proof glass of the American Embassy, there was palpable relief. "We weren't promoting a coup," an American policymaker said coyly. "We were just promoting things that the general's government wasn't doing."

U.S. officials knew what the young officers were up to weeks before they finally made their move. And October 15 was not a moment too soon as far as the State Department was concerned. A bloodless coup averts a bloody insurrection. For once, reform had a chance to beat out revolution. The left would be co-opted, its banners removed. El Salvador would not be another Nicaragua.

Maybe the Salvadorans didn't understand all the ramifications and maybe their culture, their history and society gave them no preparation for such a move. But now they would learn to do things with American guidance. The basic principles were easy enough to understand.

Washington, winter 1979. A cold drizzle was freezing on 36th Street in Georgetown, but the air inside F. Scott's bar was thick with warm congeniality. Jean-Pierre told three stories that night. One was about the murdered husband, one about the Nazi funeral and one about artillery on the mansion's lawn. Jean-Pierre's English was not good and his memory may have been tinged by the champagne. And probably they were not stories he told often, because so few people had heard of El Salvador and so few cared.

This was before the troubles there became the war and before the White House drew a thick red line around the country warning world communism to keep out. It was before Ronald Reagan was President, before advisors and helicopters and secret slaughter on a massive scale. America was watching Iran for the hostages to be released, for the United States to bomb Tehran in vengeance, for something to restore the nation's crippled pride. Ted Kennedy was on the campaign trail. Carter was in the Rose Garden. Reagan was waiting to make his move. There had been a brief flurry of interest in the Nicaraguan war, but now that it was over, Central America had slipped back to the clichéd recesses of America's mind. Picturesque peasants, comic-opera dictators, bearded revolutionaries, Bananas.

The occasion was a goodbye dinner for one of Jean-Pierre's friends at a back table amid F. Scott's art-deco flash. The friend was a reporter, a novice correspondent about to leave for Central America on his first foreign assignment, and Jean-Pierre had lived in El Salvador with his first wife in the early Sixties. As the champagne flowed, he started talking about his ex-wife and Los Catorce, the Fourteen Families. His wife was one of them and he had traveled among them, a Frenchman among Francophiles. Rich Latins seem always to be Francophiles or Anglo-

philes or Italophiles; they want so desperately to be European, something other than what they are. Even the idea of Fourteen Families, a journalist's fancy in the Fifties, became a cult among the Salvadorans. Really, there were perhaps 100 families that controlled the wealth of the country, but every one of them tried to prove it was one of the Fourteen.

They told Jean-Pierre all sorts of stories, but there were these three incidents he could not forget.

A young woman of the Fourteen married an American. They lived part of the year on the family's finca—a sprawling estate, a hacienda, a world of its own, where the couple were absolute rulers. The American developed a taste for peasant women. Often he returned to his own bed only late at night.

His wife was proud and beautiful, like so many daughters of the Salvadoran rich. She knew too well what the gringo was doing, and one night, as he returned to her side, she ordered him to make love. He apologized: He was tired. She ordered. He demurred and she pulled a revolver from the drawer next to the bed and put it to his side and again demanded love. There was none. Of course, there couldn't be. And she shot him through the liver. It took him three months to die. Then his body was shipped back to the States with no questions asked. None would ever be.

Jean-Pierre smiled and shook his head. "They are that way," he said. "They could always do whatever they wanted. It is like another universe."

It is a universe that accepts brutality and loves the trappings of power. During World War Two, its leaders were quietly sympathetic to the Nazis, breaking relations with Germany only under heavy pressure from the United States. Afterward, a certain kind of German found El Salvador—like the feudal Paraguay and Guatemala—a comfortable place to settle.

The final solution held little horror for the Salvadoran powers that were. Although some of the supposed Fourteen were Jews, they understood the need to rid the country of its dangerous socialist refuse. In 1932, some Communists led by Farabundo Martí ignited a peasant revolt. The military government slaughtered at least 17,000 peasants—maybe 30,000; there was no one really interested in counting. To the Fourteen, it was a satisfactory final solution.

Jean-Pierre knew all that. Still, he was surprised when he saw the honor guard in full Nazi regalia escorting a funeral cortege in San Salvador more than 15 years after the fall of Berlin.

Yet he had grown comfortable in Salvadoran society. It was full of comfortable people—articulate, well educated, self-confident and competent in the management of their often vast holdings. Even the decadence had a certain appeal. It is fascinating to be rich in a country where the rich are supremely different from everyone else.

But the dinner party changed all that for Jean-Pierre. It made the comfort and the difference seem despicable. The house was one of the most spectacular in San Salvador. Looking back on it, Jean-Pierre smiled. It seemed incredible. The table was set with the finest silver and crystal, of course, but what stuck in the mind was the floor, made of glass, above an aquarium full of exotic fish.

The families gathered there that night would have gone on dining in their accustomed opulence and obliviousness if the troops had not arrived. The soldiers asked at the door and the owner permitted them to come around the side of the house to set up their light guns on the lawn beneath the terrace overlooking the city.

There was trouble below, a student demonstration to be crushed. Champagne was brought out to the terrace, along with such binoculars as could be found, and the ladies

in their evening dresses and the men with their cigars flinched a little and called out "Good shot" when the guns went off.

An artillery captain, informed that Jean-Pierre had been in the French artillery, gallantly offered to let him fire a few rounds.

"I shouted at him," said Jean-Pierre, "I couldn't believe it. I went inside. I couldn't watch anymore."

A few months later, he went home to France.

Almost 20 years afterward, as the fledgling correspondent heard the stories, they seemed wicked fairy tales. Over the next year in El Salvador, he looked for the house with the glass floor. Behind the high walls and menacing guards of the rich, he never found it. But killing, guns and that same savage disregard for life were everywhere.

The old Communist was 50, but his face was heavily lined. Salvador Cayetano Carpio had once been a seminary student, then the leader of the bakers' union in San Salvador. He gradually rose to be secretary general of the Communist Party. He was arrested and tortured many times. For a while, he lived in Mexico. There were also trips to Havana.

He talked of "guerra popular prolongada," a long war leading like Fidel's from the mountains to the cities. He called himself Marcial. Years later, left-wing Latin journalists would call him the Ho Chi Minh of the Americas.

But 1970 was a bad year for Marcial, and 1971 was worse. In those first two years of the decade, El Salvador was moving toward democratic government. Guerrillas seemed superfluous.

The Christian Democratic Party was steadily building a popular base as a fresh alternative to the military regimes of the past. The Christian Democratic leader, José Napoleón Duarte, had been elected to three successive terms as mayor of San Salvador. In 1972, Duarte was running for president and his party had allied itself with every liberal and leftist opposition group in the country. There seemed no way the coalition could lose. All but the oligarchs and the army were behind Duarte, and even they were letting him run. He had to win.

After he did, the army moved in. The elections were voided. There were guns in the streets. The university was shut down and Duarte was jailed, beaten, threatened with execution, forced into exile. Suddenly, in the eyes of so many defeated liberals, students, priests and peasants, Marcial's way appeared, as he had always said, the only way. With new confidence, Marcial gave his group a name: the Farabundo Martí National Liberation Forces. Like all political groups in El Salvador, it came to be known by its initials: the F.M.L.N.

Within a few months, another group was formed as well. Its members were looking for a strategy that was not so prolonged, that would fight not just for the hills but, right away, for the cities. Those guerrillas were younger and brasher and their Popular Revolutionary Army—the E.R.P.—went in for direct fund-raising activities. One after another, leading oligarchs and foreign businessmen were snatched from the streets and ransomed for millions of gun-buying dollars.

The soul of the E.R.P. was a student poet named Roque Dalton. He shared leadership with Ernesto Jovel, his closest friend, and with Ferman Cienfuegos and Joaquín Villalobos.

At first, all were caught up in the excitement of their revolutionary commitment to social justice and democracy. But as one, two, three years passed, Dalton began to have doubts about their tactics. He saw his group becoming a collection of freebooting renegades—saw that for all its rigorous militarism, it had garnered no great popular following. For hours on end, he would debate

with Villalobos and others, who began to suspect that Dalton's ideals—and, worse, his ideology—were tainted.

The end came suddenly for Dalton. In 1975, he was given a "people's trial" and summarily executed.

Jovel and Cienfuegos were furious. They broke away and formed their own guerrilla group, the F.A.R.N. Following Dalton's thinking, they believed that organization must be the key to insurrection. The masses must be mobilized.

The F.A.R.N. spawned F.A.P.U. The F.P.L. created the Bloque. The E.R.P. finally created the LP-28. The strength of the left instantly started to grow as unions and peasant groups were pulled together into those new "popular organizations."

By the late Seventies, although guerrillas continued their kidnappings and small-scale assaults on the military, the popular organizations were the new vanguard. New leaders emerged. They were bitter, charismatic young men like Juan Chacón of the Bloque, whose peasant parents were slaughtered by the security forces. Chacón led fights for basic issues such as the price of food. People flocked to him.

From their poster-covered offices in obscure corners of the university—in back of the law school stage, in a little room behind the student-union offices—these lords of the streets could virtually paralyze the country at will. And when they were arrested or tortured, their friends would seize an embassy or call a strike and set them free once again.

Yet they were taken by surprise the day General Romero was ousted. The young colonels who were now in command announced that they were bringing all the popular organizations' intellectual allies, even the avowed Communists and socialists, into the government.

Should a truce be called? Chacón briefly thought so. But to call a truce was to abandon the fight for ultimate power when it seemed almost ready for the taking.

Then, too, the security forces seemed uninterested in the colonels' promises. They denied having any political prisoners. They said they just couldn't seem to find any. And while the generals and scores of other officers were dismissed, many whom the left believed were guilty of countless crimes remained in powerful positions. The killing was increasing, not subsiding.

There was no truce.

The reporter packed up his desk in the vast Washington newsroom, sorted files, made an occasional phone call, getting ready to head south. He needed to know more about the new Ambassador the Carter Administration was sending to El Salvador.

It seemed this Robert White would have a tough time with conservatives at his confirmation hearings. He was Ambassador to Paraguay and blasted the corrupt old dictatorship there for human-rights abuses every chance he got. Now Senators who thought dictatorship was a useful ally against international communism would get a shot at him.

The Carter people at State thought White was just what they needed in El Salvador. He was tough, outspoken, direct, a perfect point man for the Administration's plan. The reporter called one of his friends, a liberal Senator's aide. They talked about how hopeless the Salvadoran situation seemed, how relentlessly bloody and confused.

"White has a lot of enemies already," said the aide. "I don't know what to make of it, but, you know, there are some people saying he's being sent down there to end his career."

Soldiers who heard the tape recording laughed like children who overhear an adult's obscenity. La Puteada, they called it, a kind of "you song" the military high command used to force out all the civilians

in the government ten weeks after bringing them in.

It was never a comfortable union. The civilians blamed the military for continuing violence and repression. Especially they blamed the minister of defense, Colonel José Guillermo García, and his tight-knit clique in the high command.

García was a short round-faced, quick-smiling man with a large, unsightly mole on his chin. He was about as physically unimposing as anyone who wore a uniform. But he was part of the old order. At one point, before General Romero edged him out, García seemed to be in line for the job of president-dictator. Moderate leftists both inside and outside the government believed he still wanted the job. They wanted him out and they wanted all the armed forces restructured.

With tacit backing from Colonel Majano, the civilians tried to foster a kind of democratic council of young and low-ranking liberal officers to which everyone in the armed forces would be accountable.

It was a bad move. It gave García all the excuse he needed.

The Salvadoran army has a fixation about its integrity. Many of the soldiers who supported the ouster of the generals were lukewarm on the reforms supposed to follow. But they saw that the corruption of the high command was damaging their beloved institution. They also saw that the civilians in the government were getting nothing done and now those same civilians were openly attacking the entire foundation of the army.

The showdown came at the end of December. The cabinet and the junta were meeting when suddenly commanders from all over the country marched in and seated themselves around the room.

The commander of the Guardia Nacional, Eugenio Vides Casanova, stood up and told the civilians that they were sons of whores, unfit to govern anything. The military, he announced, would not listen to them, would not follow them, and gave its entire allegiance to García.

The civilians were shocked. Some were terrified. What did the armed forces want them to do? For days after the confrontation, they went around asking the question. But the army didn't want them to do anything except get out. It was already negotiating with the Christian Democrats to replace them.

Afterward, White would say that the civilians in the first government were the best people El Salvador had to offer. But by then, most of them were on the side of the guerrillas.

The Pentagon had an idea. Zbigniew Brzezinski on the National Security Council liked it. The Central Intelligence Agency thought it seemed logical and was putting together information that made it seem more so.

A Deputy Secretary of Defense told Congress there was "evidence of Cuban efforts to orchestrate Communist movements in Central America." He didn't say what the evidence was. "There are also indications that the Cubans currently appear to be involved in the situation in El Salvador." He didn't say what the indications were, but he had begun laying the groundwork for the new idea.

It was quite simple—send American advisors down to show the Salvadoran army how to fight guerrillas while, of course, respecting human rights. Send them transportation and communication equipment to help them fight more effectively. (They already had plenty of guns.) Generally, shore them up, then let them go out and clobber the agents of international communism.

White was livid. Not yet Ambassador, his confirmation stalled by Senator Jesse Helms of North Carolina, he already found himself in the middle of a policy showdown.

"The Pentagon has this driving need to get in there and show they can win a guerrilla war," he fumed in private.

The Salvadoran armed forces were butchering people in wholesale lots. They had destroyed the best chance for a political solution by ousting the civilians from the first coalition. The Christian Democrats were already dividing in the second junta because their paper agreement with the colonels proved, within weeks, to be nothing more than that.

And now the Pentagon, with information that some of the guerrillas had been trained in Cuba—ignoring the fact that they were ill-armed and their support among the people, their real strength, would only grow if the United States endorsed the bloody excess of the military—wanted to give the military everything its chiefs desired.

White was supposed to oversee this lunacy?

"If we are prepared to back a government this shaky," he told a friend, "we have to look at what our options are down the road. I believe that 75 percent of this is political within the United States—a fear by the Administration that it will be accused of 'losing' something else like it 'lost' Iran, Nicaragua and the Panama Canal."

Six American advisors had secretly been sent to El Salvador for a few weeks in November. Now there might be 36. That, White and his allies in the State Department were convinced, would be only the beginning of a new quagmire in Central America. There would inevitably have to be more and more advisors.

If any U.S. troops went in, White made it clear, he would not.

The El Salvador international airport was completed in the last few months of General Romero's rule. It stands gleaming white and modern on the coastal plain, surrounded by the tidy plots of farmland. San Salvador, the capital, is 40 miles away, but the beaches are right at hand. The airport was intended to service international tourists flocking to the wide expanses of gray Pacific sand.

But on the day the young reporter arrived in mid-February, the airport was all but deserted. The only crowd was at the ticket counter for outgoing planes. Anyone who had enough money to get out was leaving El Salvador and, if they were smart and could afford it, they took everything they had with them. Well-groomed men in dark business suits stood waiting, while their bodyguards—square-built thugs wearing dark glasses and carrying briefcases—watched over them. At the boarding area, a sign advised passengers that they would be searched lest they carry guns on board "by accident."

The superhighway leading from the airport to San Salvador dissolves in dirt after about ten miles and taxis must take a seemingly endless, twisted road to complete the trip. The reporter thought about ambushes all the way to the hotel. By the time he got there, he wanted a drink.

At the bar, a pudgy, pig-eyed man with small hands and an obscene voice sat down on the stool beside him. The man laid a wrist wallet showing the butt of a .38 Colt on the bar.

"You always carry that?"

"I am a wealthy man. I take precautions. In my car, I have an UZI. You know the gun?"

The reporter looked down into his drink and the man started telling anyone who would listen what whoresons the members of the government were.

"Well," said the reporter cautiously, "where would you say you are on the political spectrum here?"

The man stared. He would have seemed ludicrous if it weren't for the pistol. "I am not capitalist. I am not Communist," he said

in his whiny voice. "I am National Socialist. You know—a Nazi."

The reporter cut the conversation off as quickly as he could. It was too much. El Salvador was not a nation of Nazis. Nothing was as simple as that. But already he was being confronted by the mad bitterness, the striving after simple, final solutions. "We must kill all the snakes," said the man.

Old money was more tactful than that. The Fourteen were more secretive and more subtle in their schemes, even if the end were the same. But this was a self-made man, the kind who couldn't get out to Miami as the Fourteen could. He was a madman trapped in a madhouse—believing that murder was the only way out.

Hundreds of people—most of them poor, some in rags—came to listen to the soft, humble voice of the archbishop. There were also some in the crowd who carried notebooks and tape recorders, and at the beginning of his homily, the gray-haired little pastor made what seemed a joke about people who thought "our Masses were more political rallies and that people came out of political curiosity." But this was a serious matter.

"What I intend is in no way to make policy," said the archbishop. "If because of the need of the moment I am illuminating the politics of my homeland, it is as a pastor reading from the Gospel."

Archbishop Oscar A. Romero made that statement in various ways countless times. But there was little doubt that his was the most powerful political voice in the country.

Few priests have ever been so intensely loved or hated. To many of the poor, he seemed a saint. Visiting the shacks that smothered the ravines in the capital, the hovels made of sticks in the countryside, Romero brought the people hope. To the radical left, he was not only an ally but an authority, a figure of international standing—and also a moderating force they found nowhere within their own ranks. To the right and much of the military, he was a Communist demagogue.

His platform was the pulpit of the Metropolitan Cathedral, perhaps one of the ugliest buildings in the world. He left it unfinished because he felt the money was better spent on the poor. Its concrete-and-brick had faded, and rusting iron reinforcing rods protruded from its spires. Where stained glass might be, there was only corrugated fiberglass, its only design the random points of light left by bullet holes.

On this Sunday, the archbishop had heard that the United States might be sending men and military equipment to the Salvadoran government. He had written a letter to President Carter and he read it to his people. The aid would only make things worse, he said. The Salvadoran military was already killing more people than under any previous regime. If the equipment being sent was, indeed, designed to make the soldiers more efficient, whether the equipment itself was lethal or not, then they would only be able to kill more people with more impunity.

"I hope that your religious sentiments and your sensibility for the defense of human rights will move you to accept my decision," Romero wrote to Carter, "thereby avoiding a greater spilling of blood in this suffering country."

To the extent that he could, the reporter ignored the burst of gunfire outside the hotel. He sat on his bed, watching El Salvador's newest television star—a slight, muscular man, a young-looking 40 with thick black hair, who sat behind a studio desk asking his countrymen why so many Communists were still in the government.

Before the October coup, Major Roberto D'Aubuisson was chief of intelligence for the Salvadoran Guardia Nacional. He was reputed to have a rather rough way of ques-

tioning people, and some of the officers who seized the government from the generals thought D'Aubuisson might have been planning his own right-wing coup at the time, so they discharged him along with the old high command.

Instead of retiring, however, the major went straight into politics. Taking advantage of the new freedom of speech, his backers bought him television time every few nights to blast the liberals in the government and identify the Reds.

D'Aubuisson was well trained to track down Communists. He had studied at the International Police Academy in Washington, D.C., before the Congress found out torture was on the curriculum and shut it down. He went on to refine his antiterrorist techniques with the police in Uruguay and Taiwan, then briefly did a stint with the U.S. Green Berets in Panama during the early Seventies.

Few people would have guessed that he would be so charismatic on the screen. His appearance and his opinion quickly made him the darling of the conservative Salvadoran middle class. After years of living in the shadow of the oligarchy and struggling their way up through any opening in their country of limited opportunity, the burghers of San Salvador had finally found a voice. The left never took them into account—the guerrillas wanted their war to be a class war and the bourgeoisie was the incarnation of evil. The middle class was small, but it had grown in the past decade as El Salvador began to industrialize; and now that most of the Fourteen had abandoned the country, it was up to the middle class to save it. They were being kidnaped and killed, and as far as they were concerned, they were at war. D'Aubuisson might get money and guns from the Fourteen in Miami, but he had the hearts of middle class.

Tonight he was talking about the Communist reforms the junta was getting ready to announce and he was focusing attention on the Christian Democrats in particular. This man, Mario Zamora Rivas, was a Communist. Why was he allowed to serve as a minister of the government, as the "attorney general for the poor"? Why do the great Salvadoran people endure a travesty?

Children climbed trees to look over the crowd and down through the shattered windshield of the car. The reporter squeezed among the cluster of spectators. Through their sweat came the butchershop smell of the corpses.

Two women had already been taken to the hospital. There was no rush for the men. One in the back seat of the little Toyota was slumped over on his side. Puckered, dime-size holes showed through the torn fabric of his shirt. The man sitting in front of him in the driver's seat was apparently the main target. There was nothing left of his face. An eyeball hung in the vicinity of what was once his cheek. There were some teeth visible in that general area. But so many heavy-caliber bullets had been pumped into his head that it had collapsed like a melon rotted in the field.

The reporter wanted to find some way of putting meaning to what he saw. That was why he had come out here. The only dead he had ever seen before were relatives in funeral homes, the embalmers' wax replicas of people he had known. He wanted to see death as the Salvadorans saw it.

But death, presented like this, on a street full of the curious in a quiet suburban section of the city, without mourners, without even the trappings of officialdom—there were no policemen, no medics—seemed meaningless. The reporter found himself thinking, like the children around him, could he look

at it again? He could. He could have looked at it all day, if there had been any point in that. There was not even a story in these deaths. Murder on the streets was a commonplace, not news at all, in El Salvador. But the reporter began asking questions of the bystanders.

It seemed a pickup truck had pulled in front of the little car and slammed on its brakes. Two men riding in the bed stood up with automatic rifles, G-3s, the kind the army used, and started shooting.

The killers had lingered a bit at the scene. One had drawn a large skull on the wall beside the car and another had taken a glob of the driver's brain and lobbed it into the middle of the drawing—a little message from the Union of White Warriors.

But why were these men killed? An old woman said they had worked for the attorney general of the poor. One of them, the driver, may have looked a little like Mario Zamora. "But they were just clerks on their lunch hour," said the old woman. "They never got involved in politics."

Apparently, the message had gone to the wrong man.

The party was still going on at one in the morning. Most of the Christian Democratic leaders were there telling political jokes and stories while Zamora or his wife kept their glasses filled with Scotch. It took a while for everyone to relax, but they had protection—their bodyguards were stationed near the door.

The death squad came in through the skylight. There were perhaps a half-dozen men in all, but nobody remembers very clearly. Everybody was ordered face down on the floor. One by one, the partygoers were asked their names.

"We don't want to make any mistake," said a gunman. "What's your name?"

"Mario Zamora Rivas."

"Get up. Come on."

No one heard any shots. The gunmen left. When Zamora's body was found in the bathroom, he had more than a dozen bullets in his head.

The Christian Democrats flatly blamed D'Aubuisson for the murder, and privately they said his tactic was obvious. He was trying to intimidate or eliminate anyone who might be a bridge to the moderate left, who might be able to begin negotiations for a peaceful settlement. If he could force them out of the government altogether, he would succeed.

Already the Christian Democrats were badly split. Zamora's death was the final blow for some members. Héctor Dada Hirezi, one of the two Christian Democrats on the junta, resigned from the government and the party and left the country. He was replaced by Duarte.

The military promised a thorough investigation of Zamora's death. No suspect was ever found. There was, in fact, no investigation.

The rhythm of killing was approaching some kind of climax, but it was impossible to say what that would be. The left had slowly pulled its ranks together. All the guerrilla factions except the E.R.P. had joined a coordinating directorate. The leading civilians from the first junta formed the Democratic Revolutionary Front to lobby for world-wide support of the rebels.

Although the Salvadoran government finally began its reform program in March 1980—after nearly six months of unfulfilled promises—the archbishop was edging ever closer to endorsing insurrection and he continued to blast the government at every opportunity. The reforms were good, he said, but they had to be taken in "the context of the dead and the annihilation."

Something was going to happen, but the reporter was sick and would not wait for it. After only a few days, he returned to the apartment he kept in Mexico. He telephoned

the woman in the United States he had been seeing—or trying to see—for more than a year and, on impulse, they decided to get married immediately, before some new horror show dragged him back to El Salvador. It would take just four days in Philadelphia for the blood tests to clear and the papers processed.

He didn't tell the office where he was going, just that he would be gone. When he saw his bride-to-be at the Philadelphia airport—how strange and quiet and peaceful even that crime-ridden city now seemed to him—he told her that nothing could stop them from marrying now except . . .

"They're going to kill Romero. I don't know when, but soon. If it happens this weekend, I'll have to go back down. That's all there is to it."

It seemed, in Philadelphia, so melodramatic to say that. It was just a feeling, after all.

D'Aubuisson's failure to carry off a February coup against the Christian Democrats was a setback, but hardly a defeat. His people reorganized and now, as the Presidential race in the United States was fully under way and Reagan took the lead, they were regaining confidence. Some of them already had contacts among Reagan's entourage who recognized the danger of letting communism sweep over El Salvador and saw what quasi-Communists the Carter Administration had put in power.

Men in the Senate like Helms and his staffers understood the danger and could be talked to. This was a time of phone calls and meetings, a time to build a base of political backing in what D'Aubuisson and his people were sure would be the new administration.

But there were other things to be done as well, and to be done right now, before the chaos worsened and the left had the guns to mount a full-scale insurrection. Notes made by D'Aubuisson and his friends at the time refer to something called Operation Pineapple. A gun was bought—a .22-caliber rifle with a telescopic sight. Money was deposited in a Miami bank account.

There is a hospital for the incurable in San Salvador. The archbishop lived there and often said evening Mass in the adjoining chapel.

This night there was a special service, a memorial Mass for the mother of one of the few leftist publishers still in the country. It was a pleasant evening, with the doors of the chapel open, as always, to let the cool night breeze circulate.

In his Sunday homily the day before, the archbishop had denounced the violence of both the left and the government, but, as so often happened—because there were so many more examples of government violence to cite—he had seemed to be attacking only the regime. More boldly than ever before, he had made an appeal—a demand—for the violence to end. He had directed his words to the troops: "I ask you, I pray you, in the name of God, I order you to stop the repression!"

But this evening his words were quieter. He talked of the need for any Christian to involve himself in the world, despite the risks. "He who wants to withdraw from danger will lose his life," said the archbishop. But the person who gives himself to the service of others will be like a grain of wheat that falls to the ground and dies—but only apparently dies, for by its death, its wasting away in the ground, a new harvest is made.

The archbishop prepared the Eucharist and raised the chalice to God.

He never saw the gunman just inside the chapel doors.

An awkward calm settled over San Salvador in the days following the archbishop's death. Everyone was waiting for the funeral on Sunday, but the violence did not increase.

Chacón warned his people that they were

being tempted into a trap. Stay quiet, he said, the government is trying to produce an insurrection before we are ready. The spontaneous uprising never came, but the tension remained, a palpable bitterness and despair settling over the barrios.

Conservatives openly gloated. Of course, they didn't approve of murdering priests, they said, but one had to admit that Romero got what he deserved. When you put yourself in politics in this country, you have to expect this kind of thing.

Ambassador White had been in El Salvador for three weeks. A personally conservative and religious man, a New England Irish Catholic whose faith was somehow strengthened by decades in Foreign Service posts where suffering was always visible. White was appalled at what he saw in El Salvador.

"When we have cuerpos de seguridad who commit more crimes than they solve, it is a very sad situation," he said. There was no applause that week when he appeared before a chamber-of-commerce luncheon. It was not a friendly audience and White was not friendly to it.

"The violence in the countryside continues," he said. "The excesses of the security forces continue," causing disaffected workers and peasants to join the ranks of the militant left. "They are being killed and tortured and I have talked to them and I know who is doing it."

White looked around the room grown arctic with silence. Reporters at the rear began furiously taking notes.

The series of right-wing assassinations was an abomination, White continued. What was gained by the killing of Mario Zarmora? By the murder of the archbishop? By the killing, just today, of Juan Chacon—

Several reports dashed out of the room to telephones.

Chacon dead? They began checking furiously. He was not dead. He was at the university, as surprised as anyone at White's remarks.

The import of White's speech that day was lost in embarrassment and backtracking. He had been assured at least twice that morning his military and intelligence people that Chacon had been killed. They had either lied to him or been lied to by their Salvadoran contacts. Either their information was grossly erroneous or someone was setting White up for a fall.

Palm fronds waved above the heads of the crowd. It was Palm Sunday. The reporter had forgotten.

People were everywhere, filling the cathedral square and spilling over into the side streets. Many, perhaps most, were women and children—50,000 mourners for the archbishop. A folk choir sat around the coffin on the cathedral steps, singing. "You are the God of the poor." No troops, no guns were in sight. The only people in uniforms were boy scouts manning the ropes that kept the crowd off the sidewalk in front of the high steel gate at the bottom of the steps. The morning sun was hot, and near the rope, where the crowd was most tightly packed, women were fainting.

The funeral oration was begun. A Mexican cardinal delivered a long, droning message of Christ that carefully sidestepped all the volatile issues once addressed by the man now lying in the heavy casket. Above the coffin sat the archbishop's chair, symbolic and empty.

The reporter listened awhile from the shade of trees at the corner of the cathedral, then moved out onto the sidewalk in front of the fence.

A cheer went up from the crowd. The muchachos—"the boys"—of the popular organizations had arrived after marching through the city. The crowd somehow managed to pull apart to let them through. Many of the boys and girls wore kerchiefs over their faces,

and some carried banners. Many others carried the plastic bags and satchels and the long, thin boxes that the reporter knew from experience held Molotovs, pistols and rifles. At the sides of the crowd, two embassy officials observing the funeral decided to return to their offices.

The cardinal kept speaking. A wreath of plastic flowers in the yellow-and-red colors of the Bloque was passed forward above the crowd and placed on the coffin. Another cheer went up. The muchachos raised their fists in salute and chanted a revolutionary slogan. The cardinal paused a moment, then went on. An explosion.

Everyone turned to see where it came from—somewhere near the closest corner of the National Palace diagonally across the plaza, leaflets were floating through the air. The muchachos often used little bombs to launch their propaganda above the heads of a crowd, but this—

Another explosion. Another. A quick burst of shots.

The only place for the reporter to go was over the fence and he surprised himself with his speed as he vaulted it. He shouldered his way up the stairs through the crowd of clerics, but at the top, the priests blocked his way.

Panic had swept the crowd. Shots were going off everywhere now and people were running, most of them toward the cathedral steps.

The priests seemed oblivious to what was happening. "Calm down. Calm down," they said to the wailing masses. "There's nothing to worry about."

Automobiles exploded at each corner of the plaza, sending liquid flame spreading out across the pavement. The barrier rope had disappeared and now hundreds, thousands of people were pressing against the fence. It was still locked. Some were making it over, but many were not. Old women were being crushed to death, their faces squeezed between the bars.

The screams, the shooting, the bombs were deafening, and the priests—their cries for calm now altogether lost—fell back into the cathedral, stumbling, knocking over the archbishop's chair, some of them trying to drag the coffin with them. The reporter made his way to the stairs leading into the choir loft and spires, but they were already blocked by masked muchachos, pistols drawn.

The gates were forced open and people poured into the cathedral. Desperately, they sought out friends, relatives, some touch of safety. Within minutes the cathedral was so crowded that it was impossible to move. Men who stripped off their shirts and twirled them above their heads to keep the air circulating found themselves so tightly pressed they couldn't get their hands back down to their sides. Children were lifted onto shoulders.

Behind the reporter, an old man was expiring. The people around him were shouting for room. The old man was naked from the waist up, his chest deformed, his eyes staring at nothing. For 30 minutes he was wrestled through 20 feet of crowd toward one of the areas in the church more exposed to bullets but with more air to breathe.

On his hands and knees, the reporter worked his way up the stairs past women and children and old men who were praying amid the rattle of machine guns and the blast of Molotov cocktails pushing in at them from outside. Finally, in a choir loft, he could begin to study the situation. Most of the shots were outgoing. The muchachos were blasting away from all three entrances to the cathedral and from high in the spires. Others were prone in the street, firing at any sound or movement. Some were children, perhaps ten years old, almost overwhelmed by the pistols in their hands.

Everyone's immediate fear was that the

military would appear and start firing into the building or even invade it to clear out the snipers. But the army, the police, the Guardia were nowhere to be seen.

The shooting died out slowly in the cathedral square and slowly, very slowly, people began to trickle outside. Smoke from burning cars still hung heavy on the scene. The reporter looked at the shoes piled near the fence where their panicked owners had lost them, at the leaflets with Romero's face on them, at the bodies. Volunteer rescue teams had appeared. They were loading unconscious mothers and grandmothers, old men and boys—the possibly alive—into trucks and ambulances to be taken away.

Off to one side of the cathedral was a muchacho who had seen a photographer taking his picture when the shooting started. He had struck a revolutionary pose with his Molotov and it had blown up in his hands. Now he lay on the sidewalk, the bones showing at the stumps of his arms, a hole under his chin where a bit of shrapnel had entered, the back of his head gone and the brain spilling where it had exited.

Perhaps he had spun around as he fell or perhaps somebody had come along later and done it. The boy's body was wrapped in a banner of the popular organizations.

The debate about who, how, what had started the massacre would go on for months and never be resolved; but in the end, the question was irrelevant. Anyone could have started the madness and the panic that day. It was the culmination of so many months and years of fear and hatred and hopelessness, and it ultimately made the hopelessness worse. These were the boys who were asking for the people's faith, who were preparing to lead them in a glorious revolution, and the boys had panicked with everybody else. They had kept firing long after there was anything to fire at—if, indeed, there had ever been—and more than 30, perhaps more than 40 people lay dead for nothing.

A goal of the terrorism all along had been to make the people cry out, "Basta ya!"—Enough!—bring us peace, no matter what you have to do. The guerrillas thought "the masses" would believe, as they did, that insurrection was the only answer. The rightists were certain that the great people of El Salvador would support a ruthless crackdown on the troublemaking Communists. But no side looked as if it could win quickly or would deliver what it promised if it did. The people turned inward and with resounding apathy said to their would-be saviors, "To hell with you all."

But the patterns of power-grabbing competition within the government, the embassy and the left continued. They were well established by April 1980 and over the next eight months, the militarists would be strengthened on all sides. Within the government, the pre-eminence of Garcia and Gutierrez would continue to grow. At the embassy, the Pentagon would find ways to work around White and, in deference to President Carter, put a human-rights veneer on its initiatives. On the left, the popular organizations would steadily lose their power to mobilize the masses, but the guerrillas themselves would begin to get the guns they had wanted and needed for so long.

This was a waiting time, the period of "the phony war," as one disillusioned Marxist called it. The casualties were real enough, but there was a growing consciousness on all sides that each little maneuver, each little skirmish, might be used to influence world opinion.

Delegations of civilians who had once served in the government and now sided with the guerrillas traveled all over the world to establish links with Social Democratic parties and convince potential Western friends that the regime the insurgents

wanted would be a democratic paradigm, not a Marxist dictatorship. Duarte and his party lobbied the Christian Democrats of Europe and South America, looking for allies to join the United States in its support of their regime. They were embattled moderates, they said, caught between the extremes of a Neanderthal right and a Pol Pot left, but the reforms were winning them more support every day and their troops had the country under control. D'Aubuisson and his followers traveled mainly to Miami and Washington, with occasional side trips to the sympathetic regimes of Guatemala, Honduras and the southern cone. All they wanted was a real democracy like the one described in the U.S. Constitution, where free men could work and thrive in a truly capitalist economy.

The left was easily taken care of, they said—it didn't have the support of the people. It might be necessary to use some severe measures against the subversives and their sympathizers for a while, but that was the price you had to pay for freedom.

The hotel was as empty as it had ever been, and after five days in El Salvador, the reporter was glad to be getting out. It was Thanksgiving Day. He tried not to think about it, just listened to the radio as he packed his bags.

"We have it confirmed," came the voice breaking into the music, "Enrique Alvarez, Juan Chacon and four other leaders of the Revolutionary Democratic Front have been arrested."

Jesus, there was no getting out of here.

The reporter called everyone he could think of—Church officials and Garcia, White and the commander of the embassy military group. It was the usual culpability merry-go-round.

The Church claimed that the Democratic Front leaders were getting ready to hold a press conference when men in civilian clothes backed up by uniformed troops broke in and dragged them away. White and Duarte said it must have been right-wing extremists trying to destabilize the regime—but they didn't rule out the chance that some of the security forces helped. Garcia said he had no knowledge of any arrests and had no information on the incident, which had taken place at a Catholic boys' school in the center of the capital. Later in the afternoon, after calling around to all the cuartels, he would refine his statement to say there had definitely not been any arrests and the military had had nothing to do with the affair.

There were no clear answers, but the consequences were extreme. In the next few hours, the bodies of the revolutionaries, strangled and shot, were found littered outside the city.

Already the Christmas Muzak drifted through the hotel bar as the reporter sat talking with Jean Donovan and Dorothy Kazel the day before the funeral. The left was trying to explain away the expected small turnout—people were going to show up but not really in force, because you know what happens under this genocidal government and there is no point in having your people slaughtered needlessly. Dorothy and Jean, who spent most of their days with the peasants around La Libertad, were skeptical of the relationship, but they were in constant contact with the fear.

Dorothy was a nun, but the kind of nun one meets so often in Central America. More frequently than a habit, she wore blue jeans and a checked shirt. Jean was younger, a lay worker who looked like a nun. It wasn't their clothes that made them so obviously religious women, it was their manner, their smiles and their thinking—their seemingly boundless concern about other people's suffering.

"Things have changed so much in the past year," said Dorothy. "There's such hatred everywhere."

The reporter called it an atmosphere of vendetta. Everyone was looking for some kind of revenge. Often, he said, the clergy were vulnerable targets.

"We're OK," said Jean. "The safest person in El Salvador has to be a blonde, blue-eyed gringa."

The reporter was called to the phone and Dorothy and Jean decided to leave. They waved goodbye as they went out the door.

"Let's stay in touch. . . ."

"I'll call you in a few days," said Dorothy.

Robert White knew what he was going to see and he dreaded it. The black bulletproof Cadillac and its two chase cars drove on and on through the parched dry-season countryside. For a while, they seemed headed for the airport along the winding, rough-surfaced little road. Another time, White might have been concerned about the possibility of an ambush laid out from the high banks on either side of the narrow pavement. But he hardly thought of such things anymore. It wasn't worth it. The security men would worry about that. So far, no attempts against him had come even close. He had luck or Providence to thank for that, he supposed. Sometimes it occurred to him that he had been taking up an inordinate amount of God's time since he arrived in El Salvador.

He wanted to get there. That was all he cared about. Get there and see who the gringas were in the shallow grave, hoping—But there was no hope. He knew who they were. He and everybody at the embassy had been calling everywhere for more than a day. The military had said it had no information. Finally, the Church had gotten a tip.

Two of the women had stayed in White's house just two nights before. They had come over for dinner with the priest they worked with and they had stayed up too late to drive all the way back to La Libertad. So White and his wife had asked them to stay.

It was just the next night that they had gone to the airport to pick up Sisters Ita Ford and Maura Clarke, and then they had just disappeared.

The Cadillac turned off the airport road and headed east toward—what was the name of the little town?—San Juan Nonualco. There were other little villages on the way. Peaceful. Ordinary. As if nothing had

The violence was widespread but so viciously selective. Graham Greene had written about such things. "Cruelty swept through the country like a spotlight." The Ambassador had been reading and rereading Greene. The books seemed to say a lot about White himself, about his God, about these people—"the torturable class." It had once seemed that certain people were immune to the viciousness, but now anybody, everybody was eligible. Torture had become a great equalizer.

The Cadillac stopped among the reporters' cars plastered with signs telling the world they were press, as if that would do any good. They were clustered around a mound of dirt in a little patch of land like all the other little patches of land, dry and dusty, with a few trees and bushes.

The grave was opened and there were a couple of Guardia standing around, watching nothing in particular, and an officious little justice of the peace who had to oversee such things and the reporters and photographers wondering whether or not to look—not knowing not to. The smell of the dead ran like a poisonous current through the still air.

One by one, the bodies were pulled out. Jean. It must be Jean, but her face had been exploded by a bullet in the back of the head. Her pants were half unzipped. Her underwear somehow hung from her ankle. Now Dorothy,

Sisters Ita and Maura, being dragged like sides of meat from the pit.

Reporters were talking to White, but he didn't hear. He turned and stared at the Guardia, the little judge, the camera crews, stared all around, trying to control himself.

One day after the nuns' bodies were discovered, all United States aid to El Salvador was temporarily suspended. A special commission was appointed in Washington to go down and investigate what appeared to be a cover-up of the killings. Every bit of the evidence that existed, and there was not much, pointed to members of the security forces—most probably the national guard—as the murderers. They had set up a roadblock where the nuns might have been stopped, and it was clear that the military in the area knew where the nuns were buried but had said nothing about it in answer to the embassy's inquiries.

"They've got an old-boy network," said White. "They know damn well who did it, but they're not saying."

More than moral indignation was at work here. There was also coldly observed political opportunity for the Christian Democrats to gain the upper hand in forging an agreement with the army. They would have the full backing of the United States and they might at last force the military to clean its ranks from the bottom to the top.

The right saw an opportunity as well. D'Aubuisson returned from Guatemala. Reagan was already President-elect of the United States. If D'Aubuisson's friends in the military could just hold out a little longer, another six weeks, then the Reagan Administration would take office and the pressure would be off.

All the powers in the country were moving to take advantage of the regime's confusion in the wake of the killings. Some changes were bound to take place and some officials were going to lose out.

The first to go was Adolfo Majano.

He had dithered and plotted for too long and, in his frustration at steadily losing power, he had begun to make thinly veiled criticisms of the high command. Majano was a chess player, one of the best in El Salvador, and he played politics like he played the game—full of infinite calculation and subtle maneuvering. But in Garcia and Gutiérrez he was up against a pair of linebackers who simply threw over the board. At a secret meeting of the military's commanders—to which Majano was not invited—a vote was taken and by an overwhelming majority, they voted to remove the colonel from the junta. He was assigned to an insignificant diplomatic post, the usual exile, the kind so many of his former backers had gone to. Instead, he went into hiding.

White was calling on all his powers to resolve the crisis in the Christian Democrats' favor. But his powers were waning. Word had leaked in Washington of a Reagan transition-team "hit list" that named White as one Ambassador sure to be sacked. He appeared a lame-duck envoy of a lame-duck Administration and El Salvador's conservatives saw less reason than ever to listen to him.

White sent a steady barrage of cables to Washington, asking for public support from Reagan's people. For a while, he seemed to get it. Reagan foreign-policy advisor Richard Allen said on national television that the Reagan Administration would continue to support a moderate, reformist regime in El Salvador.

But, at the same time, Cleto DiGiovanni had come to town. He was not exactly a member of Reagan's team, but close to it. A former CIA man, DiGiovanni had contacts with Reagan's advisors on Latin America

as well as with D'Aubuisson's people in El Salvador. White was not sure what DiGiovanni was telling those people, but he suspected—and many of the D'Aubuisson crowd believed—that the hidden message he brought was exactly what they wanted to hear: "Do what you want and need to do. The Reagan Administration will back your play."

One by one, the officers walked into the Casa Presidencial with their pistols drawn. The reporter standing in the doorway of the waiting room got a little nervous. He walked down to the guard post to see what was happening and, to his relief, saw a long table piled high with pearl-handled .45s and customized .357 Magnums, UZ's, nine-millimeter automatics with extra-long clips. Good idea to leave them down here, he thought. Somebody might get angry.

Upstairs on the balconies above the tropical courtyard, the final decision on the new structure of government was being made. Majano was now officially out. The four other junta members would remain in place, but Duarte would get the title of president. Real power would remain, however, with Gutiérrez, now the vice-president and commander in chief, and with García, still ensconced as defense minister. All that would be made public later in the day. There was another, secret agreement—the price the Christian Democrats demanded for staying in the government.

Certain key members of the military would have to be removed from their commands. Most prominent on the list was deputy minister of defense Nicolas Carranza. A year before, he had voted against bringing the Christian Democrats into the junta. He wanted a military regime with technocrats handling day-to-day administration. That was close to the D'Aubuisson scheme of things and the Christian Democrats suspected Carranza of being their most dangerous opponent within the army. He would have to go in January.

At the same time, a couple of other commanders would be relieved of their posts, and by the beginning of February, the chief of the treasury police was also supposed to go.

It was not an agreement the soldiers liked, but it would do for the moment. And, some considered, it could always be amended.

They picked up their guns and left. "Let the Yankee Pentagon make no mistake. If it attacks the Salvadoran people, it will have another thorn in its side."

The Havana auditorium erupted in long, enthusiastic applause, and Salvador Cayetano Carpio stood back and soaked up the adulation. After so many years underground, the 60-year-old guerrilla leader was at the peak of his power, speaking before his socialist brothers at the second party congress of Cuba. Representatives were there from all over the Communist world, and he wanted to thank them for the help that was going to make his revolution possible at last.

For months now, arms bound for El Salvador from Vietnam, Ethiopia, Cuba, Eastern Europe and the Soviet Union had been flowing into Nicaragua—so many that bottle-necks were forming. They couldn't be moved fast enough. But they were on their way nonetheless and the Salvadoran guerrillas—with all the people behind them, they said—were going to present Reagan with an "irreversible military situation" by the time he took office on January 21.

"Revolution or death!" shouted Carpio. "Viva Salvador," screamed the crowd. "Viva!"

But later, when the first shots of the long-awaited "final offensive" came, they missed pretty badly. A guerrilla squad attacked Ilopango, the military air base just outside San Salvador, with some newly arrived American-made, Cuban-supplied recoilless rifles. Every round they fired soared over the barracks, over the planes and helicopters they

were trying to hit and over the long, broad runway to land harmlessly in a weed patch on the other side.

It was not an auspicious beginning for the guerrillas and things would get worse. The government army was supposed to split. Except for a few minor incidents, it stayed united. The people were supposed to rise up en masse, as they had in the Nicaraguan revolution, to build barricades and hit the soldiers hard wherever they appeared. But the people did not rise up. Attacks were mounted on courtiers throughout the country and the guerrillas demonstrated a level of coordination they had never shown before. But not a single cuartel was taken.

After those first few days in January 1981, the guerrillas declared that the final offensive was actually a general offensive. It really wasn't supposed to be final at all, just a beginning.

It was that. The phony war came to an end with the attack on Ilopango airport. In San Francisco Gotera, where some of the heaviest fighting took place, bodies lay rotting on the streets for days. They were burned to help kill the stench and disease until there was nothing left but charred meat on sets of ribs and femurs with perhaps a recognizable foot attached. The same scenes were repeated in Zacatecoluca, in Suchitoto. Soon the countryside would be nothing but deserted fields and clusters of buildings become bullet-riddled ghost towns.

The reporter was sick of it. The bloodshed, the venal idiocy of it all. It meant so little, finally. At least 13,000 people had died in El Salvador since his arrival there almost a year before. One could play games with a statistic like that, could say that proportionate to its population, the United States would have to lose 500,000 people to political violence in order to sense the same social and human cost.

But, of course, death isn't measured that way. Numbers of corpses don't count until you know one, or two, or a dozen of them, or, at least, until you can see them as some part of yourself—as an American or as a journalist or as a nun. There are cynical axioms in the newspaper business to cover such things. One dead hometown boy is worth ten dead Englishmen is worth 50 Australians is worth 200 dead Chinese or Indians on Salvadorans or . . .

But even the Salvadorans came to look at the numbers of the dead with a numb, sometimes vicious detachment. In their less direct moments, some of the more extreme rightists would talk of the need to kill 200,000 leftists in order to clean up the country. No one was immune anymore. Everyone was somebody else's Communist or imperialist. No place was safe.

The war had become so much bigger than El Salvador. It was a symbol of the new battle between East and West, and individuals got lost in symbols. After the United States voted in November 1980 to make America tough and strong once again, to bring back its respect, no politician in Washington wanted to be remembered as "the man who lost El Salvador" in the face of the Kremlin's maneuvering.

Robert White tried in his sometimes clumsy, sometimes belligerent and excessive way to keep perspective. In his mind, the issue should have been whether anyone in Washington wanted to be remembered as a supporter of a "genocidal, nun-killing regime." But even White finally rolled with the tide.

When four or five oversize dugout canoes full of armed men landed on a Salvadoran beach just across the Gulf of Fonseca from Nicaragua, White all but called it an invasion. Nobody else, not even Duarte, went that far; but White had just signed off on a complete renewal of "nonlethal" U.S. military aid to the Salvadoran government, and

this was an opportunity to make the point that it was justified.

The intelligence reports about massive deliveries of guns to the guerrillas had persuaded White that the U.S. aid was necessary. The memory of the nuns stayed with him. He was bitter at what he saw as a non-investigation of their deaths. But the size of the threat, the hundreds of tons of arms supposedly going to the Communists, forced him to go along with the Pentagon at least that far.

Within days, the resupply was extended to include, for the first time since 1977, lethal weapons—\$5,000,000 worth of M-16 rifles, grenade launchers, recoilless rifles and four Huey helicopters. Accompanying them would be U.S. advisors. Just for mechanical training. No combat personnel. Again, White went along with the decision. He hadn't wanted to escalate the war. But the Communists had already done it and the United States could not just sit back and watch. The Salvadoran troops had held off the final offensive "without a single cartridge" from the United States, but now they had started to run out.

There were worries, though. While White was playing them down, at least in public, his aides were despondent. They could see the door opening for the next Administration. Reagan was not even President yet, but Carter, old human-rights Carter, was setting up a Statue of Liberty play, handing him the ball and letting him sprint toward the goal. Carter had only a week left in office, but he was taking responsibility for endorsing the Salvadoran military with gifts of bullets and bombs and American soldiers. Reagan could put in more bullets, more bombs, more Americans, and they would be only increments, not the crucial first step.

Yet even that was not enough for the Pentagon. On the eve of Reagan's Inauguration, Colonel Eldon Cummings, head of the embassy's military group, the U.S. Army's main man in El Salvador, went to White and asked him to sign off on 75 more U.S. advisors. Cummings said the Salvadorans had requested.

White exploded. This finally was too much. Let Reagan make the decision tomorrow; White was sure as hell not going to do it. A year ago, he had seen the quagmire coming, had seen the potential for the Vietnamization of El Salvador. He was not going to sign off on it now.

Within a month, Alexander Haig, the new Secretary of State, called White to Washington. Haig was not happy with his work as Ambassador and White was relieved of his post. As a career Foreign Service officer, he had to be assigned to some new position of equal rank. Haig made him some offers he had to refuse, then effectively fired him from the diplomatic corps.

Colonel Jaime Abdul Gutiérrez took a cigarette from the reporter and loosened his tie. The colonel was relaxing in the Casa Presidencial as he reminisced about the October coup some 15 months before. He smiled as he talked about his feud with Majano, who, after all, had never been a commander as he had, had never been in private enterprise as he had. The fall of the first junta brought a laugh. Now the Christian Democrats were irritated because the head of the treasury police was still at his post, contrary to their little agreement. But that could be worked out. Duarte had proved to be very flexible.

The war was going all right. Of course, Gutiérrez couldn't say that it would be over in four months or one year or two. The guerrillas were pretty heavily dug in in the mountains of the north. There was always the danger that if they pulled off some spectacular victory, the people who thus far had stood apart from them would suddenly and finally rush to their sides as saviors. But the government reforms were working better than anybody—especially Gutiérrez—ex-

pected they would, and maybe the government had won more hearts and minds than anyone knew.

Of course, the problem, thought the reporter, was that no one knew. No one ever knew anything. Elections were being planned with the idea that the people could finally express their preference for one man, one course of action or another. Gutiérrez was very enthusiastic about the idea. It would give the Salvadoran government some legitimacy. But both the left and the right were rejecting the elections as a ploy by the Christian Democrats.

Ah, politics. Gutiérrez just wanted to save his country from the Communists and his army from disintegration and humiliation, and always there were these politicians complicating things.

But finally Washington had come around. As Gutiérrez sat talking to the reporter, there were American cargo planes unloading new guns a few miles away. The Hueys patrolled the skies. Scattered around the country were 54 U.S. advisors to turn his troops into crack units. If more equipment were needed, more advisors, the Yankees now seemed to be dependable suppliers.

The reporter had met some of the advisors. Clean-faced and enthusiastic, full of talk about the great morale of the Salvadoran army and the fight against international communism. They were going to show the Salvadorans how to fight a guerrilla war "even better" than the way the United States had fought it in Vietnam, as Colonel Cummings used to say.

So the colonel had many reasons to be confident about the future. But he was a Salvadoran, and the future, he knew, was never certain.

What if there were peace? That worried him.

"I want to tell you," said Gutiérrez, "my impression is that peace is tougher than war. What I mean is that in this condition, in this present circumstance, you are concentrating everything on one objective. And no matter how many different trends there are in the army, you can manage, because there is one enemy, because there is danger because of lots of things. But when all that ends, then comes the question of how to bring together all these forces afterward."

But, Colonel, aren't you worried that there might be some other Gutiérrez out there plotting against you? Would you know it if there were?

He thought for a moment. "No," he said, smiling at the reporter, "you can't know that. Really, when these things happen, the last to know. . ."

Outside the Casa Presidencial, the streets were quiet, more quiet than usual.

[From the Washington Post magazine, Aug. 16, 1981]

EL SALVADOR: FROM CONQUISTADORES TO COMMUNISTAS, WHY THE KILLING WILL NEVER END
(By Loren Jenkins)

(NOTE.—Last month, after Loren Jenkins had left El Salvador, government troops came again to La Bermuda. This time, special correspondent Alma Guillermoprieto reported, the troops swept up all the 600 peasant refugees who still remained at the camp and took them six miles away to the Government prison at Suchitoto, where they were crowded into cells under military guard.

(Col. Adolfo Cotto, a military spokesman, said, "I know both places, the camp and the prison, and they are better off in the prison."

(The commander of the Guardia Nacional in Suchitoto, who supervised the transfer, asserted, "There are people in that camp who have been very closely connected to the guerrillas, and the Suchitoto community is afraid they might try something funny."

(La Bermuda itself was burned to the ground.)

La Bermuda is not a place mentioned in the public pronouncements, official communiques and white papers offered up to a puzzled world to explain the savage conflict tearing apart the minuscule Central American nation of El Salvador. The omission is understandable; La Bermuda does not easily reinforce the official wisdom about the nation's crisis. Though it sits a mere 17 miles north-east of San Salvador, the capital, it is never visited by those who speak so volubly about the issue being only a question of a demonic communist subversion, armed and guided by Havana. And when authorities from the capital do send emissaries, they come in jeeps and trucks bristling with guns and waste no time chatting about the state of the hearts and minds of those they profess to defend.

It is in La Bermuda and in hundreds of similarly sad communities across the breadth of this weeping and wild land that the grim daily realities of life and death challenge the pat political analyses of those who make policy and war. Whatever thin veneer of civilization once existed there has been stripped bare, exposing darker, more complex and primitive forces at play than those that so hypnotize the political theorists of our times.

The tragedy that is El Salvador today is an ancient human drama that has been trying to play itself out since 1525 when the first conquistadores moved south from Mexico to claim for the Spanish crown the land and the Nahua tribes that inhabited it. The imperial feudalism that was imposed then with the warrior's sword and the priest's cross set the tone for a Salvadoran society that has changed little over the past four centuries. Neither national independence in the 19th century, the age of industrialism, successive political coups d'état, local wars with neighboring nations, or peasant uprisings against the landed oligarchs, has done much to alter the legacy of violence and exploitation handed down by the Spanish conquistadores.

To visit La Bermuda now is to understand how little really has changed in the lives of the rural campesinos, or peasants, who make up the vast majority of the nation's population. Life in the countryside remains, in the words of the 17th century philosopher Thomas Hobbes, "poor, nasty, brutish and short."

In another era not that long past, La Bermuda was one of those bucolic rural oases that could have been a setting for a story by Gabriel Garcia Marquez, the Colombian writer. Carved out of a rough tropical countryside at the foot of a massive, now-dormant volcano named Guazapa, La Bermuda was one of El Salvador's oldest haciendas, or estates. Built in the 19th century, its white plastered adobe outbuildings and the stately wide sweep of the main house's thick-beamed veranda still speak of a time when the land-owning gentry gathered in the cooling shade of sundown to sip iced rum while watching the campesinos troop home from the fields with the last rays of daylight flailing their backs.

That was before this tiny, overpopulated nation of 4.7 million souls went to war with itself in the wake of the captains' coup of 1979 that not only antagonized the rich oligarchs with its promises of reform but also alienated the hopeful because of the few changes they brought. The new age of democracy, justice and social equality promised by the coup-makers has not materialized. And now in the second year since the dictator Gen. Carlos Humberto Romero, was ousted and relegated to the dustbin of history, La Bermuda has become just another grim testimonial to the revival of an ancient barbarism that is being variously called a civil war, a subversion from abroad, or simply "la violencia," the violence.

The idyll that—for landed gentry, at least—was once La Bermuda, has been transmogrified into a Goyaesque ghetto stalked by

pestilence, war, famine and death. The hacienda owner and his family have long since fled to well-protected villas in the capital or lavish suburban homes in Miami, where their class has established its capital-in-exile to dream and plot their return. In their stead have come some 5,000 terrified campesinos fleeing the now-scorched neighboring countryside which, in the ways of modern anti-guerrilla warfare, has become just another free-fire zone where anything that moves by day or night is fair game for the armed bands of soldiers and guerrillas who hunt each other.

After days in the surprisingly still-bustling San Salvador, La Bermuda is a shock to the senses. The once-elegant hacienda is now but a muddy slum of pathetic bamboo and thatch hooches, hellishly smoking communal cook fires, banners of tattered laundry on the dry, and aswamp with gaunt and skittish beings wandering aimlessly through a squalor that is almost medieval.

What haunts most is the women. They stare out with frightened eyes from behind an undulating sea of sick and undernourished children and when they determine that the stranger is not one of those who comes to harm, they begin to move forward, hesitantly at first, then in a determined surge. They group around urgently and in voices as soft as rustling palms they beg for help in discovering what has happened to their missing loved ones.

"Please help me," says the first to speak up to the stranger, her voice unwavering with the stoicism of one familiar with the ubiquity of tragedy. "They came and took away my husband last week. He is 52 and is called Antonio Morales and he is all I have left in the world. Please ask someone if he is alive or dead. He did nothing."

One by one the women—old, young, middle-aged—take their turns at reciting the names of their missing, sometimes two or three or even four, their ages, and dates of disappearance from La Bermuda. The recitation takes on the monotony of a litany, a rote incantation of pain and fear of those dying in spirit, if not yet in body.

There are tales of murders, too, men dragged off in front of their eyes and killed and women raped, then shot. But it is the disappearances that oddly are more unsettling. None vanished on their own accord; they were all taken by armed and uniformed men who ride into the camp in olive-drab vehicles with the regularity of a harvest moon. At gunpoint the refugees are lined up, then the unfortunate are brusquely yanked out of line, seemingly at random with no explanation ever given, finally to be marched off down the road never to be seen again.

The sweep that carried Antonio Morales away numbered eight in all; the oldest was 59, the youngest, a boy of 14, and with them went a mentally retarded 16-year-old. Another 28 were seized the next month, bringing the total since January to more than 75. The story of the "disappeared" of La Bermuda is one a traveler across El Salvador today stumbles across everywhere, every day. Only the names, dates, ages and locales vary.

According to the conservative count of the U.S. Embassy, which cables a daily "Grimgram" to Washington to update its figures, the number of the dead and missing since the captains' coup is more than 10,000. The Catholic Church, with contacts throughout the country at once broader and more reliable, places the number now at 18,000—8,316 in the first six months of this year alone. For the purpose of comparison, in the United States the same percentage of the total population would be half a million dead or vanished.

The only real difference between the dead and the disappeared lies in the degree of torture such classifications inflict on the liv-

ing. The dead have bodies that can be recovered, cleaned, prayed over. The disappeared are but disembodied names existing as little more than futile hopes in the tormented memories of those from whom they were taken.

The overwhelming number of those killed are not casualties of war, in the classic sense, but victims of political murder: cold, simple, final. In the capital not a day goes by without someone being ambushed at a traffic light, ice cream stand, restaurant or shopping center or gunned down by a passing car at the doorsteps of his own home. But it is at night, after the government begins to enforce its no-nonsense 10 p.m.-to-dawn curfew, that the real slaughter begins. Sometimes the shooting by the death squads, the "escuadrones de la muerte," is so close in the back streets behind the luxury hotels where the few visiting foreigners stay that it sends guests fleeing from the cold comforts of the bar. More often it is further away in the suburbs, discernible as a hollow popping that reminds of firecrackers.

By the first light of day the pulse of the violence is measured, as people go out to pick up their dead. There are days when only a handful of corpses are found scattered in city streets or abandoned on rural roads. Other days there are as many as a dozen bodies in one neighborhood alone, the corpses grotesquely draped across the street with drying rivulets of blood trailing toward the sidewalks.

Whole families have been found slaughtered in pajamas still in their homes, the doors they refused to open battered down. So callous has the killing become that in the eastern city of San Miguel recently residents woke to find that 11 of the city's habitual drunks had all been shot in the head and dumped in a park with two dozen slain stray dogs under a hand-lettered sign that said: "Limpieza de San Miguel"—cleansing of San Miguel.

The standard form of execution is a bullet to the temple or a blast in the chest from semiautomatic G-3 rifles that are the favorite weapon of both the guerrillas and the government forces. But not a day goes by without evidence of many gruesome and sadistic modes of dispatch. Bodies turn up regularly with their heads or limbs severed by machete, the traditional weapon of the land that still is carried by troops in full battle dress. Other cadavers have been found charred by a torturer's blowtorch or with their skin peeled off their faces or with steel spikes driven through their ears. "How can we talk of civilization here," asks a shaken Catholic priest who like most people is afraid to have his name used lest he too become a target. "These are barbaric times we are living."

For an outsider, even one conditioned over a decade to the standard savageries of Asian wars and African rebellions, El Salvador is a nightmare beyond comprehension.

There are no battle lines, no safe sanctuaries, no neutral corners. No one is safe and everyone knows it. Anybody and everybody is a potential victim. One need not even have taken a political stance for or against the ruling junta that the captains have installed to be marked for execution. A malicious rumor from a personal enemy or a suspicion based on nothing more than an individual's family background, education or profession will do.

The lucky are only those with the money, mainly the very rich of the old oligarchy of famous families, who have moved their bank accounts and bodies abroad, either to Miami or Guatemala City. Those who can not afford such luxury have been reduced to turning their comfortable homes into fortresses protected by steel doors and high concrete fences, and patrolled by armed guards. If they can, they drive about in armored Cherokee vans (a status symbol in Salvador to rival Mercedes-Benz), wear bulletproof

vests and pack handguns tucked into their waistbands. The rest, the majority of the population, just go on about their lives as best they can, caught up in the numbing fatalism of those who have always been aware that they have no control over their destiny.

The daily newspapers, cautious, conservative and self-censored, try to keep up with the fallen the best they can, giving over their pages to the identification portrait photographs of the victims over brief captions giving their names, means of death and place felled.

The list of victims runs the gamut of society from peasants to socialites, taxi drivers to businessmen. But reading through the names carefully over a period of time, it becomes apparent that it is a special strata of the society that is clearly getting the worst of it: the doers, leaders, managers, educated. It is as if a decision had been made to eliminate the very people on whom the country's future depends.

In the countryside the main victims are those who emerged as community leaders under church-inspired comunidades de base (grassroots communities), activists in the peasants' union or those who have tried to administer new cooperatives created by the first stage of the government's land reform. In the towns it is the school teachers, nurses, church catechists, neighborhood leaders and secondary students who are killed most. In the city it is those feared to be the most likely to have political views: politicians (those that have not fled or gone underground), university professors, lawyers, labor organizers, students, professionals, administrators and managers.

In the country at large the target is the Catholic Church, a pillar of the established order before it turned to a liberation theology that has allied it with the poor. Twelve priests have been gunned down, including Archbishop Oscar Arnulfo Romero (no relation to the ousted dictator), who was assassinated last year while saying mass in the capital. A fearful woman in the western city of Santa Ana put it like this recently, as she described how her 23-year-old engineering student son was shot to death in her arms while she pleaded with the assassins who had invaded her home: "They just don't want this country to have any talent. To think today is to be dangerous."

There are probably as many different groups involved in the bloodletting as there are methods of killing. There are the death squads funded by the rich and reactionary discomfited by the 1979 coup that go by such names as the "white warriors union" and the "anticommunist armed forces of liberation." There are such murderous vestiges of the ancient dictatorships as ORDEN, an uniformed rural militia set up to terrorize peasants into obedience at the whims of the landowners and the military that supported them. There are also groups of dissident soldiers and police, extreme leftist urban guerrillas, anarchists, four left-wing guerrilla groups in the hills and the armed forces themselves with the three ill-disciplined security forces under their command.

Despite this multiplicity of agents of death, the consensus, supported even by U.S. diplomats backing the ruling junta, is that most of the killings are the work of rightists, either those believing in the pre-coup order or those backing, or even belonging to, the present military-dominated regime. One diplomat estimates the breakdown at 40 to 60 percent in favor of the right; another puts the rightist killings higher still but no one is in any position to prove the case.

U.S. officials embarrassed by these conclusions try to rationalize them by predicting, as is their habit in such cases, a "blood-bath" should the left, backed by the guerrillas of even more extreme views, ever come

to power. With no hard evidence to justify such a conclusion, they predict the left would kill 100,000 people if they ever won. In almost the same breath, however, these same diplomats admit that Roberto d'Aubuisson, a former Army major who is the darling of the reactionary right, has openly talked of the need to kill 200,000 to 300,000 people to restore peace to El Salvador.

To make any sense of El Salvador's current tragedy, one is forced to probe its past. And nothing in its long black history explains events today better than the aborted revolt in 1932, the last serious uprising against the nation's rulers. That event labeled by history books as "La Matanza," the butchery, was the death of 10,000 to 40,000 Salvadorans.

The stage was set in 1931 when the then-minister of war, Gen. Maximiliano Hernandez Martinez, overthrew the nine-month-old government of President Arturo Arrujo, to this day the only person to have ascended to the presidency of El Salvador by a free and democratic election.

Arrujo, the engineer son of a wealthy landlord, was a liberal whose vague notions about bettering social conditions in the country were quickly taken as dangerous heresies by the coffee and sugar plantation oligarchs, and the military who diligently served their interests.

The revolt against Hernandez's coup was the brainchild of Agustin Farabundo Marti, a mestizo of peasant ancestry who was one of El Salvador's first genuine communists. (He discovered Marx while attending, but failing to graduate from, the National University in 1914.) Though Marti's 1932 revolt has often been termed Latin America's first communist uprising, few other communists other than Marti were involved. There were few around. Most of the rebels were angry campesinos or young radicals who were incensed that their hopes of changing El Salvador's plantation feudalism once again had been stifled by the landowners and the military.

The revolt was a disaster. Marti and his two closest collaborators were arrested four days before the Jan. 22 date that had been planned for the uprising. Their followers, mostly from around the small towns of the western provinces of Sonsonate and Ahuachapan, revolted on schedule anyway, even though martial law had already been decreed to dissuade them.

Armed only with machetes and the odd pistol or hunting rifle, the rebels were disorganized and badly led and never had a chance. They took over half a dozen small towns, killed a few dozen local officials or landowners, and marched around the countryside waving their machetes in the air. The military routed them easily, first chasing them out of the towns, then hunting them down in the countryside. For all intents and purposes the revolt, which began Jan. 22, was over by Jan. 25, 1932. In all, counting rebels, police, soldiers and civilians, no more than 100 persons were estimated to have died.

With the passage of time the facts about the rebellion have been intentionally blurred by the military men who have ruled uninterruptedly since Hernandez's coup. As taught to schoolchildren in doctored history books, Marti's revolt was a savage class war where peasants, armed and led by hard-core communists, fell upon sleeping provincial towns and massacred the innocent caught in their beds by the tens of thousands.

The true story of the Matanza is more chilling. As University of Nebraska historian Thomas P. Anderson discovered while doing research for his book, *Matanza*, the first objective history of the 1932 revolt, the real killing only began after the rebellion had been put down.

"The Matanza began against anyone caught with a machete, or who looked too dark, or Indian, or too campesino," Anderson writes in describing the military actions that followed the revolt's failure. "Tied by their thumbs in groups of 50, they were led to walls where they were executed by machine guns mounted on trucks." By the thousands they were slaughtered and buried in huge pits throughout western El Salvador. Marti and his two colleagues were given a summary court-martial and hanged. Estimating that 10,000 died in the repression (others count the victims as many as 40,000), Anderson notes that his figure means the government "exact[ed] reprisals at the rate of 100 to one."

In San Salvador today the Army leaders, who remain the dominant force behind the junta, angrily reject any suggestion that such repressive military traditions of their past might account for the ferocity of the killings going on today. As the doctored histories of the Matanza blamed all the 1932 deaths on the rebels, today's military men seek to blame the recent wave of killings and disappearances on the "subversivos," their term for the rebels who—as in times past—are depicted all as communists armed and directed through the international communist movement.

That there are communists involved in today's rebellion is beyond doubt, just as Marti's allegiances were not hidden in 1932. But the communist party of El Salvador is only one of four leftist groups fighting in the countryside and at least two of those have very little time for Havana or Moscow. Supporting or sympathetic to this armed struggle are many who are actually anti-communists—social democrats, liberals, Catholics. To tar the whole opposition movement against the government with the brush of communism, as the State Department clumsily attempted with its error-filled white paper, is to miss the point of the real issues in El Salvador.

Today's military leaders in San Salvador, however, persist in identifying their critics as communists. In the convoluted official logic of autocracies, the killings and disappearances are offered as evidence that the junta is winning the hearts and minds of the populace.

"The guerrillas have failed militarily," boasts Col. José Guillermo García, the defense minister and current military strongman. "When the subversivos failed to trigger a popular rising in January they were reduced to terrorism against the people who did not join them. Because of that the people are now against them."

The boast ignores the evidence that the guerrillas have mastered the elusive art of hitting and running and that the government's forces suffer the greater numbers of casualties when they encounter the guerrillas in the bush. The notion that the people have turned against the rebels is not the view of things that an inquisitive outsider comes away with after a month of wandering around the countryside, visiting places that policymakers never visit and talking to the simple people to whom they rarely talk. In a code that in this land of death and retribution quickly states the unstatable, those the government calls subversivos are usually referred to sympathetically as los muchachos, the boys. After a while, one concludes that fear more than lack of sympathy prevented a popular uprising.

Rural peasants, country villagers and refugees admit that los muchachos occasionally come to population centers to demand food and supplies, to recruit new members when they can, or to execute those believed to be orejas (ears)—government informers, collaborators or ORDEN or the local representatives of the junta. But for every tale of guerrilla excess a visitor hears, he is told 10 of more methodical and random repression

by members of Col. García's own security forces.

At La Bermuda, for instance, the women with their tales of grief insist that the raiders of their camp are not any of the muchachos who operate from bases on the Guazapa volcano.

Those who have come to kidnap and kill and rape all ride in military vehicles, they say. Though some wear motley civilian clothes, most are dressed in the unmistakable black helmets and olive-drab fatigues of the Guardia Nacional, one of the Defense Ministry's paramilitary security forces created at the turn of the century to impose the government's writ on the countryside, where 60 percent of the populace lives. The same noncommissioned officer from La Guardia, the women say, always has led the raids on their camp.

Official disclaimers of responsibility for the national terror have suffered of late. In April, 30 bodies, some of children, most in pajamas, were found one dawn in the streets of a suburb of the capital named Soyapango. Neighbors who in the past would have kept their mouths shut, were so outraged that they contradicted the official explanation that the killings resulted from an after-curfew clash between security forces and guerrillas. The witnesses said that the dead had all been hauled out of their homes in the middle of the night and shot by uniformed members of the Finance Police, another security force, which is commanded by Col. Francisco Moran. One western diplomat contemptuously labels Moran the "Darth Vader" of the armed forces.

In May, after six months of junta foot-dragging and bitter internal debates within the military, U.S. pressure—and an FBI analysis of the evidence—forced the reluctant junta to arrest six members of the Guardia Nacional on "suspicion" of involvement in the killing of four U.S. missionaries—three nuns and a lay woman—last December after the group was stopped at a roadblock. The military's grudging admission that its forces are not, after all, blameless was speedily followed by an insistence that such cases are exceptions, not the rule.

"This has nothing to do with the armed forces," Col. García claimed at a press conference in which he announced the guardia arrests while flanked for support by his fellow brass. "If they did what they are accused of doing, they did not do so under orders. Hence they [the killings] are individual acts that the armed forces cannot be held responsible for."

The military's many critics in the land are not prepared to buy this view. "What you foreigners do not seem to understand is that the real issue in El Salvador is the armed forces and the power they still wield in this country," says a lawyer, a social democrat, over dinner in his home in the capital. Other guests, a university professor and an agronomist, nod in agreement. "The issue here is not ideology, or even the poverty and misery of most of our people. What has fueled the leftist movement, the guerrillas, is simple outrage at the injustice and repressiveness of the military that is ruling us today just as it ruled us in the past. What you have here is what we've always had: a war of the military against its people."

The real failure of the expectations that flowered with the 1979 coup, its opponents argue, is that the military refused to relinquish any of the prerogatives of power and control that had long been its monopoly. The officers moved against Gen. Romero not because they opposed military rule but because his style had become an embarrassment at a time the popular Sandinista revolt in Nicaragua to the South had just swept out the dictatorship of Anastasio Somoza. The colonels who rule today were appalled at how quickly

Somoza's National Guard was disbanded and persecuted after his fall and were eager to appear to move with the times to avoid a like fate in El Salvador.

The colonels argue that the changes they have tried to introduce have not been merely cosmetic. They point out that they were prepared to share power by bringing three eminent civilians to join their two representatives on the junta, Cols. Jaime Abdul Gutiérrez and Adolfo Arnoldo Majano. Didn't they also agree to a sweeping land reform program which if ever fully implemented would finally alter the plantation feudalism that lies at the root of so many of the country's ills? Didn't they sack all military generals and many, though hardly all, of the most neolithic of their fellow officers? Hadn't they agreed that national elections will be held in 1982?

True. But all the eminent civilians brought into the junta quit within months to run to exile in Mexico after denouncing the military for refusing to share actual power and failing to halt the repression. Col. García, a man who might have been dictator back in 1975 had he not been outmaneuvered at the time by Gen. Romero, has refused all requests that he quit and instead has emerged as the real strongman of the government. President José Napoleón Duarte, a Christian Democrat with previously impeccable credentials, was eventually brought into the junta to replace the civilians who quit, but though he was named president, he has proven increasingly powerless.

And Col. Majano, one of the few certifiable liberals in the military hierarchy, was forced out of the junta six months ago and now lives in the United States. In El Salvador, there is a warrant out for his arrest.

President Duarte remains the junta's most eloquent salesman. A former mayor of San Salvador and politician who built his career on opposing the military regimes of the past, he stunned the armed forces in 1972 by beating their own hand-picked choice in a presidential election whose displeasing results the armed forces quickly abrogated. His expressionless, immobile visage testifies to the ministrations of military torturers, who broke most of the bones in his face in a concerted effort to convince him of the evil of his political ways before sending him off to seven years of exile in Venezuela.

Few doubt that Duarte is sincere and honorable. He and his moderate Christian Democratic party, at most a collection of several thousand centrist politicians, are the only civilians of any stature still prepared to work with the military. Duarte's role has become more ceremonial than executive under the colonels and his efforts to push reforms, including the land reform, have stalled.

His association with the military has eroded his past support and credibility in the country and his own party is split over the benefits of continued links with the military at a time when all other political groups have rallied to the leftist antigovernment coalition led from Mexico by Guillermo Ungo, a social democrat and one of the three civilians in the original junta.

Duarte's enemies accuse him of clinging to the presidency because of his long-frustrated ambition to hold the job. The more charitable say he continues hopeful that his presence will put at least some brake on the military. The military leaders seem happy to keep him as windowdressing to impress Washington, on which they realize their ultimate survival depends.

In recent days U.S. officials for the first time have begun to mutter about the possibility of seeking some negotiated settlement to the Salvadoran crisis, but the armed forces remain adamant that the solution is a military elimination of the guerrilla forces. "The problem is they know any negotiation means compromise," says Salvador Samayoa, a former philosophy professor and minister

of education under the junta's first government. Today he is one of the Mexico-based strategists for the umbrella group representing the dozen-odd political, professional and labor organizations that are seeking politically and diplomatically to undermine the junta. "Even a minimum compromise would affect military power directly and that is something they will not allow. Military power is the issue."

With negotiations ruled out by the military, Duarte has put all his political efforts into convincing his skeptical citizens and the world that the only way to resolve the tragedy of their nation is by having free elections in 1982, a strategy initially recommended by the United States. Such a proposal is hard to argue with in principle, but one has only to look at Duarte's wounded face to understand why to Salvadorans such promises of free—and binding and unrevocable—elections have a hollow ring. The only free election in the country's history was Arzujo's in 1931 and that led to the military coup that produced the Matanza a year later and left a legacy of 50 uninterrupted years of military rule.

For the moment it is difficult to see a future for El Salvador much different than its present. The political situation is clearly blocked by refusals of any negotiations by the military. The land reform is barely in motion. The economy, even without the serious disruptions of violence is collapsing with the collapse of the world coffee and sugar prices on which it depends. Despite the infusion of \$35 million dollars of military aid this year for helicopters, weapons, and the U.S. advisers to teach their use, the war in the hills is stalemated, with the guerrillas proving increasingly able to punish El Salvador's 18,000-man armed forces. That point alone bodes ill for those attracted to the seeming simplicity of military solutions.

By now it should have begun to become clear to the policymakers of the Reagan administration that bombast and hyped white papers attacking Nicaragua, Cuba and the Soviet Union are no real alternatives to a serious policy to deal with a crisis that would exist anyway whether or not those countries existed and regardless of what aid they really give the rebels.

Until such a policy can be formulated, and El Salvador's colonels can be induced to accept it even at the diminishment of their political monopoly on power, it seems difficult to see how the present Matanza, which has probably already exceeded the horrendous carnage of 1932, can realistically be brought to an end.

EXHIBIT 2

Provision relating to military aid to El Salvador as contained in the proposed International Security and Development Cooperation Act of 1981 (S. 1196), reported from the Committee on Foreign Relations May 15, 1981.

EL SALVADOR

Sec. 707. (a) Funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offers may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if prior to each such obligation, issuance, extension, or assignment, the President makes a certification in accordance with subsection (c) and that certification takes effect.

(b) Thirty days after the date of enactment of this section and at the end of each succeeding six-month period thereafter, the President shall make a certification in accordance with subsection (c) if he is able

to make the determinations required by paragraphs (1) through (5) of that subsection. If at any of the times specified in the preceding sentence of this subsection the President does not make such a certification, then the President shall immediately—

(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect until such time as the President makes a certification in accordance with subsection (c) and that certification takes effect.

(c) The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador—

(1) is making a concerted effort and significant progress in controlling indiscriminate and gross violations of internationally recognized human rights;

(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date; and

(5) has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (5).

(d) The President may not make the first certification under subsection (a) of this section until after he has certified to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

REPORT NO. 97-83

Excerpt from Report (No. 97-83) on the proposed International Security and Development Cooperation Act of 1981 by the Committee on Foreign Relations.

SECTION 707—EL SALVADOR

Section 707 was introduced by Senator Dodd. It requires as a condition for U.S. assistance to El Salvador that the President certify that the Government of El Salvador is meeting five specific tests relating to hu-

man rights, control over the armed forces, economic and political reforms, free elections and a negotiated solution to the present conflict.

Subsection 707(a) requires a Presidential certification for El Salvador prior to each (1) obligation of MAP or IMET funds; (2) issuance of letters of offer for an arms sale; (3) extension of FMS financing; or (4) assignment of U.S. Armed Forces personnel to El Salvador.

Subsection 707(b) requires similar certifications each six months. If the President is unable to make such a certification, due to the failure of the Government of El Salvador to pursue those objectives in accordance with these standards, then the President is to take various actions to suspend aid and remove military personnel. Those actions include: (1) suspension of all assistance funds and deliveries under chapters 2 and 5 of Part II of the Foreign Assistance Act; (2) withholding all FMS credits approvals for new uses of previously extended and guarantees; (3) suspending all deliveries of defense articles, defense services and construction services; and (4) prompt withdrawal from El Salvador of all U.S. Armed Forces personnel providing services under the Foreign Assistance Act and the Arms Export Control Act.

Subsection 707(c) sets forth the conditions required by the certification to be made in subsections (a) and (b). The five conditions are that the Government of El Salvador:

(1) is making a concerted effort and significant progress in controlling indiscriminate and gross violations of internationally recognized human rights;

(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) is committed to the holding of free elections at an early date; and

(5) has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each criterion is to be discussed fully and completely as part of the certifications. In considering these five conditions, the Committee adopted suggestions by the Chairman to make changes in items (1) and (3). These changes brought the conditions more closely into line with reasonable expectations given the current situation in El Salvador.

Subsection 707(d) requires a one-time certification that the Government of El Salvador has made good faith efforts both (1) to investigate the murders of the six United States citizens in El Salvador; and (2) to bring to justice those responsible for those murders.

In adopting section 707, it is not the intent of the Committee to preclude the continuation of assistance to El Salvador in the event that one or more of the standards set in subsection (c) was not met due to actions by other parties or events outside the control of the Government of El Salvador.

This section represents the Committee's bipartisan view concerning El Salvador. The Committee believes that the amendment would strengthen President Duarte's ability to undertake the basic reforms necessary to bring peace to his nation.

The provisions of the amendment also closely parallels the Administration's stated objectives in El Salvador. With respect to economic and political reforms, a recent letter to the Chairman by Under Secretary of State James Buckley (see below) reemphasizes the Administration's support for Duarte's social and economic reforms.

UNDER SECRETARY OF STATE
FOR SECURITY ASSISTANCE,
SCIENCE AND TECHNOLOGY,
Washington, D.C., May 13, 1981.

HON. CHARLES H. PERCY,
Chairman, Science Foreign Relations Com-
mittee, Dirksen Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: As your Committee continues its deliberations over the foreign assistance authorization bill for fiscal 1982, I thought it appropriate to take the opportunity to restate the Administration's strong support for the Duarte Administration's efforts to achieve social and economic reforms. The success of those efforts represent a necessary component of our national security posture in Central America.

In March, 1980, the moderate government of President Duarte initiated a large-scale land reform program which will ultimately provide land to some 300,000 rural families. The Administration believes that it was in good measure the successful initial implementation of this program which thwarted the efforts of revolutionary groups to seize control of the government earlier this year. It is our view that the continued success of the Duarte program is necessary if that government is to retain popular support in its efforts to resist renewed leftist threats to its political and economic life. I strongly believe it to be in the best interest of the United States to continue our support for this program.

I hope you find these remarks useful as you proceed through mark-up of the foreign assistance bill.

Sincerely,

JAMES L. BUCKLEY.

SECTION 707 (EL SALVADOR)

Mr. KENNEDY. Mr. President, I welcome the steps the Committee on Foreign Relations has taken to press the administration toward a new policy in El Salvador. The committee has moved to condition further military assistance to El Salvador on Presidential certification that the Government of El Salvador is meeting five specific tests relating to human rights, control over the armed forces, economic and political reforms, free elections, and a negotiated solution to the present conflict, as well as pursuing the investigations into the murders of six Americans in El Salvador.

Since 1977, I have spoken and worked against U.S. assistance which could be used to increase repression or to escalate violence in El Salvador.

Last March, my friend and colleague, Senator PAUL TSONGAS, joined with me in legislation (S. 728) which would go much further than section 707 of the International Security and Development Cooperation Act of 1981 (S. 1196), by suspending all U.S. military assistance and support unless important conditions are met. Only after both the Senate and the House were satisfied that the conditions had been fulfilled could military assistance and support be resumed.

Senators BURDICK, LEAHY, LEVIN, and WILLIAMS have joined us as cosponsors of this legislation, which is supported by a wide spectrum of religious leaders in the United States.

Senator TSONGAS and I have worked with the committee and the sponsors of section 707 to insure that it reflects as many elements as possible of our own bill. Despite the opposition of the administration, notable progress has been achieved in the committee.

However, we continue to believe that the United States should end its military aid and support, and should pursue instead a mediated and negotiated political solution. We are prepared to bring our bill to a Senate vote if section 707 does not have its desired effect and administration policy remains unaltered. That policy aids and abets continued repression and violence in El Salvador, and it should be ended.

Mr. President, the provisions of section 707 constitute the minimum set of conditions for U.S. support to the Government of El Salvador. But it is sadly evident that these conditions—particularly with regard to violence and human rights abuses—are not being met today by that Government. Unless there is prompt and very substantial improvement in the situation, military assistance should therefore no longer be supplied to that Government.

It is important to bear in mind what we are talking about when we say that violence and human rights abuses are occurring in El Salvador. In El Salvador, violence and human rights abuses do not mean isolated cases of brutality by a new recruit in a remote district of the country.

Violence and human rights abuses mean deliberate, planned abductions by members of the security forces and right-wing death squads of teachers, labor representatives, leaders of respectable, middle-of-the-road political parties, priests, sisters, doctors, lawyers, and peasants. It means subjecting them to the worst tortures before casting their mutilated bodies on the street to perpetuate an atmosphere of fear. And none of these people are combatants or can be called guerrillas. They are not in any way legitimate targets of force.

Violence and human rights abuses mean the unsolved murder, in cold blood, of an archbishop of the Catholic Church. They mean the unsolved murders, in cold blood, of American women. They mean the unsolved murders, in cold blood, of American labor representatives.

They mean a pattern of gross and continued abuse of a defenseless population. In short, they mean a government incapable, by all intents unwilling, to control itself or other perpetrators of enormous and outrageous injustices against the people of El Salvador.

During 1980, some 12,000 persons were killed in El Salvador, which, in terms of the size of the population of the United States, would have meant the deaths of 500,000 Americans.

Already during 1981, more than 9,000 persons have been slain, so that, since the escalation in American military aid, the rate of killing has increased, not decreased. Thousands more persons have been wounded. And the United Nations High Commission for Refugees now estimates that at least 600,000 Salvadorans, or fully 12 percent of the population of El Salvador, have been displaced. This includes 100,000 refugees in Mexico, 60,000 in Guatemala, 45,000 in Honduras, 10,000 each in Costa Rica and Nicaragua, 15,000 in Panama, and 5,000 in Belize. The vast majority is made up of women, children, and older people.

The International Commission of Jurists, in their June 1981 review of human rights in El Salvador, amply document these abuses and violations. As one of their members summarized the Salvadoran situation before the United Nations Commission on Human Rights:

There has been a spectacular increase in the violations of human rights, and this small country is plunged in a bloodbath.

I ask that a section of the ICJ review entitled, "Status of Other Human Rights," be entered in the RECORD at the conclusion of my remarks.

No one can any longer talk about the government with its military high command and its security forces standing somehow in the center between violent extremes of left and right. It is the people who are in the center. The opposition to the government includes those who have committed themselves to violence, many certainly because of their adherence to extremist philosophies, but most because opportunities for democratic change have been denied to them.

But included among those in power are those who have committed themselves to violence to maintain a grossly unequal social system—and among that group on the right are the government's security forces.

Only a few weeks ago, the Apostolic administrator of San Salvador, Bishop Arturo Rivera Y Damas, who wrote me in April to plead for an end to outside military intervention in his country, and who has no identification at all with any armed insurgency, publicly accused the government security forces of being responsible for a vast amount of killing of innocent people in that country and for harassment of the Catholic church.

The bishop has pleaded for negotiations to end the suffering of the Salvadoran people. I request that my exchange of letters with Bishop Rivera Y Damas be placed in the RECORD at the conclusion of my remarks.

Within these same few weeks, we have seen numerous reports in the press and by respected nongovernmental organizations, including Amnesty International, which have stated, for example:

That on July 17, 13 teachers were abducted by the security forces and have disappeared;

That on July 4, Edgar Vallejo, a well-known writer, aged 23, not known to be involved in politics, and father of an 18-month-old child, was abducted in San Salvador by masked men in plainclothes and driven away in a Jeep without number plates;

That on July 6, two women were abducted by plainclothes officials of the national police and held incommunicado;

That on July 7, 28 peasants were murdered, their bodies mutilated and buried under a bridge by security forces;

That on July 30, at least 19 persons were taken away from their homes by soldiers and slain after a roadside quarrel, murders publicly condemned by Bishop Rivera Y Damas;

That, and I quote from a report by Amnesty International:

The majority of reported human rights violations in El Salvador including torture,

"disappearances" and deliberate cold-blooded killings, have been carried out by the security forces and have been directed against people not involved in guerrilla activities.

Testimonies received by Amnesty International implicate all branches of the Salvadoran security forces, whether nominally military, military police or paramilitary, in violations which have occurred on such a scale that they constitute a gross and consistent pattern of human rights abuses. Amnesty International has documented case after case of abduction, murder, and torture by troops and police of nonviolent opponents, human rights workers, priests, teachers, students, journalists, medical workers, and others.

At the end of August, two countries close to the United States in friendship and alliance—Mexico and France—declared that the Frente Farabundo Martí Para La Liberación Nacional and the Frente Democrático Revolucionario are a representative political force in El Salvador, which should be able to participate in seeking a negotiated political solution to the crisis.

This is an important development, and an opportunity to break the stalemate in El Salvador and end the violence.

In September, the United Nations Subcommittee on Prevention of Discrimination and Protection of Minorities, of the Commission on Human Rights, adopted their own resolution on El Salvador, emphasizing concern over human rights abuses. I ask that the important and timely resolution of the UNCHR subcommittee be inserted into the Record at the conclusion of my remarks.

Mr. President, it is abundantly clear that the present policy of the United States toward El Salvador is failing and is even making matters there worse. I say this in full recognition of the recent statement by Assistant Secretary of State Thomas Enders, which offers the well-intentioned but mistaken thesis that the present course of U.S. policy should not be changed if El Salvador is to overcome its problems.

I believe that the present course of U.S. policy can and should be changed, and section 707, as I have stated, provides the minimum set of conditions designed to produce such a change. It is most unfortunate that even this minimum set of conditions is not being fulfilled.

To see that this is, sadly, the case, let us examine these conditions one by one.

Section 707 requires, before military aid can continue, that the administration must certify that El Salvador has made good-faith efforts both to investigate the murders of the six American citizens killed in El Salvador last December and January, and to bring to justice those responsible.

Despite an occasional report in the press that progress has been made in these investigations, it is painfully obvious that little is happening. Those arrested in the murders of the missionaries are not known—their names and addresses have not been officially revealed.

In fact, disturbing reports have appeared recently that suggest that there is evidence connecting individuals in of-

ficial places above the level of soldiers manning roadblocks, with these savage murders; and if this evidence is being acted upon, neither the administration nor the government of El Salvador has seen fit to tell us about it.

I call on the administration to apply all its available influence now to see that these outrageous murders are fully investigated and justice is brought to bear.

Second, section 707 requires certification that the Salvadoran Government is making a concerted and significant effort to control gross violations of internationally recognized human rights; and is moving to achieve control over each and every part its armed forces, in order to stop the indiscriminate torture and murder of Salvadorans.

Mr. President, I think it is completely obvious that the Government of El Salvador, whatever efforts it might be making, is failing dismally to make significant progress in controlling indiscriminate and gross violations of internationally recognized human rights. The statements of Amnesty International are ample testimony to this fact. Again, the minimum conditions of section 707 are not being satisfied.

Section 707 imposes the further condition that the Salvadoran Government must make continued progress in implementing essential economic and political reforms—reforms essential to a strong and continued civilian component in the government. The administration's increased military support is having the effect forecast months ago by Ambassador Robert White: The conversion of the Junta into a right-wing dictatorship, controlled by the military in the service of the most unrepresentative elements in Salvadoran society.

Again, there must be strong United States and international pressure for control of the military by the civilians in the Salvadoran Government, for meaningful land reform to give the dispossessed and wretchedly poor in El Salvador some small chance for an improved lot—and to make it possible to bridge the chasm between rich and poor in that society.

And finally, section 707 requires that the Salvadoran Government must demonstrate its willingness to negotiate an equitable political resolution of the civil strife there with any group that renounces and refrains from further military or paramilitary opposition activity.

I regret to say that not only is the administration not actively encouraging international efforts to reach a negotiated, mediated solution to the Salvadoran violence with an in place truce and no foreign military intervention—efforts being undertaken by Mexico, Venezuela, the Socialist International, by the Salvadoran Catholic Church, by the Organization of American States, and by other friends and allies of the United States, but it appears to be discouraging such efforts. The chilly response by the administration to the August 28 Franco-Mexican declaration is an unfortunate example of this policy.

Nor has the Salvadoran Government indicated a willingness to negotiate such

a resolution of the conflict. The Congress should judge the administration's future request for assistance to El Salvador by evidence of a change in this mistaken and misguided policy.

And I repeat the call made by Bishop Rivera y Damas, that a dialog between the contesting parties should be initiated.

Section 707 requires that the Salvadoran Government be committed to the holding of free elections at an early date. The administration has placed considerable emphasis on the declarations of the Salvadoran Government to hold elections, and has recently stated that discussions or negotiations on electoral issues among opposing parties could play a role leading up to elections.

I agree that elections are essential when they can indeed be free elections providing genuine choices for the Salvadoran people.

But I also believe that present conditions are such that a mediated, negotiated solution to the basic conflict, and an internationally monitored cease fire are required so that competing parties can campaign in freedom from fear of abduction and murder, which has been the fate of opposition politicians during the past months.

Recognizing this situation, the Salvadoran Bar Association has concluded that conditions are impossible for holding elections, and has therefore decided to decline to participate in the work of the election commission which has been set up to prepare for elections in the spring of 1982.

With regard to the conditions for negotiation and for elections, section 707 requires that some consistent and coherent attempt be made to establish a future in El Salvador with political agreement and ballots, instead of military power and bullets.

The people must know that the security forces of the Junta are not determining who can campaign, who can vote, who can speak, who can hold rallies, and who will count the votes. Only a process that permits full participation by the Junta and the opposition in establishing the electoral rules and framework in which such an election will occur. And that process requires an outside mechanism of mediation to permit the parties "to negotiate an equitable political resolution of the conflict."

An election without that element, as the experience with the abortive internal settlement in Zimbabwe shows, will yield nothing.

It will not halt the fighting and the killing and it will not produce any new possibility to end the disintegration of the fabric of society in El Salvador.

I fear, Mr. President, that the administration may close its eyes to the realities of the situation in El Salvador and may attempt to certify that the conditions imposed by section 707 are being met. If that becomes the case, and the situation in El Salvador continues as it is now, then full and open hearings should be held on any such certification. The administration should know that it is not form that counts, but that the substance of U.S. policy is at issue.

and that it will have to make a considerably better case than that contained in Assistant Secretary Enders' recent remarks for the certification to be accepted by the Congress.

As I have noted, Mr. President, the legislation which Senator TSONGAS and I have sponsored (S. 728) goes considerably further than the provisions of section 707. Our legislation requires a suspension of all military assistance and support to El Salvador until the United States actively encourages—and El Salvador cooperates in—international efforts to reach a fair and peaceful mediated solution to the conflict, to obtain an in-place truce between the parties involved, to seek a conference of these parties, and to oppose the introduction of any arms or military personnel from any foreign source into El Salvador.

Military assistance and support would be suspended until the United States vigorously investigates reports of, and prosecutes any individual in the United States found to be responsible for, the financing of assassination squads or other terrorist activities in El Salvador.

Our bill would also require that the Government of El Salvador carry out a thorough and complete investigation of the murders of the six American citizens, and take definitive steps to bring to justice those responsible for such murders, before military aid could be provided. The Salvadoran Government would also have to investigate and seek the prosecution of individuals—inside or outside the security forces—responsible for acts of murder and terrorism.

Salvadoran citizens would have to continue to have a substantial role in the decisionmaking and leadership of their government, and specific written requests by El Salvador for any future aid would be required.

I believe that reliance on a military solution to the tragedy of El Salvador continues to be a grave error on the part of the administration. The administration should read in section 707 a clear warning to reconsider its policy and to pursue the avenues for peace urged by many of my colleagues, by our friends and allies, by American religious leaders, and by the church in El Salvador.

I believe that the administration should resolve to get at the bottom of the murders of American citizens in El Salvador, and I believe that the administration should change its policy toward the great numbers of homeless cast out of El Salvador by the violence there, and to grant Salvadoran refugees the same status that refugees from conflicts in Southeast Asia and elsewhere are granted.

It is clear that American arms and American military personnel have not improved the situation in El Salvador. I am concerned that the American military presence continues to expand in the area, now including reports of green berets in neighboring Honduras.

And no one in the administration has faced the question: What will the United States do if one of these American soldiers is killed in guerrilla fighting in El Salvador? As the violence and murders and suffering continue unabated, the junta gives precious little evidence of re-

sponding to the real needs of the people. Only a mediated and negotiated solution to that civil strife, only more representative government, only social and economic justice for all the people of El Salvador will bring to an end the violence and devastation in that tortured land.

I have already mentioned the finding of Amnesty International that the Salvadoran security forces have engaged in a gross and consistent pattern of human rights abuses. In view of the requirements of section 502(b) of the Foreign Assistance Act, I believe that the administration has a prior obligation to stop all security assistance to the Government of El Salvador forthwith, or immediately to provide the Congress with its justification of extraordinary circumstances warranting, in its opinion, the continuation of this assistance.

I believe, furthermore, that the Committee on Foreign Relations, or the Senate as a whole, should request the Secretary of State to provide the statement on observation of human rights in El Salvador as specified in section 502b, paragraph (C).

In conclusion, Mr. President, I wish to point out that the House version of section 707 of the Senate bill contains certain provisions which impose more stringent conditions on the continuation of military assistance to El Salvador.

I hope that, in conference, the conferees will recognize the considerable sentiment in the Senate to move beyond the conditions as expressed in section 707, and accede to the House version.

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

[Letter from Apostolic Administrator of San Salvador]

ARZOBISPADO, EL SALVADOR, C.A.,
April 10, 1981.

HON. EDWARD M. KENNEDY,
U.S. Senator,
Boston, Mass.

DEAR SENATOR KENNEDY: Your warm greetings to me on the occasion of my visit to Harvard were most gratefully received. I am likewise pleased at your sentiments of support for the purpose of my visit which is to make contribution as best I can toward a solution of the problems afflicting my country.

May I be so presumptuous to ask that you use your position in the Congress of the United States to see that military aid to my country will cease and that support is given to a process of dialogue that will bring about a just and peaceful solution to the present conflict and violence.

I am especially heartened by your pledge of assistance to do what you can to further a political solution, end military intervention and to see that the conflict of our country be resolved in a political way rather than military.

In order to achieve that it is needed that the military sectors of El Salvador receive the necessary pressures so they might open themselves to dialogue and negotiations.

Sincerely yours in Christ,

ARTURO RIVERA Y DAMAS,
Apostolic Administrator,
Archdiocese of San Salvador.

U.S. SENATE,
Washington, D.C., May 5, 1981.

Most Reverend ARTURO RIVERA Y DAMAS,
Apostolic Administrator,
Archdiocese of San Salvador.

DEAR BISHOP RIVERA Y DAMAS: Thank you very much for your thoughtful letter of April 10, which I have just received.

I completely agree with you that military aid to El Salvador should cease and that all our efforts should be devoted to dialogue and negotiations leading to a just and peaceful solution to the present tragic conflict. I wish to assure you that I will do all I can to press for this policy in the United States Senate, and I am enclosing a copy of the legislation I have introduced with Senator Paul Tsongas and others to this end.

I very much welcomed your recent visit to the United States. I pray for the success of your efforts to achieve peace, justice and reconciliation in El Salvador, and I hope that you will let me know if there is anything further that I can do to help from the United States.

With my deep respect and best personal wishes,

Sincerely,

EDWARD M. KENNEDY.

RESOLUTION ON EL SALVADOR ADOPTED BY THE
UNITED NATIONS SUB-COMMISSION ON PRE-
VENTION OF DISCRIMINATION AND PROTEC-
TION OF MINORITIES

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: Report of the Sub-Commission under Commission on Human Rights Resolution 8 (XXIII).

Draft resolution submitted by: Mr. Chowdury, Mr. Elde, Mr. Foll, Mr. Joinet, Mr. Khalifa, Mr. Martinez Baez, Mr. Masud, Mr. Mubanga-Chipoya, Mr. Mudawi, Mrs. Odio Benito, Mrs. Perdomo de Sousa, Mr. Tosevski, Mr. Whitaker, Mr. Yimer.

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles and purposes of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, particularly articles 1 and 25 of the Covenant which relate to the right to self-determination, and the provisions of the Geneva Conventions, particularly article 3 which is common to those Conventions,

Emphasizing that suppression of the will of a people or a group, and gross violations of their human rights are incompatible with the right to self-determination,

Recalling the well-respected principle that peoples under suppression of any form, or under domination, have the right to resist such suppression or domination, and should be supported by the international community,

Recalling that in its resolution 35/192 the General Assembly expressed its deep concern at the grave violations of human rights and fundamental freedoms in El Salvador and requested the Commission on Human Rights to examine, at its thirty-seventh session, the situation of human rights in that country,

Taking note of the decision taken by the Commission on Human Rights in its resolution 32 (XXXVII) of 11 March 1981 to designate a special representative with the mandate to investigate the reports about grave violations of human rights in El Salvador and make recommendations as to what steps the Commission could take to help to secure the enjoyment of human rights and fundamental freedoms, including economic, social and cultural rights,

Deeply alarmed by information submitted to the Sub-Commission at the present session from which it appears that the situation of human rights in El Salvador continues to gravely deteriorate,

Convinced that only respect for article 25 of the International Covenant on Civil and Political Rights will assure to the Salvadoran nation, though the participation of all political forces, the full exercise of its fundamental rights in establishing a democratically elected Government.

Convinced also, however, that at the present time the conditions for holding truly democratic elections do not exist in El Salvador.

Agreeing with the call addressed by the Commission to all parties to bring about a peaceful settlement and to seek an end to acts of violence in order to end the loss of lives and the suffering of the people of El Salvador.

Expressing the need for all the Salvadorean political forces to contribute to the initiation of this peaceful settlement and that all efforts to this end should be welcomed.

Recalling meanwhile that the Commission referred, in its resolution 32 (XXXVII) to the rules of international law, particularly to article 3 common to the Geneva Conventions of 12 August 1949 concerning the law of war, which are applicable to armed conflicts not of an international character and which require the parties to the conflict to apply a minimum standard of protection of human rights and of human treatment.

Convinced in this respect of the necessity for urgent humanitarian intercession, in the spirit of the Geneva Conventions and the Protocols thereto, especially by the International Committee of the Red Cross.

1. Recommends to the Commission that it continue to consider the situation of human rights violations in El Salvador as long as the necessary conditions for a just solution are not present;

2. Decides to request the Secretary-General to bring to the attention of the Commission and its Special Representative the information received by the Sub-Commission concerning the grave violations of human rights and fundamental freedoms;

3. Takes note of the co-operation shown by the International Committee of the Red Cross, the humanitarian actions of which contribute to lessening the grave suffering of numerous groups of civilian population and hopes that such action spreads to persons who are in conflict on both sides.

4. Requests the Secretary-General to inform the Sub-Commission at its thirty-fourth session of the action of the Special Representative of the Commission and of the deliberations of the Commission on this matter as well as of any consideration which may be given to it by the General Assembly, the Economic and Security Council or the Security Council.

(NOTE.—This resolution was approved 9 September 1981. Twenty-three countries voted in favor and one against (Argentina).)

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

UP AMENDMENT NO. 414

Mr. HELMS. I thank the Chair.

Mr. President, I send an unprinted perfecting amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 414 as a perfecting amendment to the bill.

Mr. HELMS. 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 59, line 18, strike out "(a) Funds" and all that follows through page 62, line 18 and insert in lieu thereof the following:

"SEC. 707(a) The Congress finds that peaceful and democratic development in Central America is in the interest of the United States and of the community of American

States generally, that the recent civil strife in El Salvador has caused great human sufferings and disruption to the economy of that country, and that substantial external assistance to El Salvador is necessary to help alleviate that suffering and to promote economic recovery within a peaceful and democratic process.

"(b) It is the sense of the Congress that assistance furnished to the Government of El Salvador, both economic and military, should be used to encourage—

"(1) the realization of the United States policy objective of achieving a peaceful and democratic resolution to the strife in El Salvador;

"(2) full observance of internationally recognized human rights in accordance with sections 116 and 502B of the Foreign Assistance Act of 1961;

"(3) full respect for all other fundamental human rights, including the right of freedom of speech and of the press, the right to organize and operate free labor unions, and the right to freedom of religion;

"(4) continued progress in implementing essential economic and political reforms, and support for the private sector;

"(5) a complete and timely investigation of the deaths of all United States citizens killed in El Salvador since October 1979;

"(6) an end to extremist violence and the establishment of a unified command and control of all government security forces in this effort;

"(7) free, fair and open elections at the earliest date, the modalities of which should be negotiated between all groups which renounce and refrain from further military or paramilitary opposition activity in pursuit of an equitable political resolution of the conflict;

"(8) increased professional capability of the Salvadoran Armed Forces in order to establish a peaceful and secure environment in which economic development and reform and the democratic process can be fully implemented, thereby permitting a phased withdrawal of United States military training and advisory personnel at the earliest possible date.

"(c) Within six months after the date of enactment of this section, the President shall report to the Congress concerning the status of his efforts in implementing the U.S. policy objective of a peaceful and democratic resolution to the strife in El Salvador and shall identify any remaining obstacles to achieving that objective."

Mr. HELMS. The perfecting amendment is almost precisely the same as the amendment of the Senator from Indiana.

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

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

UP AMENDMENT NO. 415

Mr. PELL. Mr. President, this seems to be a parliamentary day, and I rise again to offer an amendment to the perfecting amendment to section 707 of the bill. The perfecting amendment to the text of the first-degree amendment would have on page 1, line 17, before the word "funds" insert the words "in the fiscal years 1982 and 1983".

I send the rest of the text to the Chair.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 415.

The PRESIDING OFFICER. The Chair would advise the Senator from Rhode Island that the amendment is drafted to the language of the bill and it must be directed to the perfecting amendment proposed by the Senator from North Carolina.

Mr. PELL. Mr. President, my understanding, then, is that the amendment is in order.

The PRESIDING OFFICER. The amendment is not in order.

Mr. PELL. In what way is it not in order?

The PRESIDING OFFICER. The amendment is directed toward the language of the bill. In order for the amendment to be in order, it must direct itself to the perfecting amendment filed by the Senator from North Carolina.

Mr. PELL. In that case, would it be in order to ask the Chair if I could modify my amendment to have it dependent upon the language of the Senator from North Carolina? I would move my language be so modified.

The PRESIDING OFFICER. The Senator can modify his amendment at any time until such time as the Senate has taken action on it. But we must have the modification sent to the desk.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Mr. President, I know there is no time limitation on this, but, for purposes of judging my own time, I yield myself 10 minutes.

THE BUDGET SITUATION: WHERE WE STAND NOW

Mr. DOMENICI. Mr. President, after several weeks of public discussion and intensive private meetings, the Nation's leaders are faced with a most typical situation: The Federal budget seems likely to produce deficits larger than economically healthy and politically acceptable.

This situation occurs annually. That it occurs again this year should surprise no one. After all, relatively large deficits were projected by President Reagan for the fiscal years 1983 and 1984 when he transmitted his budget message in March. He noted that in order to achieve a balanced 1984 budget, we would have to cut about \$30 billion in 1983 and \$44 billion in 1984, beyond what we had cut through reconciliation.

In short, total cuts in 1983 would amount to about \$77 billion and total cuts needed in 1984 would reach about \$100 billion below what current policy as of January of this year would produce.

The Congress has already been through one large budget cutting exercise, an exercise we all knew was only the first step. Wall Street knew months ago what the

facts were. All of us in policy positions knew months ago what we faced. The present projected deficits are no shock and no surprise.

They are entirely part of what the President has already told us. And, more pessimistic economic projections—as speculative as any that either the administration might use or any other group trying to predict events 30 months away—would yield theoretically larger deficits. This, of course, is no surprise, either.

That the President is now under some pressure to reveal his plan for continuation of budget cuts is also no surprise. We need some outline of where further cuts might be proposed so that we could begin planning for the budget process for the rest of this year and next year and even into 1984. And, with a jittery Wall Street so sensitive to interest rate movements, any plan that holds the promise for suppressing future deficits seems especially timely right now.

There is nothing new in all this. What is new is a surprising vague consensus that things are going wrong, that the economy is getting worse—and that there is nothing we can do about it.

I am surprised that Members of Congress are expressing that consensus, if that is what it is, particularly Members of my own party in the Congress.

Did we think we could solve the economic problems of this country in 8 months? Had we not been saying, literally for years, that drastic measures would be needed, that sustained and long-range budget restraint would be needed to bring down the Federal budget deficit and move toward a balanced budget? That is what I had been saying, and what I am still saying, as chairman of this Senate's Budget Committee.

Here is our current situation, as I see it. The Federal Government's accounts can be grossly summarized as follows: Defense spending, entitlement spending, discretionary appropriated accounts other than defense, and revenues. If you want to change the deficits projected, you must take some actions in these areas. And, using these general categories, we find that Federal spending projections between now and 1984 reveal just where our opportunities are for spending restraint and/or deficit reduction.

First, entitlements, all pensions, AFDC, medicaid, and similar programs and interest on the debt, will comprise about 57 percent of the Federal budget by 1984—the single largest category of spending.

Second, defense spending as a percentage of the budget will increase to about 29.4 percent of outlays by 1984.

Third, discretionary appropriated accounts—all other programs under the Federal Government—will make up 20 percent of spending, if none of those \$44 billion in additional cuts are made; or will comprise about 16.7 percent of Federal spending in 1984, if we assume that most of that \$4 billion will come from this category. Either way, discretionary appropriated accounts will decline as a percentage of the budget.

Our National Government will receive less revenue than before, as we return to our people large quantities of what would otherwise have been taxed away from them, all of which occurs automatically because of the tax package.

I would think that such a clear picture would rapidly yield a consensus for action. After all, without any action, we could confront historically large deficits, perhaps nearing \$100 billion by 1984.

Such deficit projections have contributed to high interest rates, the market slowdown, and the general pessimism that has grasped part of the marketplace. We all know that even if interest rates come down, absent any action aimed at the 1983 and 1984 deficits, those rates will surely rise again.

Yet, in recent days, the newspapers have carried the dismal story: We—the Members of Congress—apparently think we can do nothing. Or, at least, we think that doing nothing is preferable to doing anything about the four elements of fiscal policy within our control, or even some of them.

There has been entirely too much political rhetoric. For example, surrounding suggested changes in the way we would like to handle entitlements over the next few years. What this Senator would ask of those who receive Federal pensions is this: Would you refuse to take a 20-percent, instead of a 30-percent, increase over the next 3 years, if it would make the social security system solvent for all time, and remove the fear we have engendered in our elderly people?

Or are you telling us that you are not willing to put off a pay raise for yourselves for 6 months, or a year, while your country works its way out of economic crisis?

I do not believe the question has been put to Federal pensioners in that way. Instead, the people are asked if they want to cut social security, a question aptly designed to create panic among our old people. That causes obvious political problems, problems many of us cannot seem to face.

Others are saying that attempting to cut appropriations by large amounts beyond the cuts we have already imposed is politically impossible. Still others say that any cuts in national defense larger than those recently proposed by the President would endanger our Nation's security and send the wrong signal to both our allies and our adversaries.

And, where revenues are concerned, I see no consensus to raise revenues by delays or deferrals of the recently enacted tax cuts or by elimination of special tax treatment, and I see no move to address the myriad possible user and excise taxes that are on the books.

And, yet, we still turn to the President for action. I must ask: What action can he propose that we will accept?

It seems to me that what we have been saying to the President and the people is that maybe all our problems will go away.

Perhaps we will survive the interest rates we see now and the downturn in the economy that seems to be taking

place. Maybe it will work out without our help.

Perhaps we will not have to bite any more bullets. Perhaps problems in social security insolvency will miraculously disappear without our intervention. Perhaps indexed programs will decrease instead of increase. Perhaps events will solve our problems for us.

My experience tells me that none of this will happen and that we are like railroad engineers watching two trains headed for a collision, hesitating as we reach for the switch because we hope someone else will intervene.

My view is that we have to intervene. The President cannot do it alone. Now is the time to act.

Mr. President, the second concurrent budget resolution will soon be before us. My committee will have to face within the next few weeks the problems so many seem unable to face this week. Because the Budget Act orders it, and because it is good policy to do so, we will prepare a second budget resolution.

Many of those solutions that we seem to reject out of hand this week may very well be among those solutions that my committee will recommend to our colleagues.

We will not do so with any great enthusiasm, and not with any illusions that we will prevail if others disagree with our prescriptions. But, we will do so because good public policy and the needs of the Nation dictate that we do so.

We will recommend some changes in the entitlement programs and their increasing cost. I believe that we can run, but we cannot hide from entitlements and other problems I have discussed. They are too large a part of the Federal budget and they are growing too fast.

When the President presents his spending reduction goals tomorrow night, I will do all I can to help him achieve those goals in this Congress, and the next. I believe that that is my job as chairman of the Senate Budget Committee and as a Senator concerned.

I know I can count on the members of the committee, on both sides of the aisle, to carefully and objectively consider the President's proposals, to develop proposals of their own, and to work to give you a second concurrent budget resolution that truly faces and addresses the economic problems facing us today. I do not expect this Senate to panic before the need to exert leadership. We cannot escape but we must proceed.

We must face these problems. We were elected to do this. Good public policy and the needs of the Nation dictate that we do so.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. HOLLINGS. I thank the distinguished Chair.

Mr. President, I agree that we should have a second budget resolution. In fact, it should have been adopted by September 15. However, work on it has been

delayed by the administration's recent change in signals.

Let us talk about those changes in signals so we will understand the task that is ahead of us with the second budget resolution, and its relationship to President Reagan's program for economic recovery.

On February 18, the President presented his plan of spending cuts for 1982. At that time, Mr. President, he said it was a complete and full revision of the fiscal year 1982 budget. That fully revised budget was submitted to Congress on March 10.

When we had that program submitted, we heard various rumors about further cuts. Shortly thereafter, Mr. Stockman testified before the Budget Committee that there would need to be further cuts of \$30 billion in 1983 and \$44 billion in 1984. But he emphasized in his statement that those were cuts to be proposed in future years.

The truth of the matter is, as the distinguished chairman of the Budget Committee knows, there was a tentative list of further cuts that had been worked out at OMB which got characterized as a doomsday list.

I was told at one time that a similar list was presented to our distinguished chairman by Mr. Stockman. Upon hearing the list of added cuts, Mr. Stockman was told to close the black notebook and leave. His list of further cuts would only make the job of passing 1982 budget more difficult.

The Director of the Office of Management and Budget said he would refine those cuts later this year and submit them next year.

That brings us to tomorrow night and the remarks of the distinguished chairman of our Budget Committee. There is no nationwide effort to change the Reagan program except by President Reagan himself. Tomorrow night he will ask to change his own program and he will ask for further spending cuts now that he told us would come in the future.

This Senator, as everyone knows, thought that we ought to make the budget reductions specific and not rely on unspecified cuts in the future because the market would not react to future-year promises.

It is ironic that an administration that complained of gyrating fiscal policy has now changed its own budget. It is the distinguished President himself who is changing the Reagan economic plan by cutting defense. He came to Washington pledging to increase defense. We knew of those increases. Now he says we need cuts.

So, the administration is making two major changes to its plan. These changes are not being made by panicky Senators or others. They are being made tomorrow evening by the President himself.

Mr. President, let me get right to the core of the problem. Then I shall be glad to yield, because other Senators want to talk. Suppose President DOMENICI came to me and said, "Now, Hollings, I want you to write me a talk on spending cuts; I have to go on national TV tomorrow. We have to outline our plan and you have to make the talk realistic, plausible,

appealing—you know, I am a great communicator, and you have to write me a very persuasive talk on how to cut spending."

I would say, "Mr. President, you have certain things that you are not going to be able to cut through the Appropriations Committee. You have \$48 billion in the medicare account. You have some \$20 billion for unemployment compensation. That is almost \$70 billion. You have \$20 billion, President DOMENICI, in retirement pensions for Senators and civil service workers. Then you have \$15 billion for the veterans."

Instead of decreasing that, they increased it yesterday afternoon in the House.

So I would say, "Mr. President, you cannot touch that \$100 billion. You cannot touch \$116 billion in interest payments. That is over \$200 billion. You cannot touch the \$200 billion in defense; you have already cut that enough. And you have the social safety net, so you cannot cut social security. So that is \$560 billion out of a \$720 billion budget."

So I would say, "President DOMENICI, you should not talk about a 10-percent cut across the board. That is not an appealing, persuasive, great communicator speech. Don't make the talk."

That is what I would have to counsel him: "Don't talk about large across-the-board slashes in spending because this thing is too serious. Such statements lack credibility."

"The high interest rates are causing problems for Republicans, Democrats, small business, farmers, everybody. To restore the confidence of the financial markets in your plan, you have to go back, President DOMENICI, to your revenue picture. The tax cut was where you really made your mistake."

"You went farther than you ever expected to go."

I am confident that 3 years ago the distinguished Senator from Delaware never expected Kemp-Roth to pass. They expected the Democrats to have Congress. They expected the Democrats to have the White House and it was going to be the Democrats' deficit. That did not bother them, because that was their plan for cutting back the size of Government. But now they are in and playing the game for keeps. And we have the high interest rates to prove it. I would plead with the President to give his existing cuts time to work. It is not even October 1. That is what they are telling us on taxes.

The President must go to the revenue side of the budget. There are those who think that would be unseemly. I went to one little conference this morning. They said, "Senator, don't you think it is a little unseemly to ask the President to go back on tax cuts now, just a month after they were passed?"

I said "You don't understand the economy and the high interest rates. Last year, President Carter made his budget speech and called it austere. Within 4 weeks, we asked him to go back—the Democratic leadership asking a Democratic President, "Go back, Mr. President, take your entire austere budget talk and resubmit it."

All we are asking the President of the United States to do is not to belabor the Congress and the people of this land for the impossible. I can think up a few more cuts. Senator DOMENICI can think up a few more cuts, President Reagan can think up a few more cuts. But they need \$100 billion by 1984 to get us into the black.

That is what is bothering the market. Now is the time for the administration to listen—not to me—to the business community. The corporate leaders, the investors—they are telling him loud and clear. The stock market has dropped 100 points and the bottom has nearly fallen out of the bond market.

Now is not the time to come and get the distinguished Senator from New Mexico, who has done a magnificent job on this budget, to bolster the troops for more spending cuts. That is not the problem—the problem is the tax cut.

Mr. President, you know it, I know it, everybody on Wall Street knows it. But they will not write it.

Arthur Burns says, "No, I am not for the tax cut." Where did you ever see that in the newspaper, Mr. President? Go look in the record of the Budget Committee. Herbert Stein said so. I quoted them in an article I wrote for the Washington Post.

They said it was not going to work. Now it has begun to work and we can see the damage around us. We have not done anything as Democrats, to change the Reagan program. It is the President who will be changing his own program tomorrow night. He said those future cuts were to be in future years. We cannot cut programs in 1983 or 1984 for which there are no appropriations. Right now we can only make future cuts in social security and other entitlements which the President said were a safety net and, therefore, should not be touched.

So, Mr. President, do not keep giving the people a good Hollywood show. Give them the truth now and tell them what is going on in this land: Kemp-Roth is a time bomb.

Mr. President, I am glad to yield the floor.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT OF 1981

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

UP AMENDMENT NO. 415

Mr. PELL. Mr. President, I rise to offer an amendment to the perfecting amendment offered earlier by Senator HELMS to section 707 of the bill. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes an unprinted amendment numbered 415.

Mr. PELL. Mr. President, I ask unanimous consent that further reading of the amendment be suspended.

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

The amendment is as follows:

On page 1 of Helms UP-414, strike subsection (b) and all that follows and insert the following:

"(b) (1) In fiscal years 1982 and 1983 funds may be obligated for assistance for El Salvador under chapters 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if every 120 days after enactment of this Act, the President makes a certification in accordance with subsection (c).

"(b) If the President does not make such a certification, then the President shall immediately—

"(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

"(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

"(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

"(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 until such time as the President makes a certification in accordance with subsection (c).

The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador, to the extent not precluded by forces outside its control—

"(1) is making a concerted and significant effort to control gross violations of internationally recognized human rights;

"(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

"(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

"(4) is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(d) On making the first certification under subsection (a) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the

Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

Mr. PELL. What this amendment does, Mr. President, is exactly the same as the previous amendment I offered. It provides for certification three times a year and softens the language of paragraphs 1 and 4 of the various items that are to be certified. I hope this compromise will be acceptable to my colleagues.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. PERCY. Mr. President, we now have a very complex situation facing us.

Mr. President, I should like the Parliamentarian to confirm this, as I try to sort out what has happened here, to see whether the sequence is as I have jotted it down as we have gone along.

Senator LUGAR offered a first-degree amendment which was a sense of the Senate resolution involving El Salvador and our assistance to El Salvador.

Senator HELMS offered a substitute amendment which constituted the Lugar amendment but deleted the words "land reform" from the Lugar amendment.

Senator PELL offered a perfecting amendment which, in a sense, required three certifications by the President each year as to whether or not the conditions enumerated in the amendment were being met. If those conditions were not being met, then the aid program would be terminated.

Mr. HELMS. Mr. President, if the Senator will yield, the Senator from Rhode Island offered a perfecting amendment to the Lugar amendment. I believe that is correct.

Mr. PERCY. Yes.

The PRESIDING OFFICER (Mr. WARNER). The Senator is correct.

Mr. PERCY. Senator PELL offered a perfecting amendment to the Lugar amendment. That is right.

Then, Senator HELMS offered a perfecting amendment to the bill.

Mr. HELMS. That is correct.

Mr. PERCY. This was again the Lugar sense-of-the-Senate resolution deleting "land reform."

Mr. HELMS. That is correct.

Mr. PERCY. Senator PELL has now offered a perfecting amendment which again brings us to the point where the first vote of the Senate will be on three certifications per year.

Mr. President, I find myself in an unusual position, being a positive person, to be voting "no" five times in a row, if each of the amendments, or perfecting amendments, or whatever, should fail. I should like to explain why I do.

In a sense, our objectives and goals overall are similar. We want, in every way we can, to strengthen the people of

El Salvador and its present government. None of us feels that an alternative government is available. This is not a perfect government, by any means.

José Napoleón Duarte, the president of the governing junta indicated forcefully to us at coffee yesterday afternoon, in the Foreign Relations Committee room, that they are going to hold elections.

We recognize that they must have free elections so that their country can have a government that is installed by the people and that, truly, they would have a chief executive who could be held responsible for his actions and would be responsible to the people. They look upon this as absolutely essential. And we believe it is a fact that José Napoleón Duarte is one of the forces in the country that is working toward this goal. We support that goal, and we support him—on both sides of the aisle.

The question, then, simply, is how best to get there? We have a variety of opinions.

I believe it might be well to start with the opinions rendered by José Napoleón Duarte, because yesterday he made a very moving statement, and his responsiveness to our questions was forthright.

We saw him as a man of eminent goodwill, with a strong desire to serve his country and his people and to bring to an end the crisis that his people and his government and country have been subjected through the months and years.

Perhaps I can begin with a letter that was delivered to me this afternoon, a letter written by José Napoleón Duarte, president of the junta, reflecting on our meeting yesterday. He says in this letter, dated September 23:

EMBAJADA DE EL SALVADOR.

Washington, D.C., September 23, 1981

HON. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: I want to thank you and the members of the Committee on Foreign Relations for the opportunity you afforded me to discuss with you the serious situation confronting El Salvador and my commitment toward a peaceful democratic solution.

My government continues: to struggle in defense of human rights and to put an end to the violence which has beset us from radical sectors of the right and the left; to continue the process of social and economic reforms that will improve the quality of life of our people; and to achieve political stability through free, just and democratic elections which will enable the Salvadorean people to choose their own destiny.

All of our efforts and energy are concentrated in achieving these objectives. The very reason for our presence in the Government is their pursuit and realization.

I pledge to you that I will continue to work to achieve the stated goals. I want my countrymen to live in a free democratic and just society. You can be assured that you can rely on this commitment. I will never abandon my fight in defense of these principles and objectives.

I welcome the support and understanding of friendly governments, and especially that of the United States, in favor of a democratic and peaceful solution in our country. I reiterate the call that we have made to the FDR, as well as all political groups in El Salvador, to lay down their arms and register as a political party and thus incorporate it-

self into the electoral process. Full participation in the political dialogue and the elections will define the fundamental bases of our country's future.

The objectives which I have cited are embodied in the set of conditions included in S. 1198 which the Senate will soon be considering. The rationale reflected in the conditions coincides with my own stated objectives but the Government and the people of El Salvador would consider legislative conditions unwarranted. I hope that the Senate will recognize the conditions as an unacceptable imposition on a government friendly to the United States and fully committed to fulfill its pledge.

I would appreciate your conveying to the members of the Senate the position of the Government of El Salvador on this important issue.

Sincerely,

JOSÉ NAPOLEÓN DUARTE,

President,

Junta Revolucionaria de Gobierno.

During our meeting with President Duarte, he talked about the alternatives. He asked the guerrillas in his country to lay down arms. We recognize the repression that the extreme right and the extreme left would offer in El Salvador. It would be the kind of "freedom" that Khomeini has offered in Iran—the day before yesterday another 149 people before the firing squad, without the right of trial. The excesses that might be wreaked upon the people of El Salvador would be unbearable. We recognize, also, the efforts toward moderation by the president of the junta, President Duarte. The expressions made to us, and what he is trying to do, represent the best possible hope, at this time, for his people.

When President Duarte discussed the language of our bill with us in our session in the Foreign Relations Committee, we saw the certification criteria as goals that we share together.

Mr. President, I hope that those in my own State of Illinois who in good conscience have protested vigorously against economic and military assistance to the junta in El Salvador will look at the sincerity of the words expressed by José Napoleón Duarte—sincere, because 17 Members of the Senate, sitting with him, could feel that sincerity, could feel his commitments as he spoke about his people, about his desire to serve them, and about his desire to move toward free elections.

We on the committee are not trying to tell another people what to do. We are simply saying: "These are goals. Do you share them with us? Yes." We heard no dissent from anyone in the room. Other members of his government were with him. There was not one word of dissent about those goals.

But President Duarte recognized that the Senate might put conditions on American assistance. And he said, "We cannot accept conditions established by another people. We have to set our own."

It is our responsibility to make our expectations clear. If I walk into a bank and I say to the banker, "I want to borrow your money, your depositors' money," the bank has the right to lay down the conditions. If you accept those conditions, then you accept the money, and you have the money. Otherwise, you are not likely to get the money.

In this case, the money we are offering is the money of the taxpayers of this country. They have certain aspirations and goals and there must be some guidelines by which we judge when aid can be offered. We have a responsibility to our own taxpayers and to our own conscience to state that there are certain goals on which we would like to see progress.

Mr. President, I should like to reiterate what those goals are, because they have been carefully crafted. And I give considerable credit to the distinguished Senator from Connecticut (Mr. DONN), who has served in the Peace Corps in Latin America, who speaks fluent Spanish and who has an empathy with everyone from Latin American countries. The President pro tempore of the Senate, Senator STROM THURMOND, and I were green with envy in Mexico when the Senator from Connecticut conversed with people there in their own language.

These objectives and goals were read, by José Napoleón Duarte, and he agreed with them as goals. They are not absolutes; they ask for a sense of movement toward a goal or an objective. What we are looking for is progress.

The language of the first goal asked for "concerted effort and significant progress." I think I added one word in that sentence "significant." We argued about what kind of progress and I felt "significant progress" could be measured in "controlling indiscriminate and gross violations of internationally recognized human rights."

We all share that goal. There was no disagreement with it in that room yesterday.

The second goal asked for movement in achieving "control over all elements of its own armed forces." Any government, worthy of its name, should have control over its armed forces.

The head of the National Guard of El Salvador was in the room with us yesterday. There was no objection from him.

The third goal or objective asks for continued progress in implementing essential economic and political reforms including the land reform program.

This goal, including the land reform program, was a goal which yesterday we heard the junta in El Salvador supports. This is a part of their program, part of the progress they want to make.

The fourth goal or objective asks for commitment to the holding of free elections at an early date, a commitment which unequivocally Mr. Duarte committed himself to yesterday.

And a fifth goal asked that the government has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity. Again this was a goal on which there was no disagreement whatsoever.

These five goals, plus continuing in good faith efforts to investigate the murders of the six U.S. citizens in El Salvador and to bring to justice to those responsible for those murders were goals that the committee, in its wisdom, felt

were noble and worthy goals that should be embodied in the legislation and would be guidelines by which we could gauge the direction El Salvador is going in.

I think most of the people of El Salvador would concur, these are the very actions that will give them stability and hope for the future. Without such expectation there would be disillusionment, discouragement, and continued chaos.

As friendly observers, we felt, as a committee, it was useful to offer to the Senate, a statement of the goals and objectives by which we would guide ourselves in evaluating to our continuing ability to be supportive of the Government of El Salvador.

We also made our statement as representatives of the American people, because, as is well known, there are very strong protests and have been very strong protests in the country. The adoption of this language has been reassuring to many of the people who protested our financial assistance to El Salvador. It has answered many of the questions that they asked.

A sense-of-the-Senate resolution, which has no binding effect, is a guideline, appeared to be too weak, at least, to some constituents in Illinois who are deeply concerned about this problem. They wanted it stronger than that. The fact that the committee embodied it in the statute that it was recommending to the Senate was very reassuring to clergymen, priests, nuns, and others with whom I talked who feel very deeply and very strongly about this issue.

So it is for that reason that I shall have to vote, beginning at the sequence at the opposite end, the way they were introduced, against the Lugar first-degree amendment, the sense-of-the-Senate because, though the goals and objectives are noble and worthy, I think they must be stronger, they must be embodied in the statute.

Second, I shall have to vote against Senator HELMS' amendment, though we have worked closely together on common objectives and goals in providing stability and peace to an area, but I do feel that land reform is extremely important. It was important, yesterday, when enunciated by José Napoleón Duarte for it offers hope. It is one of the best single things that have happened to that country because it has caused the rug to be pulled out from under those on the left who promise everything, a millennium. It gives something in hand, a piece of soil to work on, something they can call their own. That is what the people want. These people perhaps never thought they would see that day or a government that would provide that to them.

On the issue, let me read into the RECORD an extract from a letter from our former colleague, Senator James Buckley, who is now the Under Secretary of State for Military Assistance. He wrote this letter to me dated May 13, 1981, and he said this in part:

In March, 1980, the moderate government of President Duarte initiated a large-scale land reform program which will ultimately provide land to some 300,000 rural families.

The administration—

This is the Reagan administration—The administration believes that it was in good measure the successful initial implementation of this program which thwarted the efforts of revolutionary groups to seize control of the government earlier this year. It is our view that the continued success of the Duarte program is necessary if that government is to retain popular support in its efforts to resist renewed leftist threats to its political and economic life. I strongly believe it to be in the best interest of the United States to continue our support for this program.

I am afraid the interpretation would be, if we voted to delete those two words, that we, in effect, would imply we are against land reform.

In a sense we had land reform in this country years ago with the Homestead Act. That act gave a chance, an incentive, to move west and start to work the soil. It was the program that was responsible for the westward movement of this country, a movement I might say regretfully is still going on, depleting our State, taking two congressional seats away in 1980.

The program down there is adapted to their economy. A question was asked by Senator HELMS yesterday about whether this means confiscation without compensation, and the answer was definitely no. There is compensation provided, compensation based on the tax valuation assessment put on by the individual who owned the property.

And there is no confiscation of business or commercial property. The reform program is for agriculture, to bring Salvadorans to a condition where they can feed themselves and provide work for their people.

So I have to regretfully vote against the Helms substitute amendment.

I shall vote against the Pell perfecting amendment simply because I do feel that three certifications a year imposes a tremendous degree of uncertainty into the program.

I feel that three times a year is too much. How could we possibly plan? We plan on an annual basis. We do it on somethings at 3 and 5 years, for our own revenue sharing. Mayors, city councilmen, county board members, township officials pleaded for us to give them some continuity so they could plan and they wanted 3 years. This perfecting amendment would only offer 4 months, 4 months to plan ahead, not knowing whether the next 4 months they would have a program in being or not.

So I felt three certifications are just too many. I would have preferred 1-year certification. The administration obviously prefers no certification. They would simply like to report to us frequently and periodically. Their willingness to do so was evidenced always in a cooperative spirit, but they do not feel we should insert any degree of uncertainty, other than the fact that we are on an annual authorization and appropriation basis.

I would, therefore, have to vote against the Helms perfecting amendment to the bill, which then reinstitutes the Lugar amendment, minus land re-

form, and the final amendment, the Pell amendment, the perfecting amendment, because that simply refers back to the three certifications a year.

It would be my intention, in the event that all five do not receive a majority vote of the Senate, to offer a new amendment that would incorporate two certifications a year and a report every 4 months—let me correct that, every 3 months—so that every quarter we would get either a certification or a report.

I frankly can say the administration would feel that this frequency is too great. They would prefer none. They would accept one, but they would oppose two. However, if all five have gone down maybe by then we can work something out. For these reasons I respect, as I said to begin with, the intention, the goal, the objectives of my colleagues which cause us to share in common a desire to help El Salvador. The question is how do we do it, answering to our own consciences, to our constituents, and to ourselves.

For the reasons I have enumerated, I would have to oppose all five of the next votes and I hope they will not receive a majority vote, and I would then be pleased to be joined, as I understand I would be, by a number of my colleagues, in offering a final amendment that would be based on two certifications a year and a quarterly report to the Senate.

I feel, Mr. President, unless my distinguished colleague would like the floor, that we would be ready for a vote. I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

I notice with interest that my friend from Illinois was lamenting the fact that he was going to have to vote "No" five times in a row. I would remind him that the Ten Commandments are in the main negative, so there is nothing wrong with voting "No."

I am going to make the distinguished Senator from Rhode Island a proposition that he cannot refuse, if I may have his attention.

I have in mind withdrawing my amendment, which would bring down the Senator's amendment to my perfecting amendment to the bill, so that we can proceed on whatever basis the Senate decides.

I will say, frankly, my purpose here this afternoon was in part to give the administration time to explain its position with respect to the Lugar amendment which the administration supports. I have carried out my responsibility to the administration in that regard.

Mr. President, before I vote I wonder if I might ask the distinguished managers of the bill if they would be willing to lay aside all of the pending amendments for about 2 minutes while we clear a noncontroversial amendment?

Mr. PERCY. It would be perfectly acceptable to the managers of the bill that we do that, but before we do, Senator HELMS, I wonder if I could just indicate that I do feel, as chairman of the committee, a responsibility to support the committee bill wherever I possibly can.

Mr. HELMS. I understand that.

Mr. PERCY. I would like to indicate that the Percy amendment, if we ever get to it, and we are close to it now by taking down your amendment, if we get to the Percy amendment, the Percy amendment would then conform at least in the frequency of certifications.

The committee bill provides for two certifications a year, so we are right back to where we would have been if we had had the bill, except for a confusion which we did not, any of us, detect. As the bill was reported, it would have required innumerable certifications—as the distinguished Senator from North Carolina has correctly said—every time you send a bullet or a jeep, then you would have to write a new certification. I believe that was unintended by the committee. It was an oversight. Everyone has agreed to correct that confusion, so we revert back to the two certifications a year of the original bill.

Mr. HELMS. Mr. President, if the Senator will yield, the question is whether there will be no certification, two certifications as suggested by the Senator from Illinois, three certifications as suggested by the Senator from Rhode Island, and four suggested by Senator DODD; is that essentially correct?

Mr. PERCY. Senator DODD, as I understand it, has accepted and supported the Pell amendment which is the Dodd amendment changed from four times to three.

Mr. HELMS. So it is zero, two, three, is that correct?

Mr. DODD. That is correct.

Mr. PELL. That is correct.

Mr. HELMS. Mr. President, I ask unanimous consent that all pending amendments be laid aside temporarily while we consider a noncontroversial amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

UP AMENDMENT NO. 416

(Purpose: To insert provisions relating to food for peace programs)

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 416.

Mr. HELMS. 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 52, between lines 1 and 2, insert the following:

TITLE VII—FOOD FOR PEACE PROGRAMS

REPEAL OF OBSOLETE FOREIGN CURRENCY PROVISIONS

SEC. 701. The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 101, by striking out "for foreign currencies" and inserting in lieu thereof "to the extent that sales for dollars under the terms applicable to such sales are not possible, for foreign currencies on credit terms and on terms which permit conversion

to dollars at the exchange rate applicable to the sales agreement";

(2) by amending section 103(b) to read as follows:

"(b) except where the President determines that it would be inconsistent with the objectives of this Act, determine the amount of foreign currencies needed for the uses specified in subsections (a), (b), (e), and (h) of section 104 and in title III, and the agreements for credit sales shall provide for payment of such amounts in dollars or in foreign currencies upon delivery of the agricultural commodities; and such payment may be considered as an advance payment of the earliest installments";

(3) in section 103(d), by striking out "(1)" and by striking out "or (2) for the purpose only of sales of agricultural commodities for foreign currencies under title I of this Act, any country or area dominated by a Communist government";

(4) in section 103(1), by striking out "obtain commitments from friendly" and all that follows through "United States of America, and";

(5) in section 104—

(A) in the text preceding subsection (a), by striking out "this title" and inserting in lieu thereof "agreements for such sales entered into prior to January 1, 1972,"; and

(B) in paragraph (3) of the proviso following subsection (k), by striking out "(except as provided in subsection (c) of this section)";

(6) in section 106(a)—

(A) by inserting "(1)" after "(a)"; and

(B) by adding at the end thereof the following:

"(2) Payment by any friendly country for commodities purchased for foreign currencies on credit terms and on terms which permit conversion to dollars shall be upon terms no less favorable to the United States than those for development loans made under section 122 of the Foreign Assistance Act of 1961";

(7) by repealing section 108; and

(8) by repealing section 109(b).

EMERGENCY OR EXTRAORDINARY RELIEF REQUIREMENTS

SEC. 702. Section 104(d) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out "\$5,000,000" and inserting in lieu thereof "\$10,000,000".

SELF-HELP MEASURES TO INCREASE AGRICULTURAL PRODUCTION

SEC. 703. Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in paragraph (3), by inserting immediately before the semicolon "and reducing illiteracy among the rural poor";

(2) by striking out the period at the end of paragraph (10) and inserting in lieu thereof "and"; and

(3) by inserting the following new paragraph immediately after paragraph (10):

"(11) carrying out programs to improve the health of the rural poor."

ASSESSMENT OF SELF-HELP PROVISIONS

SEC. 704. Section 109 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d) (1) In each agreement entered into under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake shall be described (A) to the maximum feasible extent, in specific and measurable terms, and (B) in a manner which ensures that the needy people in the recipient country will be the major beneficiaries of the self-help measures pursuant to each agreement.

"(2) The President shall, to the maximum extent feasible, take appropriate steps to assure that, in each agreement entered into

under this title and in each amendment to such an agreement, the economic development and self-help measures which the recipient country agrees to undertake are additional to the measures which the recipient country otherwise is undertaking irrespective of that agreement or amendment.

"(3) The President shall take all appropriate steps to determine whether the economic development and self-help provisions of each agreement entered into under this title, and of each amendment to such an agreement, are being fully carried out."

On page 52, line 2, strike out "TITLE VII" and insert in lieu thereof "TITLE VIII".

On page 52, line 4, strike out "Sec. 701." and insert in lieu thereof "Sec. 801."

On page 52, line 13, strike out "Sec. 702." and insert in lieu thereof "Sec. 802."

On page 52, line 17, strike out "Sec. 703." and insert in lieu thereof "Sec. 803."

On page 53, line 2, strike out "Sec. 704." and insert in lieu thereof "Sec. 804."

On page 53, line 10, strike out "Sec. 705." and insert in lieu thereof "Sec. 805."

On page 54, line 3, strike out "Sec. 706." and insert in lieu thereof "Sec. 806."

On page 59, line 17, strike out "Sec. 707." and insert in lieu thereof "Sec. 807."

On page 62, line 20, strike out "Sec. 708." and insert in lieu thereof "Sec. 808."

On page 64, line 8, strike out "Sec. 709." and insert in lieu thereof "Sec. 809."

On page 65, line 22, strike out "Sec. 710." and insert in lieu thereof "Sec. 810."

On page 71, line 18, strike out "Sec. 711." and insert in lieu thereof "Sec. 811."

On page 79, line 5, strike out "Sec. 712." and insert in lieu thereof "Sec. 812."

On page 81, line 13, strike out "Sec. 713." and insert in lieu thereof "Sec. 813."

On page 82, line 14, strike out "Sec. 714." and insert in lieu thereof "Sec. 814."

On page 83, line 17, strike out "Sec. 715." and insert in lieu thereof "Sec. 815."

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 816."

On page 84, line 5, strike out "section 712" and insert in lieu thereof "section 812".

Mr. HELMS. Mr. President, this amendment makes certain changes in the Agricultural Trade Development and Assistance Act of 1954, commonly referred to as Public Law 480. In brief, it would delete certain obsolete language referring to purchases for foreign currencies; it would raise from \$5 to \$10 million the annual limit on the use of foreign currencies generated under title I to meet emergency nonfood relief requirements; and it would strengthen the requirements for self-help measures to be undertaken by countries receiving title I financing.

These same provisions, with only minor, technical changes, were just adopted by the Senate on Friday, September 18, 1981, as a part of the Agriculture and Food Act of 1981. I am offering this amendment on the foreign assistance bill basically as an accommodation to the House Foreign Affairs Committee and to facilitate conference action on these provisions.

In the Senate the Public Law 480 program is wholly within the jurisdiction of the Committee on Agriculture, Nutrition, and Forestry. In the House, on the other hand, the program falls within the jurisdiction of two different committees—the Agriculture Committee and the Foreign Affairs Committee. Traditionally, after the Senate Agriculture Committee finished its work on the farm bill, the

Senate agreed to insert the Public Law 480 provisions from that bill that were within the jurisdiction of the House Foreign Affairs Committee in the Senate Foreign Assistance bill. Several other changes to the Public Law 480 program that are also in the farm bill are not included in the amendment I am offering since they are within the jurisdiction of the House Agriculture Committee.

This procedure then sets the stage for conferring the different Public Law 480 provisions at the time when the respective House committee is considering legislation within its jurisdiction. The Senate Agriculture Committee conferees participate in both conferences.

Mr. President, as I said earlier, this procedure has been followed in the past and is now looked upon as a tradition. Since I have no strong desire to break with tradition, and since this procedure is satisfactory to me as chairman of the Agriculture Committee and to the distinguished chairman of the Senate Foreign Relations Committee, I ask that my amendment be adopted.

I again remind Senators that the provisions contained in the amendment were just adopted by the Senate and are noncontroversial.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

Mr. PERCY. I would like to indicate on behalf of the managers of the bill that we appreciate very much Senator HELMS bringing this to our attention. It would be in accordance with past procedures to adopt the amendment, and I fully support it.

Mr. PELL. I concur.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment (UP No. 416) was agreed to.

Mr. HELMS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 414

Mr. HELMS. Mr. President, I withdraw my perfecting amendment to the bill.

The PRESIDING OFFICER. I understand the Senator from North Carolina indicates he wishes to withdraw his amendment. Is there objection? The Chair hears none, and it is so ordered, and the amendment is withdrawn.

Mr. HELMS. I thank the Chair.

Mr. LUGAR. Mr. President, as I understand the parliamentary situation at this point, with the Senator from North Carolina having withdrawn his perfecting amendment, taking with it the second Pell amendment, we are now back to a situation of my first-degree amendment, the substitute perfecting amendment of Senator HELMS of North Carolina, and then the perfecting amendment of Senator PELL on top of that, so we have those three now with us at this point.

The PRESIDING OFFICER. The Senator from Indiana is correct.

Mr. LUGAR. Let me offer a short argument, and there may be other Senators who are on the floor to debate the issue, and I would simply indicate, so they will be alerted, that I intend to offer a motion to table the Pell amendment in due course, but I do not want to be premature in that if there are other Senators who wish to debate the issue longer.

I want to suggest, however, before offering that motion, Mr. President, an argument of this general proposition. We are now talking about my original amendment, which was a sense-of-the-Congress amendment that assistance should be furnished to the Government of El Salvador and that the President of the United States should report to the Congress 6 months after enactment of this section concerning the status of his efforts in implementing the U.S. policy.

Now, the gist of our amendment comes down to whether we should have a sense-of-the-Congress resolution with the President offering a report in 6 months or whether we should have these certifications suggested by Senator PELL and Senator DODD every 3 months.

I cite once again, Mr. President, our dilemma here. It is not one over goals or objectives, but it is, in fact, that the language of the bill that we started out with and that we still have offers such goals or conditions as the case may be. And I cite No. (3):

(3) Is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) Is committed to holding of free elections at an early date; and

(5) Has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Secretary Haig, on May 11, pointed out the dilemma that this presents, not to President Duarte, but to President Reagan, the President of the United States. In fact, Secretary Haig pointed out that El Salvador's rightist terrorists or Marxist guerrillas could disrupt these procedures and lead to a finding, if we are getting into a certification, that progress has not been made; as a matter of fact, it could not be made under those conditions.

In essence, Mr. President, if we go the certification route we are turning over our foreign policy to disruptions of the right or the left. That is an unacceptable procedure for a great power attempting to exercise a foreign policy of our own.

As Secretary Haig pointed out, the conditional certification route—the Pell-Dodd route—would encourage Cubans, their wives, and their surrogates in El Salvador to tailor their strategy so as to create precisely the conditions that would make it difficult, if not impossible, for the President to make a certification. Once again, we play into their hands.

Therefore, Mr. President, I think the issues are reasonably clear in this respect.

I ask, as a point of clarification, if there are others who wish to continue the debate. Does the distinguished Sen-

ator from Rhode Island wish to make another statement?

Mr. PELL. No. I just wish to have the floor in my own right.

Mr. LUGAR. Mr. President, I yield the floor, with the intention, as I have stated, as soon as I can regain the floor again, to offer a motion to table the Pell amendment so that we might come to a resolution of this situation; the parliamentary situation being that if the Pell amendment should be tabled, then we would proceed to a vote on the Helms perfecting substitute for the Lugar amendment, which changed but two words, and, in essence, adopt the Lugar-Helms position at that point if the Pell amendment would be tabled.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I would hasten, as a matter of fairness, to say that the substance of this amendment was worked on and crafted with great originality and thought by the Senator from Connecticut. The rest of us in the committee participated in it, and we voted 13 to 1 for it. But he should receive the full credit.

UP AMENDMENT NO. 413, AS MODIFIED

Mr. PELL. Mr. President, I would like to modify my earlier amendment by substituting 180 for 120. That means the certification would be once every 180 days, or twice a year, rather than 120 days, or three times a year.

The PRESIDING OFFICER. Is there objection to the Senator's request to modify his pending amendment? It is so modified.

The amendment (UP No. 413), as modified, is as follows:

An amendment (UP No. 411) by Mr. LUGAR:

On page 2, line 1, strike out thru the end of the amendment and insert in lieu thereof the following:

"Sec. 707(1) In fiscal year 1982 and 1983 funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if every 180 days after enactment of this act, the President makes a certification in accordance with subsection (c):

"(b) If the President does not make such a certification, then the President shall immediately—

"(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

"(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act;

"(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

"(4) order the prompt withdrawal from El Salvador of all members of the Armed

Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 until such time as the President makes a certification in accordance with subsection (c).

The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador, to the extent not precluded by forces outside its control—

"(1) is making a concerted and significant effort to control gross violations of internationally recognized human rights;

"(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

"(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

"(4) is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity. Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

(d) On making the first certification under subsection (a) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders.

Mr. PELL. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. PELL. I yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, wonders will never cease. We are now at a stage where we can vote on something. Instead of five negatives in a row, the chairman will be able to vote yea.

Mr. PELL. Mr. President, I am afraid the Senator is incorrect. The first vote may be nay, because it will be a tabling motion.

Mr. PERCY. Well, then, we will vote nay in order to vote yea.

I thank my distinguished colleagues again. In the spirit of collegiality and bipartisanship, we are at a point of certification every 6 months and the goals and objectives expressed by the committee. We are going to move toward goals and objectives that Jose Napoleon Duarte concurred with and that there was no dissent from members of his government who met with us yesterday.

Now, I think we have a chance to indicate that we do wish to move forward. But we would like a certification from the President every 6 months that says that there is progress toward the goals which we share in common with many in El Salvador—goals we believe will help provide stability in that country, stability for its interim government, that is, move them toward the free elections to which they are now committed.

The certification would be that the Government of El Salvador:

(1) Is making a concerted and significant effort to control gross violations of internationally recognized human rights;

(2) Is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

(3) Is making continued progress in implementing essential economic and political reforms, including the land reform program;

(4) Is committed to the holding of free elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Mr. President, I hope we can vote this amendment up or down now. It is as close to the committee amendment provisions as we could get after several hours of discussion.

Again, I express deep appreciation to my colleagues who have worked with us in a common purpose. I do hope that we can vote and the Senate will vote favorably to sustain the committee in this regard, because I think that these are goals that express our desire to help that government to become a viable, strong government that can stand on its own feet. They are also a message to citizens in this country who feel we should not be offering any military or economic assistance to the government, but who feel much better that there are certain goals and objectives laid down in statute that will be certified to by the President that progress is being made each step of the way.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I wish to express my support for this modification. I do so with reluctance.

As the chairman of the committee and the ranking minority member knows, I have a different view as to how often the certification process ought to occur. It is not that I like certification, the process itself. I am reluctant to have any administration saddled with that kind of a process. But I think the determination ought to be made on a case-by-case basis, and while the burden ought to rest on those who would like to impose a certification process, there are circumstances and events which occur which warrant, I think, that kind of a process.

It ought not to be one that we engage in every corner of the world. But I happen to believe that, in the case of El Salvador, the certification, in light of the fact that over the last year and a half we have seen some 15,000 innocent human being butchered and slaugh-

tered in a nation of 5 million people, the fact that we see such turmoil in that country which threatens not only El Salvador but the entire Central American region, the fact that we have seen, without any real evidence to the contrary, excesses by national guard forces in that country, elements who would like to destroy the reform process, incredible violations of human rights, I think, in these circumstances, certification is warranted and that at least for a couple of years we ought to require a certification process before we say we are willing to continue in an unconditional way the military assistance.

I would have preferred that we have that certification process occur a bit more often to guarantee, at least in my mind, and I think in the minds of a majority of the people in this country, that we would insist that those basic goals be achieved or met. But I am willing to accept this modification. I would hope that those on the other side who have felt uneasy about a certification process would agree that the circumstances in this particular nation warrant it and that requiring it twice a year for the next couple of years is not going to place an undue burden or restriction on this administration and that, in fact, it may very well guarantee the success of Jose Napoleon Duarte and the moderate junta that is in power at this moment.

I will reluctantly support the modification as suggested by the Senator from Rhode Island. I yield back the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, unfortunately, the distinguished Senator from Illinois, the chairman of our Foreign Relations Committee, has pointed out the strength of the Pell modified amendment, which has two certifications, indicating that we are back to where we were with the committee bill. If I had been in favor of the committee bill, I would not have offered an amendment to begin with to get away from certification. That is the issue. It is not whether we have four, three, or two a year. Goodness knows, two is better than four. We have made progress during the course of this debate. But two is too many. It frustrates our foreign policy.

Indeed, the point made by the distinguished Senator from Connecticut, that there are unusual circumstances in El Salvador, is all too true. As a matter of fact, they are so unusual that the guerrillas of the left and the people of the right have grown so frustrated in the furtherance of these goals as to make certification impossible by any objective person.

As Secretary Haig pointed out, to offer a blueprint to the opposition of left and right, to make it absolutely certain that Congress would have to advise the President to get out of El Salvador altogether, would be impossible for President Duarte to achieve those goals under certain circumstances and pressures over which he would not have any power and we would not, if we were out.

The point of this debate is to say that

there is a difference between certification whether it be two, three, or four times a year, and a sense-of-the-Congress resolution with, as in the final paragraph of my amendment, within 6 months of the date of enactment the President shall report to the Congress concerning the status of its efforts.

We should follow up and should know, and in the event El Salvador does not appear to be a promising situation I trust my colleagues will not vote aid for that country.

That is the issue, Mr. President. Reluctantly but, nevertheless, in an attempt to move this onto a constructive situation, unless there is further debate, I am about to propose a motion to table the Pell amendment. I search to see if any of my colleagues wish to continue the debate prior to my making that motion.

Mr. PERCY. I ask my distinguished colleague to yield for just a comment.

Mr. LUGAR. I am pleased to yield to the Senator from Illinois for a comment.

Mr. PERCY. Fully taking into account what has been said, I would like to point out that at the suggestion of the administration a modification was made in the language just preceding the goals or objectives. I will read it:

The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate of a determination that the government of El Salvador to the extent not precluded by forces outside its control. . . .

And the the four goals and objectives—which are not absolute. No one has to certify they have been achieved, but that progress is being made toward them to the extent they can, not precluded by forces outside their control.

That seemed to be an excellent modification of this language which made it much more practical to achieve and easier for the administration to certify.

Once again, I would hope that we could vote on this issue up or down, but, of course, it is the prerogative of the Senator to move to table it if he so desires.

Mr. LUGAR. I appreciate the point made by the Senator from Illinois.

Mr. NUNN. Will the Senator yield for a question? I will be glad to pose this question both to the Senator from Indiana and the Senator from Illinois.

Suppose the extremists forces in El Salvador, either on the left or the right, decide that the best way for them to cut off American aid is to so disrupt the process that the Government cannot make progress toward these goals? In other words, suppose they intensify terrorism? Suppose every time they get ready to make any progress toward an election there is a disruptive kind of violent action by either the right or the left? Suppose that occurs. What, then, is the President's duty under the Dodd amendment if it becomes law?

Mr. PERCY. The interpretation of the Senator from Illinois is that that is exactly what the administration had in mind when they suggested that we add the words "to the extent not precluded by forces outside its control."

Obviously, forces that are in opposition either from the right or the left to the government, that use force and violence, are disruptive and are trying to prevent the government carrying out its goals. That would reinforce our desire to continue economic assistance. There would be no preclusion whatsoever because of that.

There is no incentive whatsoever. In fact, there is a disincentive because that would strengthen our resolve to help the government even more.

Mr. LUGAR. May I respond to the Senator from Georgia? The question, in my judgment, is not that easily answered because I suspect the definition of that term "force beyond control." It is a difficult one, given the circumstances in El Salvador.

Indeed, the problem of imposing so many conditions and definitions is a genuine temptation to those who would argue that the U.S. policy in El Salvador ought to be to leave El Salvador altogether. I would presume that, clearly, the Government of El Salvador might argue that the frustrating circumstances were beyond its control, but it does not escape our attention that others might very well argue the opposite, that those circumstances were fully within the control of that government.

Precisely who is to be the jury in that situation is not clear, but it is clear by not following that course of conditions we obviate the entire problem.

Mr. DODD. Will the Senator yield for a further answer?

As the author of the language under consideration, let me tell my colleague from Georgia what the intent of the author was with this language.

If the leftist insurgents or rightwing terrorists try to disrupt the activities in El Salvador, I do not expect that the government of Jose Napoleon Duarte should not be able to respond to it. I choose as the verbs in the condition "is making concerted effort," "is making continued progress," "is committed to holding free elections," "has demonstrated its willingness to negotiate."

That does not require that they absolutely respond in a pristine fashion to every set of circumstances that come up. It is giving them the opportunity to say, "This is the direction we want to be heading."

I realize that there are those who want to disrupt government activities of one kind or another, but I do not intend, nor did I intend, that we hamstring or hobble Jose Napoleon Duarte or his government from dealing with people trying to disrupt the government in his country. At the time the committee was considering this I made that point, and I make it again today. That is not the intent of the goals or conditions in this amendment.

Mr. NUNN. How would the Senator from Connecticut interpret it if the President were to state in his certification that the Government in El Salvador has not moved to achieve control over all elements of the armed forces and gave as the reason therefor that the use of the armed forces was necessary when there were stringent attacks going on from the left so that a move against both the right

and the left at the same time would be impossible?

Suppose the President said that in his certification. Would that meet the requirements of this amendment to section 2, where it says:

Is moving to achieve control over all elements of its own armed forces, so as to bring an end to the indiscriminate torture and murder of Salvadoran citizens by these forces.

Everybody looks at that as a goal. But if the government is perceived as against the left and right at the same time, it could move against both those forces at the same time so as to meet the requirements of the certification.

Mr. DODD. I would think they could. It was not my intention to say they have to move in one direction for control. I meant more control over indiscriminate acts of violence that are not being directed by the central government, Jose Napoleon Duarte, or the generals in the army, or other activities. That is the problem that has existed with some of the national guard forces. They have been acting unilaterally, on their own, going around and conducting their own kind of private warfare. That control is control of their activities. If the Government decides they have a major threat from the right and want to respond to that and, at the same time, are being attacked, as they are, by the left—taking on both those fronts at once does not meet what I would describe as a lack of control because of the dual front the government would be facing.

Mr. NUNN. I thank the Senator.

Mr. LUGAR. Mr. President, I thank the Senator from Georgia for his questions.

Mr. President, out of my own very considerable respect for the chairman of our committee, the distinguished ranking member, I shall not move to table but will, in fact, be pleased to vote on an up-or-down basis. I hope that specifically, in the event the Pell amendment should fail, there will be a disposition on the part of the chairman and the ranking member to vote reasonably promptly then on what is the Helms substitute to the Lugar amendment, which I think then would terminate our debate, one way or another, at that point.

Mr. President, I yield the floor.

● Mr. LEVIN. Mr. President, I rise to support the Senator from Rhode Island.

The issue before us here today is not the desire and need to end the violence in El Salvador; the issue is not whether we support the efforts and goals of the Duarte government. Rather, the issue we confront is the best way for the American Government to help achieve these worthwhile and necessary goals.

This modified requirement for a twice-a-year Presidential certification is a modest and moderate requirement. It does not interfere with the President's responsibility, but rather fulfills the Congress obligation. This moderate proposal would require that the American President certify that the Government of El Salvador is fulfilling and meeting five specific conditions relating to human rights in El Salvador, control by the government over the armed forces, political and economic reforms, free elec-

tions in El Salvador, and a negotiated settlement to the present conflicts.

This proposal is the result of the strongly bipartisan consensus that emerged from the committee. This bipartisan position reached in the committee should enable President Duarte to achieve the necessary reforms to bring peace to his troubled country.

It is not too much to ask our President to certify that these conditions are being fulfilled as a requisite for the continuation of aid.

Such an approach is the best way to promote stability and democracy in El Salvador, and for this reason I support the committee's amendment. ●

Mr. PERCY. Mr. President, I express my appreciation to my distinguished colleagues. I assure him that, although the chairman has agreed that Senator KENNEDY could come over immediately with three noncontroversial amendments, we shall move with great dispatch, subject to time limitations this evening, to see, if this measure is defeated, whether we could have a vote and resolve the El Salvador issue. I am certain we shall have the full support of the minority in that regard.

I appreciate again the opportunity to vote up or down on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Rhode Island. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Connecticut (Mr. WEICKER) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Hawaii (Mr. INOUE), and the Senator from Hawaii (Mr. MATSUNAGA) are necessarily absent.

The PRESIDING OFFICER (Mr. EAST). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 54, nays 42, as follows:

[Rollcall Vote No. 277 Leg.]

YEAS—54

Andrews	Evon	Mitchell
Baker	Ford	Moynihan
Baucus	Glenn	Murkowski
Bentsen	Gorton	Pell
Boschwitz	Grassley	Percy
Bradley	Hart	Pressler
Bumpers	Hatfield	Proxmire
Burdick	Heinz	Pryor
Byrd, Robert C.	Huddleston	Riegle
Cannon	Jackson	Rudman
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Sasser
Cranston	Kennedy	Specter
D'Amato	Leahy	Stafford
DeConcini	Levin	Stennis
Dixon	Mathias	Tsongas
Dodd	Meicher	Williams
Eagleton	Metzenbaum	Zorinsky

NAYS—42

Abdnor	Hatch	Nunn
Armstrong	Hawkins	Packwood
Boren	Hayakawa	Quayle
Byrd,	Heflin	Randolph
Harry F., Jr.	Helms	Roth
Cochran	Hollings	Schmitt
Cohen	Humphrey	Simpson
Danforth	Jepson	Stevens
Denton	Kasten	Symms
Dole	Laxalt	Thurmond
Domenici	Long	Tower
Durenberger	Lugar	Wallop
East	Mattlingly	Warner
Garn	McClure	
Goldwater	Nickles	

NOT VOTING—4

Biden Matsunaga Welcker
Inouye

So Mr. PELL's amendment (UP No. 413), as modified, was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. PERCY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of Senators, let us have order in the Senate.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I do not think we have order now. I ask the Chair to try to restore order in the Senate so I can make an inquiry and an announcement.

The PRESIDING OFFICER. If the Senate will be in order the majority leader has the floor and wishes to make an announcement.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I had earlier told a number of Senators that there would be no more rollcall votes tonight and indeed there will not. There are other votes that may be eligible on fairly short time, and I urge Members to go ahead and complete the debate on that and if votes are ordered today, I ask unanimous consent that they be put over until tomorrow 30 minutes after the time that the Senate returns to the consideration of this measure.

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

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I reserve the right to object.

I thing this is an excellent suggestion. Could the distinguished majority leader indicate about what time he thinks any such rollcall votes would begin so that our colleagues might be on notice?

Mr. BAKER. Yes. As I announced earlier today I hope that at 10 a.m. tomorrow we will be on the continuing resolution, but since I am told there are some votes that can be made ready for early in the morning I hope that we can finish debate on a couple of amendments tonight and have a vote on those amendments, say, at 10 a.m. tomorrow and be on the continuing resolution then at 10:30 a.m. or shortly thereafter.

Mr. President, let me for the moment withdraw by unanimous-consent request and give both sides an opportunity to see if that will discommode Senator.

To reiterate what I will do a little later, it is my present intention to ask that any votes that are ordered tonight be put over until tomorrow and that they occur back to back with the first vote 15 minutes and any subsequent votes 10 minutes each beginning 30 minutes after we resume consideration of this bill.

It should also be understood that after those votes are completed I will then move, in accordance with the order previously entered, to consideration of the continuing resolution, assuming that it

is on the calendar and available under the provisions of the unanimous-consent order.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. So the majority leader anticipates that the first rollcall would occur at about 10 a.m. or 10:30 a.m.?

Mr. BAKER. At about 10 a.m. to 10:30 a.m.

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

Mr. BAUCUS. Has the unanimous-consent request—

Mr. BAKER. I withdrew the unanimous-consent request and I merely describe it, may I say, so that both cloakrooms can check and see if that arrangement would seriously inconvenience anybody.

Mr. BAUCUS. Mr. President, if the leader will yield, it is this Senator's hope that any rollcall votes that occur tomorrow will occur sometime after 10:30 a.m.

Mr. BAKER. I think the arrangement I have suggested will do that. We would be on this bill at 10 o'clock and the first vote would occur 30 minutes after that, so the first one would occur, if I make that request, at 10:30.

Mr. BAUCUS. I thank the Senator.

Mr. BAKER. Mr. President, I reiterate I am not making that request at this time. I anticipate doing that before the Senate completes its business today.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am told by the Parliamentarian that there are two amendments which are currently pending. If it is agreeable to the manager of the bill and the ranking minority member I would welcome the opportunity to be able to offer three different amendments which I have discussed with both the chairman of the Committee on Foreign Relations (Mr. PERCY) and the ranking minority member (Mr. PELL). I believe, there is no objection to these amendments, however I will conform to the wishes of the manager of the bill. I can offer these amendments now and move to set aside the existing amendments, if that is agreeable to the manager.

Since it is agreeable to the manager, Mr. President, I ask unanimous consent that the pending amendments be laid aside temporarily and that it be in order to consider the first amendment which I have submitted and sent to the desk.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. While I have the attention of the Senate, I have three amendments about which I have spoken to the manager of the bill and the ranking minority member, and I ask unanimous consent that all three be eligible for consideration and that we temporarily set aside the two pending amendments.

While the Chair is prepared to put the question, I am prepared to start a brief discussion on the first amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts that the current

pending amendments be temporarily laid aside?

Mr. PERCY. The managers of the bill concur and, inasmuch as there will not be rollcall votes, if they are acceptable to the managers of the bill, and there is no intention to debate further the Helms perfecting amendment, therefore, it is agreeable to lay aside the pending amendments and take up the three Kennedy amendments.

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

UP AMENDMENT NO. 417

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. PERCY, Mr. PELL, Mr. CRANSTON, Mr. BIDEN, Mr. TSONGAS, Mr. MITCHELL, and Mr. LUGAR proposes an unprinted amendment numbered 417.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 23, after line 22, insert the following:

"(h) Notwithstanding any other provision of the law, of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, \$5,000,000 shall be available only for Poland for the purchase, transportation and distribution of food and medical supplies through private voluntary agencies where appropriate."

HUMANITARIAN RELIEF FOR POLAND

Mr. KENNEDY. Mr. President, there is no question today that the people of Poland are facing an acute shortage of food and medical supplies. The Polish Government has acknowledged this and has supported the efforts of American voluntary agencies to purchase, transport and distribute these supplies to the Polish people.

America and the world are all watching the dramatic events unfolding in Poland. I am sure that all in this Chamber join in the hope that the Polish people will succeed in resolving their political and economic problems peacefully and without outside interference.

The Independent Trade Union Solidarity has completed the initial phase of its first national convention and will open the second phase this Saturday. It is now time for Poland to move decisively to consolidate the gains of the labor movement and to rally its strength toward leading the country out of political and economic crisis.

The pending amendment is cosponsored by the chairman and ranking members—Senators PERCY and PELL and by Senators CRANSTON, BIDEN, TSONGAS, MITCHELL, and LUGAR. It does not and cannot seek to resolve this crisis, but it can and does earmark a modest \$5 million in economic support funds to bolster the private relief effort already underway—of Americans offering a helping hand to the people of Poland at a critical time in the history of their nation.

Currently, both Catholic Relief Services and CARE have purchased or raised voluntary food contributions for Poland. Raising money from private sources, Catholic Relief Services has already sent

some \$8 million in food supplies to Poland, principally dairy products—powdered milk, cheese, and butter—targeted especially for distribution to infants, young children, and the aged in institutions.

But more is obviously needed, and the voluntary agencies need our support in facilitating the transportation of food and medical supplies they purchase or which are donated here from the warehouses in the United States to the docks—where the Polish Government have sent their own ships to cover the ocean freight costs.

Bishop Broderick, director of Catholic Relief Services, estimates that they alone could use \$3 million to cover local transportation costs—to move privately donated or purchased food to the docks where it can be shipped to Poland. In Poland, the distribution of this food is also facilitated and monitored by the church.

Other agencies—such as CARE, the Polish American Congress, and the Red Cross—can also use modest public support to facilitate and expedite their private efforts in behalf of the Polish people. The pending amendment will make it possible for them to carry out effectively the essential assistance of the church and other private agencies to the Polish people.

The administration was consulted on this amendment; it is supported by the chairman of the Foreign Relations Committee (Mr. PERCY) and the ranking minority member of that committee (Mr. PELL). And I am pleased to report that this amendment is also strongly supported by both the President of the Polish American Congress and the director of the Catholic Relief Services.

Mr. President, I ask unanimous consent that correspondence with President Reagan and from Secretary Haig on the necessity for emergency relief and longer term assistance to Poland, be inserted at this point in the RECORD.

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

U.S. SENATE,
Washington, D.C., July 21, 1981.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: At this critical time for Poland, we urge you to approve much needed food aid for that nation, and to work with our allies and other nations to provide longer-term economic assistance as the Polish government and Solidarity carry out their historic agreements.

As you know, the Polish people presently face serious food shortages in their country. U.S. food aid at this time is not only justified on humanitarian grounds, but would be a clear signal of continuing support for the process of reform and democratization in Poland.

We believe that food aid would be of direct and immediate benefit to the Polish people, and would enhance the future prospects for peace and stability. We are confident that this aid is in the best traditions of our nation and would be strongly sup-

ported by the American people even at this time of budgetary restraint.

With our thanks and best wishes,
Sincerely yours,

ROBERT C. BYRD,
PAUL SARBANES,
DALE BUMPERS,
TED KENNEDY,
ALAN CRANSTON,
CLAIBORNE PELL,
JOSEPH R. BIDEN.

THE SECRETARY OF STATE,
Washington, D.C., August 15, 1981.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: I am grateful for your expression of support—along with that of your colleagues Senators Byrd, Cranston, Pell, Biden, Sarbanes, and Bumpers—for our decision to extend additional food assistance to Poland. I agree fully with you and your colleagues' rationale for extending aid to Poland. This is indeed a critical juncture for Poland, and we cannot remain aloof from the needs of her people. As you may know, the Administration decided on July 28 to accede to the most recent Polish request for assistance by selling approximately 350,000 tons of corn to Poland under the PL-480 food aid program on concessional credit terms. The total cost of the transaction will be \$55 million.

As important to Poland as this sale will be, a more comprehensive financial aid program covering the medium and longer term will have to be worked out with our Western allies if Poland is to avert disaster. In the interim, we are confident that this sale demonstrates our continuing humanitarian concern for the people of Poland as well as our support for the historic process of reform and democratization ongoing in that country.

Sincerely,

ALEXANDER M. HAIG, JR.

Mr. PELL. Mr. President, I have studied this amendment and think it an excellent one, and particularly approve of the idea that the voluntary agencies will be used where appropriate. I think it is a good amendment and at least from the viewpoint of this side of the aisle I find it most acceptable.

Mr. KENNEDY. I am prepared to vote on the amendment.

Mr. PERCY. I would simply like to say to my colleague I am very proud indeed to cosponsor this amendment. I cannot imagine any place in the world where it would be more appropriate for Americans to reach out now to assist and help in every way they possibly can than in Poland. It is not just \$5 million, it is a tremendous morale backing that it would give. There is no more beleaguered people today who have stood up for principles in which they deeply believe, and to assist at this time I think would be very appropriate. I fully support the amendment and commend my distinguished colleague.

Mr. KENNEDY. I thank the Senator.

Mr. President, I am prepared to vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts.

The amendment (UP No. 417) was agreed to.

U.S. AMENDMENT NO. 418

Mr. KENNEDY. I send a second amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. BOSCHWITZ, Mr. MITCHELL, and Mr. TSONGAS proposes an unprinted amendment numbered 418.

Mr. KENNEDY. 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 83 delete lines 16 through 25 and lines 1 and 2 on page 84; In lieu thereof, insert the following:

LEBANON

SEC. 715. (a) It is the sense of the Congress that the Government of the United States should continue to support diplomatic efforts to resolve the current crisis in Lebanon, and to pursue a comprehensive and coordinated policy in Lebanon guided by the following principles—

(1) Maintenance of an effective cease-fire through Lebanon;

(2) Resolution of the issue of the Syrian missiles deployed in Lebanon;

(3) Freedom, security and opportunity for the Christian and all other Lebanese communities, including the Moslem, Druze, and Jewish communities in Lebanon;

(4) Reaffirmation of the historic United States-Lebanon relationship and strengthening the longstanding commitment of the United States to the independence, sovereignty, and territorial integrity of Lebanon, without partition, free from terrorism and violence, and free to determine its future without Soviet or other outside interference;

(5) Generous international support for relief, rehabilitation, and humanitarian assistance for Lebanon, particularly for those Lebanese citizens who have suffered from the terrorism and violence of recent events; and

(6) Respect for and strengthening of the authority of a Lebanese Government, based on open national elections free from external interference which will be able to preserve security through its national army and its security forces without outside military presence.

(b) Section 532 of the Foreign Assistance Act of 1961, as amended by Section 201(b) of this Act, is further amended by adding at the end thereof the following:

"(h) Of the funds authorized to be appropriated to carry out this chapter for the fiscal year 1982, \$5,000,000 shall be available only for Lebanon for relief and rehabilitation programs of international and private voluntary agencies."

AID AND SUPPORT FOR LEBANON

Mr. KENNEDY. Mr. President, my colleagues, Senator BOSCHWITZ, Senator MITCHELL, and Senator TSONGAS are joining with me today to introduce an amendment to S. 1196—a bill to amend the Foreign Assistance Act of 1961—to reiterate congressional support for a strong United States policy toward Lebanon and to provide \$5 million in urgently needed humanitarian assistance.

In May I introduced a resolution later adopted unanimously by the Senate to offer strong support for diplomatic efforts to resolve the current crisis in

Lebanon, including the issue of the Syrian missiles, and to protect the right of all Lebanese communities to live in freedom and security. This resolution was cosponsored by several of my colleagues.

Since Senate passage of the resolution, violence and terrorism has continued to undermine the sovereignty of Lebanon. Foreign agents, terrorists, and non-Lebanese acting as so-called peace forces continue to intervene in the daily life of Lebanon and to undermine the ability of the Lebanese Government to exercise its authority throughout the country.

Since Senate passage of the resolution, we have seen the untiring efforts of Ambassador Philip Habib bear fruit. He successfully negotiated a ceasefire and restored a fragile truce to that war-torn and ravaged land. But daily we hear reports of continued fighting—of acts of terrorism and wanton destruction which bring misery and heartache to innocent people.

Mr. President, though we have taken one small step forward by means of this new ceasefire, there remains much more to be done. In our Senate resolution, we called for a comprehensive and coordinated policy in Lebanon based on six principles:

Establishment of an immediate and effective ceasefire throughout Lebanon. Resolution of the issue of the Syrian missiles deployed in Lebanon.

Freedom, security, and opportunity for the Christian and all other Lebanese communities, including the Moslem, Druze, and Jewish communities in Lebanon.

Reaffirmation of the historic United States-Lebanese relationship and strengthening the longstanding commitment of the United States to the independence, sovereignty, and territorial integrity of Lebanon, without partition, free from terrorism and violence, and free to determine its future without Soviet or other outside interference.

Generous international support for relief, rehabilitation, and humanitarian assistance for Lebanon, particularly for those Lebanese who have suffered from the terrorism and violence of recent events.

Respect for and strengthening of the authority of a Lebanese Government, based on open national elections free from external interference which will be able to preserve security through its national army and its security forces without outside military presence.

Mr. President, this amendment would substitute the full statement of policy in Senate Resolution 144 in the place of the abbreviated statement in section 715 of the present bill. Our statement is consistent with but expands upon the present language in that section.

Further, I would call the Senate's attention to point five of our resolution on Lebanon—generous support for relief and humanitarian assistance. Today, we in the Senate have an opportunity to implement this point and to this end our

amendment would earmark \$5 million in urgently needed humanitarian assistance for Lebanon, to respond to relief needs that have developed since the original budget submission. The escalation of violence and conflict in recent months—since the tragic bloodletting in the city of Zahle—have overwhelmed the resources of the voluntary agencies, the International Committee of the Red Cross (ICRC), and others attempting to respond to the medical and food needs of the Lebanese people.

The ICRC alone estimates that its requirements over the coming year will exceed \$8 to \$10 million. Of particular importance are the needs of Zahle, which has suffered so much from the terrorism and violence of recent events. In addition, the voluntary agencies will require continued support, as will the hospital at the American University in Beirut, which is the only lifeline to the daily casualties of the violence and terrorism in Beirut. A \$5 million American contribution to these relief programs is modest, indeed—and could well prove inadequate if the violence continues.

Mr. President, the least we can do is to earmark the minimum amount we can foresee now to respond to the already well-documented needs of the International Red Cross, the voluntary agencies and other relief organizations. This amendment responds to those minimum needs. I ask my colleagues to join me in supporting this amendment.

Mr. MITCHELL. Mr. President, I rise in support of this amendment which I am introducing with Senator KENNEDY, a Member of this body long concerned about events in Lebanon.

The committee bill provides Lebanon with \$15 million in foreign military sales (FMS) guarantees, \$840,000 in military education and training assistance, and \$5 million in economic support fund assistance.

Of the \$5 million in economic support funds, the committee bill would devote \$2.5 million to private voluntary organization relief work; \$1 million to private sector housing efforts; and \$1 million to health education. In addition, the program calls for \$500,000 to go to a newly established Lebanese Council on Development and Reconstruction.

Mr. President, I have no quarrel with the purposes to which the administration and committee would put the funds slated for Lebanon. I firmly believe, however, that the level of funding for Lebanon contained in the committee bill is insufficient.

The Lebanon aid program for 1981 included \$4 million in economic support funds. As I have already pointed out, the 1982 program contains \$5 million—in other words an increase of \$1 million over the previous year's ESF effort.

Given what has occurred in Lebanon over the past year; given the enormous destruction which has occurred in and around East Beirut and Zahle; given the tremendous number of Lebanese who have lost their lives, have been injured, or have been forced from their homes,

how can the United States in good conscience present a fiscal year 1982 assistance program which is only \$1.4 million more than last year's program?

The amendment introduced by Senator KENNEDY and myself would earmark \$5 million of additional ESF funds for reconstruction, rehabilitation, development, and relief assistance in Lebanon. This does not involve an increase of the amount prescribed in the bill; it merely allocates a small portion of those funds to Lebanon.

It will also set in statute the resolution, passed by this body in June, which expresses the view that Lebanon's territorial integrity and sovereignty should not be diminished in any way, and that the Christian and all other Lebanese communities should have the opportunity to live in peace without the intimidation of foreign forces present.

It is important that we send such a message to Lebanon. At a time when modern weapons of destruction are being used in so many parts of the world, peace there seems a distant dream.

At a time when more governments take and hold power by the bullet rather than the ballot, justice does not exist for most of mankind.

And at a time when societies the world over are torn by racial and religious divisions, unity among peoples has rarely seemed so out of reach.

But the more distant the dream, the more difficult the objective, the more we must strive to reach it.

Lebanon's trials today testify to the harshness of the eternal human struggle to overcome injustice and aggression. Every nation, in its own way, must work to reunite Lebanon, to rebuild its institutions, to restore its economy, and, most importantly, to reestablish the common ground on which the peoples of Lebanon can live together.

It is a slow, difficult process, but is a necessary process. For Lebanon's very existence as a free, democratic, sovereign state is in serious jeopardy. For over 1,500 years, Lebanon, like America throughout its history, has been a haven for the oppressed, where people of all faiths have lived in free and secure communities. A free Lebanon is of great value to itself, to the region, and to the whole world.

I believe that Senate passage of this amendment will send an important message to the beleaguered people of Lebanon. Passage will assure them of our belief:

That repeated acts of violence in Lebanon, resulting in death and injury to innocent residents, have hindered the pursuit of peace in the Middle East;

That a continued cease-fire in Lebanon is in the interest of the United States and the free world generally; and

That the cause of peace in the Middle East can best be achieved through negotiation rather than military confrontation.

Moreover, Lebanon's leaders and the Lebanese people will understand that the United States:

Seeks a lasting cessation of hostilities in Lebanon;

Seeks the withdrawal from Lebanon of all foreign forces prior to the 1982 Lebanese elections and

Reaffirms the important, historic relationship between it and Lebanon, and our longstanding commitment to the restoration and maintenance of the nation's freedom, sovereignty, and territorial integrity.

In summary, Mr. President, this amendment will provide Lebanon with urgently needed relief assistance and an expression of U.S. support for Lebanon's peaceful and independent future. Moreover, it is a sound amendment which will make clear our interest in preserving the historic and friendly ties between the Lebanese and American peoples.

I urge my colleagues to support this amendment.

Mr. President, I wish to make one comment before we move on to consideration of other matters.

Most Members of this body are familiar with the excellent programs and good works of the American University of Beirut, an educational institution chartered under the laws of New York State, which has been in operation since 1866. The bill currently under consideration contains \$12 million in funding for the American schools and hospitals abroad program from which the American University of Beirut receives support each year.

It is my hope that this support will continue in the years ahead. The return on this investment in an American education unit based in the Arab world is enormous. All over the Middle East—in Bahrain, Saudi Arabia, Qatar, and elsewhere, graduates of the American University of Beirut participated in public and business affairs bringing great distinction to their university and to the American educational tradition of which it is an important part.

Mr. PELL. Mr. President, the initiative of the Senator from Massachusetts (Mr. KENNEDY) will increase by half the economic assistance funds available to Lebanon. I think this is a very good cause, indeed, and I am glad to support it, because I believe we must move beyond the cease-fire to do our utmost to end violence in Lebanon.

Beyond the terrible cost in human life and suffering, there has been the devastation of Lebanon itself. For example, the city of Tyre, which has been a major Middle Eastern port since the time of Alexander the Great, has been greatly damaged and remains threatened. We must not let Tyre and the other historical cities in the countryside of Lebanon remain in jeopardy.

Mr. HATFIELD. Mr. President, the Senator from Massachusetts and the Senator from Maine should be commended for again bringing to the Senate's attention the plight of Lebanon. This nation of diverse and enterprising people is the ground on which east and west truly meet. Historically it serves to prove that the two cultures can profit from open and free interchange. Unfortunately, in recent years Lebanon also has served as the symbol of failed poli-

cies in the Middle East. This nation has become a victim of forces totally beyond her control. For this we all must accept our share of responsibility and do what we can to rectify the injustices and relieve the suffering these people have endured.

One of our best assets for promoting understanding and showing that the U.S. cares, not only about Lebanon but about the entire region, is the American University of Beirut. AUB's reputation in the Middle East is legendary, and it provides visible and meaningful evidence to states in the Arab world that the United States is concerned about their future and attaches importance to its relationship with them.

The university is a trusted American presence which day in and day out contribute to the development of the region through the transfer of knowledge and technology. Worthy of special mention is AUB's teaching hospital, which helps educate 75 new physicians a year, and which serves all parties to the conflict in Lebanon without distinction or discrimination.

The humanitarian relief contemplated in the Kennedy-Mitchell amendment would be especially well used in assisting AUB to carry on its mission. Events of the past few months in Lebanon have placed severe new strains on the university, and, in the absence of new financial commitments to its continued existence, AUB may have to close its doors in the very near future. This would indeed be a tragedy after more than 114 years of operation in service to the region. And it would be a tragedy not only for AUB and for Lebanon. Its demise would also be seen throughout the Arab world as a failed U.S. commitment.

Again, Mr. President, I thank my colleagues for raising this matter, and I urge the adoption of their amendment.

Mr. PERCY. Mr. President, I fully support the Kennedy amendment. Recent military actions in Lebanon have brought renewed human suffering and property destruction to that country. Until peace can be restored to that troubled region, the United States should continue to help Lebanon to rebuild destroyed infrastructure and to bolster its war-devastated economy.

Five million dollars will provide tangible assistance to Lebanon in its efforts at rebuilding and economic recovery, and also provide the central government with some resources with which to exert its authority. And it will provide the Lebanese people with evidence that the American people continue to stand by them during these difficult times.

While discussing Lebanon, I would also like to take note of another important way in which the United States assists that strife-torn country—our support for the American University of Beirut. This support, through the American schools and hospitals program which is also funded through this bill, has been particularly important during the recent hostilities in Lebanon. The university hospital has suffered damage from a gun battle between two warring factions, the crops on the university farm in the Bekaa Valley have been lost because of

war damage, and expenses have amounted from treating patients suffering from war-related wounds.

I certainly hope that AUB will continue to receive the support of our Government and those of other interested nations and private groups. It is important that this 114-year-old institution can continue to perform its critical role of producing the qualified professionals so badly needed in the region.

I ask the sponsor of the amendment, Senator KENNEDY, if he would request unanimous consent that I be added as a cosponsor.

Mr. PELL. Will the Senator add my name also?

Mr. KENNEDY. Mr. President, I so request.

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

Mr. PERCY. The managers of the bill, then, accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment (UP No. 418) was agreed to.

UP AMENDMENT NO. 419

(Purpose: To make available up to \$5,000,000 for countries seeking to improve infant feeding practices)

Mr. KENNEDY. Mr. President, I send an amendment to the desk on behalf of myself and Senators LEAHY, BAUCUS, INOUE, METZENBAUM, and RIEGLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows: The Senator from Massachusetts (Mr. KENNEDY), for himself, Mr. LEAHY, Mr. BAUCUS, Mr. INOUE, Mr. METZENBAUM, and Mr. RIEGLE, proposes an unprinted amendment numbered 419.

Mr. KENNEDY. 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 24, between lines 6 and 7, insert the following:

"(b) (1) It is the sense of the Congress that the United States should strongly support the efforts of developing countries to improve infant feeding practices, in particular, through the promotion of breast feeding. As a demonstration of that support, the President is authorized to spend up to \$5,000,000 from funds made available for fiscal year 1982 to carry out the purposes of sections 103 and 101(c) of the Foreign Assistance Act of 1961, to assist developing countries establish or improve programs to encourage improved infant feeding practices. As part of such a program, the Agency for International Development should fund necessary research to obtain better information on the precise nature and magnitude of problems relating to infant feeding practices, including the use of infant formula, in developing countries.

"(2) The President shall, as part of the Congressional Presentation Documentation for fiscal years 1983 and 1984, include information relevant to the implementation of this section, including—

"(A) A description of actions taken by the Agency for International Development to promote breast feeding and to improve supplemental infant feeding practices in devel-

oping countries through funds made available in this section and through its regular programs in the fields of health, nutrition, and population activities;

"(B) Summary information on results of studies authorized by this section on the nature and magnitude of problems in the developing countries related to infant feeding practices; and

"(C) Summary of reports by member countries of the World Health Organization on their actions to implement the International Code of Marketing of Breast Milk Substitutes."

On page 24, line 7, change "(b)" to "(c)".

Mr. KENNEDY. Mr. President, on behalf of Senators LEAHY, BAUCUS, INOUE, METZENBAUM, RIEGLE, and myself, I am introducing today an amendment to the pending foreign assistance bill to establish a modest fund to assist developing countries implement the objectives of the World Health Organization's (WHO) "International Code of Marketing Breast Milk Substitutes," which was adopted last May by the World Health assembly.

Shockingly, the United States was the only nation to vote against the code—an action that has since been repudiated by overwhelming, bipartisan votes in both the Senate and the House of Representatives.

The vote of this administration simply failed to reflect the humanitarian concerns of the American people. It turned our back to the views of the overwhelming majority of the world community, and against a fundamental issue that is literally a matter of life and death to millions of newborn children. Standing isolated and alone on a vote of 118 against our single vote of "no", we in effect voiced our opposition to the cries for help from the developing nations in the Third World who want and need the code, where human suffering of unspeakable proportions—from poverty, disease, and malnutrition—is a daily reality of life.

If nothing else, we should have voted for the code to show that we understand the horror and the sickness, the poverty and the frustration of millions—to say to other nations that we are your friends, we grieve with you for your dying infants, and we want to do all we can to help.

With the pending foreign assistance bill we have an opportunity to express this concern in a tangible way, by providing funds to help implement the code and for improving the health of infants by promoting breast feeding.

The amendment I am offering earmarks up to \$5 million to implement the aims of the WHO code. Since the code is voluntary, the amendment stipulates that the funds authorized are to assist only those developing countries "who desire to implement the code."

Every day, countless infants and young children pay with their lives because the formulas they are fed are watered down or prepared with unsanitary water. Daily, mothers who could have provided breast milk to their children are persuaded to be "modern," to do what advertisements say is the best thing for their children—to give them special infant formulas, but the tragedy is that their own milk is far safer.

Again, we know these facts because over the years we have heard repeated expert testimony from physicians and nurses in the field, who have seen with their own eyes infant formula deaths. We know this from missionaries and health experts who have seen malnourished children languishing in remote lands—so remote that there is no medicine, but there are cans of infant formula available and sold by international companies.

Currently, Mr. President, there are no funds authorized in the Agency for International Development's budget to deal specifically with the implementation of the infant formula code. Although the \$5 million authorized by this amendment is a modest sum, I know from sources within AID, as well as in the World Health Organization, that this sum is urgently needed if we are to join with others in helping to implement the code.

These funds can be used to help ministries of health in developing countries establish programs and write appropriate legislation to implement the code. They can be used to support research and field projects on infant feeding practices. They can help developing countries integrate the promotion of breast feeding in their health education programs, and to incorporate controls on the use of infant formulas in hospitals, health centers, and primary health programs. And they can help strengthen governmental understanding of the misuse of infant formula.

These are just some of the programs this amendment would support in an effort to help, on a voluntary basis, developing countries implement the code. In doing so, we will help save the lives of millions of children who now fall victim each year to the misuse of infant formula throughout the poorest nations on Earth.

Mr. President, action on this amendment carries forward the spirit of the congressional resolutions on the WHO code adopted overwhelmingly by the House and Senate during consideration of the Department of State authorization bill. Now we can lend more tangible support to these expressions of support for the code by authorizing funds to help implement its objectives.

So while our Government's vote in Geneva may have set our country against the rest of the civilized world, the Senate can act to support the code with the certain knowledge that if America's vote had been cast by the American people, the outcome would have been different.

This amendment helps express the concern of the American people for the plight of infants around the world who, daily, die infant formula deaths.

Mr. LEAHY. Will the Senator yield?

Mr. KENNEDY. I am happy to yield.

Mr. LEAHY. Mr. President, I think this amendment provides a positive way for the Congress to demonstrate its own concern about the children of the world. I applaud Senator KENNEDY for his leadership on this issue.

Mr. President, I am pleased to support

the amendment by the Senator from Massachusetts to earmark funds for the promotion of breast feeding.

In light of the past opposition of the Reagan administration on the World Health Association's Infant Formula Code, I feel it is important for us to restate the dedication of this country to the health and well-being of all the world's children.

In study after study, in country after country—including our own—medical evidence reveals that breast feeding is the superior form of nutrition for infants. Breast milk provides special immunities for the newborn, and a perfect balance of nutrients.

But in spite of these natural benefits, and in spite of the fact that breast milk is free, many mothers in poor regions of the Third World have been sold the notion that artificial powdered formula is better for their children. Heavy promotion by infant formula companies have shown beautiful mothers with healthy babies, implying that using the bottle is the "modern and the Western thing to do."

But what these new mothers soon find, if they begin to use the formula, is that the bottle is expensive and the formula may cost more than half of the family's income. Even more tragically, however, these mothers soon see their babies grow ill and weak if the water they used to mix the formula is polluted.

At that point, any mother would naturally want to take her baby off the formula if it was making her baby sick. But by that point it would be too late. If a woman has stopped breast feeding, she cannot start again.

Mr. President, this is a tragedy, a needless tragedy. Every day a mother breast feeds her child is to the benefit of the baby. But for the poor woman, the woman without access to pure water, or the fuel necessary to sterilize the bottles, the choice is more than just better nutrition. The choice to use formula may be a life-and-death decision for the baby.

Yet, when the Reagan administration had a chance to show its sensitivity to this problem, to express its concern about the health of innocent children, it chose not to. We were the only country to vote "no" on the World Health Organization/UNICEF Code of Marketing Practices for Infant Formula. The insensitivity shown by that vote was not lost on the rest of the world, and frankly, I think that decision did damage to our Nation's standing in the world. That "no" vote certainly did not reflect the support that the Congress has shown for the many health and development programs we have funded over the years.

The amendment we are addressing today will set the record straight. In this amendment, AID will be authorized to fund necessary research to obtain better information on the precise nature and magnitude of infant feeding problems, including the use of infant formula, in developing countries. AID will also be required to report on its efforts to promote breast feeding. Finally, AID will also report to the Congress on progress of the members of the World Health

Organization in their efforts to implement the infant formula code.

Mr. President, I think this amendment provides a positive way for the Congress to demonstrate its own concern about the children of the world. I applaud Senator KENNEDY for his leadership on this issue and I support his amendment.

The leadership by the senior Senator from Massachusetts in forming a bipartisan coalition in this matter demonstrates the true feelings of the Senate.

Mr. President, I yield the floor back to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is a familiar issue to both the chairman of the Foreign Relations Committee and the ranking minority member. I hope that they accept the amendment.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, from the viewpoint of this side of the aisle, the amendment seemed an excellent one and in order. I am glad to recommend its passage.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I support the amendment.

I believe all of my colleagues support the idea that AID programs should promote improved infant feeding practices. This amendment clearly enunciates that position.

While most of us agreed with the basic aim of the WHO International Code of Marketing of Breast Milk Substitutes, as did the administration, a number of us had strong reservations about specific operative sections of the code. I believe that this amendment provides us all a chance to prove to the world that we do wish to make a positive contribution to the promotion of sound infant feeding practices. Senators DOLE and LEAHY, who previously have been intimately involved with this issue on the Senate floor, also support this amendment.

I also think it would be beneficial to increase our knowledge of the actual nature and magnitude of the problem of infant feeding in the Third World. This amendment encourages AID to increase the data available on this issue and to report such information to the Congress.

On balance, I believe this amendment provides a positive way for the United States to show the unanimity of our position when it comes to finding realistic ways to help assure that children all over the world have a better chance of receiving appropriate care during infancy.

Mr. KENNEDY. Mr. President, I wish to thank the chairman of the Foreign Relations Committee and the ranking minority member for their courtesy and responsiveness.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Massachusetts (Mr. KENNEDY).

The amendment (UP amendment No. 419) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider all three of those amendments.

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

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 413, AS MODIFIED FURTHER

Mr. PELL. Mr. President, I ask unanimous consent to make a technical correction that my perfecting amendment, unprinted amendment No. 413, as modified, be further modified in the instructions to reflect my stated intention to delete all of subsection (b) of the Lugar amendment.

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

The amendment (UP No. 413), as modified further, is as follows:

On page 1, strike subsection (b) through the end of the amendment and insert in lieu thereof the following:

"In fiscal year 1982 and 1983 funds may be obligated for assistance for El Salvador under chapter 2 or 5 of part II of the Foreign Assistance Act of 1961, letters of offer may be issued and credits and guarantees may be extended for El Salvador under the Arms Export Control Act, and members of the Armed Forces may be assigned or detailed to El Salvador to carry out functions under the Foreign Assistance Act of 1961 or the Arms Export Control Act, only if every 180 days after enactment of this Act, the President makes a certification in accordance with subsection (c).

"(b) If the President does not make such a certification, then the President shall immediately—

"(1) suspend all expenditures of funds and other deliveries of assistance for El Salvador which were obligated under chapters 2 and 5 of part II of the Foreign Assistance Act of 1961 after the date of enactment of this Act;

"(2) withhold all approvals for use of credits and guarantees for El Salvador which were extended under the Arms Export Control Act after the date of enactment of this Act.

"(3) suspend all deliveries of defense articles, defense services, and design and construction services to El Salvador which were sold under the Arms Export Control Act after the date of enactment of this Act; and

"(4) order the prompt withdrawal from El Salvador of all members of the Armed Forces performing defense services, conducting international military education and training activities, or performing management functions under section 515 of the Foreign Assistance Act of 1961.

Any suspension of assistance pursuant to paragraphs (1) through (4) of this subsection shall remain in effect during fiscal year 1982 until such time as the President makes a certification in accordance with subsection (c).

"(c) The certification required by subsections (a) and (b) is a certification by the President to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate of a determination that the Government of El Salvador, to the extent not precluded by forces outside its control—

"(1) is making a concerted and significant effort to control gross violations of internationally recognized human rights;

"(2) is moving to achieve control over all elements of its own armed forces, so as to bring to an end the indiscriminate torture and murder of Salvadoran citizens by these forces;

"(3) is making continued progress in implementing essential economic and political reforms, including the land reform program;

"(4) is committed to the holding of free

elections at an early date and to that end has demonstrated its willingness to negotiate an equitable political resolution of the conflict with any group which renounces and refrains from further military or paramilitary opposition activity.

Each such certification shall discuss fully and completely the justification for making each of the determinations required by paragraphs (1) through (4).

"(d) On making the first certification under subsection (a) of this section, the President shall also certify to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that he has determined that the Government of El Salvador has made good faith efforts both to investigate the murders of the six United States citizens in El Salvador in December 1980 and January 1981 and to bring to justice those responsible for those murders."

Mr. DODD. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from North Carolina, UP amendment No. 412.

TWENTIETH ANNIVERSARY OF THE PEACE CORPS

Mr. PERCY. Mr. President, 20 years ago today, President John F. Kennedy signed legislation founding the Peace Corps. Since that day, more than 80,000 Peace Corps volunteers have served in 88 foreign nations. They have compiled a shining record of service to the people of those nations and to the United States.

Peace Corps volunteers have served in diverse capacities at many levels abroad. They have taught in local schools and trained teachers, helped construct village housing, roads, and schools, provided health care and taught people how to provide better nutrition and health care for themselves with their own resources. Volunteers have assisted with irrigation and sanitation projects and taught improved farming and fishing techniques.

The Peace Corps has helped millions of people around the world improve their lives, and it has done so largely by showing people what they can do for themselves with a minimum of assistance from outside the local society. At the same time, Peace Corps volunteers, through their reports to families and friends have given millions of Americans realistic understanding of foreign cultures and the promise, as well as the difficulty, of realizing development goals in countries locked in poverty for centuries.

Mr. President, the Peace Corps was launched in a period of high optimism about changing the world in a very short time. Americans have since shed some of their romantic illusions about the rest of the world, but America's readiness to help in the long, hard struggle to improve living conditions in poor countries remains steadfast. Peace Corps volunteers continue to be the finest representatives of the American spirit. The Corps continues to welcome to its ranks, now as it did 20 years ago, Americans of all ages with the courage and dedication to serve others.

PENDING BUSINESS

Mr. BAKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from North Carolina, numbered 412.

Mr. BAKER. Mr. President, have roll-call votes been ordered on amendments on which votes have not yet occurred?

The PRESIDING OFFICER. They have been.

Mr. BAKER. I thank the Chair.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, in a moment, I expect to propound a request in respect to those votes, but for the time being, I have a few housekeeping matters to take care of; and for that purpose, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, not to extend past 6:30, in which Senators may speak.

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

THE LIBRARY OF CONGRESS

Mr. BAKER. Mr. President, I take this opportunity to inform my colleagues about a new Senate report that has been prepared at my request.

The title, "The Original Library of Congress: The History (1800-1814) of the Library of Congress in the United States Capitol," captures the essence of this study's rare historical journey through the Capitol's past.

My office is fortunately located amidst the original location for the Library of Congress, and it is my hope that many of my colleagues and interested citizens alike will avail themselves of the opportunity to read this report.

I thank Dr. Anne-Imelda Radice, Curator for the Architect, and Cynthia Miller, Archivist assistant in conjunction with the Library of Congress, for their help.

Of course, none of this would be possible without the expert advice and assistance from the distinguished Architect of the Capitol, George M. White.

CLYDE DUPONT TO BECOME MEMBER OF HAWAIIAN PUBLIC UTILITIES COMMISSION

Mr. STEVENS. Mr. President, on September 14, Clyde DuPont, former chairman of the Postal Rate Commission, left his position as a commissioner to accept membership on the Hawaiian Public Utilities Commission. Many of us remember Clyde when he was minority staff director for the Senate Post Office and Civil Service Committee, working with the distinguished Senator from Hawaii, Hiram Fong.

Clyde was initially appointed to the Postal Rate Commission by President Ford in September of 1974 and then appointed chairman early the following year. As chairman, he established new procedures for regulatory hearings of the Commission by ordering expedited procedures dispensing with the services

of administrative law judges and having the Commission hear all cases en banc with the Chairman acting as presiding officer.

These expedited procedures reduced the time for considering postal rate cases from an excess of 20 months to less than 10 months. These expedited procedures were later adopted into law by Congress in 1976.

Additionally, he ordered refined costing procedures on postal rate cases utilizing incremental costing approach rather than fully distributed costing in conformance with statutory directives. He established periodic reporting procedures for the Postal Service enabling the Postal Rate Commission and all interested parties to follow the financial condition of the Postal Service each accounting period, quarterly and annually.

These accomplishments as chairman assisted in expediting rate cases, reducing the costs, particularly the administrative costs, to the Postal Service and the Postal Rate Commission, as well as the litigating cost to the intervening parties. In addition, Commissioner DuPont established goals and objectives for guiding the Commission's work in all areas, particularly personnel actions to reduce members of supergrades and focus on skills needed for more efficient work output.

As a member of the U.S. Administrative Conference as a member of its Economics and Ratemaking Committee, he participated in formulating policy studies and reports on regulatory delays, Freedom of Information Act problems, and other similar studies of Federal regulatory concern.

All in all, Clyde DuPont has done an outstanding job on this Commission. I know Clyde wanted to return to his home in Hawaii and I know his many friends here join with me in wishing him every success as the newest member of the Hawaiian Public Utilities Commission.

HITLER'S DEATH CAMPS

Mr. PROXMIRE. Mr. President, an upcoming book by Dr. Konnilyn Feig, entitled "Hitler's Death Camps," explores in grim detail the murder apparatus of the Third Reich.

The book is a historical account written in a personal style. What sets this book off from other holocaust literature is that it focuses upon the concentration camps themselves. Each camp is analyzed and discussed individually, focusing on the characteristics of that camp, for as Dr. Feig says, "each camp exemplifies a major aspect of the system."

For all her technical and systematic analysis of the camps themselves, Dr. Feig is anything but removed from the incredible emotional and psychological forces which we must confront whenever we think about the holocaust. As she states at one point, "the camps are in all of us."

I could not agree with her more, Mr. President. The camps are in all of us, and likewise the spectre of genocide is in all of us. "Hitler's Death Camps" provides a close look at the actual apparatus

of genocide. It reminds us how capable we are of mass murder.

This book also reminds us once again that we have not done our part in preventing a future holocaust. The first step in helping to prevent such catastrophes is very easy to take, and can be taken right here in this Chamber. I urge swift ratification of the Genocide Convention.

CHILDREN'S CAMPAIGN FOR NUCLEAR DISARMAMENT

Mr. LEAHY. Mr. President, my increasing concern about the possibility of a nuclear holocaust is directly related to thought about what the future holds for our children. Children themselves are quick to see the danger posed by this unbridled arms race, and their concern is represented in the "Children's Campaign for Nuclear Disarmament."

On October 17, 1981, letters written to the President by children across the country will be read at a rally in Washington, D.C. I insert in the RECORD excerpts from three of the hundreds of letters already written by these children:

DEAR MR. PRESIDENT: I am only twelve years of age and looking into the future scares me more than anything. To know that there might be a possible World War Three frightens me very much. Every day the nuclear war comes closer and closer. Having the most power is not important. Having the best nation is, but if there is a nuclear war it won't matter who is most powerful or who has the best nation because nobody will be left on earth.

DEAR MR. PRESIDENT: Even at age 14, I know that in a nuclear war no one wins. Even my brother Sam, who is five, knows that bombs mean injury, death, and destruction.

I also have a brother, Pippin, three, and a sister, Aerin, one. I love them all, and I do not want them hurt or killed.

Please, do whatever is in your power to decrease nuclear weapons manufacturing. It is the only wise thing to do.

DEAR MR. PRESIDENT: Radiation is very dangerous to plants, animals, grownups and children.

It makes me very sick.

Please don't make any more nuclear weapons.

MESSAGES FROM THE HOUSE

At 12:07 p.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 bills, each with amendments, in which it requests the concurrence of the Senate:

S. 917. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their surviving spouses and children; to authorize the Administrator of Veterans Affairs to guarantee home loans with provisions for graduated-payment plans; to increase the maximum amount payable in Veterans' Administration specially adapted housing assistance; to expand eligibility for memorial markers; and for other purposes; and

S. 1191. An act to extend for 1 year the authority of the Secretary of Commerce to reimburse commercial fishermen of the United States for losses incurred as the result of the seizure of their vessels by foreign nations.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1952. An act authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes;

H.R. 3136. An act to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation;

H.R. 4084. An act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes;

H.R. 4284. An act to name the lock authorized as a replacement for Vermilion Lock, Louisiana, as "Leland Bowman Lock."

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 111. A concurrent resolution expressing the sense of the Congress that the Government of the Soviet Union should cease its imprisonment of Yuriy Shukhevych and permit him and his family to emigrate from the Soviet Union; and

H. Con. Res. 179. A concurrent resolution making apportionment of funds for the National System of Interstate and Defense Highways for the fiscal year 1983.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 6:18 p.m., a message from the House of Representatives, delivered by Mr. Gregory, announced that the Speaker has signed the following bills and joint resolution:

H.R. 618. An act to convey certain interests in public lands to the city of Angels, California;

H.R. 2218. An act to direct the Secretary of Agriculture to convey certain National Forest System lands in the State of Nevada, and for other purposes; and

S.J. Res. 65. Joint resolution proclaiming Raoul Wallenberg to be an honorary citizen of the United States and requesting the President to ascertain from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom.

HOUSE BILLS REFERRED

The following bills were read twice by unanimous consent, and referred as indicated:

H.R. 1952. An act authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4084. An act to improve the operation of the Marine Mammal Protection Act of 1972, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 4284. An act to name the lock authorized as a replacement for Vermilion Lock, Louisiana, as "Leland Bowman Lock"; to the Committee on Environment and Public Works.

HOUSE BILL HELD AT DESK

The following bill was ordered held at the desk by unanimous consent:

H.R. 3136. An act to amend the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were read and referred as follows:

H. Con. Res. 111. A concurrent resolution expressing the sense of the Congress that the Government of the Soviet Union should cease its imprisonment of Yuriy Shukhevych and permit him and his family to emigrate from the Soviet Union; to the Committee on Foreign Relations.

H. Con. Res. 179. A concurrent resolution making apportionment of funds for the National System of Interstate and Defense Highways for the fiscal year 1983; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1959. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on a decision to convert to contractor performance the laundry and drycleaning function at Fort Indiantown Gap, Pennsylvania; to the Committee on Armed Services.

EC-1960. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Faster Processing of DOD Personnel Security Clearances Could Avoid Millions in Losses"; to the Committee on Armed Services.

EC-1961. A communication from the Assistant Secretary of State for Congressional Relations, transmitting, pursuant to law, notice of credit extended by the Export-Import Bank to the People's Republic of China; to the Committee on Banking, Housing, and Urban Affairs.

EC-1962. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to provide for the transfer of the Alaska Railroad to the State of Alaska; to the Committee on Commerce, Science, and Transportation.

EC-1963. A communication from the Secretaries of Transportation, Commerce, and Housing and Urban Development transmitting, pursuant to law, a report on use of federal funds to assist public and private redevelopment in the vicinity of urban rail stations in the Northeast Corridor; to the Committee on Commerce, Science, and Transportation.

EC-1964. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Burdensome and Unnecessary Reporting Requirements of the Public Utility Regulatory Policies Act Need To Be Changed"; to the Committee on Energy and Natural Resources.

EC-1965. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a list of the reports submitted to Congress by the General Accounting Office in August 1981; to the Committee on Governmental Affairs.

EC-1966. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report with respect to a certain scientific and professional position; to the Committee on Governmental Affairs.

EC-1967. A communication from the Assistant Attorney General for Legislative Affairs, transmitting a draft of proposed legislation to amend the Trading with the Enemy Act in order to authorize the use of assets vested under that Act during World War II for an ex gratia payment of \$20,000 to the

Government of Switzerland and to provide for the deposit in the Treasury of the remainder of such assets; to the Committee on the Judiciary.

EC-1968. A communication from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report entitled "SBA's Progress In Implementing The Public Law 95-507 Subcontracting And Surety Bond Waiver Provisions Has Been Limited"; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-416. Joint resolution adopted by the Legislature of the State of Alabama; to the Committee on the Judiciary:

"S.J.R. 41

"Whereas, there is a great need for a government of laws and not of men in this country; and

"Whereas, many federal justices and judges have strayed in their rulings from strictly interpreting the Constitution of the United States as it was intended, passed and ratified; and

"Whereas, such straying from the intent of the Constitution is in effect judicial legislation by means of judicial extrapolation; and

"Whereas, members of the federal judiciary have been able to follow this course of action because they are not answerable to the people because they are appointed for lifetime tenure; and

"Whereas, this country was founded in order to escape the awesome power of lifetime appointments from nonelected rulers and royalty; and

"Whereas, the federal judiciary is the last remaining vestige of such awesome, lifetime political patronage in this country; and

"Whereas, the public has always been under the impression that federal judges aided and abetted criminals and criminal activity in America by giving the criminals more rights than the victims; now therefore,

"Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That the Legislature of Alabama hereby petitions the Congress of the United States to convene a convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment which would prohibit lifetime appointments of federal supreme court justices and all other federal judges and require that they be elected and re-elected every six years by the people.

"Be it resolved further, That the legislature of each of our sister states is urged to give the most serious consideration to the problems arising from lifetime judicial appointments, and to petition the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment which would prohibit lifetime appointments of federal supreme court justices and all other federal judges and require that they be elected and re-elected every six years by the people.

"Be it resolved further, That the Secretary of the Senate transmit duly authenticated copies of this resolution to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representative, to each member of Congress, both Senate and House, and to the executive authority of each of our sister states for transmittal to its legislature."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

Report entitled "Report to the Senate of the Select Committee on Intelligence, United States Senate, Covering the Period January 1, 1979–December 31, 1980" (with additional views) (Rept. No. 97-193).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 67. Joint resolution to establish National Nurse-Midwifery Week.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 199. A resolution to authorize National Productivity Improvement Week.

S. Res. 175. A resolution to congratulate the State of Oklahoma on the celebration of its Diamond Jubilee.

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.J. Res. 263. Joint resolution to designate May 6, 1982, as "National Recognition Day for Nurses".

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment:

S.J. Res. 107. Joint resolution to designate the seventh day of October 1981 as "National Guard Day".

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

J. Paul McGrath, of New Jersey, to be an Assistant Attorney General;

Henry R. Wilhoit, Jr., of Kentucky, to be United States District Judge for the Eastern District of Kentucky;

John E. Sprizzo, of New York, to be United States District Judge for the Southern District of New York;

Joseph M. McLaughlin, of New York, to be a United States District Judge for the Eastern District of New York;

Roger J. Miner, of New York, to be United States District Judge for the Northern District of New York;

John C. Coughenour, of Washington, to be United States District Judge for the Western District of Washington; and

Conrad K. Cyr, of Maine, to be United States District Judge for the District of Maine.

By Mr. PERCY, from the Committee on Foreign Relations:

David Eugene Zweifel, of Maryland, a Foreign Service Officer of Class two, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Yemen Arab Republic.

Nominee: David Eugene Zweifel.
Post: Sanaa, Yemen Arab Republic.
Nominated: May 9, 1981.¹

Contributions, amount, date, donee:

1. Self: None other than standard \$1 deduction on Federal Income Tax form.

2. Spouse: None other than standard \$1 deduction on Federal Income tax form.

3. Children and spouses names: Mark Evan (DOB December 31, 1966) Minor child; no contributions; Daphne Lynne (DOB April 3, 1968) Minor child; no contributions.

4. Parents names: Father deceased; mother is Frieda T. Zweifel, no contributions that I know of. Please see statement below.

5. Grandparents names: All long deceased.

6. Brothers and spouses names: None.

Sisters and spouses names: Mr. and Mrs. Ernest J. Stevens, Mr. and Mrs. Robert Carlile, Mr. and Mrs. William Cypher, Mr. and Mrs. Edward Robinson.

Faith Ryan Whittlesey, of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States to Switzerland:

Nominee: Faith Ryan Whittlesey.

Post: Ambassador to Switzerland.

Contributions, amount, date, donee:

1. Self: Faith Ryan Whittlesey, \$100, 1980, Rochford for Congress Comm.

2. Spouse: Deceased (Roger Weaver Whittlesey).

3. Children and spouses names: Henry Clark Whittlesey none; Amy Elizabeth Whittlesey—none; William Weaver Whittlesey—none.

4. Parents names: Martin R. Ryan—none. Amy Covell Ryan—none.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Thomas M. Ryan—brother—none; Spouse—Joan Ryan—none.

Sisters and spouses names: Sisters-in-law, Mary Whittlesey Hogg; Spouse, James Hogg—none; Shirley Whittlesey Kuhn; Spouse, Richard Kuhn—none.

George Southall Vest, of Maryland, a Foreign Service Officer in the Class of Career Minister, to be the Representative of the United States to the European, Communities, with the rank and status of Ambassador Extraordinary and Plenipotentiary:

Nominee: George S. Vest.

Post: U.S. Mission to the European Communities.

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: none.

3. Children and spouses names: Jeannie Bordallo and husband; George S. Vest, Jr.; Henry C. Vest, none.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: Half-brother—John C. Crawford; Betty W. Crawford, none.

7. Sisters and spouses names: Nancy V. Scheper; Henry E. Scheper, none.

Joseph Verner Reed, Jr., of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Morocco:

Nominee: Joseph V. Reed, Jr.

Post: Ambassador to Kingdom of Morocco.

Contributions, amount, date, donee:

1. Self: \$1,000, September 19, 1980, Prelude to Victory; \$4,000, October 24, 1980, Florida Victory Committee; \$5,000, November 3, 1980, Republican National Committee.

2. Spouse: None.

3. Children and spouses names: Serena Reed; Electra Reed, none.

4. Parents names: Joseph V. Reed, Sr. (deceased); Permelia Reed, \$1,000, February 1, 1979, Bush for President; \$1,000, July 24, 1980, Republican National Comm. Presidential Fund.

5. Grandparents names: Deceased.

6. Brothers and spouses names: (Information has been requested and will be submitted in near future).

7. Sisters and spouses names: (Information has been requested and will be submitted in near future).

Robert P. Paganelli, of New York, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Syrian Arab Republic:

Nominee: Robert P. Paganelli.

Post: Ambassador to Syria.

Contributions, amount, date, donee:

1. Self: \$100, June 13, 1980, Thomas Trimarco; \$25, November 28, 1980, Thomas Trimarco.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brother name: John A. Paganelli, \$100, June 28, 1976, John La Falce; \$100, July 11, 1978, John La Falce; \$100, September 16, 1980, John La Falce.

7. Sisters and spouses names: None.

Michael H. Newlin, of Maryland, a Foreign

Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Democratic and Popular Republic of Algeria:

Nominee: Michael H. Newlin.

Post: Ambassador to Algeria.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Richard W. Murphy, of Maryland, a Foreign Service Officer of the Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Kingdom of Saudi Arabia, to which office he was appointed during the last recess of the Senate:

Nominee: Richard W. Murphy.

Post: Jidda.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: None.

Jack F. Matlock, Jr., of Florida, a Foreign Service Officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Czechoslovak Socialist Republic:

Nominee: Jack F. Matlock, Jr.

Post: Ambassador to Czechoslovakia.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: James, Hugh, David and Joseph Matlock; Nell and Hu Benton, None.

4. Parents names: Mrs. Nellie Burrum and Hugh H. Burrum, None.

5. Grandparents names: (Deceased) None.

6. Brothers and spouses names: Frank E. M. and Mary B. Matlock, None.

7. Sisters and spouses names: None.

Arthur Adair Hartman, of New Jersey, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Union of Soviet Socialist Republics:

Nominee: Arthur Adair Hartman.

Post: Ambassador to Soviet Union.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: Donna Ford Hartman, None.

3. Children and spouses names: John, Sarah, Johanna, and Benjamin Hartman, Mr. and Mrs. David F. Hartman (wife Debbie) None.

4. Parents names: Deceased.

5. Grandparents names: Deceased.

6. Brothers and spouses names: S. C. and Alma Hartman, None.

7. Sisters and spouses names: None.

Raymond C. Ewing, of Virginia, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of Cyprus:

Nominee: Raymond C. Ewing.

Post: Nicosia, Cyprus.

Contributions, amount, date, donee:

1. Self: None.

2. Spouse: None.

3. Children and spouses names: None.

4. Parents names: None.

5. Grandparents names: None.

6. Brothers and spouses names: None.

7. Sisters and spouses names: none.

John E. Dollbois, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States to Luxembourg:

¹ Date of President Reagan's call.

Nominee: John E. Dolibois.

Post: Ambassador to Luxembourg.

Nominated: June 2, 1981.

Contributions, amount, date, donee:

1. Self and spouse: \$25, June 22, 1977, GOP Campaign Fund; \$35, January 3 and February 7, 1978, RNC; \$25, April 22, 1978, Rhodes for Governor; \$20, June 18, 1979, RNC; \$25, December 9, 1979, GOP Victory Fund.

2. Children and spouses names: John Michael, \$35, 1978, RNC; Robert Joseph, \$10, 1978, Delegate, Republican State Convention, Virginia; \$25, February 20, 1980, RNC; \$25, August 4, 1980, RNC; \$35, August 14, 1980, GOP Victory Fund; \$25, May 20, 1980, NRCC; \$20, May 21, 1980, Ohio Republican Party; \$125, December 23, 1980, RNC; \$25, February 27, 1981, Ohio Republican Party; \$50, April 13, 1981, GOP Victory Fund.

3. Parents names: Deceased.

4. Grandparents names: Deceased.

5. Brothers and spouses names: None.

6. Sisters and spouses names: None.

Paul J. Manafort, Jr., of Virginia, to be a Member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1983;

John Augustus Bohn, Jr., of California, to be United States Director of the Asian Development Bank;

Nyle C. Brady, of New York, to be an Assistant Administrator of the Agency for International Development;

L. Keith Bulen, of Indiana, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada; and

Sundry nominations within the Foreign Service to be summarized and placed on the Secretary's desk.

(The above nominations were reported from the Committee on Foreign Relations with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before a duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 1650. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend coverage under provisions of that act relating to benefits to survivors of certain public safety officers who died in the performance of duty; to the Committee on the Judiciary.

By Mr. BENTSEN (for himself, Mr. CANNON, and Mr. ROTH):

S. 1651. A bill to combat international terrorism; to the Committee on the Judiciary.

By Mr. GOLDWATER (for himself and Mr. DeCONCINI):

S. 1652. To restore certain lands in Arizona to the Colorado River Indian Reservation; to the Select Committee on Indian Affairs.

By Mr. MATSUNAGA:

S. 1653. A bill to restructure the State and local assistance programs designed to improve the quality of criminal justice, and for other purposes; to the Committee on the Judiciary.

By Mr. BOREN (for himself, Mr. STENNIS, Mr. HEFLIN, Mr. FORD, Mr. JOHNSTON, Mr. NICKLES, Mr. HOLLINGS, Mr. SASSER, Mr. BENTSEN, Mr. HELMS, Mr. MATTHIAS, Mr. LONG, and Mr. THURMOND):

S. 1654. A bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes; to the Committee on the Judiciary.

By Mr. HART:

S. 1655. A bill to amend the Internal Revenue Code of 1954 to reduce the deduction for business meals and to earmark the savings from such reduction for the school lunch programs; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. ROTH, Mr. CHAFFEE, Mr. BRADLEY, and Mr. HEINZ):

S. 1656. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, and for other purposes; to the Committee on Finance.

By Mr. SCHMITT (for himself, Mr. CANNON, Mr. GORTON, Mrs. KASSEBAUM, Mr. LUGAR, and Mr. SYMMS):

S. 1657. A bill entitled the "Uniform Science and Technology Research and Development Utilization Act"; to the Committee on Commerce, Science, and Transportation.

By Mr. DODD:

S. 1658. A bill to amend title VII of the Housing and Urban Development Act of 1970 to require a National Public Investment Requirements Analysis; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BENTSEN (for himself, Mr. CANNON, and Mr. ROTH):

S. 1651. A bill to combat international terrorism; to the Committee on the Judiciary.

INTERNATIONAL TERRORISM CRIME ACT OF 1981

● Mr. BENTSEN. Mr. President, the Central Intelligence Agency reports that some 3,668 people have been killed, 7,474 wounded in 6,714 acts of international terrorism since 1968.

The situation seems to be getting worse. There were more casualties of terrorism in 1980 than in any year since the CIA began its analysis of international terrorism in 1968.

As they have from the beginning, Americans in 1980 remained the primary targets of terrorist activity. Ten Americans were killed last year and ninety-four wounded in attacks around the world. Nearly two out of every five incidents involved U.S. citizens or property.

Given the increase in terrorist activity around the world and given our vulnerability to the depredations of terrorists it is incredible to think that the U.S. Government, through a loophole in the law, would condone activities that aid and abet international terrorism.

Yet, Mr. President, that is exactly what is happening.

As things now stand it is legal for a U.S. citizen or group of citizens to manufacture or purchase explosive devices in this country, and sell those devices to, say, the regime of Colonel Khadafy in Libya. They could do this even if they know that the Libyan Government planned to use these devices to promote terrorism; to blow up bridges and buildings and airplanes, killing innocent people in the far corners of the globe.

Let us take this a step further, Mr. President.

These U.S. citizens could also travel this country recruiting people to go work in Libya training terrorists. They could

hire people to go to this foreign country and teach terrorists how to most effectively use the explosives they have sold them to blow up people and property.

In addition, Mr. President, these same U.S. citizens—perhaps former intelligence officers for our country—could sell to Libya or to any other foreign power a master plan for terrorism and they would not be violating the laws of our country.

The fact is, Mr. President, it is not now illegal for citizens of this country who are in this country to aid and abet international terrorism. I think it should be illegal, clearly illegal, and I am introducing legislation today to make it so.

Recent news reports—in the New York Times Sunday magazine, in Newsweek and in other publications—have revealed that there are some Americans who have taken advantage of the loophole in our law to aid and abet terrorism.

There is compelling evidence that U.S. citizens have become active agents of international terrorists; that U.S. firms fill suspicious orders with the tacit understanding that they are intended for use by terrorists; and that our laws are just not an effective deterrent to this activity.

If the United States cannot take action against its own citizens who work within its borders to foster terrorism then we cannot lead a successful international effort to combat terrorism.

Mr. President, I am introducing today the International Terrorism Crime Act of 1981. Its purpose is to prevent citizens of this country from taking actions in this country to further the terrorist ambitions of governments like Libya's.

Specifically this bill prohibits the sale of weaponry, explosive devices, munitions, plans and like items to a foreign state, or to an agent of a foreign state, for the purpose of aiding or abetting international terrorism.

Anyone convicted of violating this law, Mr. President, would face a prison term of up to 10 years, a fine of up to \$25,000, or both.

Mr. President, we live in an age of terrorism, as anyone who went through the decade of the seventies can testify: The massacre at the Munich Olympics in 1972, the siege at Entebbe, the seizure of Embassies in Tehran and Bogota and London, the skyjackings, the bombings.

American property and American citizens have been and continue as the main targets of terrorists.

If the United States does not lead an international effort to combat terrorism—to wipe the last traces of terrorist activity from the face of the Earth—then, Mr. President, I do not know what country will do so.

We can, we must, rally all civilized nations of the world in an all-out war against terrorism.

But, before we can succeed at that we must insure that our own house is in order.

Mr. President, the legislation I propose today will help do that by making it a crime for Americans within this country to hatch plots to foment terrorism.●

Mr. ROTH. Mr. President, I rise to join my distinguished colleague and

friend, Senator BENTSEN, with whom I serve on the Intelligence Committee, to cosponsor the International Terrorism Crime Act of 1981. I share his abhorrence of the growing menace of terrorism in the world.

I believe this bill will close a loophole in our Criminal Code and allow prosecution of American citizens who aid international terrorism outside the United States.

There is growing interest in the Congress in stemming the activities of Americans who profit from international terrorism by providing arms, training, and technology to irresponsible foreign organizations and governments. The recent press coverage of the activities of Edwin P. Wilson in Libya has raised questions about the effectiveness of our laws that control the export of American military equipment and advanced technology.

This bill would make it a crime knowingly to manufacture, sell, or export military equipment, weapons, or technology, or to provide training or expertise to a foreign power or its agent for the purpose of aiding international terrorism. At present, according to Federal law enforcement officials, there are no criminal laws prohibiting Americans from supporting terrorism outside the United States. This bill, I hope, can correct that flaw.

Therefore, I urge my colleagues in the Senate to move swiftly and pass this bill into law to provide the Justice Department a tool it needs to help prevent the further spread of the source of international terrorism.

By Mr. GOLDWATER (for himself and Mr. DeCONCINI):

S. 1652. A bill to restore certain lands in Arizona to the Colorado River Indian Reservation; to the Select Committee on Indian Affairs.

RESTORATION OF CERTAIN LANDS TO THE COLORADO RIVER INDIAN RESERVATION

• Mr. GOLDWATER. Mr. President, it gives me great pleasure to introduce for myself and my colleague from Arizona (Mr. DeCONCINI), the following legislation at the request of the Colorado River Indian Tribes.

In brief, the bill would authorize the return of 16,000 acres of public lands, known as the La Paz area, to the Colorado River Indian Reservation in Yuma County, Ariz.

The Colorado River Indian Reservation was created by the act of March 3, 1865. Ten years after the establishment of the reservation, its southern boundary was extended twice by Executive order to provide a buffer between the Indian lands and the mineral prospectors and cattlemen. The La Paz Arroyo lands were originally a part of the Colorado River Indian Reservation. There is no question about this fact.

In 1875, in an effort to clearly define the extent of the reservation trust lands, the Commissioner of the General Land Office, pursuant to a request of the Commissioner of Indian Affairs, arranged for a survey of the reservation by a Mr. Chandler Robbins. Mr. Robbins' survey located its southern boundary at La Paz

Arroyo. This survey was reconfirmed by the 1912 Harrington resurvey and the location was upheld finally by the Commissioner of the General Land Office in 1913 and 1914. In spite of and contrary to the surveys, the lands were removed from the reservation by the Executive order of November 22, 1915, as a result of erroneous reasons and without any compensation.

Today, the Colorado River Indian Tribes would like to have their lands returned because of issues of historical ownership, legal rights, and agricultural need.

The bill Senator DeCONCINI and I are introducing will accomplish this purpose under the legislation, the return of the La Paz lands will, of course, be subject to valid existing rights. This means all existing private and public rights, including easements, unpatented mining claims, property claims, and all other valid existing rights. These will be examined closely as the legislation is being considered.

The return of these lands has been approved in general terms by the Arizona State Office of the U.S. Bureau of Land Management in a report dated November 25, 1974, and it is my understanding that that office believes the conclusions of the 1974 report are still valid. There will be thorough hearings on this legislation so that there will be no unexpected consequences of what I believe is a necessary and appropriate resolution of a longstanding boundary problem. •

By Mr. MATSUNAGA:

S. 1653. A bill to restructure the State and local assistance programs designed to improve the quality of criminal justice, and for other purposes; to the Committee on the Judiciary.

CRIMINAL JUSTICE ASSISTANCE AMENDMENTS OF 1981

Mr. MATSUNAGA. Mr. President, I am today introducing the Criminal Justice Assistance Amendments of 1981, a bill designed to recommit the efforts and the resources of the Federal Government to assisting the States in the fight against crime and in improving State and local systems of criminal justice.

Mr. President, crime in America is once again the topic of considerable discussion among officials at all levels of Government in this country and among the American people in general. There is no denying that crime has reached intolerable levels not only in our urban areas where it has long thrived, but in our suburban and rural areas as well.

I need not recite the results of national polls which clearly indicate that crime across this Nation is one of the greatest concerns of Americans. Indeed, the tremendous fear of crime in America which indicate that 1 out of every 3 is borne out by recent crime statistics households in the United States was directly affected by some kind of serious crime in 1980—I repeat—1 out of every 3 households. Criminal justice experts predict that within 4 or 5 years, each and every household in this Nation will be touched in some manner by serious crime.

In view of these and other crime statistics which show a steady increase in crime throughout the past decade and an explosion of violent crime in America over the past 2 years, the Chief Justice of the Supreme Court, Warren E. Burger, warned recently that America is approaching the status of an impotent society—one whose ability to provide and maintain elementary security for its people in its streets and towns and villages is in serious doubt.

Mr. President, there is every indication that this new wave of violent crime which is sweeping our land—crime so violent in its nature as to shake even the most crime-hardened of Americans—is threatening the very fabric of American society.

One of our basic responsibilities as a civilized society is the maintenance of public safety and the promotion of the public welfare. Certainly, it is the right of all Americans to feel secure in their homes, safe on their streets, and protected in their places of business and leisure. Clearly, we are failing to fulfill this critical responsibility.

In my judgment, there is no question that the leadership and the resources of the Federal Government are sorely needed to support the efforts of State and local governments to deal with crime and delinquency, particularly violent and serious crimes.

Our Federal system assigns a very limited direct public safety role to the National Government. We have a strong tradition of opposition to a national police force, which means that Federal efforts in connection with serious crime, especially most forms of violent crime, must necessarily be indirect and involve forms of support to State and local law enforcement agencies. Intergovernmental financial support is a form of Federal participation that respects and affirms the jurisdictional limits on national power.

As a result of severe cuts in Federal spending programs, State and local units of government are presently under tremendous financial pressure. While some jurisdictions are doing well to maintain their present level of criminal justice services, some jurisdictions simply cannot do it.

Even financial status quo means that State criminal justice systems are falling even further behind the demands being placed upon them. The preceding years of lack of investment in the criminal justice system and the increased number of serious criminal offenders being processed by that system are now haunting us. Our police forces are undermanned, our courts are overrun and our prisons and correctional facilities are overcrowded.

With the full recognition that the Federal Government cannot and should not provide operational support to State and local criminal justice agencies, what State and local governments need are the techniques to do a better job with scarce resources and the financial and technical assistance to incorporate those advanced proven techniques into general operations during a period of transition.

Mr. President, I fully recognize that there are budget limitations not only at

the State and local levels, but at the Federal level as well. But if the fight against crime is of the highest domestic priority and comparable to maintaining our national defense and upgrading our Armed Forces, then Federal resources must be found to provide financial assistance to hard-pressed State and local governments.

To make the most effective use of the scarce resources at both the Federal and local levels, the Federal Government's initiative against serious crime should concentrate on programs in justice agencies that have the most direct impact on crime.

Thus, my bill, the Criminal Justice Assistance Amendments of 1981, concentrates in the near term on a limited number of replicate programs already proven effective. By emphasizing activities already proven effective, my bill would build on the investments that were the soundest aspects of the LEAA experience, while at the same time provide opportunity for developing and testing other program models.

By using proven models which are well documented, and which merit general professional acceptance, the program will have the advantages of rapid implementation and early reports on program impact to the public and to the Congress. A selected range of program models will permit the use of a simpler administrative apparatus. Tested program models will also attract the investment of State and local appropriated funds.

The proposed Federal financial assistance program is in the form of a block grant to the States. Members on the other side of the aisle should note that my proposal is consistent with the administration's basic federalism principles. The bill will facilitate greater integration of Federal funds with State appropriations, utilize Federal funds in the highest priority areas, and provide greater coordination in the use of Federal and State resources.

Mr. President, in these times of fiscal restraint, the Federal Government must coordinate its policies and activities, both among its constituent agencies and levels of government. The legislation creates a national commission, two-thirds of whose members are State and local government representatives, and one-third of whom are representatives of the Federal Government.

The Commission is intended to serve as a forum for anticipating and recognizing issues related to the impact of Federal policies and decisions on State and local criminal justice systems.

Such issues arise, for example, when there are changes in FBI or DEA priorities, refugee policies, or border control measures. Such impact may also derive from patterns of Federal court actions involving prison and jails, or from legislation, such as the Civil Rights of Institutionalized Persons Act.

In response to negative impacts, the Commission should identify and propose appropriate offsetting measures.

For example, Federal prisons might house persons convicted in State courts of crimes for which there is concurrent jurisdiction, or prisoner exchange treaty

processes might be made available to remove appropriate noncitizens from State prisons. Another possibility would be the offering of presently unneeded military, Forest Service, or other Federal properties for use as minimum security correctional facilities. Some measures might involve funding, such as the earmarking of some oil windfall profit tax money to compensate for law enforcement costs traceable to fuel price decontrol or energy "boom town" developments.

The Commission will serve as a vehicle for coordinating the efforts of existing separate programs, such as the National Institute of Corrections, and proposed forums, such as the State Justice Institute (S. 537) proposed by Senator HEFLIN. The legislation provides for an intensive interagency coordinating function involving key Federal officials.

The Commission, through direct participation by representative State and local justice executives, will also insure that local needs will be fairly considered in the development of new or additional criminal justice assistance programs.

The Commission will operate as a resource both to (a) provide advice to Federal officials and (b) require Federal officials to undertake impact studies on the effect of changing Federal policies on crime and local criminal justice systems before such new Federal policies are implemented.

Based on the LEAA experience of the past decade, it is clear that a Commission or some other appropriate mechanism is necessary if intergovernmental conflicts are to be reduced and criminal justice fragmentation is to be minimized.

While some criminal justice fragmentation and conflict is inherent in our constitutional structure, intergovernmental conflict is not.

We must understand where our criminal justice policies are supportive and where they are in opposition. We must be able to measure the impact of our actions. We must operate as one in our fight against violent crime.

Anything less than joint and concentrated action by all levels of Government would mean that we have failed the American people.

The bill also proposes a limited categorical program which either supports the block program's activities funded by the States or provides funding to meet criminal justice emergency situations beyond the capacity of State and local governments to respond adequately.

Mr. President, incredible as it may seem, the Federal Government's only major criminal justice assistance program was terminated last year. There is now a vacuum which needs to be filled by a responsible program which adequately meets the criticisms launched against the past LEAA program. I am convinced, Mr. President, that the legislation I am introducing today will establish such a program, for the following reasons:

First, under my bill, Federal funds will not be indiscriminately spread over a vast problem area with little impact. The bill establishes a modest, highly targeted program which supports the

replication of tested, successful former LEAA program models of demonstrated impact and broad adaptability.

Initially the list of eligible programs would consist of: First, integrated criminal apprehension program (ICAP); second sting projects; third, community anticrime programs; fourth, management information systems; fifth, career criminal prosecution programs; sixth, victim, witness, and juror assistance programs; seventh, coordinated arson programs; eighth, prosecution of white-collar, organized, public corruption, and fraud against Government crimes; ninth, alternatives to pretrial detention, jail and prison for persons who pose no danger to the community; tenth, programs for drug-dependent offenders; eleventh, jail and prison overcrowding programs; and twelfth, programs addressing serious offenses committed by juveniles.

Second, State legislatures will not be uninformed. The legislation requires State legislative review as well as appropriation of a high State match which will mean that Federal grant funds will tend to be dealt with on the same basis as State appropriated money.

Third, the proposed program will not be plagued by redtape. The requirement of a voluminous comprehensive criminal justice plan will be replaced with the submission of a simple application. Extensive evaluation and annual reports will be stripped down. Administrative requirements will be reduced to the minimum level necessary. The use of well documented tested models will reduce the necessity for extensive applications and program descriptions.

Fourth, the use of the block grant delivery mechanism will eliminate the multi-layered, elaborate and cumbersome planning system which was a part of the old LEAA program. Under the "Criminal Justice Assistance Amendments of 1981" the States will be able to choose programs consistent with their chosen directions of criminal justice system change.

At the same time, States will have full control over the processes by which programs are selected and funds allocated. No longer will there be a requirement for bureaucracies at the Federal, State, regional and local levels.

Moreover, decisions will not be made by federally supported regional and local government administrative enclaves that were too often isolated from permanent Government structures.

Fifth, the legislation will no longer specify the structure of State planning agencies. The States will be able to continue or establish State planning agencies which fit into the State government structure and meet State needs and criteria.

Sixth, the legislation will not reinforce the fragmentation of the criminal justice system. The bill establishes vehicles for coordination of Federal, State, and local efforts. At the same time, it eliminates the artificial allocations which required money to be spread without regard to States' needs.

Gone will be the requirements for juvenile justice maintenance of effort dollars, requirements that an adequate share of funds be distributed without regard to

need to every aspect of criminal justice, formulas that required specific dollar allocations to each local jurisdiction, and specific, substantive mandates to be met.

Seventh, no longer will enormous bureaucracies at the Federal, State, and local levels be needed to run a criminal justice assistance program. The modest funding of this streamlined block grant program supporting only successful programs will require only a stripped down administrative structure at each level of government.

Mr. President, in conclusion, let me speak plainly about this country's crime problem. It is evident to me that although a majority of my constituents want to see Federal spending reduced and Federal taxes cut, they will not tolerate the cessation of the Federal role in the war on crime.

In my opinion, crime and the fear of crime is so pervasive in America today that the public believes that Federal spending in this one area is, indeed, justified.

If, over the past decade, crime had disappeared from our streets, we could have declared victory and ended the Federal role in crime control and criminal justice assistance. But the fact of the matter is that crime has not disappeared; it has increased steadily and is now exploding. We cannot now declare victory and leave the scene.

The Federal Government has a responsibility to the American people to provide for public safety. We can properly fulfill that responsibility by assisting the States in controlling crime and restoring order to our communities.

Mr. President, I, therefore, urge my colleagues to support the enactment of the Criminal Justice Assistance Amendments of 1981.

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

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

S. 1653

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 "Criminal Justice Assistance Amendments of 1981".

DECLARATION AND PURPOSE

Sec. 2. The Congress finds and declares that the high incidence of crime, particularly violent crime, and juvenile delinquency is detrimental to the general welfare of the people of this Nation.

Congress further finds that while crime and juvenile delinquency are primarily local problems dealt with first by State and local units of government, these problems continue to require the joint and coordinated efforts of Federal, State, and local governments.

Congress further finds that the Federal Government must provide leadership, coordinate its own anticrime efforts, provide financial and technical resources, simplify the grant structures, and reduce bureaucratic redtape.

It is therefore the declared policy of the Congress to aid State and local governments in strengthening and improving their systems of criminal justice by providing financial and technical assistance through a simplified, State administered block grant program with State flexibility and a limited cat-

egorical program. It is the purpose of this bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968, to establish a new, modest, highly targeted program of block grant assistance to State and local governments for implementation of a limited number of high-priority criminal justice improvements. It is further the purpose of this title to establish a limited categorical program to support national programs of direct assistance to State and local criminal justice agencies and to provide temporary assistance to meet criminal justice emergency situations beyond the capacity of State and local agencies to respond adequately. It is further the purpose of this bill to establish a Bureau of Justice Assistance to administer the program created by this bill. It is further the purpose of this bill to create a National Justice Commission to coordinate operational activities and policies of Federal, State, and local criminal justice agencies and identify criminal justice problem areas warranting priority attention by the Federal Government.

PART A—BUREAU OF JUSTICE ASSISTANCE

Sec. 3. Part A of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 101, 102, and 103 and inserting in lieu thereof the following new sections:

"Sec. 101. There is hereby established within the Department of Justice under the general authority of the Attorney General, a Bureau of Justice Assistance (hereinafter referred to in this title as the "Administration"). The Administration shall be under the direction of an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and such other Deputy Administrators as may be designated by the Attorney General. The Administrator shall have final authority over all grants, cooperative agreements, and contracts awarded by the Administration.

"Sec. 102. The Administrator shall—

"(a) provide funds to eligible States pursuant to part D;

"(b) provide funds to eligible recipients pursuant to part F;

"(c) provide benefits pursuant to part L;

"(d) provide such support to the National Justice Commission as the Commission directs;

"(e) publish and disseminate information on the condition and progress of the criminal justice system;

"(f) establish and carry on a specific and continuing program of cooperation with the States and units of local government designed to encourage and promote consultation and coordination concerning decisions made by the National Justice Commission affecting State and local criminal justice priorities;

"(g) cooperate with and render technical assistance to States, units of local government, and other public and private organizations or international agencies involved in criminal justice activities;

"(h) exercise the powers and functions set out in part H; and

"(i) exercise such other powers and functions as may be vested in the Administrator pursuant to this title."

PART B—NATIONAL INSTITUTE OF JUSTICE

Sec. 4. Part B of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

Section 202(c)(10) is amended to read as follows:

"(10) after consultation with appropriate agencies and officials of States and units of local government, make recommendations for programs or projects which will be effective in improving the functioning of the criminal justice system; and"

PART D—BLOCK FORMULA PROGRAM

Sec. 5. Part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out sections 401, 402, 403, 404, and 405, and inserting in lieu thereof the following new sections:

"Sec. 401. (a) During the fiscal year ending September 30, 1982, the Administration is authorized to make grants under this part to assist States and units of local government in carrying out specific criminal justice system programs of proven effectiveness, record of proven success, or high probability of criminal justice system improvement. Such grants shall be for the purpose of—

"(1) improving approaches to reduce crime, especially street and violent crime, by means of crime prevention, detection, and investigation efforts through systematic data collection and analysis;

"(2) improving approaches to crime prevention, especially those based on police and citizen partnership, and community organization and government cooperation;

"(3) disrupting illicit commerce in stolen goods and property;

"(4) improving workload management systems for criminal justice agencies;

"(5) improving methods to identify, prosecute, and recommend sentencing of repeat and multiple-felony offenders (including juvenile offenders) known as career criminals;

"(6) developing and implementing programs which provide assistance to victims, witnesses, and jurors, including restitution by offenders, encouragement of participation by victims and witnesses in the criminal justice system, and prevention of retribution against or intimidation of witnesses;

"(7) improving arson detection and investigation and arson control coordination;

"(8) effectively investigating and prosecuting white-collar crime, organized crime, public corruption crimes, and fraud against the government;

"(9) providing alternatives to pretrial detention, jail and prison for persons who pose no danger to the community;

"(10) providing programs which identify and meet the needs of drug dependent offenders;

"(11) providing programs which alleviate prison and jail overcrowding; and

"(12) providing programs which address the problem of serious offenses committed by juveniles.

"(b) During the fiscal years ending September 30, 1983, and September 30, 1984, unless superseded by legislation enacted pursuant to section 501 or some other authority, States will be authorized to fund the programs set forth in or established pursuant to subsection (a) and the five program areas given the highest priority by the National Justice Commission.

"Sec. 402. (a) The Administration is authorized to make financial assistance under this part available to an applicant State to enable it to carry out all or any of the programs set forth under section 401.

"(b) For any State allocation under this part, the Federal portion of any grant may be up to 50 per centum of the cost of the programs specified in the State application for such grant.

"(c) The non-Federal portion of the cost of such grant shall be in cash appropriated in the aggregate by the State and units of local government.

"(d) Funds appropriated by a State and local units of government may be included in the non-Federal appropriated portion if they support (1) any program meeting the purposes of section 401, (2) the State accountability function, as set forth in section 403(a)(2), for the Federal dollars awarded by the Administration or its predecessor, (3) the State planning agency responsible for statewide criminal justice coordination.

planning, and analysis, and (4) the regional or local planning agency responsible for regional or local criminal justice coordination, planning, and analysis.

"(e) The Administrator may waive all or a portion of the required match if the Administrator determines that the recipient State, local unit of government, Indian tribe, or other aboriginal group does not have sufficient funds available to meet the non-Federal portion of such cost.

"(f) Each recipient of a subgrant from a State shall assume the cost of a successful program or project funded under this part after a reasonable period of Federal assistance.

"Sec. 403. (a) Each State shall establish or designate and maintain a State planning agency for the purpose of—

"(1) preparing a simple application to obtain a State's allocation under this part;

"(2) administering funds awarded by the Administration and its predecessor agency, such administration to include (A) subgrant application receipt, review, and processing; (B) grant and subgrant administration, including monitoring, progress and financial report review, technical assistance, grant adjustments, accounting, fund disbursements, grant closeouts; (C) audit; and (D) evaluation;

"(3) providing financial assistance to State agencies, local units of government and private nonprofit corporations pursuant to the purposes of section 401 and on the terms and conditions established by such State planning agency;

"(4) preparing annual reports for the chief executive of the State, the State legislature and the Administration containing a description of the use and distribution of the Federal and non-Federal matching funds, and an assessment of the effectiveness and efficiency of the funded programs;

"(5) coordinating the policies, plans, and functions of State and local criminal justice agencies to the extent consistent with State law and in accordance with the policies established by the chief executive officer of the State; and

"(6) analyzing criminal justice data from within the State and periodically publishing the results of such analysis.

"(b) The State planning agency shall be created or designated by State law and shall be subject to the jurisdiction of the chief executive of the State. The State planning agency shall be provided necessary professional, technical, and clerical staff to perform the functions set forth in subsection (a).

"(c) The Administration shall suspend funding for an approved application in whole or in part if such application contains a program or project which has failed to conform to the purpose of section 401 or the requirements of this Act as evidenced by—

"(1) the annual report submitted to the Administration by the applicant pursuant to section 403(a) (4) of this title;

"(2) the failure of the applicant to submit an annual report pursuant to section 403(a) (4) of this title;

"(3) evaluations conducted pursuant to section 802(b); and

"(4) evaluations and other information provided by the National Institute of Justice.

"(d) Grant funds awarded under part D shall not be used for—

"(1) programs which have as their primary purpose general salary payments for employees or classes of employees within an eligible jurisdiction, except for the compensation of personnel for time engaged in conducting or undergoing training programs or the compensation of personnel engaged in research, development, demonstration, or short-term programs; or

"(2) construction projects.

"(e) The Administration shall not finally disapprove any application submitted to the Administrator or suspend funding for an approved application under this part without first affording the applicant reasonable notice and opportunity for a hearing and appeal pursuant to section 803 of this title.

"(f) No award of funds that are allocated to the States under this part shall be made with respect to a program other than a program contained in an approved application.

"(g) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds allocated to a State for that fiscal year will not be required, or that the State will be unable to qualify or receive funds under the requirements of this part, such funds shall be accumulated and reallocated on a periodic basis among all the States for expenditure in accordance with section 401.

"(h) Funds under this part may be awarded by State and local units of government to private nonprofit organizations.

"Sec. 404. The Administration shall award a grant to a State if a State submits an application which is consistent with the purposes set forth under section 401 of this title and which (a) sets forth the proposed criminal justice programs to be funded, (b) identifies the subgrantees that will receive funding, and (c) allocates funds among subgrantees. The application must project the programs to be funded for a two-year period of time. Funds shall be awarded by the Administration for the two-year period subject to the availability of appropriated funds. Simple amendments shall be submitted to adjust for changes in fund availability. The application shall contain—

"(a) a certification that Federal funds made available under this title will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for criminal justice activities;

"(b) an assurance that functions set forth under section 403(a) will be performed;

"(c) a provision for fund accounting, auditing, monitoring, and such evaluation procedures as may be necessary to keep such records as the Administration shall prescribe to assure fiscal control, proper management, and efficient disbursement of funds received under this title;

"(d) a provision for the maintenance of such data and information and for the submission of such reports in such form, at such times, and containing such data and information as the Administration may reasonably require to administer other provisions of this title; and

"(e) a certification that its programs meet all the requirements of this part, that all the information contained in the application is correct, that there has been appropriate coordination with affected agencies, and that the applicant will comply with all provisions of this title and all other applicable Federal laws. Such certification shall be made in a form acceptable to the Administration and shall be executed by the chief executive officer or other officer of the applicant qualified under regulations promulgated by the Administration.

"Sec. 405. The chief executive officer of the State should submit the State's proposed uses of the part D funds to the State legislature while in session or a body designated to act while the legislature is not in session for its advisory review prior to the State's submission of its application to the Administration. If the legislature or the interim body has not commented upon the proposed uses forty-five days after receipt, such proposed uses shall then be deemed reviewed.

"Sec. 406. (a) The Administration shall provide financial assistance to each State ap-

plicant under this part to carry out the programs or projects submitted by such applicant upon determining that—

"(1) the application is consistent with the requirements of this title;

"(2) the application was made public prior to submission to the Administration and an opportunity to comment thereon was provided to citizens, neighborhood groups, private nonprofit organizations, and units of local government; and

"(3) the application was submitted to the State legislature in accordance with the requirements of section 405.

"(b) Each application submitted for approval to the Administration pursuant to section 404 of this title shall be deemed approved, in whole or in part, by the Administration within sixty days after first received unless the Administration informs the applicant of specific reasons for disapproval.

"Sec. 407. Of the total amount appropriated for parts D and F in any fiscal year, not less than 95 per centum shall be set aside for part D and allocated annually to the States as follows: The sum of \$250,000 to each of the participating States and the balance in proportion to the relative population within a State as compared to the population in all States."

PART E—NATIONAL JUSTICE COMMISSION

SEC. 6. Part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out sections 501, 502, 503, 504, and 505, and inserting in lieu thereof the following new section:

"Sec. 501. (a) (1) There is hereby established in the executive branch of the United States a National Justice Commission (hereinafter in this section referred to as the 'Commission'). The Commission is established for the purpose of coordinating operational activities and policies of Federal agencies whose actions and regulations impact on crime in the United States, coordinating operational activities and policies of Federal, State, and local criminal justice agencies, identifying criminal justice problem areas warranting priority attention by the Federal Government and recommending to Federal departments and agencies, the Office of Management and Budget, the President, and Congress those criminal justice priority areas and actions and policies that will improve criminal justice and reduce crime, and recommending to the Congress priority program areas that might be included as new purposes set forth in section 401 (a).

"(2) The Commission shall be composed of twenty-one members to be appointed by the President. Such members shall be qualified by virtue of their training, experience, or education to represent the views of Federal, State, and local government agencies involved in the administration of justice and of other public and private organizations concerned with the fair and effective administration of justice.

"(3) Fourteen members of the Commission shall be representative of the interests of State and local governments, at least two of whom shall not be elected or appointed State or local government officers or employees. The following Federal officials shall be members of the Commission: The Attorney General, one other official of the Department of Justice designated by the Attorney General who has responsibility for criminal justice matters, the Secretary of the Treasury or the Secretary's designee, the Secretary of Health and Human Services or the Secretary's designee, the Secretary of Labor or the Secretary's designee, the Secretary of Housing and Urban Development or the Secretary's designee, and the Secretary of Education or the Secretary's designee. The Administrator of the Bureau of Justice Assistance shall serve as a nonvoting member of the Commission. The Director of

the Office of Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics shall serve as advisors to the Commission notwithstanding any other provision of law.

"(4) The Attorney General shall serve as the Chairman of the Commission. The Attorney General shall designate the Vice Chairman from among the elected or appointed State or local government officers or employees serving on the Commission.

"(5) The term of office of each non-Federal member of the Commission appointed under subsection (a) shall be three years except the first composition of the Commission which shall have one-third of these members appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; and any such member appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term. Initial members shall be appointed within ninety days after the date of enactment of this Act. The President shall fill a vacancy not later than ninety days after such vacancy occurs. Members may serve after the expiration of their terms until their successors have taken office. The non-Federal members of the Commission appointed under subsection (a) shall receive compensation for each day engaged in the actual performance of duties vested in the Commission at rates of pay not in excess of the daily equivalent of the highest rate of basic pay then payable in the General Schedule of section 5332(a) of title 5, United States Code, and in addition shall be reimbursed for travel, subsistence, and other necessary expenses.

"(b) (1) By March 15, 1982, and every two years thereafter, the Commission shall publish a list in the Federal Register of criminal justice problems which should receive priority attention by Federal, State, and local governments. In preparing this list the Commission shall consult with the House and Senate Judiciary Committees, Federal, State, and local government officials and others in the public and private sector concerned with the problem of crime. The Commission shall assure that the problems of all of the States are taken into account in preparing the list. The Bureau of Justice Assistance, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Juvenile Justice and Delinquency Prevention and their advisory committees shall, in a manner to be determined by the Commission, advise the Commission on their views as to what crime problems should be designated as priority crime problems. The Bureau of Justice Assistance shall perform any duties requested by the Commission in support of developing its priority list of criminal justice problems.

"(2) By March 1, 1982, the Commission shall communicate to the chairman of the Senate and House Judiciary Committees for congressional consideration a list of priority criminal justice problems which it recommends should receive priority attention by Federal, State, and local governments. Each problem shall be supported by descriptions of possible federally assisted programs and Federal, State, and local governmental actions. If the committees on review determine that the programs identified in section 401 should be modified for the fiscal years ending September 30, 1983, and September 30, 1984, they should report out of committee appropriate amendments to section 401 by May 15, 1982.

"(c) The Federal officials of the Commission shall meet not less often than quarterly to coordinate overall Federal policy with respect to shaping their respective departmental actions to reduce crime and juvenile delinquency and to develop complementary

objectives and priorities for Federal programs and activities that affect crime and juvenile delinquency. The foregoing Federal officials through the Attorney General shall make recommendations to the President, the Director of the Office of Management and Budget, the Commission, and the Congress at least annually on means to improve Federal crime prevention and control policy.

"(d) The Commission may request and the Bureau of Justice Assistance shall provide the Commission with such personnel, funding, and administrative support as the Commission determines are necessary to carry out the Commission's mandate. The Attorney General shall request adequate funding for the Bureau of Justice Assistance's support of the Commission as part of the Department of Justice's annual request to the Congress for appropriations. Any agency, department or the like in the executive branch of the United States is authorized to make funds for personnel and administrative support available to the Commission notwithstanding any other provision of the law."

PART F—DISCRETIONARY GRANTS

SEC. 7. Part F of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

"Sec. 601. It is the purpose of this part, through the provision of additional Federal financial assistance to—

"(a) provide technical assistance and training to State agencies, units of local government, combinations of such units, or private nonprofit organizations, which are carrying out programs that meet the purposes of section 401;

"(b) improve State criminal justice coordination, planning and analysis; and

"(c) meet criminal justice emergency situations beyond the capacity of State and local governments to respond adequately.

"Sec. 602. (a) Of the total amount appropriated for parts D and F in any fiscal year, not more than 5 per centum shall be set aside pursuant to this part in a special discretionary fund for use by the Administration in making grants, cooperative agreements and contracts (in addition to any other grants, cooperative agreements, and contracts, which may be made under this title to the same entities or for the same purposes) to States, units of government, combinations of such units, or private nonprofit organizations, for the purposes set forth in section 601 of this title. Notwithstanding the limitations of this section, the Congress may under the authority of this part specifically appropriate additional funds to meet criminal justice emergency situations beyond the capacity of State and local governments to respond adequately.

"(b) The Administration shall give priority to grants, cooperative agreements or contracts with—

"(1) State and local unit of government criminal justice agencies; and

"(2) national nonprofit organizations providing technical assistance to State and local unit of government criminal justice agencies.

"(c) The Administration may, if the purposes can better be served thereby, award grants, enter into cooperative agreements or contracts with—

"(1) other nonprofit organization with expertise in criminal justice;

"(2) institutions of higher education;

"(3) individuals, partnerships, firms, or corporations; and

"(4) Federal agencies.

"Sec. 603. No grant may be made to a private nonprofit organization pursuant to this part unless an application has been submitted to the Administration in which the organization indicates that it has con-

sulted with appropriate agencies and officials of the State and local units of governments to be affected by the program and project.

"Sec. 604. Federal funding under this part may be up to 100 per centum of the cost of the program. In distributing funds under this part among the States, the Administration shall assure that the needs of all the States are taken into account and the funds are distributed equitably.

"Sec. 605. The Administration may provide financial aid and assistance to programs or projects under this part for a reasonable period of time. Funding for the management and the administration of national nonprofit organizations under section 602(b)(2) and 602(c)(1) of this part is not subject to funding limitations of this part.

"Section 606 is deleted."

PART G—TRAINING AND MANPOWER DEVELOPMENT

SEC. 8. Part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out sections 701, 702, and 703.

PART H—ADMINISTRATIVE PROVISIONS

SEC. 9. Part H of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

Section 802(b) is amended by deleting the section and inserting in lieu thereof the following section:

"(b) The Bureau of Justice Assistance shall, after consultation with the National Institute of Justice, the Bureau of Justice Statistics, State and local governments, and the appropriate public and private agencies, establish such rules and regulations as are necessary to assure the continuing evaluation of selected programs or projects conducted pursuant to parts D and F, in order to determine—

"(1) whether such programs or projects have achieved the performance goals stated in the original application, are of proven effectiveness, have a record of proven success, or offer a high probability of improving the criminal justice system;

"(2) whether such programs or projects have contributed or are likely to contribute to the improvement of the criminal justice system and the reduction and prevention of crime;

"(3) their cost in relation to their effectiveness in achieving stated goals;

"(4) their impact on communities and participants; and

"(5) their implication for related programs.

In conducting the evaluations called for by this subsection, the Bureau of Justice Assistance shall, when practicable, compare the effectiveness of programs conducted by similar applicants and different applicants. The Bureau of Justice Assistance shall also require applicants under part D to submit an annual report concerning activities carried out pursuant to part D together with an assessment by the applicant of the effectiveness of those activities in achieving the objectives of section 401 of this title and the relationships of those activities to the needs and objectives specified by the applicant in the application submitted pursuant to section 401 of this title. The Administration shall suspend funding for an approved application under part D if an applicant fails to submit such an annual report."

Section 809(2) is amended by deleting the words "Administrator of the Law Enforcement Assistance" and substituting in place thereof the words "Administrator of Bureau of Justice Assistance".

Section 816 is amended by deleting the section in its entirety and substituting in place thereof the following section:

"Sec. 816. On or before March 31 of each year the Administrator of the Bureau of Jus-

tice Assistance shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to this title during the preceding fiscal year."

PART J—FUNDING

Sec. 10. Part J of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

Section 1001 is amended by striking the third sentence and inserting in lieu thereof the following sentence: "There is authorized to be appropriated for parts D, E, F, H, and J, and for the purposes of carrying out the remaining functions of the Bureau of Justice Assistance, other than part L, \$75,000,000 for the fiscal year ending September 30, 1982; \$125,000,000 for the fiscal year ending September 30, 1983 and \$125,000,000 for the fiscal year ending September 30, 1984."

Section 1002 is deleted.

Section 1003 is deleted.

TECHNICAL AND CONFORMING AMENDMENTS

Sec. 11. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended as follows:

(1) The words "Bureau of Justice Assistance" are substituted for the words "Law Enforcement Assistance Administration" everywhere they appear in this Act except for sections 1301 (a) and (g).

(2) Section 1301(a) is amended as follows: The words "Bureau of Justice Assistance" are substituted for the second occurrence of the words "Law Enforcement Assistance Administration".

By Mr. BOREN (for himself, Mr. STENNIS, Mr. HEFLIN, Mr. FORD, Mr. JOHNSTON, Mr. NICKLES, Mr. HOLLINGS, Mr. SASSER, Mr. BENTSEN, Mr. HELMS, Mr. MATTHIAS, Mr. LONG, and Mr. THURMOND):

S. 1654. A bill granting the consent of Congress to the Southern States Energy Compact, and for related purposes; to the Committee on the Judiciary.

SOUTHERN STATES ENERGY COMPACT

● Mr. BOREN. Mr. President, the purpose of the bill that I am introducing today is not to create a new agency of Government, but to grant the consent of Congress to certain amendments to the charter of an existing interstate compact organization. The Southern Interstate Nuclear Compact was created and entered into by 16 southern States and the Commonwealth of Puerto Rico nearly 2 decades ago. Originally, the purpose of the compact was the safe development of nuclear power and the fostering of regional cooperation on nuclear issues. Congress recognized the legitimacy of that purpose and concurred by enacting Public Law 87-563 on July 31, 1962.

During the decade of the 1970's, the purview and scope of activities of the board were enlarged, at the request of the Southern Governors' Association, to include all energy sources and environmental quality. In recognition of this expanded role the southern Governors adopted a resolution in 1978 changing the name of the organization to the Southern States Energy Board and the charter to the Southern States Energy Compact.

The changes contained in the resolution of the Southern Governors' Association are the substance of this bill. These amendments are also supported by the

Southern Legislative Conference and have already been enacted by 10 of the party States to the compact. Only congressional concurrence is needed and the amendments become effective.

These amendments make two substantive changes in the compact, in addition to the name change. First, the purview of the board is enlarged from nuclear energy to all energy sources and environmental quality and, second, the number of a member States' representatives is increased to provide for State legislator participation.

For more than 18 years this organization has provided invaluable assistance to the southern region in energy matters. The board and staff provide technical support, research, and information serving to the party States, both the executive and legislative branches and to the general public. It is funded primarily by States revenues and receives no Federal appropriations.

The interest of the Federal Government is protected by a Federal representative to the board, appointed by the President. The Federal representative reports annually to the President and to the Congress on the programs and activities of the board.

The amendments to the compact serve to modernize the role of the organization and enable it to better serve the southern region and the party States. The board is actively assisting the member States in the development of all forms of energy. The importance of that endeavor is apparent to all and I would urge this body to concur in this most worthwhile purpose and consent to this legislation.

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

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

S. 1654

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is hereby declared to be the national policy to encourage and recognize the performance of functions by the States with respect to the development, production, and use of energy. The Federal Government recognizes that many programs in energy fields can benefit from cooperation among the States, as well as between the Federal Government and the States. The importance of the interstate compact as one means for promoting such cooperation is hereby declared as part of the intention of Congress to facilitate the use of State jurisdiction in and over portions of the development and regulatory energy field.

SEC. 2. The Congress hereby consents to the Southern States Energy Compact, which compact is as follows:

"ARTICLE I—POLICY AND PURPOSE

"The party States recognize that the proper employment and conservation of energy, and employment of energy-related facilities, materials, and products, within the context of a responsible regard for the environment, can assist substantially in the industrialization of the South and the development of a balanced economy for the region. They also recognize that optimum benefit from an acquisition of energy resources and facilities require systematic encouragement, guidance, and assistance from the party

States on a cooperative basis. It is the policy of the party States to undertake such cooperation on a continuing basis; it is the purpose of this compact to provide the instruments and framework for such a cooperative effort to improve the economy of the South and contribute to the individual and community well-being of the people of this region.

"ARTICLE II—THE BOARD

"(a) There is hereby created an agency of the party States to be known as the 'Southern States Energy Board' (hereinafter referred to as the 'Board'). The Board shall be composed of three members from each party State, one of whom shall be appointed or designated to represent the Governor and one to represent each house of the State legislature. Each member shall be designated or appointed in accordance with the law of the State which he represents and serving and subject to removal in accordance with such law. Any member of the Board may provide for the discharge of his duties and the performance of his functions thereon (either for the duration of his membership or for any less period of time) by a deputy or assistant, if the laws of his State make specific provision therefor. The Federal Government may be represented on the Board without vote, if provision is made by Federal law for such representation.

"(b) Each party State shall be entitled to one vote on the Board, to be determined by majority vote of each member or member's representative from the party State present and voting on any question. No action of the Board shall be binding unless taken at a meeting at which a majority of all members representing the party States are present and unless a majority of the total number of votes by States are cast in favor thereof.

"(c) The Board shall have a seal.

"(d) The Board shall elect annually, from among its members, a chairman, a vice chairman, and a treasurer. The Board shall appoint an Executive Director who shall serve at its pleasure and who shall also act as Secretary, and who, together with the treasurer, shall be bonded in such amounts as the Board may require.

"(e) The Executive Director, with approval of the Board, shall appoint and remove or discharge such personnel as may be necessary for the performance of the Board's functions irrespective of the civil service, personnel, or other merit system laws of any of the party States.

"(f) The Board may establish and maintain, independently or in conjunction with any one or more of the party States, a suitable retirement system for its full-time employees. Employees of the Board shall be eligible for social security coverage in respect of old age and survivors' insurance provided that the Board takes such steps as may be necessary pursuant to Federal law to participate in such program of insurance as a governmental agency or unit. The Board may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

"(g) The Board may borrow, accept, or contract for the services of personnel from any State or the United States or any subdivision or agency thereof, from any interstate agency or from any institution, person, firm, or corporation.

"(h) The Board may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials, and services (conditional or otherwise) from any State or the United States or any subdivision or agency thereof, or interstate agency, or from any institution, person, firm, or corporation, and may receive, utilize, and dispose of the same.

"(i) The Board may establish and maintain such facilities as may be necessary for the

transacting of its business. The Board may acquire, hold, and convey real and personal property and any interest therein.

"(j) The Board shall adopt bylaws, rules, and regulations in convenient form and shall also file a copy of any amendment thereto with the appropriate agency or officer in each of the party States.

"(k) The Board annually shall make to the Governor of each party State a report covering the activities of the Board for the preceding year, and embodying such recommendations as may have been adopted by the Board, which report shall be transmitted to the legislature of said State. The Board may issue such additional reports as it may deem desirable.

"ARTICLE III—FINANCES

"(a) The Board shall submit to the executive head or designated officer or officers of each State a budget of its estimated expenditures for such period as may be required by the laws of that jurisdiction for presentation to the legislature thereof.

"(b) Each of the Board's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party States. One-half of the total amount of each budget of estimated expenditures shall be apportioned among the party States in equal shares; one-quarter of each such budget shall be apportioned among the party States in accordance with the ratio of their populations to the total population of the entire group of party States based on the latest official decennial census; and one-quarter of each such budget shall be apportioned among the party States on the basis of the relative average per capita income of the inhabitants in each of the party States based on the latest computations published by the Federal census-taking agency. Subject to appropriation by their respective legislatures, the Board shall be provided with such funds by each of the party States as are necessary to provide the means of establishing and maintaining facilities, a staff or personnel, and such activities as may be necessary to fulfill the powers and duties imposed upon and entrusted to the Board.

"(c) The Board may meet any of its obligations in whole or in part with funds available to it under article II(h) of this compact, provided that the Board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the Board makes use of funds available to it under article II(h), the Board shall not incur any obligation prior to the allotment of funds by the party jurisdiction adequate to meet the same.

"(d) The Board shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Board shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Board shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the Board.

"(e) The accounts of the Board shall be open at any reasonable time for inspection.

"ARTICLE IV—ADVISORY COMMITTEE

"The Board may establish such advisory and technical committees as it may deem necessary, membership on which to include but not to be limited to private citizens, expert and lay personnel, representatives of industry, labor, commerce, agriculture, civic associations, medicine, education, voluntary health agencies, and officials of local, State, and Federal government, and may cooperate with and use the services of any such committees and the organizations which they represent in furthering any of its activities under this compact.

"ARTICLE V—POWERS

"The Board shall have the power to—
"(1) Ascertain and analyze on a continuing basis the position of the South with respect to energy, energy-related industries, and environmental concerns.

"(2) Encourage the development, conservation, and responsible use of energy and energy-related facilities, installations, and products as part of a balanced economy and a healthy environment.

"(3) Collect, correlate, and disseminate information relating to energy, energy-related, and energy-related materials and products.

"(4) Conduct, or cooperate in conducting, programs of training for State and local personnel engaged in any aspects of:

"(A) Energy, environment, and application of energy, environmental, and related concerns to industry, medicine, education or the promotion or regulation thereof.

"(B) The formulation or administration of measures designed to promote safety in any matter related to the development, use, or disposal of energy and energy-related materials, products, installations or wastes.

"(5) Organize and conduct, or assist and cooperate in organizing and conducting, demonstrations of energy product, material, or equipment use and disposal and of proper techniques or processes for the application of energy resources to the civilian economy or general welfare.

"(6) Undertake such nonregulatory functions with respect to resources of radiation as may promote the economic development and general welfare of the region.

"(7) Study industrial, health, safety, and other standards, laws, codes, rules, regulations, and administrative practices in or related to energy and environmental fields.

"(8) Recommend such changes in, or amendments or additions to the laws, codes, rules, regulations, administrative procedures, and practices or ordinances of the party States in any of the fields of its interest and competence as in its judgment may be appropriate. Any such recommendation shall be made through the appropriate state agency with due consideration of the desirability of uniformity but shall also give appropriate weight to any special circumstances which may justify variations to meet local conditions.

"(9) Prepare, publish, and distribute (with or without charge) such reports, bulletins, newsletters or other material as it deems appropriate.

"(10) Cooperate with the United States Department of Energy or any agency successor thereto, any other officer or agency of the United States, and any other governmental unit or agency or officer thereof, and with any private persons or agencies in any of the fields of its interests.

"(11) Act as licensee of the United States Government or any party State with respect to the conduct of any research activity requiring such license and operate such research facility or undertake any program pursuant thereto.

"(12) (A) Ascertain from time to time such methods, practices, circumstances, and conditions as may bring about the prevention and control of energy and environmental incidents in the area comprising the party States, to coordinate the environmental and other energy-related incident prevention and control plans and the work relating thereto of the appropriate agencies of the party States and to facilitate the rendering of aid by the party States to each other in coping with energy and environmental incidents.

"(B) The Board may formulate and, in accordance with need from time to time, revise a regional plan or regional plans for coping with energy and environmental incidents within the territory of the party States as a whole or within any subregion or subregions of the geographic area covered by

"ARTICLE VI—SUPPLEMENTARY AGREEMENTS

this compact.

"(a) To the extent that the Board has not undertaken any activity or project which would be within its power under the provisions of article V of this compact, any two or more of the party States (acting by their duly constituted administrative officials) may enter into supplementary agreements for the undertaking and continuance of such an activity or project. Any such agreement shall specify its purpose or purposes; its duration and the procedure for termination thereof or withdrawal therefrom; the method of financing and allocating the costs of the activity or project; and such other matters as may be necessary or appropriate. No such supplementary agreement entered into pursuant to this article shall become effective prior to its submission to and approval by the Board. The Board shall give such approval unless it finds that the supplementary agreement or the activity or project contemplated thereby is inconsistent with the provisions of this compact or a program of activity conducted by or participated in by the Board.

"(b) Unless all of the party States participate in a supplementary agreement, any cost or costs thereof shall be borne separately by the States party thereto. However, the Board may administer or otherwise assist in the operation of any supplementary agreement.

"(c) No party to a supplementary agreement entered into pursuant to this article shall be relieved thereby of any obligation or duty assumed by said party State under or pursuant to this compact, except that timely and proper performance of such obligation or duty by means of the supplementary agreement may be offered as performance pursuant to the compact.

"ARTICLE VII—OTHER LAWS AND RELATIONSHIPS

"Nothing in this compact shall be construed to—

"(1) Permit or require any person or other entity to avoid or refuse compliance with any law, rule, regulation, order, or ordinance of a party State or subdivision thereof now or hereafter made, enacted, or in force.

"(2) Limit, diminish, or otherwise impair jurisdiction exercised by the United States Department of Energy, any agency successor thereto, or any other Federal department, agency, or officer pursuant to and in conformity with any valid and operative Act of Congress.

"(3) Alter the relations between and respective internal responsibilities of the government of a party State and its subdivisions.

"(4) Permit or authorize the Board to exercise any regulatory authority or to own or operate any nuclear reactor for the generation of electric energy; nor shall the Board own or operate any facility or installation for industrial or commercial purposes.

"ARTICLE VII—ELIGIBLE PARTIES, ENTRY INTO FORCE AND WITHDRAWAL

"(a) Any or all of the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, any State contiguous to any of the foregoing States, the Commonwealth of Puerto Rico, and the Virgin Islands of the United States shall be eligible to become party to this compact.

"(b) As to any eligible party State, this compact shall become effective when its legislature shall have enacted the same into law: *Provided*, That it shall not become initially effective until enacted into law by seven states.

"(c) Any party State may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall become effective until the Governor of the

withdrawing state shall have sent formal notice in writing to the Governor of each other party State informing said governors of the action of the legislature in repealing the compact and declaring an intention to withdraw.

"ARTICLE IX—SEVERABILITY AND CONSTRUCTION"

"The provisions of this compact and of any supplementary agreement entered into hereunder shall be severable and if any phrase, clause, sentence, or provision of this compact or such supplementary agreement is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact or such supplementary agreement and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact or any supplementary agreement entered into hereunder shall be held contrary to the constitution of any state participating therein, the compact or such supplementary agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of this compact and of any supplementary agreement entered into pursuant hereto shall be liberally construed to effectuate the purposes thereof."

SEC. 3. Pursuant to article II(a) of the Southern States Energy Compact, there shall be one representative of the Federal Government on the Southern States Energy Board. The representative shall be appointed by the President and he shall report to the President either directly or through such agency or official as the President may specify. He shall be compensated for each day of service rendered in such capacity in an amount fixed by the President not to exceed the daily equivalent of the maximum rate for grade GS-18 of the General Schedule prescribed in section 5332 of title 5, United States Code: *Provided*, That if the representative be an employee of the United States, he shall serve without additional compensation. Board members, including the Federal representatives, serving as such at the time of enactment of this Act, shall continue to serve until their successors may be appointed, in accordance with the law of their respective jurisdictions.

SEC. 4. The Department of Energy, the Nuclear Regulatory Commission, the National Aeronautics and Space Administration, the Environmental Protection Agency, the Federal Energy Management Administration, the Secretary of Health and Human Services, the Secretary of Commerce, the Secretary of Labor, the Secretary of Agriculture, and the heads of other departments and agencies of the Federal Government are authorized, within available appropriations and pursuant to law, to cooperate with the Southern States Energy Board.

SEC. 5. Copies of the annual reports made by the Southern States Energy Board pursuant to article II(k) of the Southern States Energy Compact shall be transmitted to the President and to the appropriate committees of the Senate and the House of Representatives.

SEC. 6. The consent to the Southern States Energy Compact given by this Act shall extend to any and all supplementary agreements entered into pursuant to article VI of such compact: *Provided*, That any such supplementary agreement is only for the exercise of one or more of the powers conferred upon the Southern States Energy Board by article V of such compact.

SEC. 7. The right to alter, amend, or repeal this Act is expressly reserved.

SEC. 8. The right is hereby reserved to the Congress or any of its standing committees to require the disclosure and furnishing of

such information or data by the Southern States Energy Board as is deemed appropriate by the Congress or any such committee.

SEC. 9. The Act entitled "An Act granting the consent of Congress to the Southern Interstate Nuclear Compact, and for related purposes", approved July 31, 1962 (76 Stat. 249), as amended, is hereby repealed, effective on the date the Southern States Energy Compact becomes effective.●

By Mr. HART:

S. 1655. A bill to amend the Internal Revenue Code of 1954 to reduce the deduction for business meals and to earmark the savings from such reduction for the school lunch programs; to the Committee on Finance.

SCHOOL LUNCH PROGRAMS

● Mr. HART. Mr. President, unfortunately one never has far to look to find inequities in this Nation's commitments to different groups within our society. None is less conscionable, however, than in the allocation of federally subsidized meals. At a time when Congress has just cut \$1.5 billion from child nutrition programs, the Federal Government is subsidizing the meals and entertainment costs of America's business men and women to the tune of several billion dollars a year.

Today I am introducing legislation to address this inexcusable inequity by amending the Tax Code to reduce the deduction for business meals and entertainment by 30 percent, and earmark the savings, as estimated by the Secretary of the Treasury, for the school lunch program. This proposal, which will have no impact on the Federal budget, will bring funding for the school lunch program back to the policy base level of last year, \$2.8 billion.

Let me emphasize this bill does not eliminate or abolish the business meal deduction. It does not even cut this expensive subsidy in half. It merely reduces from 100 percent to 70 percent the allowable deduction for business meals and entertainment, and thereby allows full funding of the national school lunch program.

Mr. President, this Congress recently cut the school lunch program by about \$1 billion. The adverse consequences for 27 million children participating in this program—40 percent of whom are from families whose income is less than \$11,000/year—are already being felt throughout the school lunchrooms of this country.

On the average, school lunches are expected to cost parents about a 25 cents more per meal in 1982. One school in Colorado has already raised its prices 60 cents per meal this year. Consequently, children are being priced out of the program at record rates. A preliminary study conducted by the State Child Nutrition Directors Association indicated a 15- to 20-percent drop in participants this year.

Earlier this year, when Congress was shrinking the school lunch program, costcutters argued tighter eligibility requirements and reduced subsidies would reduce benefits for the middle class but not the truly needy. However, a reduced volume raises unit costs for the whole program at each school, forcing some school districts to drop out of the pro-

gram entirely. In 17 States, 70 schools have already dropped out this year, including two schools in Colorado. At these schools, even the neediest children, who otherwise receive insufficient nutrients in their diets, must now forego a nutritionally balanced school lunch.

A final ominous consequence of Congress cutbacks in the school lunch program is the Department of Agriculture's proposals to permit cutting the size of meals. By the proposed new standards, 1.5 ounces of meat splashed with ketchup—to be counted as a vegetable—10 french fries, a few grapes and a half a cup of milk is decreed an adequate lunch, whether the child is 5 or 11 years old.

Mr. President, these cuts were made in the name of fiscal austerity. Yet, while our children are being asked—or forced—to tighten their belts, America's business men and women continue to have 40, 50 or even 70 percent of the costs of luxury meals subsidized by the U.S. Treasury. Under existing law, business meal and entertainment expenses are fully deductible as ordinary and necessary operating expenses.

The arguments against this subsidy are well known. The Senate has heard them many times. It is expensive, it is inflationary and it is grossly unfair. The Joint Committee on Taxation estimates the Treasury will forgo about \$2 billion in fiscal year 1982 and \$3.7 billion in fiscal year 1983 from tax deductions taken for business meals and entertainment. If just 30 percent of this business deduction for meals and entertainment were disallowed, the Treasury would collect about \$0.5 billion in fiscal year 1982 and about \$1.2 billion in extra revenues in fiscal year 1983. That is enough to fully restore the school lunch program to precutback levels.

Mr. President, this bill stands for a simple reassignment of priorities. It says, in effect, that nutritionally balanced meals in our children's lunchrooms should take priority over expense account meals in private clubs and fancy restaurants. I urge the Senate to act on this matter promptly.

I ask unanimous consent that the attached article by Ellen Goodman describing the consequences of cutbacks in the school lunch program, be printed in the RECORD at this point.

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

[From the Washington Post, Sept. 15, 1981]

REAGAN'S NOUVELLE CUISINE FOR KIDS

(By Ellen Goodman)

BOSTON.—The luncheon was arranged rather neatly. A discreet hamburger sat on half a roll. Six longish French fries lay beside it. Nine green grapes lolled nearby. To the side stood half a glass of milk.

It sounded to me like some forlorn menu for overweight executives. But it wasn't. It was, rather, a prototype of a school lunch, or what may remain of it, after the budget cuts.

We are about to see the full-fledged Nouvelle Reagan Cuisine for Kiddies. Higher costs and smaller portions. No stars, please.

As you may have heard, dinner with the Reagans in the White House has definitely improved these days. When the Reagans dine with the Anwar Sadats on the federal tab,

they eat smoked filet of mountain trout, a roast supreme of duckling à l'orange, a touch of wild rice with raisins, a bit of Brie and chèvre, followed by the palate-cleansing melon glaze and fresh raspberries.

But under Reagan, lunch in the school cafeteria is quite another affair: an ounce-and-a-half of meat or meat alternatives, a half-cup of fruit and vegetables, one serving of bread, six ounces of milk. Yummy in the empty tummy.

FRAC, the Food Research and Action Center, cooked up the lean-and-hungry lunch described above, by carefully following the new proposals that have come out of the Department of Agriculture.

According to FRAC's Nancy Amidei, the Agriculture people were assigned the task of cutting fat from the budget "without impairing the nutritional value of the meals." But they ended up cutting food.

Under the old requirements, more food was served to older grammar-school kids than younger ones. But under the proposed new rules, the 11-year-olds will get the same amount of meat and vegetables as the 5-year-olds. Even the bread and milk are cut, from eight pieces a week to five, from eight ounces a day to six.

The other changes in rules are even more curious. Ketchup and pickles now qualify as vegetables; tofu (try that on your second grader) now qualifies as a meat; and any school can put its eggs in a cake instead of on a plate.

According to Amidei, the lunches would supply less than one-third of the daily nutritional value and only 17 percent of the calories needed. "We feel this is compromising children's health," she says flatly.

The motto of the Nouvelle Reagan Cuisine—"Eat Light and Like It"—would be fine for the statesmen passing up the Brie. But the Department of Agriculture's own study shows that poor kids get anywhere from one-third to one-half of all their daily nutrients from school lunch.

Of the 27 million children who eat school lunches, 12.6 million get a free or reduced rate. If the meal shrinks just when food stamps are being cut and food prices are on the rise, these kids can't make up the difference at home.

There is also a social effect of the Nouvelle Reagan Cuisine. Middle-class parents, who pay the full amount for lunch, are going to balk at paying more for a snack. As a 10-year-old visitor to FRAC said when she spied the prototype meal, "Yuk! Where's the rest of it?"

In our house, after the price went up last week, the brown bags came back. But if these proposals are approved, there could be a national two-track lunchroom, with only the poorest students going through a highly stigmatized free-lunch line. The end result of that is higher costs, fewer schools in the system, and a program goes on the skids.

There is the taste of irony sprinkled over all this food talk. The lunch program started back in 1946 because of the military. During World War II, the draft board had to reject an enormous number of men suffering from poor nutrition. When the School Lunch Act was passed in 1946, they wrote: "It is declared to be the policy of Congress as a measure of national security to safeguard the health and well-being of the nation's children."

Today we have another administration that is worried about the Army, worried that an Army of illiterates will end up operating sophisticated multi-billion dollar military equipment. But as Amidei notes, "At this rate we'll have an Army of anemic illiterates."

If the Reagans will pass me a glass of their Domaine Chandon Blanc de Noir, I'll drink to that. ●

By Mr. DURENBERGER (for himself, Mr. ROTH, Mr. CHAFFEE, Mr. BRADLEY, and Mr. HEINZ):

S. 1656. A bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds, and for other purposes; to the Committee on the Judiciary.

MORTGAGE SUBSIDY BONDS

● Mr. DURENBERGER. Mr. President, we all recognize that this Nation faces a critical shortage of low- and moderate-income housing. The debate surrounding both the all savers certificates and the HUD budget outlined the enormous magnitude of this problem. We need to act promptly and responsibly to resolve it.

Today, I am introducing legislation that would help meet this shortage by making it possible to issue mortgage revenue bonds as intended in the legislation Congress passed last year. Last year's Reconciliation Act legislation was never intended to kill the mortgage revenue bond program which helps provide housing assistance for hundreds of thousands of people nationally. The legislation was meant to better target mortgage revenue bond proceeds and to tighten up the administration of these programs.

This is not a budgetary question. We have always presumed that mortgage revenue bonds would be issued this year in substantial numbers. It is a matter of being able to carry out the intent of last year's legislation, making a good program even better.

The first half of 1981 saw virtually no bonds issued as new regulations were awaited from Treasury. This delay in and of itself was far longer than anticipated. Now, the new regulations are out, and according to housing agencies across the country, they raise virtually insurmountable problems.

My State of Minnesota has always been one of the most sophisticated users of mortgage revenue bonds. Our bonds have always been targeted toward low- and moderate-income housing as last year's legislation directed. My State has tried to issue bonds under the new regulations with poor results. The underwriters have had \$13 million of bonds due to the manner in which the good faith provision in the new regulation was written. This will mean the loss of 4,000 home improvement loans for low- and moderate-income people trying to maintain the quality of their housing stock.

Without changes in the arbitrage regulations the State of Minnesota will have to forgo issuance of single family mortgage revenue bonds this year. This means 2,500 to 3,000 fewer mortgages in 1981 for those people most seriously affected by rising inflation and soaring interest rates.

Mortgage revenue bonds are a workable way of providing housing. Some adjustments were needed to improve the program. The outline of these changes was proposed in last year's legislation, and Treasury was expected to draw up workable regulations. The result has been contrary to the intent of Congress.

We now have a virtually unworkable mortgage revenue bond program when a strong program could be filling a large hole in our Nation's housing needs.

In light of the discussion surrounding housing in recent months, I think that we must set free a proven program for helping people obtain shelter.

The five changes I propose are the most basic corrections that are needed to present law and regulations in order to allow the issuance of mortgage revenue bonds. I think other changes could be made, but in order to work as quickly as possible to get this program underway again, I am offering this bare bones legislation.

First, the 95 percent good faith requirement would be made more reasonable. An issue would not lose its tax-exempt status if it fell below 95 percent compliance as long as periodic audits are conducted and any cases of fraud would be prosecuted. This is a much fairer means of insuring the correct use of mortgage revenue bonds without creating a bureaucratic nightmare than in the present regulations.

Second, the issuer would be allowed a 1.25-percent yield to cover the cost of issuing the bonds. This is a realistic figure in light of what is required to be covered within this yield by last year's legislation.

Third, the present regulations have a very restrictive provision concerning the sale of excess reserves which might even force an issuer to sell reserves at a loss. This legislation would not force reserves to be sold at a loss.

Fourth, the registration requirement for mortgage revenue bonds would be removed since no other tax-exempt bonds face this requirement.

Fifth, two technical changes would be made for multifamily bond issues. The income level for the lower income occupancy requirement would be set at 80 percent of area median income and separated from the section 8 definitions. The 20-percent requirement for low- or moderate-income occupancy would be set at the longest of 10 years, one-half the term of the issue, or the term of the subsidy. This prevents the use of short-term bonds and the possibility of a long construction period from reducing the term of the lower income occupancy. ●

● Mr. BRADLEY. Mr. President, I am pleased to join my colleague Senator DURENBERGER from Minnesota in introducing legislation to help localities issue mortgage revenue bonds. The marketing of any long-term bonds is currently extremely difficult under the best of circumstances. In addition it is virtually impossible for any middle-income family to privately finance homeownership. Under these conditions Congress has a special responsibility to eliminate those requirements that are now preventing issuance of State mortgage revenue bonds and to facilitate the use of this source of below market mortgages for single- and multi-family housing.

Since enactment of the Mortgage Subsidy Bond Tax Act of 1980 on December 5, 1980 the use of tax-exempt bonds

for providing below market mortgages has halted. The restrictions in the act regarding arbitrage, good faith, and the registration requirement are too severe to be workable in the bond market. By reducing arbitrage from 1½ percent to 1 percent and redefining arbitrage to include costs previously excluded, the 1980 act prevents the structuring of bond sales which can be financially self-supporting.

The requirement that bonds become taxable retroactively from date of issuance if housing finance agencies do not insure that 95 percent of the loans are in compliance is too onerous and creates uncertainty which prevents bond counsel from issuing "clean" opinions. The 1980 act's requirement that mortgage revenue bonds be registered is not only administratively costly but discriminatory since no other tax-exempt bonds are required to be in registered form.

In my State the New Jersey Mortgage Finance Agency has thus far been unable to issue any single family or home improvement bonds. The New Jersey MFA normally raises \$200 million annually in the tax-exempt bond market for its programs, which finance home purchases in urban neighborhoods and home improvements for moderate income citizens throughout the State. Funds for the programs have been exhausted for months, and it is still unclear if the MFA will be able to sell a bond issue until the Mortgage Subsidy Bond Tax Act of 1980 is amended.

In June 1981, Senator SASSER introduced S. 1348 which I cosponsored to alleviate the major problems of the Mortgage Subsidy Bond Tax Act. It would have eliminated the registration requirement for such bonds and make several technical changes to section 103A of the Internal Revenue Code, including: First, replace strict 95 percent compliance by applicants with a covenant of good faith by issuers; second, include those persons living in substandard housing with first-time home buyers as the targets for the financing; third, return the arbitrage spread from 1 to 1½ percent for issuers; fourth, allow up to 25 percent of the area of a State to be designated as targetable including energy impacted areas. Congressman DUNCAN introduced H.R. 3614, a companion bill. Unfortunately it appears that this legislation is not likely to be adopted since the Treasury Department will not support extensive changes into the law.

Because of the critical situation of the housing industry we must have effective action immediately. So today I join Senator DURENBERGER in introducing this legislation to eliminate the most severe restrictions on the mortgage revenue bond market. The proposal has no Federal fiscal implications. These technical changes would remove many of the unnecessary regulations and inconsistencies that are stopping the use of these bonds.

I urge my colleagues to join us in progressing rapidly to correct this crisis.●

By Mr. SCHMITT (for himself, Mr. CANNON, Mr. GORTON, Mrs. KASSEBAUM, Mr. LUGAR, and Mr. SYMMS):

S. 1657. A bill entitled the "Uniform Science and Technology Research and Development Utilization Act"; to the Committee on Commerce, Science, and Transportation.

UNIFORM SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT UTILIZATION ACT

● Mr. SCHMITT. Mr. President, today I am introducing for myself and Senators CANNON, GORTON, KASSEBAUM, LUGAR, and SYMMS, the Uniform Science and Technology Research and Development Utilization Act. The purpose of this legislation is to maximize the return to the public from our national investment in research and technology development by establishing a uniform Federal policy for the management and utilization of inventions developed under Federal contracts.

This bill is a revised version of S. 1215, a bill which I introduced prior to the conclusion of the 96th Congress. The bill has been reviewed by leaders in industry, business, academia, and Government. The responses have been very helpful and supportive. The revised bill which is being introduced today reflects the many thoughtful views and suggestions of those who responded to my request for comments.

Mr. President, recent economic indicators suggest that the United States is experiencing an alarming decline in the rate of technological innovation and economic growth. Symptoms of this decline are reflected in the diminishing growth in productivity, the increasing penetration of domestic markets by our foreign competitors, and the shrinking percentage of world patents being granted to Americans. We are becoming more aware that the scientific and technological advantages which we enjoyed relatively unchallenged for much of this century can no longer be taken for granted.

My Subcommittee on Science, Technology, and Space has had a longstanding interest in technological innovation and Federal policies which adversely impact upon it. For the past 3 years the subcommittee has conducted extensive oversight hearings examining the direction of Federal R. & D. and the Federal Government's role in promoting the development, application, and diffusion of new technologies. The problems are varied and complex, but include overburdensome regulations, counterproductive tax policies, and inadequate funding of basic research. Nevertheless, there are steps which the Federal Government can and should take to reverse the downward trend of the development of new products and processes.

The influence of the Federal Government on the innovation process is extensive. For example, the Federal Government currently supports some \$35 billion of research and development through grants and contracts, about half the total national investment in R. & D. This enormous investment has lead directly to such spectacular achieve-

ments as the landing of American explorers on the Moon and the new era of utilization of the extraterrestrial environment which was heralded by the successful launch of the Space Shuttle.

Less immediately apparent have been discoveries in electronics which have revolutionized our lives or that of recombinant DNA, the source of new breakthroughs in the treatment of disease and the development of food sources as examples.

The value of much of this research and development is lost unless the discoveries and inventions which result can be commercialized. This result, in turn, can best be achieved if those who perform the R. & D. have the opportunity and the incentive to effect that commercialization.

The present administration is emphasizing incentives for those willing to take the risks of innovation and commercialization, while reducing direct Government participation. As examples, this approach appears in the form of tax credits for investment in R. & D. and reduction in regulatory burdens. A related incentive lies in patent rights to inventions which result from federally funded R. & D.

Unfortunately the policies of Federal agencies vary widely regarding assignment of rights to performers of federally funded R. & D. The Government's policy generally has been to retain title and rights to these inventions. As a result, the Government presently holds title to some 23,000 inventions, of which only about 5 percent have been commercialized.

We think that a better payoff from our national investment in R. & D. is possible and that reform of Federal patent policies is an important ingredient.

On such step was taken in the last Congress with passage of Public Law 96-517, the University of Small Business Patent Procedures Act. That act provides for uniform assignment to universities, small businesses, and nonprofit organizations of title to inventions developed under Federal research and development grants and contracts.

Regulations have been developed by the Office of Federal Procurement Policy and are now out for comment.

However, the majority of Federal funding for research and development goes to larger businesses, which are not covered by Public Law 96-517. We believe that the rights to the title for inventions should be extended to all contractors, regardless of size.

Our draft bill provides for the necessary uniform procedures and assigns responsibility for implementation to the Secretary of Commerce. Specific situations in which the Government would retain title are narrowly drawn to protect the public interest, where necessary. Otherwise the title would be assumed by the contractor. The Government also retains certain "march-in" rights, which can be exercised in the event that the contractor fails to take reasonable and timely steps to develop the invention.

The bill thus provides not only for proprietary rights, but also clear obligations for the recipient.

Mr. President, I ask unanimous consent that the text of my bill, together with a section-by-section analysis, be printed in the RECORD.

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

S. 1657

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

TITLE I—POLICY

FINDINGS

SEC. 101. The Congress, recognizing the profound impact of science, engineering, and technology policy on the economic, social, political, and technological well-being, and the health and safety of the Nation as a whole, hereby finds and declares that:

(1) The United States has recently experienced a decline in the process of industrial innovation and productivity which is integrally related to, and adversely impacts upon, domestic productivity, the rate of economic growth, the level of employment, the balance of trade, and the attainment of other national goals.

(2) The national support of scientific and technological research and development is indispensable to sustained growth and economic stability, and it is in the national interest to maximize the benefits to the general public from such investment.

(3) Scientific and technological developments and discoveries resulting from work performed with Government contracts constitute a valuable national resource which should be developed in a manner consistent with the public interest and the equities of the respective parties.

(4) Current Federal policy with respect to the allocation of rights to the results of federally sponsored research and development deters contractor participation in Government contracts, delays technological progress, and stifles the innovative process.

(5) There is a need for the establishment and implementation of a flexible Government-wide policy for the management and utilization of the results of federally funded research and development. This policy should promote the progress of science and the useful arts, encourage the efficient commercial utilization of technological developments and discoveries, guarantee the protection of the public interest, and recognize the equities of the contracting parties.

PURPOSE

SEC. 102. It is the purpose of this Act to—

(1) establish and maintain a uniform Federal policy for the management and use of the results of federally sponsored science and technology research and development; and

(2) insure the effective uniform implementation of the provisions of this Act, and to monitor on a continuing basis the impact of Federal science and technology policies on innovation and technology development.

DEFINITIONS

SEC. 103. As used in this Act the term—

(1) "contract" means any contract, grant, cooperative agreement, commitment, understanding, or other arrangement entered into between any Federal agency and any person where a purpose of the contract is the conduct of experimental, developmental, or research work. Such term includes any assignment, substitution of parties or subcontract of any type entered into or executed for the conduct of experimental, developmental, or research work in connection with the performance of that contract;

(2) "contractor" means any person or other entity that is a party to the contract;

(3) "disclosure" means a written statement sufficiently complete as to technical detail to convey to one skilled in the art to which the invention pertains a clear understanding of the nature, purpose, operation, and, to the extent known, the physical, chemical, or electrical characteristics of the invention;

(4) "Federal agency" means an "executive agency" as defined by section 105 of title 4, United States Code, and the military departments as defined by section 102 of title 4, United States Code;

(5) "Government" means the Government of the United States of America;

(6) "invention" means any invention, discovery, innovation, or improvement which is or may reasonably be patentable subject matter as defined in title 35, United States Code;

(7) "inventor" means any person, other than a contractor, who has made an invention under a contract but who has not agreed to assign his rights in such invention to the contractor;

(8) "made under the contract" or "made under a contract" when used in relation to any invention means the conception or first actual reduction to practice of such invention in the course of any work under the contract or under a contract, respectively;

(9) "nonprofit organization" means universities and other institutions of higher education or an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)) and exempt from taxation under section 501(a) of the Internal Revenue Code of 1954 (26 U.S.C. 501(a)) or any nonprofit scientific or educational organization qualified under a State nonprofit organization statute;

(10) "person" means any individual partnership, corporation, association, institution, or other entity;

(11) "practical application" means to manufacture in the case of a composition or product, to practice in the case of a process or method, or to operate in the case of a machine or system, and, in each case, under such conditions as to establish that the invention is being worked and that its benefits are available to the public either on reasonable terms or through reasonable licensing arrangements;

(12) "Secretary" means the Secretary of Commerce; and

(13) "small business firm" means a small business concern, as defined in section 2 of Public Law 85-536 (15 U.S.C. 632) and implementing regulations of the Administrator of the Small Business Administration. For the purpose of this Act, size standards for small business concerns involved in Government procurement, contained in section 121.3-8 of title 13, Code of Federal Regulations, and in subcontracting, contained in section 121.3-12 of title 13, Code of Federal Regulations, will be used.

TITLE II—IMPLEMENTATION

RESPONSIBILITIES

SEC. 201. (a) The Secretary shall coordinate, direct, and review the implementation and administration of the Federal policy set forth in this Act with respect to the ownership of inventions resulting from federally sponsored research and development, and promote the efficient and effective utilization of the results of federally sponsored research and development.

(b) With a view to obtaining consistent application of the policies of this Act, the Secretary is authorized and directed—

(1) to consult and advise with Federal agencies concerning the effective implementation and operation of the policies, purposes, and objectives of this Act;

(2) in consultation with the Office of Fed-

eral Procurement Policy, to formulate and recommend to the President such proposed rules, regulations, and procedures as are necessary and desirable to assure the consistent application of the provisions of this Act;

(3) to accumulate, analyze, and disseminate data necessary to evaluate the administration and effectiveness of the policies set forth in this Act;

(4) to determine with administrative finality, in an expeditious manner without unnecessary delay, any dispute between a Federal agency and an aggrieved party arising under title III of this Act; and

(5) to perform such other duties as may be prescribed by the President or by statute.

(c) For the purpose of assuring the effective management of Government-owned inventions, the Secretary is authorized to—

(1) assist and coordinate agency efforts to promote the licensing and utilization of Government-owned inventions;

(2) coordinate and advise the Federal agencies in seeking protection and maintaining inventions in foreign countries, including the payment of fees and costs connected therewith;

(3) consult and advise Federal agencies as to areas of science and technology research and development with potential for commercial utilization; and

(4) receive funds from fees, royalties, sales, or other management of Government-owned inventions authorized under this Act: *Provided, however,* That such funds will be used only for the purpose of this Act.

(d) The Secretary shall submit to Congress an annual report of activities pursuant to this Act. Such report shall include (1) relevant statistical data regarding the disposition of invention disclosures resulting from federally funded research and development, including those inventions disclosed by small businesses and nonprofit organizations; (2) any legislative or administrative recommendations to better achieve the policy and purposes of this Act; and (3) an analysis of the impact of Federal policies on the purposes of this Act.

EXPIRATION

SEC. 202. The authorities conferred upon the Secretary under this title shall expire 7 years following the effective date of this Act, unless renewed by action of Congress.

TITLE III—ALLOCATION OF RIGHTS—GOVERNMENT CONTRACTORS

RIGHTS OF THE GOVERNMENT

SEC. 301. (a) Each Federal agency shall acquire on behalf of the United States, at the time of entering into a contract, title to any invention made under the contract of a Federal agency if the agency determines that—

(1) the services of the contractor are for the operation of Federal research and development centers, including Government-owned research or production facilities;

(2) following a finding by a Government authority which is authorized by statute or Executive order to conduct foreign intelligence or counterintelligence activities, the restriction or elimination of the right of the contractor to retain title to any subject invention is necessary to protect the security of such activities;

(3) in exceptional circumstances, restriction or elimination of the right of the contractor to retain title to any subject invention will better promote the policy and objectives of this Act; and

(4) the principal purpose of the contract is to develop or improve products, processes, or methods which will be required for use by Government regulations: *Provided, however,* That the Federal agency may subsequently waive all or any part of the rights of the United States under this section to such invention in conformity with the provisions of section 303.

(b) The rights of the Government under subsection (a) shall not be exercised by the Federal agency unless it first determines that at least one of the conditions, identified in paragraphs (1) through (4) exist and it files with the Secretary a statement stating such determination.

(c) Each contract entered into by a Federal agency shall include appropriate provisions to—

(1) require periodic written reports at reasonable intervals in the commercial use of other forms of utilization or efforts at obtaining commercial utilization made by the inventor or contractor or their licensees or assignees: *Provided*, That any such report shall be treated by the Federal agency as commercial or financial information obtained from a person and privileged or confidential and not subject to disclosure under the Freedom of Information Act (5 U.S.C. 552); and

(2) reserve to the United States at least an irrevocable, nonexclusive, nontransferable, paid-up license to make, use, and sell the invention throughout the world by or on behalf of the United States and States and domestic municipal governments, unless the agency determines that it would not be in the public interest to acquire the license for the States and domestic municipal governments.

RIGHTS OF THE CONTRACTOR

Sec. 302. (a) Whenever a contractor enters into a contract with a Federal agency other than in those circumstances identified in section 301(a), the contractor or inventor shall have the option of retaining title to any invention made under the contract. Such rights shall be subject to the limitations set forth in section 304 and the provisions of section 305. Such option shall be exercised by notifying the Government at the time of disclosure of the invention or within such time thereafter as may be provided in the contract. The Government shall obtain title to any invention for which this option is not exercised.

(b) When the Government obtains title to an invention under section 301, the contractor shall retain a nonexclusive, royalty-free license which shall be revocable only to the extent necessary for the Government to grant an exclusive license.

WAIVER

Sec. 303. A Federal agency may at any time waive all or any part of the rights of the United States under this title to any invention or class of inventions made or which may be made by any person or class of persons under the contract of the agency if the agency determines that the condition justifying acquisition of title by the Government under section 301 no longer exists or the interests of the United States and the general public will be best served thereby. The agency shall maintain a record, which shall be made public and periodically updated, of determinations made under this section. In making such determinations, the agency shall consider the following objectives:

(1) encouraging the wide availability to the public of the benefits of the experimental, developmental, or research programs in the shortest practicable time;

(2) promoting the commercial utilization of such inventions;

(3) encouraging participation by private persons in the Government-sponsored experimental, developmental, or research programs; and

(4) fostering competition and preventing undue market concentration or the creation or maintenance of other situations inconsistent with the antitrust laws.

MARCH-IN RIGHTS

Sec. 304. (a) Where a contractor has elected to retain title to an invention under section 302 or 303, the Federal agency shall have

the right, pursuant to regulations and subject to the provisions of subsection (b), to grant, or require the contractor to grant, a nonexclusive, partially exclusive, or exclusive license to a responsible applicant or applicants, upon terms reasonable under the circumstances, if the agency determines such action is necessary—

(1) because the contractor has not taken, or is not expected to take within a reasonable time, effective steps to achieve practical application of the invention;

(2) to alleviate serious health or safety needs which are not reasonably satisfied by the contractor, or its licensees;

(3) to meet requirements for public use specified by Federal regulation which are not reasonably satisfied by the contractor or its licensees; or

(4) because the actions of the contractor beyond the exercise of the exclusive rights in the invention have tended substantially to lessen competition or to result in undue market concentration in any section of the United States in any line of commerce to which the technology relates, or to create and maintain other situations inconsistent with the antitrust laws.

(b) The rights of the Federal agency under subsection (a) shall be subject to the prior approval of the Secretary, who shall make a determination after a formal hearing with affected parties present and conducted in accordance with rules, regulations, and procedures adopted by the Secretary.

GENERAL PROVISIONS

Sec. 305. (a) Each contract entered into by a Federal agency shall employ a single patent rights clause containing such terms and conditions as the agency deems appropriate for the protection of the interests of the United States and the general public, including appropriate provisions to—

(1) require the timely disclosure by the contractor or inventor to that agency of any invention made under the contract: *Provided*, That Federal agencies are authorized to withhold from disclosure to the public, information disclosing any invention made under the contract of an agency for a reasonable time in order for a United States or foreign patent application to be filed;

(2) require an election by the contractor within a reasonable time after disclosure as to whether the contractor intends to file a patent application on any invention made under the contract;

(3) require a declaration by the contractor within a reasonable time after disclosure of the contractor's intent to commercialize or otherwise achieve the widespread utilization of the invention by the public.

(4) an obligation on the part of the contractor, in the event a United States patent application is filed by or on its behalf or by any assignee of the contractor, to include within the specification of such application and any patent issuing thereon, a statement specifying that the invention was made with Government support and that the Government has certain rights in the invention; and

(5) allow deviation to the minimum rights acquired under section 301 on a class basis in—

(A) contracts involving cosponsored, cost sharing or joint venture research when the contractor is required to make a substantial contribution of funds, facilities, or equipment to the work performed under the contract;

(B) special contracting situations such as Federal price or purchase supports and Federal loan or loan guarantees; and

(C) no deviation under this subsection shall waive in whole or in part, the minimum rights to be secured for the Federal Government set forth in section 304(a)(4).

(b) When it is determined that the right to require licensing or the right of the Fed-

eral agency to license should be exercised pursuant to section 304, the Federal agency may specify terms and conditions, including royalties to be charged, if any, and the duration and field of use of the license, if appropriate. Agency determinations as to the rights to inventions under this title shall be made in an expeditious manner without unnecessary delay.

BACKGROUND RIGHTS

Sec. 306. Nothing contained in this Act shall be construed to deprive the owner of any background patent or to such rights as the owner may have thereunder.

GOVERNMENT LICENSING AUTHORITY

Sec. 307. A Federal agency may grant exclusive or partially exclusive licenses in any invention to which the Government has acquired title if the agency determines that—

(1) the desired practical application has not been achieved, or is not likely to be achieved within a reasonable period of time by the granting of a nonexclusive license;

(2) exclusive or partially exclusive licensing is a reasonable and necessary incentive to call forth the investment of risk capital to bring the invention to practical application; and

(3) the proposed terms and scope of exclusivity are not greater than reasonably necessary to provide the incentive for bringing the invention to practical application.

TITLE IV MISCELLANEOUS

REPEAL OF EXISTING STATUTORY RESEARCH AND DEVELOPMENT AUTHORIZATIONS

Sec. 401. The following Acts are hereby amended as follows:

(1) Section 205(a) of the Act of August 14, 1946 (7 U.S.C. 1624(a); 60 Stat. 1090), is amended by striking out the last sentence thereof.

(2) Section 501(c) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 951(c); 83 Stat. 742) is amended by striking out the last sentence thereof.

(3) Section 106(c) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1395(c); 80 Stat. 721) is repealed.

(4) Section 12 of the National Science Foundation Act of 1950 (42 U.S.C. 1871(a); 82 Stat. 360) is repealed.

(5) Section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182; 68 Stat. 943) is repealed.

(6) The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.; 72 Stat. 429) is amended—

(A) by repealing section 305 thereof (42 U.S.C. 2457): *Provided, however*, That subsections (c), (d), and (e) of such section shall continue to be effective with respect to any application for patents in which the written statement referred to in subsection (c) of such section has been filed or requested to be filed by the Commissioner of Patents and Trademarks prior to the effective date of this Act;

(B) by inserting the following new section 305:

"INVENTIONS AND CONTRIBUTIONS BOARD

"Sec. 305. Each proposal for any waiver of patent rights held by the Administrator shall be referred to an Inventions and Contributions Board which shall be established by the Administrator within the Administration. Such Board shall accord to each interested party an opportunity for a hearing, and shall transmit to the Administrator its findings of fact with respect to such proposal and its recommendations for action to be taken with respect thereto."

(C) by repealing section 306 thereof (42 U.S.C. 2458);

(D) by inserting at the end of section 203 (c) thereof (42 U.S.C. 2473(c)); the following new paragraph:

"(14) to provide effective contractual provisions for reporting of the results of the

activities of the Administration, including full and complete technical reporting of any innovation made in the course of or under any contract of the Administration."

(E) by inserting at the end of section 203 thereof (42 U.S.C. 2478) the following new subsection:

"(d) For the purpose of chapter 17 of title 35 of the United States Code, the Administration shall be considered a defense agency of the United States."; and

(F) by striking out the following in section 203(c)(3) thereof (42 U.S.C. 2473(c)(3)) "(including patents and rights thereunder)."

(7) Section 6 of the Act of July 7, 1960 (30 U.S.C. 666; 74 Stat. 337), is repealed.

(8) Section 4 of the Helium Act Amendments of 1960 (50 U.S.C. 167b; 74 Stat. 920) is amended by striking out both proviso clauses at the end thereof.

(9) Section 32 of the Arms Control and Disarmament Act (22 U.S.C. 2572; 75 Stat. 634) is repealed.

(10) Subsection (e) of section 302 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App. 302(e); 79 Stat. 5) is repealed.

(11) Section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908; 88 Stat. 1887) is amended by striking all after "hours" the second time it appears therein, and inserting in lieu thereof a period.

(12) Section 5(l) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831d(1); 48 Stat. 61) is amended by striking both proviso clauses at the end thereof.

(13) Section 5(d) of the Consumer Product Safety Act (15 U.S.C. 2054(d); 88 Stat. 1211) is repealed.

(14) Section 3 of the Act of April 5, 1944 (30 U.S.C. 323; 58 Stat. 191), is repealed.

(15) Section 8001 of the Solid Waste Disposal Act (42 U.S.C. 6981; 90 Stat. 2892) is repealed.

(16) Sections 200 through 209 and section 211 of title 35, United States Code, are repealed.

(17) Section 6e (1) and (2) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3705(e) (1) and (2); 94 Stat. 2313) is repealed.

EFFECTIVE DATE

SEC. 402. This Act shall take effect 6 months after the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS—UNIFORM SCIENCE AND TECHNOLOGY RESEARCH AND UTILIZATION ACT

SECTION 101. FINDINGS

In this section Congress finds and declares that the United States has recently experienced a decline in innovation and productivity; that scientific and technological developments resulting from Government contracts constitute a valuable national resource; that current Federal patent policy deters contractor participation, delays technological progress and stifles innovation; and there is a need for a flexible, government-wide policy for the management and utilization of the results of Federally-funded research and development.

SECTION 102. PURPOSE

This section states that the purpose of this Act is to maintain the effective implementation of a Federal policy for the management and use of the results of Federally-sponsored science and technology research and development.

SECTION 103. DEFINITIONS

This section states several definitions, including "contract" and "practical application".

SECTION 201. RESPONSIBILITIES

Subsection (a) directs the Secretary of Commerce to coordinate, direct and review the implementation of the policy set forth

in this Act. For the purpose of assuring uniformity in the administration of this Act, the Secretary is directed to develop proposed regulations, accumulate and analyze relevant data, determine with administrative finality any dispute arising under Title 3 of this Act, and monitor the "march-in" rights of the Government under Section 304. For the purpose of assuring the effective management of Government-owned inventions, the Secretary is directed to assist and coordinate agency efforts to promote the licensing and utilization of Government-owned inventions, including the explicit authority to accept custody of any Federal agency invention, protect U.S. inventions in foreign countries, and receive funds from the management of these inventions. Subsection (d) requires the Secretary to submit an annual report of his activities under this section to Congress. There is no authorization provided for the Secretary to carry out these provisions.

SECTION 202. EXPIRATION

The authorities conferred upon the Secretary under this title shall expire in seven years unless renewed by an Act of Congress.

SECTION 301. RIGHTS OF THE GOVERNMENT

Subsection (a) specifies those situations in which it would be presumed the Government should take title to any invention made under Federal contract. The determination as to the Government's rights would be made at the time of contracting. These Government rights would not be assumed by the agency unless it determines that one of the enumerated criteria exists, and files a determination statement with the Secretary.

SECTION 302. RIGHTS OF THE CONTRACTOR

Subsection (a) states that in all other situations not specified in Section 301, the contractor or inventor shall have the option of retaining title to any invention made under the contract. The Government shall retain title when this option is not exercised by the contractor.

Subsection (b) specifies that when the Government takes title to an invention under this section, the contractor will retain a non-exclusive, royalty-free license.

SECTION 303. WAIVER

To assure flexibility in the implementation of the policies, this section would authorize the Government to waive rights to inventions when deemed to be in the public interest.

SECTION 304. MARCH-IN RIGHTS

This section would authorize the Government to require the contractor to license an invention or assign title to the Government if the contractor fails to take reasonable steps to develop the invention or the Government determines such action is necessary in the public interest.

SECTION 305. GENERAL PROVISIONS

This section authorizes Federal agencies to include Federal research and development contract provisions necessary to protect the public interest, including appropriate provisions, to require the timely disclosure by the contractor of any invention made under a Federal contract, to require the contractor to file a patent application within a reasonable time after disclosure, and to require the contractor to declare his intent to commercialize the invention. Additional provisions allow deviation to the minimum government rights when a contractor makes a substantial contribution of funds or facilities. If the agency determines it necessary to license pursuant to Section 304, the agency may specify the terms and conditions thereby.

SECTION 306. BACKGROUND RIGHTS

This Act shall not be construed to deprive the owner of any background patent.

SECTION 307. GOVERNMENT LICENSING AUTHORITY

In this section the Government is expressly authorized to grant exclusive licenses in any

invention to which it has acquired title.

This Act shall take effect six months after the date of enactment of this Act.●

SECTION 401. REPEAL OF EXISTING STATUTORY RESEARCH AND DEVELOPMENT AUTHORIZATIONS

SECTION 402. EFFECTIVE DATE

This section repeals various agency research and development statutes which are inconsistent with the provisions of this Act.

By Mr. DODD:

S. 1658. A bill to amend title VII of the Housing and Urban Development Act of 1970 to require a national public investment requirements analysis; to the Committee on Banking, Housing, and Urban Affairs.

REBUILDING OUR NATION'S CITIES

Mr. DODD. Mr. President, economic development remains one of this Nation's highest priorities. We have worked to attract and keep in our communities the businesses and industries that bring jobs, tax revenues, and other businesses. In our zeal to promote and sustain development we take for granted the utility and transportation systems needed to support this growth.

In fact, the bridges, sewers, roads, and waterways that form the infrastructure of every city and town are decaying rapidly. Businesses are moving from cities which can no longer support them; newer communities are unable to build the service base that would attract them. This atrophy threatens more than development plans; it also threatens the future of this Nation. Yet, it persists and extends across regions and economically diverse areas, as the Urban Institute's George Peterson documents in "The Condition of America's Urban Capital Stock."

The scope of rehabilitation and construction needs is staggering. A report published by the Council of State Planning Agencies, appropriately entitled "America in Ruins," estimates that at least one-half and more likely two-thirds of the Nation's communities cannot undertake modernized development until major investments are made in their basic facilities. That report and others provide grim statistics:

One of every four miles in the still-incomplete Interstate Highway System needs replacement and one of every five American bridges needs either major repairs or rebuilding, estimated to cost \$33 billion. In my home State, Connecticut, an estimated \$1.47 billion is needed during this decade to repair rapidly deteriorating bridges and roads.

Thirty percent of railroad track mileage needs repair.

New York City loses 100 million gallons of water daily through leaks in its deteriorating water system. Nationally, urban areas with populations of more than 50,000 must spend \$75 to \$100 billion over the next 20 years to maintain their water systems.

Rehabilitation and new construction to maintain existing service levels on nonurban highways will cost more than \$700 billion in this decade, far more than all public works expenditures made by all levels of government in the 1970's.

Despite these and other clear signals of the burgeoning need for infrastructure repair and construction, investment in this area is falling precipitously. In the past 15 years, public works expenditures suffered a real decline of 28 percent,

dropping to less than \$25 billion in 1979 from \$33.7 billion in 1965. On a per capita basis, investment fell 36 percent during the same period to \$111 from \$174. As a percentage of gross national product, public works investment dropped by more than 53 percent to only 1.7 percent of 1979 GNP from 3.5 percent of 1965 GNP.

As budgets tightened and tax bases shrunk, public works funds were decimated. In the 1960's, capital spending covered 28 percent of State and local government budgets. By the late 1970's, it had been cut almost in half, to an average of only 15 percent. When Federal and State funding cuts hit municipalities and shrinking tax bases reduced capital resources, by necessity, the longer term capital outlays and maintenance expenditures were sacrificed to preserve essential social services.

Revival of public facilities does not, however, rest solely on increased or sustained Federal funding. Financial limitations demand other alternatives: More effective use of limited resources and a concerted effort at long-term planning and development.

That effort is being made in Connecticut, where the public and private sectors are working together to sustain economic development and rebuild the aging infrastructure of many municipalities. Hartford's new and rehabilitated landmarks: The Civic Center Coliseum and Mall, the Constitution Plaza Commercial Center, and the Old State House are clear examples of the gains that can be made. The Connecticut General Assembly this year enacted legislation authorizing the creation of "enterprise zones," offering tax and other incentives to rejuvenate ailing urban centers. An urban jobs program is providing businesses with needed skilled labor. Innovative and creative ideas, not just money, are being used to address critical problems. Much remains to be done in Connecticut and across the country.

We can and should begin immediately to meet the challenge of urban revitalization and national economic recovery. First, existing regional and State planning processes should be expanded to insure a review of the effects of proposed governmental rehabilitation or construction activities on regional economic development. For example, a new highway system may contribute to the deterioration of a sophisticated subway route; or a new waterway system may revive a troubled port and encourage the repair of sagging bridges.

This approach would help newer communities absorb people and expanded business activity and, help older communities retain and attract business through economic incentives. The cost of doing business in a given area is a decisive factor in location decisions. Troubled by problems created by a deteriorating infrastructure, cities are far more expensive locations. It is 20 to 30 percent more expensive to do business in economically distressed older cities than in their nearby suburbs and rural areas, according to Dr. James M. Howell, senior vice president of the First National Bank of Boston.

A review of existing economic development and infrastructure programs and systems should occur simultaneously with a review of the impact of planned development. This second, concurrent effort would be aimed at eliminating the overlap and duplication of these services. The Council of State Planning Agencies calculates there are at least 100 separate Federal agencies, 50 State governments—each with separate agencies and departments—3,042 counties, 35,000 general purpose local governments, 15,000 school districts, 2,000 areawide units of government, more than 200 interstate compacts, and 9 multi-State regional development organizations currently planning and completing public works activities.

The Department of Housing and Urban Development, as the principal Federal agency serving the cities, should take the lead in pursuing that goal, identifying duplication and suggesting possible methods to consolidate funding mechanisms. To support this effort, I am asking the Congressional Research Service of the Library of Congress to begin an investigation of duplication found in existing development programs. I intend to present the results of this investigation to the Senate Committee on Banking, Housing, and Urban Affairs for the committee's information and for use in possible oversight hearings. In analyzing this information, the enormous contributions made by private entities throughout the Nation must be considered to insure the best use of this essential public-private partnership.

Finally, today I am proposing legislation to establish a national public investment requirements analysis, as a first step toward the establishment of a national capital budget. Expansion of existing planning processes to consider the impact of future development and review of existing services to prevent duplication are steps that can be taken now to address existing problems. This annual analysis goes further, providing assistance in the formulation of national public investment policy.

Specifically, the NPIRA would contain four basic elements:

An inventory of public facilities and an assessment of their condition and the quality of service they provide, an inventory which does not exist now;

An estimate of current and projected capital needs and expenditures for up to 10 years;

An estimate of current and projected operation and maintenance needs and expenditures; and

The identification of financing sources for construction, rehabilitation, maintenance and operation activities, including both public and private sources.

It would also include a summary of significant problems and trends facing national public investment, a review of State, local, and private activities affecting public investments, and an evaluation of Federal efforts to satisfy investment needs.

This report would be submitted by the executive branch to the Congress by February 15 of each year, so that the information it contains is available before

consideration of the budget begins. This concept could help discipline existing and haphazard capital budgeting processes. For the first time, Congress could accurately determine the condition of aging capital stock and could target funds to areas and projects most in need.

This analysis and the two steps that would precede it, could provide a desperately needed catalyst for economic growth and urban revitalization. It is not only the highways and roads, bridges and waterways, sewers and transit systems of the Nation that are at stake, it is the Nation itself and all its parts. That this country last year had the lowest growth rate in the Western community, with the exception of Great Britain, clearly speaks to the need for immediate action. The productivity and development of the United States depends directly on our efforts to revive the public facilities at the heart of our cities and our national economy.

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

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

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part A of title VII of the Housing and Urban Development Act of 1970 is amended by adding at the end thereof the following:

"NATIONAL PUBLIC INVESTMENT REQUIREMENTS ANALYSIS

"SEC. 704. (a) The President shall transmit to the Congress by February 15, 1982, and by February 15 of each year thereafter, a National Public Investment Requirements Analysis which shall contribute to the formulation of public investment policy and in addition shall include—

"(1) an inventory of public facilities and an assessment of their condition and quality of service provided, classified by types of facilities and regional location;

"(2) an estimate of current and projected capital needs and expenditures for up to 10 years, including a breakdown of capital expenditures between new construction and rehabilitation, and between economic development projects and community service projects, and also an identification of priorities for future investment;

"(3) an estimate of current and projected operation and maintenance needs and expenditures, identified by Federal program, by type of project, and by area;

"(4) identification of sources of financing for construction, rehabilitation, maintenance, and operation activities, including both public and private sources;

"(5) a summary of significant problems and trends facing the United States as a result of public investment needs;

"(6) a review of State, local, and private policies, plans, and programs affecting public investment; and

"(7) an evaluation of the progress and effectiveness of Federal efforts to meet investment needs and to carry out such a policy.

"(b) In addition to the Analysis required by subsection (a), the President may transmit to the Congress supplementary analyses on reports regarding public investment needs and policies and their relation to an urban policy, including such supplementary and revised recommendations as may be appropriate.

"(c) Prior to the submission of the Analysis required by subsection (a) and any sup-

plementary analysis or report, the President shall consult a broad range of appropriate public and private organizations and individuals familiar with the problems of urban areas and with public investment needs, drawing from Federal officials, Governors of States, mayors, county officials, members of State and local legislative bodies, and others qualified to assist in the preparation of such Analysis or supplementary analysis or supplementary analysis or report."

ADDITIONAL COSPONSORS

S. 895

At the request of Mr. MATHIAS, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 895, a bill to amend the Voting Rights Act of 1965 to extend certain provisions for an additional 10 years, to extend certain other provisions for an additional 7 years, and for other purposes.

S. 1326

At the request of Mr. SASSER, the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 1326, a bill to amend title 38, United States Code, to authorize a service pension of up to \$150 per month for veterans of World War I and for certain surviving spouses and dependent children of such veterans.

S. 1348

At the request of Mr. SASSER, the Senator from Nebraska (Mr. EXON), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 1348, a bill to amend the Internal Revenue Code of 1954 to clarify certain requirements which apply to mortgage subsidy bonds.

S. 1407

At the request of Mr. PRYOR, the Senator from New Jersey (Mr. WILLIAMS), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of 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.

S. 1648

At the request of Mr. HATFIELD, the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1648, a bill entitled the "Military Spouse Retirement Equity Act."

SENATE JOINT RESOLUTION 59

At the request of Mr. ROBERT C. BYRD, the Senator from California (Mr. CRANSTON), the Senator from Nebraska (Mr. EXON), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Tennessee (Mr. BAKER) were added as cosponsors of Senate Joint Resolution 59, a joint resolution designating the square dance as the national folk dance of the United States.

SENATE JOINT RESOLUTION 67

At the request of Mr. THURMOND, the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of Senate Joint Resolution 67, a joint resolution to

establish "National Nurse-Midwifery Week."

SENATE RESOLUTION 175

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 175, a resolution to congratulate the State of Oklahoma on the celebration of its Diamond Jubilee.

SENATE RESOLUTION 199

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Resolution 199, a resolution to authorize National Productivity Improvement Week.

SENATE CONCURRENT RESOLUTION 36—CONCURRENT RESOLUTION DESIGNATING "NATION'S CAPITAL SALUTE TO SUGAR RAY LEONARD DAY"

Mr. MATHIAS (for himself and Mr. COHEN) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary.

S. CON RES. 36

Whereas Sugar Ray Leonard became the Olympic boxing champ for his weight class in 1976 while representing the United States;

Whereas Sugar Ray Leonard is today the undisputed World Welterweight Boxing Champion;

Whereas Sugar Ray Leonard showed the world uncommon courage and determination and overcame tremendous odds, including an eye injury, while gaining his title; and

Whereas Sugar Ray Leonard's matchless skill, courage, and fortitude are an inspiration to the youth of our Nation: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that September 23, 1981, should be designated and considered as the 'Nation's Capital Salute to Sugar Ray Leonard Day'.

SUGAR RAY LEONARD DAY

Mr. MATHIAS. Mr. President, I am pleased to submit this concurrent resolution honoring Ray Leonard for his attainment of the undisputed world welterweight boxing title. While this is a great achievement, it is made even greater because of the character and courage of Ray Leonard. Ever since he captured the gold medal in the 1976 Olympics in Montreal and the hearts of the people of this Nation, the Nation's Capitol and his home State of Maryland, (Sugar) Ray Leonard has shown a strength of character and a level of courage which is an inspiration to people everywhere. All Marylanders can take pride in Sugar Ray Leonard. I am privileged to submit this concurrent resolution today on behalf of myself and Mr. COHEN honoring Ray Leonard for his accomplishments and symbolizing our appreciation of him.

Mr. President, I ask unanimous consent that an editorial from the Washington Post in praise of Sugar Ray's qualities of heart and mind appear in the RECORD.

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

[From the Washington Post, Sept. 18, 1981]

CHAMPION

Here's to keeping going when you are hurt and the chance of success is but a glimmer.

Here's to Sugar Ray Leonard of Palmer Park, who gave the kind of comeback performance in defeating Thomas Hearns that is, in short, the stuff of legends. With only two rounds to go, he had lost most of the fight and his left eye was badly swollen. His opponent seemed capable of jabbing and dancing for two more rounds—not much to do, really—to win the fight by a decision.

Then Sugar Ray Leonard showed something seen only in the truest of champions: in boxing lingo, heart. It was not a raging, desperate, flailing attack he mounted, not some lucky punch that found the mark. No, it was a deep-down determination coupled with intelligence, with style. It was heart. He had come to the brink, but, with a certainty that was awesome, he moved totally into control, leaving Thomas Hearns woozy and over-matched. With defeat in sight, he fought it and his adversary and proved himself the better of both.

In looking back over the fight—and in considering its stunning finish—it seems that Sugar Ray Leonard's greatest opponent in that Las Vegas ring was his own cockiness. In the early going he seemed to think he could psych Thomas Hearns. He put his glove in the challenger's face after the bell sounded ending the first round, as if to say, "Is that all you've got?" In response came a short, pushing punch that almost started the second round right there. So it went for the first five rounds, with the eventual hero seeming complacent, lost in some strategy apparent to no one but himself. In the sixth round he rattled his nemesis, nearly knocking him down. But this display of aggressiveness was short-lived, and for only two rounds. Then he seemed oddly pleased to go back to his earlier diffidence. Defeat seemed close at hand.

The stage thus set, the champion suddenly started to pull layer after layer from his challenger's pretension to be the better man. He was inside with sharp uppercuts and rapid-fire combinations. There was a calm to it, no rush, simply a steady beat getting more powerful, growing louder, finally taking over the fight and every inch of the ring. Thomas Hearns was forced against the ropes, then knocked through them, pinned and battered. Sugar Ray Leonard was a winner again.

So here's to Sugar Ray Leonard and his incomparable inner strength. He showed he could take a punch, could be all but out, and still prevail. It was thrilling. The man really has heart.

SENATE RESOLUTION 215—RESOLUTION DESIGNATING "NATION'S CAPITAL SALUTE TO SUGAR RAY LEONARD DAY"

Mr. COHEN (for himself and Mr. MATHIAS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 215

Whereas Sugar Ray Leonard became the Olympic boxing champion for his weight class in 1976 while representing the United States;

Whereas Sugar Ray Leonard is today the undisputed World Welterweight Boxing Champion;

Whereas Sugar Ray Leonard showed the world uncommon courage and determination and overcame tremendous odds, including an eye injury, while gaining his title; and

Whereas Sugar Ray Leonard's matchless skill, courage, and fortitude are an inspiration to the youth of our Nation: Now, therefore, be it

Resolved, That it is the sense of the Senate that September 23, 1981, should be designated and considered as the "Nation's Capital Salute to Sugar Ray Leonard Day".

Mr. COHEN. Mr. President, I send a Senate resolution to the desk. It is an honor for me to join Senator CHARLES

MATHIAS in sponsoring this resolution honoring Sugar Ray Leonard in the Nation's Capital.

Last week, Sugar Ray Leonard became the undisputed welterweight boxing champion of the world. During that 14-round contest, he demonstrated that the secret of champions is quite simple. They are born and not made. Technique is important, but raw talent is critical. No amount of training, no amount of road work, no amount of sparring, no amount of time on the heavy or light bags will make a champion out of one who is deficient in the physical and psychological assets demanded in boxing. It is a special talent and spirit that a champion possesses. It is indefinable but unmistakable. We all know it when we see it.

When you step into a boxing ring, if I may paraphrase Dr. George Sheehan, you are under oath. In that ring, you give testimony as to who and what you are. And millions of eyes will know immediately whether that testimony is true or false.

Last week, Sugar Ray Leonard knew what the poet Blake meant when he said that he held infinity in the palm of his hand and eternity for an hour. When he stepped into that boxing ring with Thomas Hearns, he gave testimony, as he had on so many occasions before, as to who he is and what he is capable of. He reached back for the indefinable something that only champions have and demonstrated that whatever is necessary becomes possible, whatever is extraordinary becomes nearly routine.

To the ancient Greeks, honor was the prize of areté. It was the tribute paid to men of ability, those who chose to live nobly for a year rather than pass many years living a quiet, ordinary life. The object of the honorable man was to "take possession of the beautiful."

Sugar Ray Leonard, through his incomparable athletic skill in the ring and his exemplary conduct outside it, has demonstrated that he not only has pursued, but has, indeed, "taken possession of the beautiful."

AMENDMENTS SUBMITTED FOR PRINTING

INTERNATIONAL SECURITY ASSISTANCE AND DEVELOPMENT ACT OF 1981

AMENDMENT NO. 557

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the bill (S. 1196) to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize appropriations for development and security assistance programs for the fiscal year 1982, to authorize appropriations for the Peace Corps for the fiscal year 1982, to provide authorities for the Overseas Private Investment Corporation, and for other purposes.

AMENDMENTS NOS. 558 THROUGH 560

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted three amendments intended to be proposed by him to the bill S. 1196, supra.

AMENDMENT NO. 561

(Ordered to be printed and to lie on the table.)

Mr. MITCHELL (for himself, Mr. HATFIELD, Mr. LEVIN, Mr. KENNEDY, Mr. HART, Mr. BAUCUS, Mr. DODD, and Mr. LEAHY) submitted an amendment intended to be proposed by them to the bill S. 1196, supra.

Mr. MITCHELL. Mr. President, I send to the desk an amendment which I ask to be printed in the RECORD. I intend to call this up for consideration at a later point in the deliberation on this bill.

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

The amendment is as follows:

On page 84, between lines 2 and 3, insert the following:

NOMINATION FOR THE POSITION OF ASSISTANT SECRETARY OF STATE FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS

Sec. 716. (a) The Congress finds that—
(1) the United States has long been a leading defender of the basic rights of persecuted, oppressed, and endangered people around the world, and should continue in this role; and

(2) effective foreign policy formulation requires that the President and the Secretary of State possess current and accurate information derived from continuous observation and review of all matters pertaining to human rights and humanitarian affairs (including matters relating to refugees, prisoners of war, and members of the United States Armed Forces missing in action).

(b) It is the sense of the Congress that—
(1) a strong commitment to the defense of human rights should continue to be a central feature of American foreign policy; and
(2) the President, not later than 60 days after the date of enactment of this Act, should submit to the Senate the name of a nominee for the position of Assistant Secretary of State for Human Rights and Humanitarian Affairs, as established by section 624 (f) of the Foreign Assistance Act of 1961.

On page 84, line 4, strike out "Sec. 716." and insert in lieu thereof "Sec. 717."

AMENDMENT NO. 562

(Ordered to be printed.)

Mr. LUGAR proposed an amendment to the bill S. 1196, supra.

AMENDMENT NO. 563

(Ordered to be printed.)

Mr. HELMS proposed an amendment to the amendment (No. 562) proposed by Mr. LUGAR to the bill S. 1196, supra.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCLURE. Mr. President, I would like to announce for the information of the Senate and the public that the hearing on the nomination of Harry E. Thomas to be an Assistant Secretary of Energy for International Affairs, previously scheduled for 10 a.m. on Thursday, September 24, has been rescheduled for 9:30 a.m. on that date. The hearing will be held in room 3110 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA

Mr. MATHIAS. Mr. President, I would like to announce that the Subcommittee on Governmental Efficiency and the District of Columbia of the Governmental Affairs Committee will continue hearings on S. 744, a bill to authorize

the District of Columbia to issue and sell general obligation bonds for the purpose of paying certain liabilities of the District. The hearing will be held on Tuesday, September 29 at 10 a.m. in room 357 of the Russell Senate Office Building. For further information, contact Eileen Mayer of the subcommittee staff at 224-4161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate this afternoon to consider legislative proposals dealing with social security.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet during the session of the Senate at 10 a.m. on Thursday, September 24, to hold nomination hearings on the nomination of Loretta Cornelius to be Deputy Director of the Office of Personnel Management.

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

ADDITIONAL STATEMENTS

A PLAN FOR RENTAL HOUSING

● Mr. CRANSTON. Mr. President, the New York Times published an article in last Sunday's edition authored by my good friend, the distinguished Senator from Connecticut, CHRISTOPHER DODD, concerning the future of this Nation's housing policy.

As a member of the Banking Committee, Senator DODD is actively exploring creative ways to increase the production of housing at less cost to the Federal Government. He is working with all of us at the committee to develop new financing techniques that will be of benefit to our society in the coming years.

Mr. President, I highly recommend the article to all of my colleagues and ask that it be printed in the RECORD.

The article follows:

[From the New York Times, Sept. 20, 1981]

A PLAN FOR RENTAL HOUSING

(By CHRISTOPHER J. DODD)

In a 1949 law, the goal was set: Provide "a decent home and suitable living environment" for every American family. Thirty-two years later, a housing shortage persists, threatening to reach crisis proportions. Before we resolved the problems of one era, economic and social changes presented new challenges.

The goal first articulated in 1946—as admirable now as it was then—has become an empty promise. It lacks definition.

What is "a decent home and suitable living environment?" It lacks substance. Where are the initiatives that will place it within reach? It remains important for the same reasons it was enacted into law: to contribute "to the development and redevelopment of communities and to the advancement of the growth, wealth and security of the nation."

Yet, as a statement of national policy, it has lost direction. Not only have we failed to focus adequate resources and effective pro-

grams on achievement of this goal, but we have also failed to recognize changing demographics and economics.

For example, there are fewer people in each household: 2.75 in 1980 from 3.3 in 1964, according to the Census Bureau. In the last decade, the rate of increase in the number of households was more than twice that of the population.

Energy prices, inflation-fueled interest rates and building costs have made single-family homes unaffordable to the vast majority of the American public. And the shift of funds from mortgage-granting thrift institutions to other investments has all but destroyed conventional financing sources. The result: An already tight supply of housing is strained by new demand.

The high price of single-family homes has pushed middle-income families into competition with lower-income families for rental housing. A classic supply-demand picture develops, housing prices increase and incentives to improve housing diminish.

The figures reflect the difficulty both income groups face in finding adequate and affordable shelter. Nationwide, rental vacancy rates have plummeted. For the first quarter of 1981, the national vacancy rate rested barely above 5 percent. In each region, the figures are dangerously low: 1 percent in Los Angeles, 2 percent in Chicago, below 3 percent in New York City and below 3 percent in Hartford.

We have seemed to ignore housing's integral role in the community and the economy. Numerical goals have been set for new housing construction or rehabilitation, with scant attention given to environment or residents. Statistics hide the squalid conditions that can result from "warehousing" the poor or planning in a sociological vacuum. "A decent home and suitable living environment" must be redefined in terms that reach beyond the walls of any given household and it must be supported by policies that recognize its role in economic and community development.

The Reagan Administration has offered a worn rope to those drowning in the current housing dilemma. Seventeen percent of all budget cuts—the largest share—came from assisted housing. Only 154,000 new housing units are included in the proposed budget. In Connecticut alone, 173,000 households either cannot afford adequate housing or are living in substandard housing. Eligibility standards for Federal assistance have been dropped, and the tenant's contribution to housing has been increased from 25 to 30 percent.

Cutting housing out of the Federal pie will not abate the trends that signal "crisis." Section 8, the primary Federal vehicle for new housing construction or substantial rehabilitation, has been reduced substantially. An increasing proportion of remaining funds has been earmarked for income subsidies used with existing housing. Prohibitively expensive, the Section 8 program is dying. Perhaps rightfully so, but before we applaud its demise, alternatives must be considered.

In fashioning a balanced housing policy, the Government has a dual responsibility: to help increase supply where needed, and to ensure that adequate housing is within the means of lower- and moderate-income people. Through a single subsidy mechanism, Section 8 provides assistance for rent payments and for new construction or substantial rehabilitation. The long-term commitments inherent in this approach carry price tags conservatively estimated at \$150,000 over the life of each apartment.

A more cost-effective approach would split the issues of development and income assistance, retaining and increasing less costly income subsidies but shifting development assistance. Second-mortgage loans for rental housing construction or rehabilitation could provide this new mechanism. By reducing financing costs, these up-front loans to pri-

vate developers through state and local governments could promote construction of moderately priced apartments.

A return to the provision of tax write-offs for construction period interest and tax costs on rental housing, when these costs are incurred, could provide another outlet to relieve supply problems. These write-offs were permitted before 1976 and provided an incentive for investments in housing construction. Since their prohibition, construction of unsubsidized apartments has dropped 75 percent.

Existing housing problems will not be solved overnight. The goal of "a decent home and suitable living environment" remains to be redefined and met. It demands action.

A lethargic response to current problems ensures their continuation. A response that measures existing and future needs against limited resources would produce the policy direction that would prevent that goal from constantly moving beyond reach. ●

PEACE CORPS 20TH ANNIVERSARY

● Mr. HATFIELD. Mr. President, yesterday was the 20th anniversary of the signing of the Peace Corps Act by President John Kennedy. Over the past 20 years over 80,000 volunteers have been involved in creating bonds of peace in over 90 Third World countries. It is estimated that Peace Corps volunteers have had contact with almost one million people in those nations.

The concept of the Peace Corps was born in a late night speech during the 1960 Presidential campaign as John F. Kennedy was addressing a crowd of students at the University of Michigan in Ann Arbor, Mich. In an extemporaneous speech Kennedy challenged his audience by asking them a series of questions.

How many of you are willing to spend 10 years in Africa or Latin America or Asia working for the U.S. and working for freedom?

How many of you who are going to be doctors are willing to spend your days in Ghana; technicians and engineers, how many of you are willing to work in foreign service and spend your lives traveling around the world?

The crowd's response to each question was enthusiastic and one week before the 1960 election he pledged to create a Peace Corps, if elected.

The rest is history as Kennedy went on to win the election and, on January 21, 1961, he appointed Sargent Shriver to head a task force to study the feasibility of creating a Peace Corps. On March 1, 1961, President Kennedy signed an Executive order formally creating the Peace Corps, and on September 12, 1961, Tom Livingston of Woodale, Ill., became the first Peace Corps volunteer when he took up his post as an English teacher in Dodowa, Ghana.

Legislation officially creating the Peace Corps was signed by President Kennedy on September 22, 1961 with the following three goals:

First, to help the people of interested countries and areas in meeting their needs for trained manpower; second, to help promote a better understanding of Americans on the part of the peoples served; and third, to help promote a better understanding of other peoples on the part of Americans.

The Peace Corps has been tremen-

dously successful in fulfilling those goals, as evidenced by the vast numbers of people reached and the overwhelmingly positive response of nations served by Peace Corps volunteers. The U.S. Senate has the proud distinction of having two of its members serving in the Peace Corps: PAUL TSONGAS and CHRISTOPHER DODD. I am sure that their experiences with the Peace Corps have been very influential in their lives and, as a result, our lives have been benefited by their experiences.

I believe that there is still a role for the Peace Corps to play in the effort to reduce poverty, ignorance and underdevelopment worldwide. There is a great need in this day of increasing world tension to have Americans at the grassroots in many nations who are viewed as expatriates, but as friends who have shared food, obeyed their laws, spoken their languages, and worked in their fields.

This component of the Nation's foreign policy is invaluable both in spreading American goodwill throughout the Third World, but also in assisting our Nation to understand and be more sensitive to the needs of those nations being served.

In closing, regardless of our policy differences on the Peace Corps in the Senate, I believe that the Peace Corps can make a valuable contribution to the Nation's foreign assistance goals in the future and should be preserved. ●

TWENTY YEARS OF THE PEACE CORPS

● Mr. MATHIAS. Mr. President, I congratulate the Peace Corps on 20 years of achievement. American volunteers began serving abroad in late 1961. The first volunteer was sent to teach English in Ghana.

Education remains one of the primary contributions of the Peace Corps program, but the education works both ways. American experience and understanding have been enriched by what Peace Corps volunteers have learned abroad.

Men and women who volunteer to serve in the Peace Corps today can do so with the knowledge that their service is welcomed as much by the people of developing countries now as in 1961, and with confidence that, as volunteers, they will gain as much in insight as they give in assistance.

The Peace Corps was an American invention which, like many American inventions, is now emulated by similar programs supported by other developed nations. The tangible contributions of direct person-to-person help through the Peace Corps and similar programs may seem small, if one looks only at the number of bricks mortared or lengths of waterpipe laid, but the returns in goodwill among the people of poor nations and in hope for long term development are enormous.

The Peace Corps is 20 years old, but it is really ageless. The Peace Corps is constantly renewed by the enthusiasm and goodwill of volunteers of all ages who seek to help other people improve their living conditions. The Peace Corps is reborn every time another American vol-

unteer accepts the challenge of service abroad.●

SENATOR MATHIAS WRITES ON UNITED STATES-SOVIET RELATIONS

● Mr. CRANSTON. Mr. President, earlier this month my distinguished colleague and good friend from Maryland, Senator MATHIAS, and I devoted 2 weeks to discussions in Moscow and Bonn with senior Soviet and West German officials.

As a result of these discussions, Senator MATHIAS has written a thoughtful and illuminating piece on the future course of United States-Soviet relations. This piece was run in the September 21 issue of the New York Times; I submit it for the RECORD today and I highly commend it for my colleagues' attention.

The text follows:

GROMYKO AND HAIG

(By CHARLES MCC. MATHIAS, JR.)

WASHINGTON.—Secretary of State Alexander M. Haig, Jr. and Foreign Minister Andrei A. Gromyko are to meet soon at the United Nations in an encounter that could be of vast significance for the world.

Earlier this month, I went to Moscow with Senator Alan Cranston of California for a "reconnaissance" of the state of American-Soviet relations. We met with some 50 senior and mid-level officials, including Mr. Gromyko and the chief of staff of the armed forces, Marshal Nikolai V. Ogarkov.

The barriers to personal and political communication between American and Soviet citizens are so great that the visitor to Moscow faces enormous difficulty in weighing evidence and drawing conclusions. What the Russians choose to stress may in fact be unimportant to them except as a debating ploy to introduce some subsequent point of substance.

It is interesting, therefore, that our hosts spent relatively little time on the "China threat" and the neutron weapon—subjects that currently are focal points of Soviet propaganda. Instead, they chose to focus their attention on the North Atlantic Treaty Organizations' decision to deploy the Pershing 2 and cruise missiles in Europe and on America's failure to ratify SALT II. These issues were variations on a larger theme: the absolute need to restore dialogue and negotiation.

The Russians refused to accept the connection made in the West—one that we pressed repeatedly—between the possibility of constructive agreement and their conduct in Afghanistan, violation of the Helsinki accords, and their other contributions to global tension. Rather than responding constructively, they preferred to retreat into excuses about the "aggressive" intentions of President Carter and President Reagan.

It is possible that they actually believe that we are largely to blame for the sorry state of our relationship. They certainly are vociferous on the subject of "outside" interference in Afghanistan. If they hold such a belief, is a graphic measure of the gulf in perception of facts between our two countries?

However, there is another element that should not be ignored. The Soviet leadership has an average age well into the 70's and, we were told, makes major decisions only with the greatest difficulty. Perhaps this condition more than any other has kept the Russians out of Poland; perhaps it also has contributed to the Kremlin's unyielding position on Afghanistan. Or, the leaders may actually see relatively few costs in staying in Afghanistan and few benefits in getting out.

One does sense in Moscow a concern with an accumulation of political and economic difficulties that have been exacerbated by a tough, largely mystifying, new Administration in Washington. The "tough" Reagan message has been received. What they don't know are the limits of this toughness. Thus, the Russians are taking the measure of the Administration. They recognize that we are sending mixed signals (higher defense spending, but a lifting of the grain embargo). For the first time, they are uncertain whether they can do even limited business with Washington, and are slightly off balance. After reflection, it may occur to them that they need to take some positive steps of their own to improve the situation.

The Soviet leaders are in a holding pattern. It is comfortable for them because they can score points against us on such issues as the nonratification of SALT II. But it is also uncomfortable because they recognize that things can get worse—much worse. They are, I believe, genuinely concerned that tensions may escalate.

Should we hold out much immediate hope for success in negotiations on arms control, Afghanistan, and other issues critical to the relationship? I think not. The Soviet regime will find it very difficult to make hard decisions. It demonstrates little interest in compromise.

Should we, therefore, not negotiate? That would be a mistake. We would run two major risks in refusing. First, we would risk locking the Soviet leadership into a position of "permanent" hostility that could encourage rather than discourage the aggressive tendencies we are trying to curtail. It is too easy for them to blame their problems on "foreign enemies." Second, we would feed the propaganda effort in Europe that is painting us, with some success, as the enemy of dialog, at the expense of our allies in NATO.

It is time that we developed realistic, substantive positions on the major issues and put them forward with suitable advocacy and allied support in a variety of public forums. The Russians need to be confronted with decisions. In time, perhaps, they might respond constructively on some issues. But we should be under no illusions that these decisions would come quickly. It is, however, in our mutual interest to reduce the huge gap in perceptions between our two countries. The Haig-Gromyko meeting can be a useful step in this process.●

CARL ROWAN'S AND WILLIAM BUCKLEY'S ARTICLES ON AWACS

● Mr. TOWER. Mr. President, the Reagan administration's proposal to sell airborne warning and control system (AWACS) aircraft and F-15 enhancement equipment to Saudi Arabia is generating intense interest in the marketplace of ideas which the media provides to the American public. Just yesterday, Evans and Novak wrote a column outlining the grave strategic consequences for the United States of congressional disapproval of the sales.

In today's Washington Post, columnists Carl T. Rowan and William F. Buckley, Jr., usually on opposite poles within this marketplace, argue that the sale is in the vital interests of both the United States and Israel, and hence should receive congressional blessing. I recommend to my colleagues these articles, both of which I found to be tightly reasoned and persuasive.

Mr. President, I ask that the text of both Carl Rowan's and William Buckley's articles be printed in the RECORD.

The articles follow:

THE AWACS SALE IS VITAL TO US . . .

(By Carl T. Rowan)

We are in for a time of nastiness as the debate intensifies over the proposed sale of five AWACS radar surveillance planes and other military equipment to Saudi Arabia. Already we hear charges that the United States is jeopardizing Israel just to get back 8.5 billion petrodollars and that senators opposing the sale are groveling for campaign donations from Jews.

When we sweep some of the emotion aside, a few points seem remarkably clear. The first is that for more than three decades the United States has honored its commitment to Israel, even at great financial and political cost.

In 1973, when Israel was in military peril, the United States launched an airlift that helped Israel to turn her war fortunes around—and the United States warned the Soviet Union that Israel would survive as long as the United States survives.

There is nothing about the proposed AWACS sale that suggests the United States is either abandoning or diminishing its commitment to Israel, so it seems to me that the Begin administration and its U.S. supporters are being shortsighted when they push Americans into strife over the AWACS.

Neither this sale nor 100 like it would make Saudi Arabia a credible threat to Israel's security. Beyond that, the United States has made it clear it intends to keep Israel stronger than all her potential foes combined. Thus, I cannot swallow suggestions that this deal will leave Israel naked to her enemies.

On the other hand, there are myriad threats to Saudi Arabia. The Soviet Union, some other Arabs, Moslem fanatics and several other nations and groups would love to oust the Saudi royal family, or take other actions to gain control of the Saudi oil fields. Perhaps never in history has a nation had so much to defend and so little with which to defend it.

Whatever threatens Saudi Arabia also threatens the lifeblood of the industrial West, a point so obvious that the Israelis ought to be saying, "We understand why you must deal with Saudi Arabia on the basis of the same kind of respect you show us."

Instead, the Begin government is spreading a warning around this town that the United States errs in arming a "corrupt, anachronistic" regime in Riyadh and that the Saudi royal family will go the way of the Shah of Iran before the end of this century.

Even though the alarmists can suggest no feasible alternative to the royal family, some members of the Senate are so glib as to fasten on the above argument, ignoring the Saudi contribution to the United States' security, and thus indirectly to Israel's.

America's current economic woes are modest compared with what they might be if Saudi Arabia had not worked so diligently to halt the spiral of petroleum prices. Prices have even come down a bit recently because of a worldwide glut created mostly because the Saudis pumped more oil than was good for them.

Some opponents of the sale argue that we dare not entrust sophisticated weapons to the Saudis because the Russians will quickly get our secrets. This is a galling argument, given the fact that Great Britain has produced some celebrated traitors, West Germany has had Communist spies right in the office of the chancellor, and other allies such as Italy and France have huge Communist parties; Communists are in the French Cabinet. When we entrust weapons and secrets to these countries, how do we say to the Saudis (who don't even have diplomatic relations with the Soviets): "We can't trust you the way we do our other friends?"

If Congress blocks the AWACS sale, the long-run cost will be great for the United States and for Israel. It is easy for Israel to

say to the United States: "If you are our friend, you cannot be Saudi Arabia's friend." But what does Israel do if the United States is crippled and must struggle on one economic leg?

The AWACS sale must go forward.

... AND THUS TO ISRAEL AS WELL
(By William F. Buckley Jr.)

I see, in the AWACS for Saudi Arabia, a long and tangled shadow of symbolism, and that is a pity.

Because, upon reflection—and this is written by someone whose criticisms of Saudi Arabia are on the record—Congress should authorize the sale.

Here are the salient considerations:

(1) Do we desire that Saudi Arabia should have the information it would get by use of the AWACS?

(2) Is the security of Israel threatened by the AWACS?

(3) Is the prestige of the United States government jeopardized by a refusal to sell the AWACS?

If the answers to the above are Yes, No and Yes—then we should go through with the proposed deal.

In geopolitical terms, Saudi Arabia is important as the principal source of Western oil reserves. These reserves need to be protected as obviously as we need to protect the economic life of our allies. As things now stand, the Saudis would receive two to four minutes' warning from the land-based Saudi radar installations in the event the Soviet Union decided to cripple Saudi oil facilities, which are congested in a small area of the kingdom. With AWACS on duty, this critical interval rises to 15 minutes, during which Saudi planes—and those of its allies—can be launched to provide cover for the fields.

Now if that were the whole of the problem, presumably the Congress would vote overwhelmingly for the sale. But critics argue the offensive capability of these AWACS in respect to Israel.

More mystery, it would seem, attaches to the AWACS in question than is reasonable. They are in one sense formidable intelligence-gatherers, but there is a definite limit to what they can accomplish. They are, after all, Boeing 707s. Their radars were designed sometime in the early '60s. What is of course special is the software, and some critics claim that if the airplanes fell into enemy hands—if Saudi Arabia were to go, say, the way of Iran—the loss would be irreparable. Wrong. The software is designed around codes that could be deciphered overnight.

You see—and here the sales talk is best said in a whisper—the Saudi AWACS have to do not only with the security of the Saudi oil fields, but with our comprehensive presence in the area.

The AWACS are viewed primarily as an instrument for the preservation of the Saudis' treasures, but also as an adjunct of our own intelligence. If the Soviet Union elected to pounce on Saudi Arabia, it would not be the Saudis alone who could deter it. Our presence would be indispensable. But a technical and military cooperation between the United States and the Saudis must be exactly that, a cooperation that preempts the Saudis' alternative. Which is quite simply, to turn to the Soviet Union.

Mr. Begin cannot seriously believe that the United States is going to risk the security of Israel. He is playing symbolic stakes. And so are a number of congressmen and senators. Begin wants to prove to his people that for any deal in the Middle East involving another power, he is in a position to veto. The congressmen wish to register that no conceivable opponents running for public office can outdo the incumbents in servility to Begin.

It is not right. The haunting part of it is that it isn't right for Israel, either. Because the strength of the American presence in the area is the principal source of Israeli security. Mr. Eugene Rostow, than whom no stauncher friend of Israel was ever bred, is (thankfully) in charge of arms control programs for the Reagan administration. His wholehearted backing of the AWACS deal deserves considerable respect.

Sen. Bob Packwood, who is heading the opposition, wears another hat: he is in charge of the Republican Senate Re-election Committee. Gentlemen, please behave.

SAUDI MINISTER OF COMMERCE'S ARTICLE ON AWACS

● Mr. TOWER. Mr. President, in the debate over the Reagan administration's proposal to sell airborne warning and control system (AWACS) aircraft and F-15 enhancement equipment to Saudi Arabia, the Saudi viewpoint has been much discussed, but little understood.

In an article that appeared in the Washington Post of September 21, 1981, Soliman A. Solaim, the Minister of Commerce of Saudi Arabia has described the Saudi perception of these sales and what they mean for future United States-Saudi Arabian relations. I recommend this article to my colleagues and ask that they consider its argument as they assess the merits of this important foreign policy initiative.

Mr. President, I ask that the text of Minister Solaim's article be printed in the RECORD.

The article follows:

A SAUDI VIEWPOINT ON AWACS

(By Soliman A. Solaim)

Commerce and commercial concerns are my areas of expertise; my knowledge of the technological complexities of radar planes and military equipment is no greater than any well-read American's. From a purely commercial point of view, there are those who argue that Saudi Arabia would get more for her investment if she bought British Nimrods. Our political and military leadership, however, decided that the AWACS system would be best suited to providing us with essential advance warning we need to guarantee that our planes can respond quickly and accurately to enemy attacks on our strategic installations, particularly the oil complex in the Eastern Province.

Now, however, what had been a straightforward assessment of Saudi Arabia's military needs by our leaders, with the advice of their American counterparts, has become an unfortunate controversy that focuses not on American national and security interests, nor on Saudi Arabian national or security interests. Instead, the focus is on the speculative vulnerability of Israel as a result of this sale.

As one who had the fortunate experience of working as the first coordinator of the Saudi Arabian-U.S. Joint Economic Commission in 1974, and in my many years in the United States as a student and visitor, I find that this focus does little justice to the wisdom of American leadership.

Having faced a similar controversy in 1978 when we bought the F-15s, we expected controversy over this deal as well. But we did not expect the intensity of debate that has surrounded the AWACS sale. The issue will be decided one way or another by October 30, and most probably the sale will be approved—after the usual consolation prize for Israel. But when all is said and done, everybody will feel just the way the late Vince Lombardi described his feelings after a Redskins tie: like kissing your sister.

It is the focus of this present controversy, as well as its existence, that will be remembered long after the planes are paid for and delivered. One has to keep in mind that there is much more involved in the controversy than the relative technological sophistication of the Boeing 707s with their electronic gadgetry that belongs to the '60s.

The issues at stake here are our bilateral relationship with the United States, America's strategic posture in the Middle East, and the grip of the Israeli lobby on America's ability to act in its own interest.

When we Saudis reflect on the developing debate over the AWACS, we cannot fail to see the contrast between the way the United States treats Israel and the way we are treated. Nor can we help seeing the irony in the eagerness to provide Israel with whatever she demands—often at the expense of American taxpayers—while getting approval of Saudi Arabia's requests, completely paid for by our government, is like pulling teeth.

The AWACS are being opposed on the basis of an imagined threat to Israel. Yet when Mr. Begin actually violates the air space of others, bombing Beirut and Baghdad, and violates his country's agreement with the United States on the use of American weapons, all he gets is a slap on the wrist. So much for the long-promised evenhanded policy in the Middle East.

When we look at this inequity, we cannot fail to compare the complexities involved in dealing with the United States and the ease with which we can deal with European powers on matters political and military. When the French president visits us by the end of this month, and when our crown prince visits Britain, we will not be looking for soft shoulders to cry on. Most probably, impetus will be given to an already existing trend toward diversification of our relations with the big powers.

This process was started in the mid-70s as a result of such restrictive American legislation as the nit-boycott law, the anti-trust laws and the tax laws relating to Americans working abroad—and was helped by Japanese and European salesmanship and receptiveness to our requests. What is needed is a careful watch on this "everyday" aspect of our relationship, not a constant monitoring of our political leaders for a sudden and "radical" reaction in case the AWACS sale doesn't go through.

The present state of affairs in our bilateral relationship is complicated by, first, the failure to gain a tangible movement toward resolving the Palestinian situation and, second, by what increasingly appears to be an invincible Israeli lobby in this country.

We have seen a great number of U.S. senators and congressmen express their opposition to the AWACS sale even before the administration has presented its case. This does not merely reflect the power of the Israeli lobby (a power that is being brought into the open—a healthy development for both the American political system and Arab-American relations). It also shows that we Saudis are being taken for granted by those who have their eyes on their own political gains, with little regard for what we perceive as the larger interests of the United States and its friends in the area.

So the question becomes: will Saudi Arabia, as a result of the AWACS controversy, continue to be blamed whenever she receives a promise from an American administration; does she need to get such a promise cleared first with Mr. Begin, or whoever is Israel's current leader, in order to guarantee a fair hearing?

Saudi Arabia has proven her friendship with the United States in different areas and at the most critical of times: we are producing far more oil than necessary to finance our development; we have conducted our investments in a most responsible manner and continue to support the American dollar; we have helped reorient certain regimes

in the area toward a pro-Western posture; and we counseled caution and moderation to our neighbours, including the Palestinians.

Those of us who have come to value this friendship are watching the current debate with serious concern. Whether or not the AWACS sale is approved, we will have to provide answers to the pointed questions and raised eyebrows about our American connection. After 50 years of constructive partnership with the United States, we Saudis find ourselves today at a loss to answer. ●

UNITED STATES-CANADIAN RELATIONS

● Mr. EAST. Mr. President, the Dallas Morning News has recently examined United States-Canadian relations in an intriguing editorial. This editorial, in my opinion, suggests the best possible response that our Government could make to the discriminatory economic policies that Premier Trudeau has imposed upon American businessmen. I ask that the complete text of this editorial be reprinted in the RECORD.

The editorial follows:

U.S. OIL'S BAD NEIGHBORS TO THE NORTH
Pierre Trudeau's Canada, not to put too fine a point on it, is trying to run American energy companies out of the country, and something should be done about it.

Something will be done.

Trudeau's xenophobic policies violate not only good economics but the spirit and perhaps the letter of our tax treaty with his country.

Foreign-controlled oil companies are being unfairly taxed—so that foreigners will unload these firms on Canadians, as in fact is being done. Further, Trudeau is pushing legislation to restrict foreign access to Canadian lease.

As Interior Secretary Watt told a House subcommittee the other day, "There is no disagreement that we must make a case of Canada. The argument is over which is the best policy tool to use."

Yet for his unwillingness to play a tit-for-tat game—i.e., to restrict the access of Canadian firms to American leases—Watt was belabored by congressmen such as John Dingell of Michigan.

Dingell, who used to spend all his time castigating American oil companies, suddenly has reversed his field. Now he's concerned that American oil companies are being picked on.

So are we.

But picking on Canadian oil companies is hardly the answer.

The truth is that Trudeau's chauvinistic energy policies—evict the foreigners and raise oil company taxes—have resulted in an outflow of Canadian capital and expertise to the U.S. in search of better opportunities. The Canadians are welcome here.

The job of developing American oil and gas reserves is a titanic one; the more hands, the better.

Why retard the job by closing off leases to those ready and eager to drill them?

Other US options, Watt said in his testimony, include delaying approval of the Alaska natural gas pipeline and imposing tariffs on Canadian goods. Tariffs could provoke a trade war that no one needs, and putting off building the pipeline savors of cutting off our nose to spite our face.

More reasonably the White House could take note of the large Canadian government borrowings in the American bond market, which, by fueling demand, help keep interest rates high.

We could impose a tax of 15 percent, or more, on borrowings by the governmental

units of a nation that discriminates in its tax policies against Americans.

This wouldn't hurt innocent bystanders; it would hurt the Canadian government, which depends on American borrowings to prop up its inflation-riddled dollar, currently at a 50-year-low against the U.S. dollar.

Trudeau is a socialist and the poorest neighbor America has ever had to the north. Let him, not his put-upon countrymen, suffer for all the mischief he has caused. ●

RAOUL WALLENBERG

● Mr. SARBANES. Mr. President, in giving overwhelming approval yesterday to Senate Joint Resolution 65, the House of Representatives confirmed action taken on August 3 by the Senate to grant honorary U.S. citizenship to Raoul Wallenberg, the Secretary of the Swedish Legation in Hungary in the last years of World War II who, through his own efforts—efforts that were at once courageous, heroic, and ingenious—personally saved an estimated 100,000 Jews from extermination.

A decision to confer honorary citizenship is a most serious matter. Mr. Wallenberg is the only person other than Winston Churchill, whose mother was American, to be so honored. The overwhelming congressional support for including Mr. Wallenberg among the citizenry of our Nation reflects the great respect and admiration, even the reverence, with which his noble, selfless efforts, and his extraordinary achievement, are remembered.

Mr. President, in recent months much has been written about Raoul Wallenberg, but nothing more evocative of his moving life and his tragic fate than the review by Jonathan Yardley, recipient of the 1981 Pulitzer Prize for criticism, review of John Bierman's "Righteous Gentile: The Story of Raoul Wallenberg, Missing Hero of the Holocaust." Mr. Yardley's review appeared in the Sunday, September 20, edition of Book World, and I ask that it be inserted in the RECORD.

The review follows:

SAVIOR FROM STOCKHOLM: RESCUING THE JEWS OF BUDAPEST (By Jonathan Yardley)

In December of 1944 and January of 1945, Budapest was a chamber of horrors. From without, American and British bombers attacked the city constantly. From within, Jewish residents of the city were beaten, tortured and murdered by SS troopers. Nazi soldiers and members of the Hungarian "Arrow Cross," an especially virulent band of homegrown Fascists; Gentile residents did not fare much better, for the food supply was rapidly vanishing and living conditions were abominable.

Yet as a survivor of that brutal time now recalls, "In the complete and total hell in which we lived, there was a savior—angel somewhere, moving around." This survivor, who was 13 at the time, recalls hearing that person's name:

"One morning, a group of these Hungarian Fascists came into the house and said all the able-bodied women must go with them. We knew what this meant. My mother kissed me and I cried and she cried. We knew we were parting for ever and she left me there, an orphan to all intents and purposes. Then, two or three hours later, to my amazement, my mother returned with the other women.

It seemed like a mirage a miracle. My mother was there—she was alive and she was hugging me and kissing me and she said one word: 'Wallenberg.'"

Raoul Wallenberg was 32 years old a representative of the neutral Swedish government; his specific mission was to use whatever means were at hand to rescue as many Jews as possible from the Final Solution. He performed this task with an ardor and effectiveness that nearly defy description and then, in the hour of his triumph, mysteriously disappeared—seized, it later turned out, by the conquering Russian troops as he approached them on an errand of mercy, then spirited back to Moscow, and finally thrust into the labyrinthine passages of the Gulag Archipelago.

It is possible that he is there yet—that the Russian claim that he died of a heart attack in 1947 is, like virtually everything else the Kremlin has had to say about Wallenberg, a transparent lie. If that indeed is the case, if Wallenberg has been a guiltless prisoner for more than half his life, the Russian state has perpetrated a gross, unconscionable injustice. And as one of Wallenberg's admirers told John Bierman: "It is a bitter irony that because of his fate Wallenberg is becoming a symbol of injustice rather than being celebrated as a symbol of humanity because of his deeds."

"Righteous Gentile" is the first book about Wallenberg to appear in the United States; a second will appear early next year. This small burst of publishing activity may well focus attention on Wallenberg in this country as nothing else has. If that actually happens, the book as well as its subject will merit the attention; Bierman has written a careful, literate and quietly passionate account that does both honor and justice to Wallenberg.

Raoul Wallenberg was born in 1912 into an exceptionally wealthy and influential Gentile family. There was little in either his background or personality to suggest the role he would assume in Budapest; his half-sister describes him as "definitely not the square-jawed hero type, more an anti-hero." As a young man he was dominated by his grandfather, who wanted him to go into business and thwarted his dream of becoming an architect; he seemed, for all his ability and charm, destined to live out his life in comfort, without inspiration or challenge.

World War II changed that. Though Sweden scrupulously maintained its neutrality, its government resolved late in the war "to extend the protection of the Swedish crown to as many as possible of Hungary's Jews." When Wallenberg was offered the assignment, he leaped at it. Instantly, it seems, his life had acquired meaning.

He arrived in Budapest in July 1944. Adolph Eichmann was already there. In two months, he had deported 437,402 Jewish men, women and children from the Hungarian provinces: "Now, apart from several thousand able-bodied Jewish males serving in the labor battalions of the Hungarian army, there remained only 230,000 terrified Jews trapped in the capital." Six months later, when Russian troops took Budapest, 120,000 Jews were still alive—"the only substantial Jewish community left in Europe." Most if not all of them owed their lives to the Gentile from Stockholm.

The source of Wallenberg's passion may be a mystery, but the effect of it is not. He swept through Budapest like a one-man army of peace; he distributed thousands of Swedish passports to endangered Jews, he bluffed Fascist officers into surrendering their Jewish captives, and he so vexed Eichmann that at last he screamed: "I will kill that Jew-dog Wallenberg." The number of lives he directly saved is put at between 30,000 and 100,000; the psychological effect he had on the Jewish populace, appearing as he did as a "savior-angel," is simply incalculable. A friend recalls:

"He never tired and was at work day and night. He saved human lives, traveled, bargained, threatened the interruption of diplomatic relations, was in consultation with the Hungarian government—in short, achieved something that makes him a sort of legendary figure."

The legend is even larger, among those familiar with it, because of his disappearance into the Gulag. It is difficult to imagine a crueler, more mindless irony than that the "savior-angel" of Budapest's Jews should himself become a victim, a prisoner of the monstrous and paranoid Soviet state. Whatever happened to him after 1945 is, as Bierman explains in useful detail, the fault of many—blunders by Sweden and the United States, indifference in Hungary and Israel. But the villain is the Soviet Union; after arresting Wallenberg, evidently on the mistaken impression that he was a spy, the Kremlin not only refused to acknowledge its error and free him, but also compounded that error into bleak farce by consigning him to the bowels of the Gulag.

In all this terrible injustice there is, to be sure, a certain undeniable poetic justice. The disappearance of Wallenberg after performing such heroic deeds not only elevates life into art—the story is much better this way—but also elevates Wallenberg himself into something approximating sainthood. He achieved a heroism beyond the imagination of most humans, and then he was punished. But perhaps the publication of this book will at last begin the process of restoring him to the world's attention, and granting him the honor he so passionately earned. ●

FEDERAL FUNDING

● **Mr. EAST.** Mr. President, I call my colleagues' attention to a brief but significant essay by Frederick Sontag that recently appeared in the Christian Science Monitor. Dr. Sontag, who is chairman of the department of philosophy at Pomona College in California, reminds us of a fact that too many of our people seem to have forgotten: That America has traditionally been a "voluntarist" society.

Like Dr. Sontag, I am impatient with those who suggest that unless the Federal Government comes up with the money, many fine charitable enterprises will have to be abandoned for lack of funds. That suggestion is an insult to the American spirit.

For most of our history, it was a private, not public philanthropy that carried the burden of alleviating social ills and supporting the arts. The American Red Cross, the Society for Prevention of Cruelty to Animals, the Metropolitan Opera, and countless other worthy organizations were founded by private individuals and funded by private donors—and at a time when such donations were not tax deductible.

I ask that the full text of Dr. Sontag's essay be inserted in the RECORD.

The article referred to is as follows:
HAVE AMERICANS BECOME ADDICTED TO FEDERAL FUNDING?

(By Frederick Sontag)

Those familiar with the history of American culture know the United States is unique in having launched a "voluntarist" society. Those who travel abroad learn that few other cultures depend as largely as Americans do on individual initiative to meet social problems. By comparison, they have little dependence on centralization. More than other

societies, they have counted on local groups to band together to meet their problems.

Why, then, does almost all the discussion of the Reagan administration's proposed budget suggest that any service cut from federal funding is lost? Legal aid, food stamps for the poor, support for the arts, and many others are worthy and needed projects. But the outcry seems to assume that it is federal funding from the central budget or nothing.

Have Americans become so addicted to federal funding in recent years that they assume there is no other way to support what they deem valuable? Every other form of funding is more difficult. Money that pours from central budgets does seem free. But do Americans lose something important in their society if they forget its past and its unique attempt to meet social needs by voluntary organizations and local efforts?

Voluntarism takes up time; committees are inherently inefficient. The odds are that the average American spends more time working for voluntary organizations than the average citizen of any other country. But this independence of spirit is something valuable, whatever its inefficiencies. It is costly in time and often questionable in its effectiveness, but Americans may be poorer if they lose that effort. Have they already gone too far toward central dependence to recover their original spirit?

The issue is how shall Americans rally to meet the needs in their society which they agree to be important, not whether a cut in the federal budget spells doom for some pet program. In fact, if Americans can't rally themselves to find alternative sources of support for nonfederally funded projects, it may mean that the value of these projects is questionable to begin with. Or it may mean that Americans' will to rally to meet community needs voluntarily has declined so far that it cannot be revived.

If so, they should ask themselves: Is there anything unique left in the American spirit, and is its society really worth funding after all? ●

TREATMENT OF RELIGIOUS MINORITIES IN THE SOVIET UNION

● **Mr. BOREN.** Mr. President, many times, my colleagues and I have contacted officials of the State Department and the Government of the Soviet Union in behalf of families in Russia who wish to emigrate because of political or personal reasons and have not been allowed to do so. We have joined in efforts to get relief for the Chmykhalov and Vachchenko families and others who have been trying for years to emigrate from Russia.

Only last week, I and others of my colleagues sent a letter to Secretary of State Haig expressing our growing concern about the treatment of religious minorities in the Soviet Union. The letter expressly cited the unreasonable restrictions imposed on emigration by the Soviet Government, the systematic efforts of that government to prohibit the teaching of the Hebrew language and the harassment of religious groups in the Soviet Union.

During my first year in the Senate, I was a part of the congressional delegation that went to Russia in relation to the SALT II treaty. I saw firsthand the difficulties encountered by the families taking refuge in the U.S. Embassy, as well as other families in Russia who have suffered because of their beliefs. During our stay in Russia, the delegation pre-

sented a letter written in support of those families directly to Chairman Brezhnev. Upon my return to the United States and my home State of Oklahoma, I organized a letterwriting campaign in support of these families and delivered the letters I received to the Soviet Embassy.

I have also contacted the State Department numerous other times to try to get some help for families who are imprisoned, separated from their families, and face discrimination in the Soviet Union. Unfortunately, the Russian Government is not too responsive to our inquiries about individuals in their country.

Another example of the disheartening extent of this problem has been brought to my attention. Isak Shkolnik has been separated from his wife for more than half of the 15 years they have been married, because of Soviet intervention in their lives. I should like to share with Senators this article from the Omaha Herald, December 17, 1980, about the trials facing Isak and Feiga Shkolnik, and would ask that it be printed in the RECORD following my address.

As this article states so aptly, "So many of us take freedom for granted." The Chmykhalov, Vachchenko, and Shkolnik families are only a few who have faced hardships, separation, and degradation because of their religious or political beliefs. We cannot be allowed to forget these people; we must continue to do everything we can to insist that the Russian Government live up to the agreements of the Helsinki accord and give these people the human rights and considerations they are due.

The article follows:

SOVIET HUSBAND'S VISA BATTLE GOES ON

So many of us take freedom for granted. Not Feiga Shkolnik. Now 42, she has not seen her husband for more than half of the 15 years they have been married.

Her address: Jerusalem. His: Vinnitsa, a city of 300,000 in the Soviet Union. Isak Shkolnik, now 44, is what Americans call a "refusenik."

He has twice applied, twice been refused a visa to leave his native land. He has spent seven years in a Soviet labor camp; today he lives under the unblinking surveillance of Soviet police. Each time he wants to leave the city where he is employed as a metal worker, he must obtain a permit. Sometimes it is granted by police; sometimes refused.

Shkolnik's problems began in 1972 when he first applied for a visa for himself and his family. He wanted to go to Israel to begin a new life. Five days later he was charged with treason and anti-Soviet agitation and jailed. Ten months after that, he was tried and sentenced to the labor camp.

Mrs. Shkolnik and her daughter, Louiza, now 14, had no trouble leaving Russia. "They practically threw us out."

Mrs. Shkolnik said in Omaha Tuesday, "I was very active in trying to have my husband released."

She is convinced her husband was sentenced solely to intimidate others in Vinnitsa, whose population is 10 percent Jewish, from applying for visas.

Now she works as an economist for the Israeli government. But here is a family apart. And there is no indication when it will be reunited.

Today Isak Shkolnik lives with seven other men in what is the Soviet equivalent of a boarding house. That is all his wife knows

of his quarters. She knows through what letters she receives that he remains under continuing scrutiny; that he must wait six months from his latest visa refusal before applying again.

She came to the United States earlier this month to publicize her family's plight. She had talked in six other cities before appearing Tuesday night at the Jewish Community Center. She was to leave today for Canada and more appearances.

"I have no peace of mind," she said in an interview. "I will do anything to help my husband and to bring my family together again."

She feels publicly surrounding her appearances will help. The Soviets, she said, still are conscious of their image; still interested in detente. She hopes those touched by her story, similar to others in the Soviet Union, will write their congressmen. They, in turn, can send the correspondence to her husband, she said.

"I think it is important to reaffirm Americans stand on human rights," she said. "These are not just Jewish cases—they are human cases."

She said recent publicity may be having an effect. Two nights ago in Dallas, she was able to speak to her husband by phone for the first time. She had tried daily for three months to no avail. But this time the call went through.

What was said? "I told him he must be strong," Mrs. Shkolnik said. "I told him not to give up hope—that many people in America were working for his release."

And she told him one more thing. She told him of her love. ●

THE SKIES ARE SAFE

● Mr. SYMMS. Mr. President, I regretted that PATCO members voted not to ratify the settlement terms agreed upon and signed by union leaders, the Department of Transportation, and the Federal Aviation Administration on June 22. Instead, PATCO and its members chose to defy existing Federal law and strike. I support the actions of the President in dealing with this illegal strike. It must not be forgotten that, under Federal law, all Federal employees who strike can be discharged and denied Federal benefits, and any union encouraging such activity can lose its right of representation. The President was correct in using the full force of the law.

In taking this position, I am not insensitive to the demands and the pressures inherent in the jobs air traffic controllers perform. Their professional abilities and competence deserve respect. However, other Government employees work under difficult circumstances, even, at times, under severe stress or at great risk. Federal law enforcement officers as well as all the members of the Armed Forces serve the Nation at peril to their lives, as the recent tragic accident on the U.S.S. *Nimitz* reminds us. But they are not permitted to strike nor should they be.

As one who frequently flies long distances to and from Idaho, I was naturally, personally, as well as professionally, concerned with the strike by the air traffic controllers. Despite allegations by PATCO union leaders that the skies would become dangerous, I had no real doubt about the ability of the airlines and the remaining personnel to manage essential traffic, but I confess to some apprehension about the situation. I think many fliers did.

The reality of the strike has been a real revelation. Air traffic has continued at a very high level, and has continued very smoothly. In the process, we have learned some valuable things about the nature of our air traffic control system, some things which will help us in the future operate more efficiently and economically.

It has been especially gratifying to find that safety has not been decreased by the strike. That fact was clearly evidenced in a recent article that appeared in the *Wall Street Journal*. To quote the story, "The skies seem as safe as, if not safer than, before."

Certainly, there have been some near misses. It is not even inconceivable that there may be an accident. But there were near misses before the strike, and there were accidents, sometimes terrible accidents. There is no evidence whatever that such accidents are more likely now, or that near misses are more common now.

Mr. President, I submit the article referred to for printing at this point in the *Record*, and I counsel my colleagues to fly reassured.

The article referred to is as follows:
[From the *Wall Street Journal*, Sept. 2, 1981]

SMOOTH FLYING—THE SKIES ARE SAFE, PILOTS AND EXPERTS SAY, DESPITE SOME PROBLEMS

(By William M. Carley and Richard L. Hudson)

(They cite flight cutbacks, other steps by the FAA; striking union disagrees. Thank-yous now fill air.)

AIRCRAFT TWA FLIGHT 320.—As the Trans World Airlines jet bored through the air over Cleveland at 37,000 feet, heading east for New York, a pair of ominous contrails appeared in the northeastern sky. Capt. Richard Thomas, a grizzled pilot who eight years ago narrowly escaped a midair collision, shifted in his seat and squinted.

Then the radio crackled, and an air-traffic controller began speaking: "TWA 320, Cleveland (control center). Traffic at your—coming about 10:30 (to TWA's front and left). Still about 19 miles out, southwest bound. A flight of two (Air Force) C-141s just now making 39,000 (feet) . . ."

Captain Thomas: "Okay—TWA 320—we have 'em in sight."

Moments later, the two big Air Force cargo jets, bright silver in the blue sky, flashed by 2,000 feet overhead. The Air Force planes and TWA 320 had been skillfully guided by the controller to pass each other in safety. Turning to others in the cockpit, Capt. Thomas said, "That's the way it's been working—as smooth and safe as can be."

MAJORITY VIEW

Despite allegations by the air controllers' union that the skies have become dangerous, there's every indication that Capt. Thomas is right. The skies seem as safe as, if not safer than, before.

That's not to say there may not be some close calls, as there were before the Professional Air Traffic Controllers Organization called a strike Aug. 3. And there's still a chance, however infinitesimal, that there could be a jetliner collision. But talks with several pilots for TWA, whose routes span the nation, a visit to a control tower and interviews with safety experts all indicate that despite the dismissal of more than 11,000 striking controllers, the U.S. air system is operating at least as safely as it ever has.

"I don't really think there are any (ma-

for) problems," based on information collected so far, says Lloyd LaGrange, an expert in air-traffic control at the National Transportation Safety Board, an independent federal agency. Add Williams Slocum, a TWA captain based in Los Angeles: "Anybody who says it's unsafe up there is crazy. I wouldn't go up if it were unsafe," he adds as he heads for another flight.

SOME WORRIES

One caveat to those assurances involves pilots flying small planes under visual flight rules. VFR pilots are supposed to look out for other craft by themselves rather than depend on controllers. Some observers worry that because the system of controller guidance is limited, VFR flying may have increased—and possibly under conditions not quite so safe as before. And there is concern that light planes flying VFR might conflict with airliners under controller guidance, although controllers say they will guard against that danger.

Another worry centers on the nonstriking controllers currently manning radar screens. Even with supervisors and borrowed military controllers, the Federal Aviation Administration's control-room work force is at 60 percent of its prestrike size; and the FAA expects it will take 20 months or more to finish training new recruits. Short-staffing and long hours may start wearing on the workers, some fear. And many of the new controllers—such as military personnel from less active air bases—aren't as experienced at their new jobs as were their predecessors, Mr. LaGrange of the safety board says.

FAA officials recognize these concerns, but say they are heading off such problems by gradually reducing work hours and assigning new controllers to relatively simple tasks. However, PATCO, still seeking reinstatement of its members on the federal payroll, contends that the government's new controllers are making many mistakes not visible to the public—mistakes that will become serious if the weather turns bad or more planes start flying. The air-control "system is just not what it should be," Robert Poil, the union's president, said recently.

A NUMBERS GAME

The safety dispute has set off a numbers game. PATCO asserts that there have been 35 near misses, plus many additional less serious errors, since the strike began. But the FAA says it has received only 28 unconfirmed reports of near misses, down from 60 in the year-ago period. The National Aeronautics and Space Administration, which collects reports of hazardous air operations independently, says it has received only half the normal number since the strike began.

Even the union agrees that several FAA moves have promoted safety. The main one is a sharp reduction in flights—cutting the workload of controllers and pilots alike. Other factors include the agency's efficient deployment of its limited work force to control centers most needing help, and the manner in which pilots are cooperating with controllers.

The FAA has ordered airlines to reduce operations at 22 congested airports such as La Guardia in New York, O'Hare in Chicago and the fields at Atlanta, Boston, Washington, St. Louis and San Francisco. Total U.S. scheduled flights have been reduced about 25 percent, but the cuts average 50 percent at these airports during the peak hours, when the congestion and the dangers are greatest.

Under its latest plan for LaGuardia, for example, the FAA is proposing to order a 49 percent schedule cut during the busy hour beginning at 8 a.m. when lawyers are jamming the Eastern Airlines shuttle to Washington and businessmen are getting on American Airlines flights to Chicago. But by 10 a.m., when travel normally has fallen off,

the FAA-ordered reduction in operations shrinks to 33 percent. At 5 p.m., the evening rush hour, the reduction is 57 percent, but by 9 p.m., down again to 33 percent.

Because the system is operating with less congestion, controllers have less need to "stack planes near airports—keeping them circling until there's a chance to land. Nor do controllers have as much need to "vector"—direct—pilots on zigzag paths in order to wait for a chance to bring the plane down.

"You just don't get a lot of vectors (from controllers) like you did before," says Charles Hutchinson, who pilots a Boeing 727 for TWA. "If weather conditions are good they'll say, 'You can see the airport, go right in and land.'"

The reduction in flights means that the system is working more smoothly and is safer on high-altitude routes as well as around major airports. For example, pilots on transcontinental flights say the "trailing distances" between one plane and another following have been stretched to 30 or 40 miles from the normal 10.

All this has significantly eased the work load for both pilots and controllers. And that, aviation experts say, generally enhances safety.

GREATER COOPERATION

Another reason the system is working so well is greater cooperation between pilots and controllers, the militants who supported the controllers' union are out of the towers and control centers. In recent years, some controllers have staged slowdowns and used other harassing tactics to dramatize their pay and work-hour demands. The slowdowns have caused delays and other problems in air traffic and forced some planes to fly longer routes and at uneconomic altitudes.

In a dramatic case at O'Hare last year, a controllers' slowdown forced many jets to circle over Lake Michigan while waiting to land. A TWA flight from Kansas City to O'Hare was twice forced to land at Rockford, Ill., to pick up more fuel. And once some planes did manage to land at O'Hare, they were held out on taxiways, unable to get permission to come to the gates to unload. Because of such incidents, some pilots say they don't miss the militant controllers one bit.

"We had to fight for (desired) altitudes, we had to fight for routings, we had to fight for everything," says Raymond Steinbir, a TWA pilot based in New York. "It had almost become an adversary process," says Capt. Thomas, the pilot of Flight 320.

But now, airline pilots say, the harassment has ended. Indeed, they say controllers currently at work are bending over backward to do their jobs well. Organizations representing pilots of small craft agree. "Safety is probably higher right now" because working controllers "are busting their butts," says John Baker, president of the Aircraft Owners and Pilots Association.

POLITE TALK

The result has been a new sense of good will and cooperation in the air-traffic-control system. While the airwaves used to be filled with testy exchanges between pilots and controllers, on a recent day radio messages often ended with, "Thank you, sir," "Good day to you, sir," or "Good afternoon." After one controller had deftly guided a United Airlines flight for hundreds of miles and then directed the pilot to radio the next control center, the pilot responded, United 1006—Okay, and you have a nice day."

While it's hard to measure the results, this kind of civility clearly encourages a smooth and safe system. Listen to this discussion in which a controller tells a pilot flying to New York that he will have to slow down at a certain point:

Controller: "I've got to get 30 miles (between planes) going in to LaGuardia—we've got some pretty rough (safety) restrictions in there."

Pilot: "We can slow down (earlier) if you like. . . ."

Controller: "210 knots?"

Pilot: "Okay, we can do it before if you need it."

Controller: "Okay, fine, if you can do it before, then go to 210 knots direct to (a certain navigational point) that will (also) save you some flight (distance)."

SMALL PLANES

There are, nevertheless, some concerns over safety during the strike. The principal one involves the small planes flying under visual flight rules. Such planes must operate under 18,000 feet so as not to conflict with jetliners and others using higher altitude.

Because light aircraft may not be granted permission to use the air-controller system, particularly at peak hours, the amount of flying under VFR is likely to increase aviation experts say. The increased congestion below 18,000 feet could lead to more collisions of light planes, which have long had a much higher accident rate than airliners anyway. The two midair collisions since the strike—one near San Jose, Calif., and the other in West Virginia—have both involved small craft flying VFR. In 1979 and 1980 combined, there were 36 such accidents.

Even more worrisome is the possibility that near an airport, a small plane flying VFR might collide with a descending airliner guided by controllers or flying VFR itself. Even before the strike, the dual control systems posed "a serious problem," an internal 1979 FAA study concluded.

Both airline pilots and controllers, however, are extremely sensitive to the dangers involved, especially since a Pacific Southwest Airlines jet ran into a small plane over San Diego and killed 144 in 1978. Today pilots and controllers are very cautious in dealing even with potential conflicts. As TWA Flight 320 descended over northern Pennsylvania heading for LaGuardia, for example, a blip representing a small plane flying VFR appeared on a controller's screen.

A37 IN THE WAY

Controller: "All right, folks, there's an A37 (a small military jet), so keep a sharp eye out there, he's out there duking (maneuvering) around VFR."

A United pilot: "Can you give more detail?"
Controller: "Okay, there's an airplane out there about 50 miles ahead of you, United 1006, an A37 has been flying around VFR . . . and he's making loops out there between 12,000 and 18,000. . . ."

One pilot: "As long as he doesn't have guns, we'll be all right."

Another pilot: "Maybe it's the Libyan air force."

Controller: "I'll keep you posted on the Dawn Patrol. . . . TWA 320, that A37 now at your 11 o'clock (to TWA's front and left) showing 13½ (thousand feet) southwest bound. . . ."

Capt. Thomas: "Okay, we'd appreciate anything you can say that would help us, we'll keep an eye out—TWA 320. . . . And I think I got him, about 10:30 (to TWA's front and left)."

Controller: "Affirmative, sir. On my scope looks like he's tracking a shallow right turn on your left side."

At that point the small plane appeared clearly, banking sharply away from the TWA jet's left side and about three miles away. A subsequent check with the FAA indicated that it was an Air Force National Guard plane performing maneuvers. It hadn't violated any regulations or endangered the airliner. TWA Flight 320 landed at LaGuardia routinely.

FATIGUE PROBLEM

In addition to the concern over small planes, there is worry that fatigue may take its toll on the curtailed controller work force. At LaGuardia, as in many towers, controllers have been working six days a week, eight to 10 hours a day, for four weeks. There isn't much time anymore for coffee breaks and lunch hours. Soon, the tower plans to reduce schedules to a 40-hour week; but even so, the workload on each controller will remain heavy until new recruits can be brought in. "It can get to anybody," says John Biddle, the deputy tower chief.

Another worry is the reliability of the FAA's equipment. Since Aug. 3, the aging central computers at the agency's cross-country control centers have been breaking down at a rate of 14 times a week, nationwide, instead of the normal 12, says Edmund Kennedy, a FAA official. He doesn't consider that worrisome, saying that "it's too short a period (since Aug. 3) to take a valid sample" and to conclude that the agency has mechanical problems. But he confirms union contentions that the FAA has delayed some routine maintenance on the computers and other equipment since the walkout began, although he says no important tasks are neglected.

In general, however, government and air-industry officials say the system continues to be safe. "I just put my sister and my nephew on a flight to San Diego," says Frank Bombace, the chief of the FAA's control tower at LaGuardia. "In no way is safety being compromised." ●

PROPOSED SALE OF AWACS TO SAUDI ARABIA

● Mr. LEVIN. Mr. President, while the formal debate on the proposed sale of AWACS and F-15 enhancement equipment to the Government of Saudi Arabia has not yet officially begun, there is already an ugly overtone to some of the preliminary discussions. I refer specifically to a line of argument—really a line of innuendo—which somehow suggests that the decision about the sale will not be made by the Congress of the United States but rather by an all-powerful Israeli lobby and that real issue that we will resolve is whether the Government of the United States makes foreign policy or whether it is made by the Knesset.

There are, Mr. President, a number of important and relevant issues which need to be fully aired and debated before a final decision on this package is made. Fortunately, however, this is certainly not one of them.

Despite that fact, the assertion of "foreign control" has already started to surface. I noted, for example, that Evans and Novack, in their September 21 column in the Washington Post, were suggesting that the issue comes down to a question of whether "the leader of Israel shows more political clout than the President himself." On the same date, the Post gave space to the Saudi Minister of Commerce who claimed that the decision of 50 Senators to cosponsor a resolution disapproving the sale demonstrated "the power of the Israeli lobby." And even Members of this body have used language which could be interpreted as implying that some of their colleagues are ignoring the critical question of whether this sale is "in the U.S. national interest, not that of another country."

I do not rise today to defend the reasoning of those of us who have made the decision to oppose this sale nor to impugn the intelligence of those who have decided to support it. Rather I rise to express my faith in the integrity of both groups. And in doing so, I would call the attention of my colleagues to two points.

First, according to the Secretary of State—a man not noted for pulling his punches or escaping difficult questions with diplomatic generalities—there has been no attempt by the Government of Israel to improperly influence this decision. Secretary Haig indicated on September 10 that “it was very clear that Prime Minister Begin recognized that while he has the right and the obligation to express his concerns, that this is a U.S. decision to make. During this visit, it was clear that the Prime Minister did not interpose himself in this process, and I do not believe he intends to do so.”

Second, I would call the attention of my colleagues to the very clear fact that Senators are making decisions on this issue not on political pressures or “foreign” influences, but rather on the basis of the facts before them. If any evidence for this claim is needed, I would suggest that one might profit from a careful study of the way Senators voted on the 1978 decision to sell F-15s to Saudi Arabia and the stated intention of some of the same individuals to oppose this sale. My analysis of the 1978 vote and the list of cosponsors of the resolution of disapproval already filed on this 1981 sale indicate that of the 32 Members now serving who voted for the 1978 sale, six have already indicated their intention to oppose the current package. In this context, a recent Wall Street Journal story about the decision of one of our colleagues, Senator EAGLETON, may be instructive, and I ask that the article appear in the RECORD at the conclusion of my remarks.

Mr. President, my purpose today is simply to recognize that the sale proposed by the administration will lead to an important, and, I suspect, emotional debate. As we go into that debate, we ought to do what we can to focus on the issues which really matter. However one adds up the merits and demerits of the proposed sale, there are no merits to any suggestion that Members of this body will approach this issue with anything but a deep and sincere commitment to discover what course of action is in the best interests of the country to which we have all sworn allegiance.

The article follows:

[From the Wall Street Journal, Sept. 21, 1981]

**POLITICIANS DON'T PLAY POLITICS
ALL THE TIME**

(By Albert R. Hunt)

WASHINGTON.—When Congress takes up the administration's controversial plan for new arms sales to Saudi Arabia this summer or fall there'll be a lot of talk about the powerful Israeli lobby.

The Israelis oppose the plan, especially the sale of the sophisticated radar planes called AWACS. It's widely assumed that many members of Congress, with an eye to Jewish votes and financial support at home, will be influenced more by pro-Israel political pressure than by the merits of the issue.

Already, one of the leaders in the fight against the sale is Sen. Thomas Eagleton.

At some point, no doubt, someone will accuse the Missouri Democrat of buckling to the Israeli lobby.

The charge won't wash. In 1978, Mr. Eagleton voted for a hotly disputed sale of F15 jet fighters to the Saudis; he believed those planes would serve a legitimate defensive need while he sees the aircraft and equipment now offered as holding dangerous offensive potential. The Senator's 1978 vote preceded his re-election contest last year, and an officeholder is never more vulnerable to political and financial pressures than shortly before an election. This year, having just won re-election, Mr. Eagleton is more a political free agent than at any other time during his term; he could ignore the Israeli lobby.

The point is not whether Mr. Eagleton is right in his opposition to the Saudi arms sale now or in his support for the sale three years ago. Rather, it is that he and many of his congressional colleagues do decide some important issues according to what they think is right rather than on the political passions of the moment.

“The two biggest political lies,” says the Missourian, are “one, to say a Senator never takes into account the political ramifications of a vote and secondly, almost an equal lie, is to say the only thing a Senator considers is the politics.”

In an era of easy cynicism, Sen. Eagleton's second point isn't readily accepted. Even many knowledgeable observers tend to see purely political motivations behind most lawmakers' behavior. The reality is much less interesting. On scores of issues, a wide variety of politicians—Republicans and Democrats, liberals and conservatives—agonize over conflicting claims and genuinely try to come down on the side where they think the national interest lies.

Take the current battle of the budget. Many Republicans and some Southern Democrats harbor private doubts about some of President Reagan's spending and tax prescriptions. But they also think the administration is moving in the proper direction and many of its specific plans seem sensible. Thus the strong support the President is receiving in Congress is based as much on conviction as on any lock-step loyalty or political fear.

For their part, many mainstream Democrats realize the old politics of “tax and spend” is as bankrupt economically as it is politically. But they also truly believe the Reagan approach is too indiscriminate and that some of the specifics—particularly the tax-cut proposals—don't make any sense. So their resistance reflects sincere differences with the President as much as any caving-in to powerful constituencies.

“Ronald Reagan has performed an important political service,” muses one House Democratic leader. “On domestic issues, at least, he has drawn a line and set the stage for a serious debate over the role of government.” Politics will, and should, play a part in this debate but the issues to be decided transcend the politics of the moment.

If the administration ever gets its act together on foreign policy, an equally important debate is possible on that whole subject. And there is much more than short-term political calculation involved in the sharply differing views voiced on Capitol Hill and elsewhere about arms control, human rights and relations with the Soviets.

Certainly no self-respecting politicians will deny they are affected by political considerations. “If on 20 major issues you steadfastly oppose the prevailing opinion of your constituents you're probably in your last term,” notes Sen. Eagleton. “But you do pick some issues that you think are important and on these issues you owe your constituents your judgment.”

That's what Sen. Eagleton did on the 1978 sale of F15s to Saudi Arabia. “Many of my most devoted supporters and good friends in the Jewish community were strongly opposed to that sale,” he recalled.

But Sen. Eagleton became convinced that the Saudis were an important ally and that the F15s were defensive weapons posing minimal risks for Israel. So, despite the urgings of his friends, he voted for the sale. In 1980, his support slipped a little in heavily Jewish areas of Missouri but he still carried them handily.

Viewing the sale now proposed, the Senator is convinced that the planned “enhancement” of the F15s with missiles and extra fuel tanks goes beyond defensive purposes. And he thinks the Israelis have legitimate concerns about the AWACS radar planes. “There's no way to make an AWACS just a defensive plane,” he says. “It is what it is.”

The issue is far from settled; the administration and some other Senators may effectively counter such arguments. But when Mr. Eagleton takes a leading role against the sale, it is not because he is the puppet of a powerful lobby. He and most of the other 99 Senators likely to decide the issue will vote the way they think is right. ●

PAST SHAME, PRESENT PRIDE

● Mr. EAST. Mr. President, today's Wall Street Journal contains an excellent column by Vernon Royster, in which Mr. Royster sets the record straight on a CBS documentary about race relations at the University of North Carolina. Mr. Royster is a UNC graduate, and does his alma mater proud in this column. I ask that the complete text be reprinted in the RECORD.

The article referred to is as follows:
[From the Wall Street Journal, Sept. 23, 1981]

THINKING THINGS OVER

(By Vermont Royster)

In the interest of full disclosure, I should explain straight away that I'm Tar Heel born, a graduate of the University of North Carolina, and I rise to the defense of my native state.

I begin with the miscellaneous collection of facts, chosen at random, about the progress toward integrating blacks and whites in the state's 16 institutions of higher education.

In the medical school at the University at Chapel Hill, 13 percent are black, a higher percentage than the national average or at Harvard medical school. Between the 1972-73 academic year and that of 1980-81 the total enrollment of all students in the system rose by 33.6 percent. The number of black students rose by 50.9 percent.

Of the state's 16 institutions some began in the days of segregation as all white, others all black. North Carolina Central University, for example, began as an all-black college. The University at Chapel Hill was all white.

Today at the UNR-CH, some 8 percent of the students are black. At NCCU more than 10 percent are white; in the NCCU law school, 40 percent of the students are white. Of the colleges which remain predominantly white, the increase in black enrollment is nine times greater than the increase in white enrollment. In the schools still predominantly black, the enrollment of white students increased by 193 percent between 1972 and 1980.

This miscellaneous collection of figures doesn't suggest that every one of the 16 institutions is ideally balanced between white and black students. It does suggest, I think, the enormous progress made in the racial mix in the past decade where the

doors of every institution are open to students of every racial or ethnic background.

You would have received no hint of this, however, if you tuned in Sunday morning, Sept. 13, to the CBS program presided over by Charles Kuralt. Your impression would be that North Carolina was still frozen in the segregation pattern of the early 1960s.

So lopsided was this presentation that a week later Mr. Kuralt tried to correct the impression, not by any admission that it was lopsided but rather by running parts of an interview with UNC President William Friday that previously had been omitted. It was a gesture to be appreciated. Aired without any explanation, it must have added to the confusion left on a viewer in Minnesota or Massachusetts.

For the distortion in the original program came both from what was on it and what was left out. One thing on it was some old shots of George Wallace, former governor of Alabama, blocking the entrance of blacks to that state's university. Its relevance to an examination of the situation in North Carolina today remained a mystery.

The program also contained some scenes from the campus at Chapel Hill followed quickly by some from the campus at NCCU. The pictures didn't show any white students at NCCU nor any black students at Chapel Hill. A viewer's impression would be that there were none such.

Lest you missed the message, the program concluded with voice-over sounds of students chanting "two, four, six, eight, we don't want to integrate." There was no explanation where all this chanting happened or that it was taken from 10-year-old soundtracks. A distant viewer might have supposed it all happened yesterday in North Carolina.

The omissions nalled down that impression. No figures were given of racial ratios today on any of the campuses, much less a comparison with a decade earlier. Dr. Albert Whiting, chancellor at NCCU and himself a black, was interviewed but what he had to say must not have fit the message. He wound up as a face on the cutting room floor.

Dr. Whiting's postmortem comment was that "If you are doing a story on segregation and the situation at predominantly black colleges, you really should include some comments from officials at black colleges." Surely a reasonable comment.

By running an extension of President Friday's remarks a week later, CBS did acknowledge it was a bit embarrassed by the shoddy journalism of its first program, and for that recognition it's to be complimented. But the rest of the program's errors of omission or commission were left uncorrected.

My main purpose in bringing up all this, however, isn't to berate CBS, deserved though that might be. My interest is that people outside the region have a truer appreciation than CBS gave them of what has been done in the South to improve black education, particularly in North Carolina. In the past decade, the state has spent nearly \$100 million to upgrade the facilities, faculty and curriculum in its former black colleges. If some remain predominantly black, it's in part because many blacks prefer to do their undergraduate work in familiar surroundings. No law forces white students to attend predominantly black schools. The large proportion of white students at NCCU law school are there to get a legal education and they wouldn't be there if they didn't think that's what they'll get.

One reason North Carolina was singled out for attention by the federal government is that years ago it established more black colleges than other states. It therefore had more to integrate. In a sense it's been penalized for its forehandedness in educating its black citizens.

The centuries of racial discrimination, by no means limited to the South, remain a fact of shame. No one should pretend that for all the progress there isn't much more to be done in North Carolina as elsewhere.

But it's simply wrong to say that after a quarter-century of seeking to remedy the past, nothing has changed. As a Southerner, I'm proud of my region, my state and my alma mater, and I want everyone to know it. ●

INFLATION AND HIGH INTEREST RATES

● Mr. PRYOR. Mr. President, I should like to call to the attention of the Senate a resolution adopted at the 35th annual Meeting of the Southern Legislative Conference expressing the conference's concern about the economic policies of this Nation which affect the level of interest rates and about the effects of high interest rates on agricultural exports.

As most Members of this body know, the Southern Legislative Conference is comprised of State lawmakers and executive agency officials from 15 Southern States and Puerto Rico. It is one of four regional legislative conferences affiliated with the Council of State Governments, a national organization serving all State officials with headquarters in Lexington, Ky.

I am particularly proud that the 1981-82 conference chairman is State Representative John E. Miller and that the chairman of the Agricultural and Rural Development Committee and the drafter of this particular resolution is State Representative Charles R. Moore, both of my home State of Arkansas.

I know that my colleagues share my deep concern over the harmful effects of our present high interest rates, and the need to find new ways to curtail inflation while allowing interest rates to come down.

I ask that the resolution of the Southern Legislative Conference be printed in the RECORD.

The resolution follows:

RESOLUTION

URGING PRESIDENT REAGAN AND THE UNITED STATES CONGRESS TO INVESTIGATE ALTERNATIVES TO THE FEDERAL RESERVE BOARD'S PRESENT METHODS FOR CONTROLLING INFLATION

Whereas, the decision by our governmental leaders to embargo sales of American farm products to Russia had a lasting detrimental price effect on farm products by curtailing export volume; and

Whereas, the policy of the Federal Reserve Board, in an attempt to control inflation, is to create high interest rates; and

Whereas, farmers must borrow money to make their crops, and due to the present Federal Reserve Board policy the cost of such borrowed money is excessive; and

Whereas, the actions of the Federal Reserve Board have substantially strengthened the value of the American dollar against foreign currency, which in turn makes American farm products less attractive to foreign buyers; and

Whereas, all these factors continue to drive farm prices lower with no permanent relief in sight: Now therefore, be it

Resolved, by the Committee for Rural and Agricultural Development of the Southern Legislative Conference, That President Ronald Reagan and the United States Congress investigate alternatives to the present

method used by the Federal Reserve Board to control inflation, which method is resulting in high interest rates, discouraging productivity, creating unemployment and leading to uncertainty for future planning for American businessmen and farmers.

Adopted August 19, 1981 by the Southern Legislative Conference, Charlotte, North Carolina. ●

TV'S TED TURNER

● Mr. SYMMS. Mr. President, many Americans resent the news monopoly exercised by the three major television networks. There often seems to be little alternative to the look-alike and sound-alike "media personalities" of CBS, NBC, and ABC. Fortunately, an alternative is developing, and if it is not generally available, its coverage is expanding and its influence is being felt, even by the Big Three themselves.

I refer, Mr. President, to Mr. Ted Turner's WTBS and the Cable News Network that originates with that same broadcaster. CNN is a 24-hour network that permits much more extensive and flexible coverage of news and opinion than is possible on ordinary television channels. The range of opinion that appears on CNN is a welcome change. CNN carries everything from Bella Abzug to Phyllis Schlafly, in true opinion programs, not the edited snippets that will appear on prime time TV news programs.

Mr. President, we should pay more attention to the innovative figures now starting to appear, thanks to technical innovation. For that reason, I would like to insert into the RECORD an interview with Cable Network News' Ted Turner, so that my colleagues can have some exposure to this intriguing and important figure. I ask that the interview be printed at this point.

The interview follows:

[From the Review of the News, July 8, 1981]

TV'S TED TURNER

(By John Rees)

Over the decade since he purchased an independent UHF television station in Atlanta, Robert Edward "Ted" Turner has repeatedly made television history. In December 1976, Turner's WTBS became the first "Super Station" in the cable television field, beaming its signal via a satellite system to make its programs available to more American families than any other cable programmer. On June first of last year, Ted Turner was again impressing his industry when the Turner Broadcasting System started operation with the Cable News Network. The CNN provides live, all-news coverage 24 hours a day on cable systems across the country. This increases public awareness of breaking news stories and gives in-depth background to current stories which neither the 30-minute evening news programs nor the "magazine" format of the morning news shows can provide.

The Turner family has lived in Georgia since Ted's millionaire father moved them to Savannah when Ted Turner was nine. An enthusiastic student of history and the classics, young Turner attended military prep schools where he distinguished himself in debating, sportsmanship, and hijinks. At Brown University he majored in classics and was vice president of the debating union. After service in the Coast Guard he returned to Georgia as an executive with the family-owned Turner Advertising Company just before his father's death.

Becoming president and chief executive officer of the various Turner companies in 1963, Ted promptly demonstrated a fierce competitive drive and remarkable head for finance. Controversial, flamboyant and highly outspoken, energetic, and deservedly self-confident, Ted Turner has shown an uncanny flair for turning other men's sow's ears into his own silk purses. Last year he was awarded the Freedom Foundation's "Private Enterprise Exemplar Medal."

And Turner is as well known as a sportsman as he is for his communications companies. He bought the Atlanta Braves baseball team in 1976, and followed that by acquiring ownership of the Atlanta Hawks basketball team the next year, and the Atlanta Chiefs soccer team two years ago. A sailing enthusiast from age 11, he four years ago successfully defended the America's Cup.

Ted Turner, his wife Jane, and their five children live in Marietta, Georgia.

Q. Mr. Turner, tell us about your cable television operation. Who sees your programs and what do you offer that the other three networks do not?

A. The first of our two cable television programming services is WTBS, which started out as a local, independent UHF station in Atlanta. It was the first commercial television station to go on to the satellite and make itself available to cable systems across the United States. Now WTBS, the Super Station, is the most widely available cable program service in over 60 percent of all the cable households in the country. More and more people are choosing cable television. According to the Nielsen statistics, 20 percent of the homes in America now have it and this percentage is growing.

As for what we offer, WTBS is primarily an entertainment network. One of our specialties is to make available the quality older movies which express sound values. We have close to 3,000 movies under contract, including most of those made by John Wayne and Bing Crosby. We also carry many sports programs and offer the best of the older syndicated programs like Andy Griffith, Carol Burnett, and "Sanford and Son." We run a fair amount of news as well, and we don't run the offensive soap operas.

Q. How do you feel about the growing demand for less violence and more decency and morality in television programming?

A. We have been widely endorsed for our approach. In fact, one of our programs on the Super Station, WTBS, is by the Moral Majority and the Council for Decency.

Q. Tell us about your Cable News Network.

A. I think our CNN is the world's finest 24-hour all-news television service. We try to present a balanced, in-depth coverage of the news, including aspects like business news and medical news that are glossed over on the major networks. We are more like a newspaper of the air. We have a broad range of editors, some of them highly controversial. They range from Senator Barry Goldwater to Bella Abzug, from Phyllis Schlafly to Coretta King. I want to present a sort of Op-Ed page of opinions from both Conservatives and "Liberals" so that people can make their own decisions. And CNN can be received from Puerto Rico all the way to Alaska and Hawaii.

Q. Do you feel the other networks are not balanced in their news?

A. That's right: NBC, ABC, and CBS are unbalanced. We feel they are basically anti-business. And they spend too much time dealing with merely sensational matters because they are always in a rating race.

Q. How many people are watching and what is the break-even point for CNN?

A. The Cable News Network is already in nine percent of the homes in the U.S. We are approaching seven million homes. In another six months, we should be close to 15 percent of the homes in the country. Nine or

ten million homes will be the break-even point.

Q. And the Super Station?

A. In another six months, WTBS will be in 23 percent of American homes.

Q. Is Atlanta a good base for communications operations?

A. It is a perfect place. The other networks come completely out of New York and Los Angeles. They are oriented towards big-city violence, slick sex, and things like that. Our networks come out of Atlanta and are more in line with Middle America. Our whole outlook on life is less cynical and less sensational and more pro-family. We bring diversity, representing more of the country; not just New York and Los Angeles where they are on cocaine half the time.

Q. What sort of resistance are you meeting from the established networks?

A. One of the reasons I am in Washington is to fight regulations against cable television development. The National Association of Broadcasting and several of the groups aligned with it are now trying to legislate us out of business. It's the old story: The monopolists in every field come to Washington and try to get regulations passed to make it impossible for their potential competitors to develop.

Q. Do you think Free Enterprise will prevail in the case of cable television and you will be allowed to meet the demands of the marketplace?

A. Do I think that we will be successful? Absolutely. We have already fought this same gang before the Federal Communications Commission and won. When we won, they went over the head of the F.C.C. to the House and Senate Commerce Committees, but we won there too.

Now the anti-cable group is going at it from a different angle. They have full-time lobbyists in Washington and batteries of lawyers trying to develop some new angle. Currently they are trying to work through the Justice Department and the Justice Committees. They got the jump on us again by starting their campaign here in Washington while we were down in Atlanta paying attention to our business.

Q. You mentioned that one of the features of your cable television news network is providing information that other television news programs usually do not cover.

A. Business news is typical. The major print media and newspapers like the Wall Street Journal provide in-depth reports on current business news. But the Big Three networks do not because the percentage of the population involved in handling or investing money is too small an audience to interest them. We have news bureaus in New York, on Wall Street, and in Washington where we employ commentators. The business news comes on at 7 P.M. Eastern time, Monday through Friday.

Q. Obviously the Big Three networks means to hold onto their monopoly and have little good to say about CNN, but what has been the response from newspaper journalists? Do they think you will put the printed news out of business?

A. Journalists generally have applauded what we are doing, and were reasonable in pointing out any early rough spots. Our major innovation has been live coverage of important public events. We covered the Haig confirmation Hearings, for instance, from gavel to gavel.

Q. And you provide extensive political coverage?

A. Frankly, I think we had a very healthy impact on the 1980 elections. The better informed the voters are, the better the results in the elections. We are in a great position to inform people about the issues, nationally and internationally.

Q. Seeing someone like you take on the big networks has long been a dream of many of

us. But the task seems so enormous. How did Ted Turner become so competitive?

A. I guess I was born with it. When I got my first sailboat I was 11. I couldn't sail, but I just kept trying out on the Savannah River in weather that drove everybody else in. They called me Turnover Turner because I was in the water so much.

Q. Are you still doing ocean racing?

A. I have temporarily retired from ocean racing because my work is requiring my absolute attention. I spend a little time on my company's sports teams, but most of it is devoted to working in the television field.

Q. I saw a report recently that said there is demand for soft-core porn on cable television. Is that going to be added to the Super Station format?

A. There are some cable programming services that offer R-rated movies, but I want no part of that. Though, frankly, there is so much suggestive, sleazy material on the over-the-air networks already that the sex doesn't bother me as much as the violence. What gets to me is that they are using the public airways to destroy morals and family virtues, and to incite violence. As for most of the Hollywood movies being made today—well, that's part of the reason I came up to Washington.

Q. What do you mean?

A. Last night we had a presentation to which we invited all the Members of the House and Senate to see some of the programs we have done reporting on movie and television practices. I have asked Congress to conduct an investigation into the three networks and the motion picture industry because I think these aspects of our media are doing their dead level best to destroy this country.

Current programming by the three major networks is out-and-out pollution. There needs to be a sense of responsibility at the highest network levels.

Q. Do you think the visual presentation of wanton violence and promiscuous sex has a more serious effect than similar presentations in printed material?

A. Those who work with children and young adults have found that what children see happening has a greater impact on their memories than what they read. Network television is the most powerful communications and propaganda medium that the world has ever seen, and I repeat, the programming it presents now is pollution. Our young people are watching programs daily which are molding their values to a far greater degree than what is taught in the home and in our schools. They are being poisoned.

Q. Is this deliberate?

A. That's hard to answer. It's just as harmful either way. You know, if you shoot somebody accidentally, they are just as dead as if you shot them deliberately.

But there is a growing body of evidence, which for the most part is hidden by the network news departments, that the television and movie industries are doing real harm to traditional values. I think this is the basic reason for the growing crime rate and the dissatisfaction with our institutions, the anti-military attitude, and so forth. The three major over-the-air networks are anti-religion, anti-business, and anti-family.

Q. What could Congressional Hearings do to help?

A. They would focus attention on the programming practices of the three networks and on the motion picture industry and review the evidence as to whether real harm is being done. Certainly the print media would cover it. Faced with the evidence, the American people would cry out for massive change in network programming and motion-picture releases. Middle America would like to see changes in which the good guy is glorified, not the bad guy; changes from indecency to decency, from immorality to morality. They

would like to see programming that appeals to the best in human nature instead of the worst.

Q. Are you looking for some sort of federal censorship board to determine what should be shown?

A. Just getting the issue out on the table would have some corrective effect because the networks would make changes to protect themselves. As for what actions should be taken afterwards against the monopolists, I would leave that to our elected officials. After all, ABC, NBC, and CBS hold their monopoly because of government regulation of the marketplace. When they abuse that monopoly it is public business.

Q. You must have some ideas on how the networks might be chastised if the evidence did prove wrongdoing?

A. First, we have to remember that the First Amendment guarantees free speech. But each of the networks owns five television licenses in the largest markets in the country. They were given those licenses free of charge and government defends them from competitors. But they were given those monopolies with the understanding and proviso and mandate that they would use their facilities in the public interest. I think it could be proved that they have not served the public interest but the public disinterest. Those monopolies should be taken away.

Q. What do you think of the sort of "information monopoly" that occurs when the major newspapers and television or radio systems keep acquiring more and more outlets in communications fields?

A. Well, it is no longer permitted for newspapers to own television stations in the same market. But of course they can own them in other areas. There have been suggestions from time to time that divestment be required. Personally, I know enough about what has been going on to think they should be required to divest.

Q. In this same general area, for example, time magazine has moved into the motion-picture industry, into cable television, into books, and of course into Washington with purchase of the Washington Star. Do you feel that is too much of a concentration of power in the sensitive communications industry for one company?

A. That is not a monopoly situation because, in all those areas, Time has strong competition. But certainly the trend is toward concentration. Unfortunately that's more or less the story of what's been going on in communications. Very few television stations in the top 50 market are owned by individuals any more. They mostly are owned by Establishment conglomerates like Westinghouse, General Electric, or Metromedia.

Q. Isn't it the same story in cable television?

A. It's happening now. We are supposed to encourage competition in America, but the Justice Department's antitrust group allows these mergers all the time.

Q. Does the network news monopoly have an adverse effect on CNN's news-gathering capability?

A. That is the reason we filed suit against ABC, CBS, and NBC for damages and relief from their violations of the U.S. antitrust laws resulting from their practice of "pooling" news coverage. In the CNN suit we also named the President, his chief of staff, and his deputy press secretary for violating CNN's right to equal access to cover the Presidential news conferences, trips, and activities.

Q. I believe the networks implied your suit was frivolous.

A. It's not a bit. All we want to do is cover the news completely and accurately. That is part of our First Amendment rights. No one should abridge our constitutional right to cover the news.

Q. Why did you make President Reagan a party to your suit? Are you suggesting that

he, a former media professional, is hostile to complete coverage?

A. Our action is not aimed at the President himself, but at a relatively new White House policy, apparently developed by his staff, that seeks to limit access to news events to a select few. I think that flies in the face of everything for which America stands.

The three major networks should not be able to dictate the terms of our coverage, limit its scope, or combine their resources effectively to prevent CNN from competing with them. And the President's staff should not be able to deny CNN equal access to cover Presidential activities and White House events.

Q. Did you try to reach some sort of negotiated agreement with the Big Three regarding the White House pool before filing suit?

A. Our efforts outside the legal process to break this monopoly have been fruitless. For at least 15 years ABC, CBS, and NBC have been the principal participants in the market for the production of television news programming. They have enjoyed a monopoly over this market. No more.

Q. Some of us would like to see open competition in television to let the market decide. I know you are a competitor. Why do you work so hard? Is it the competition, money, happiness?

A. When people look back, the happiest times of their lives are when they got together with other people and did something. When people are excited and motivated, they'll work the hardest and have the most fun. The American system rewards that. You know the one area in which American society has failed is that we've conned people into thinking that if you're rich, you will be happy. I've seen poor people who were happy and wealthy people who were miserable. The happiness is in the work. ●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, the Chair a moment ago advised me that two rollcall votes had been ordered on tomorrow on the foreign assistance bill.

In order to accommodate those two rollcall votes and other legislative business that must be transacted tomorrow, I now propound the following statement and request:

After consulting with the minority leader, which I have now done, I will ask the Senate to proceed at 10 a.m. tomorrow to lay aside temporarily S. 1196 and proceed to the consideration of the continuing resolution, House Joint Resolution 325, assuming that resolution has reached the Calendar of Legislative Business as contemplated by the order previously entered.

ORDERS FOR THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that at 12:30 p.m. tomorrow the continuing resolution, if it is then pending before the Senate, be temporarily laid aside and that the Senate resume consideration of S. 1196, the Foreign Assistance Act.

I further ask unanimous consent that the two rollcall votes ordered today on S. 1196 be deferred until tomorrow at the hour of 1 p.m. and at that time they occur back to back with the first rollcall vote being 15 minutes in length and the second rollcall vote being 10 minutes in length.

Mr. President, finally, I ask unanimous consent that upon completing of the

aforsaid voting the Senate return to the consideration of House Joint Resolution 325, the continuing resolution.

The PRESIDING OFFICER. Is there any objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, the request comports with the order that was entered I believe on yesterday.

The distinguished majority leader has consulted with the minority leader in accordance with the order.

The order provided that the majority leader could under those conditions call the matter up before the Senate on tomorrow at any time after consulting with the minority leader, provided that the subject matter had been placed on the calendar, and it appears that that will be done, the Appropriations Committee having acted today to report the continuing resolution.

The setting of the votes, it would seem to me, comes at a time which should accommodate most Senators. There was some brief discussion of that matter earlier today when the distinguished majority leader indicated he would like to set the votes on tomorrow at circa 10:30 a.m., and Mr. BAUCUS indicated it would please him if the votes could occur a little bit later than that. So I should think that the order which the distinguished majority leader is now presiding should accommodate Senators, and I have no objection.

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

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

Mr. BAKER. Mr. President, I have a few other housekeeping details.

ORDER FOR THE RECOGNITION OF SENATOR WALLOP TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that tomorrow after the recognition of the two leaders under the standing order, the distinguished Senator from Wyoming, the chairman of the Ethics Committee (Mr. WALLOP) be recognized on special order for not to exceed 5 minutes.

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

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have a number of unanimous consent requests which bear a notation in my files that they had been submitted to the minority leader.

I shall state them now for the consideration of the minority leader and other Senators.

ARMED FORCES PAY ACT OF 1981

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1181.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1181) entitled "An Act to amend titles 10 and 37, United States Code, to increase the

pay and allowances and benefits of members of the uniformed services and certain dependents, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Armed Forces Pay Act of 1981".

PAY INCREASE OF 14.3 PER CENTUM FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. 2. (a) Any adjustment required under the provisions of section 1009 of title 37, United States Code, relating to adjustments in the compensation of members of the uniformed services, that would otherwise first become effective beginning with any pay period in fiscal year 1982 shall not become effective.

(b) (1) Subject to the provisions of paragraph (2), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 14.3 per centum effective with the first pay period beginning after September 30, 1981.

(2) The President may allocate the percentage increase specified under paragraph (1) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b) (3) of section 1009 of such title, except that the provisions of subsection (d) (2) (B) of such section shall not apply to this subsection or any action of the President under this subsection.

REENLISTMENT AND ENLISTMENT BONUSES

SEC. 3. (a) Section 308(e) of title 37, United States Code, is amended to read as follows:

"(e) Any unserved period of an enlistment (including any extension of enlistment, for which no bonus has been paid or for which no bonus is otherwise payable under this section may, under regulations prescribed by the Secretary concerned, be considered as part of an immediately subsequent term of reenlistment (or as part of an immediately subsequent voluntary extension of an enlistment) for the purpose of determining the eligibility of the member for a bonus under this section and for the purpose of computing the amount of such bonus."

(b) Section 308a of such title is amended—

- (1) by striking out "for a period of at least four years";
- (2) by striking out "to a total of at least four years"; and
- (3) by striking out "\$5,000" and inserting in lieu thereof "\$10,000".

SPECIAL PAY FOR UNUSUALLY HAZARDOUS DUTY OR DUTY PERFORMED UNDER UNUSUALLY SEVERE WORKING CONDITIONS

SEC. 4. (a) Chapter 5 of title 37, United States Code, is amended by adding at the end thereof the following new section:

"§ 315. Special pay: unusually hazardous duty or duty performed under unusually severe working conditions

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is entitled to basic pay may be paid special pay, in the amount set forth in subsection (b) of this section, for any month during which the member performs duties that have been determined by the Secretary concerned to be—

"(1) unusually hazardous; or

"(2) performed under unusually severe working conditions.

"(b) Special pay payable under subsection (a) of this section shall be paid at the rate of \$110 per month, in the case of an

officer, and at the rate of \$55 per month, in the case of an enlisted member.

"(c) (1) A member may not be paid more than one payment of special pay under this section for any month.

"(2) A member may not be paid special pay under this section for any period of service for which that member receives special or incentive pay under section 301, 301a, 301c, or 304 of this title.

"(d) In time of war, the President may suspend the payment of special pay under this section."

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

"315. Special pay: unusually hazardous duty or duty performed under unusually severe working conditions."

DUTY REQUIRING AN ENGINEERING OR SCIENTIFIC SKILL DESIGNATED AS CRITICAL

SEC. 5. (a) Chapter 5 of title 37, United States Code, is amended by adding after 315 (as added by section 4) the following new section:

"§ 316. Special pay: engineering and scientific career accession bonus and continuation pay

"(a) In this section, the term 'engineering or scientific duty' means service performed by an officer holding a degree in engineering or science from an accredited college or university that requires a skill designated under regulations prescribed by the President as critical and that requires an engineering or science degree.

"(b) Under regulations prescribed by the President, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty; and

"(3) executes a written agreement to serve on active duty for detail to engineering or scientific duties for a period of at least four years;

may be paid, in addition to all other compensation to which the officer is entitled, a bonus in an amount not to exceed \$15,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

"(c) Under regulations prescribed by the President, an officer of an armed force who—

"(1) is entitled to basic pay;

"(2) is below the pay grade of O-7;

"(3) has been certified by the Secretary concerned as having the technical qualifications for detail to engineering or scientific duty;

"(4) has completed at least three but less than nineteen years of engineering or scientific duty as an officer;

"(5) is not serving a period of obligated service under subsection (b) of this section; and

"(6) executes a written agreement to remain on active duty for detail to engineering or scientific duty for at least one year, but no more than four years, of active service;

may, upon acceptance of the written agreement by the Secretary concerned, be paid, in addition to all other compensation to which the officer is entitled, an amount not to exceed \$3,000 multiplied by the number of years, or monthly fraction thereof, of obligated service to which the officer agrees under the agreement. The total amount payable may be paid in a lump sum or in equal periodic installments, as determined by the Secretary concerned.

"(d) (1) An officer who does not serve on active duty for the entire period for which he has been paid under subsection (b) or (c) of this section shall refund that percentage

of the payment that the unserved part of the period is of the total period for which the payment was made. Nothing in this subsection shall alter or modify the obligation of a regular officer to perform active service at the pleasure of the President. Completion by a regular officer of the total period of obligated service specified in an agreement under subsection (b) or (c) of this section does not obligate the President to accept a resignation submitted by that officer.

"(2) Subject to paragraph (3) of this subsection, an obligation to reimburse the United States imposed under paragraph (1) of this subsection is for all purposes a debt owed to the United States.

"(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) of this subsection if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

"(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under such agreement or under paragraph (1) of this subsection. This paragraph applies to any case commenced under title 11 after September 30, 1981."

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

"316. Special pay: engineering and scientific career accession bonus and continuation pay."

RATE FOR MEALS PORTION OF PER DIEM FOR CERTAIN MEMBERS AWAY FROM DESIGNATED POST OF DUTY

SEC. 6. Section 404(b) of title 37, United States Code, is amended by adding at the end thereof the following new sentence: "In prescribing such conditions and allowances, the Secretaries concerned shall provide that a member who is performing travel under orders away from his designated post of duty (other than a member on field duty or sea duty, as defined in regulations prescribed under section 402(e) of this title, or a member of a unit operating in an overseas area in a case in which the Secretary concerned has determined that unit messing is essential to the accomplishment of that unit's training and readiness) shall, whenever a per diem is authorized under clause (2) of subsection (d) of this section, be paid for the meals portion of that per diem in a cash amount at a rate that is not less than the rate established under section 1011(a) of this title for meals sold to members."

TEMPORARY LODGING EXPENSES

SEC. 7. (a) (1) Chapter 7 of title 37, United States Code, is amended by inserting after section 404 the following new section:

"§ 404a. Travel and transportation allowances: temporary lodging expenses

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who is ordered to make a change of permanent station to another station in the United States may be paid or reimbursed for subsistence expenses actually incurred by the member and the member's dependents during a period not exceeding four days while occupying temporary quarters incident to that change of permanent station.

"(b) Regulations prescribed under subsection (a) of this section shall prescribe average daily subsistence rates for purposes of this section for the member and for each dependent. Such rates may not exceed the maximum per diem rates prescribed by or under section 404(d) of this title for the area where the temporary quarters are located."

(2) The table of sections at the beginning

of such chapter is amended by inserting after the item relating to section 404 the following new item:

"404a. Travel and transportation allowances: temporary lodging expenses."

(b) Section 411(a) of such title is amended by inserting "404a," after "(d)-(f)."

ADVANCE PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 8. (a) Section 405(a) of title 37, United States Code, is amended by inserting after the second sentence in that section the following new sentence: "Such allowances may be paid in advance."

(b) Section 406(a) of such title is amended by adding at the end thereof the following new sentence: "Travel and transportation allowances authorized by this section may be paid in advance."

(c) Section 407(a) of such title is amended by adding at the end thereof the following new sentence: "An allowance payable under this section may be paid in advance."

TRAVEL AND TRANSPORTATION FOR MEMBERS SERVING CONSECUTIVE ASSIGNMENTS OVERSEAS

SEC. 9. Section 411b(a) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by inserting "who is ordered to a consecutive tour of duty at the same duty station or" after "District of Columbia"; and

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

"(2) If, because of military necessity, a member authorized travel and transportation allowances under this subsection is denied leave between the two tours of duty overseas, the member shall be authorized to use such travel and transportation allowances from his current duty station at the first time the member is granted leave."

TRAVEL FROM ISOLATED DUTY STATIONS AND TRAVEL INCIDENT TO EMERGENCY LEAVE

SEC. 10. (a) Chapter 7 of title 37, United States Code, is amended by inserting after section 411b the following new sections:

"§ 411c. Travel and transportation allowances: travel performed in connection with leave from certain stations in foreign countries

"(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service, while serving at a duty station abroad in an area specifically designated by the Secretary concerned for purposes of this section, may be paid transportation—

"(1) to another location abroad having different social, climatic, or environmental conditions than those at the duty station at which the member is serving; or

"(2) to a location in the United States.

"(b) The transportation authorized by this section is limited to payment for transportation of the member, and of each dependent of the member authorized to reside at

the member's duty station, for one roundtrip during any continuous two-year tour and two roundtrips during any continuous three-year tour.

"§ 411d. Travel and transportation allowances: transportation for members stationed abroad and dependents incident to emergency leave

"(a) Under uniform regulations prescribed by the Secretaries concerned, roundtrip transportation for a member stationed overseas and for dependents of the member authorized to reside at the member's duty station may be provided from the member's duty station to the United States or its possessions incident to emergency leave granted for reasons of personal emergency (or, in the case of transportation provided only for a dependent, under circumstances involving a personal emergency similar to the circumstances for which emergency leave could be granted a member).

"(b) Transportation under this section may be authorized only upon a determination that, considering the nature of the emergency involved, Government transportation is not reasonably available. Transportation authorized under this section shall be limited to the cost of Government-procured commercial roundtrip air travel from the international airport nearest the location of the member and dependents at the time notification of the emergency is received or the international airport nearest the duty station of the member and dependents in the overseas area—

"(1) to the international airport within the continental United States closest to the overseas airport from which the member or dependents depart; or

"(2) as determined by the Secretary concerned, to an airport within the United States or its possessions convenient to the uniformed service involved.

"§ 411. Travel and transportation allowances: travel performed in certain emergency situations

"Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is performing temporary duty away from his permanent duty station may be paid the travel and transportation allowances provided by section 404 of this title for travel performed from his place of temporary duty to his permanent duty station or to any other location, and return (if applicable), if such travel has been approved because of the serious illness or injury or the death of a dependent of the member. Travel and transportation to a location other than the permanent duty station of the member may not be paid under this section in excess of the amount for such travel and transportation to the member's permanent duty station, and return (if applicable)."

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411b the following new items:

"411c. Travel and transportation allowances: travel performed in connection with leave from certain stations in foreign countries.

"411d. Travel and transportation allowances: transportation for members stationed abroad and dependents incident to emergency leave.

"411e. Travel and transportation allowances: travel performed in certain emergency situations."

UNIFORM ALLOWANCES AND ADVANCED PAY FOR MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

SEC. 11. (a) Subsection (a) of section 415 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof "; or"; and

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

"(4) upon reporting for the first period of active duty required by section 2121(c) of title 10, United States Code, as a member of the Armed Forces Health Professions Scholarship Program."

(b) Section 1006 of such title is amended by adding at the end thereof the following new subsection:

"(1) Under regulations prescribed by the Secretary concerned, not more than one month's pay may be paid in advance to a member of the Armed Forces Health Professions Scholarship Program upon reporting for a period of active duty required by section 2121(c) of title 10."

SPECIAL PAY FOR AIR WEAPONS CONTROLLERS ON AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) AIRCRAFT

SEC. 12. (a) Subsection (a) of section 301 of title 37, United States Code, is amended—

(1) by striking out "or" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof "; or"; and

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

"(11) involving frequent and regular participation in aerial flight by an officer (other than a warrant officer) who is serving as an air weapons controller crew member, as defined by the Secretary concerned, aboard an airborne warning and control system aircraft, as designated by such Secretary, and who is not entitled to incentive pay under section 201a of this title."

(b) Subsection (c) of such section is amended—

(1) by inserting "(1)" before "For the performance"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For the performance of hazardous duty described in clause (11) of subsection (a) of this section, an officer is entitled to monthly incentive pay as follows:

"Years of service as an officer as computed under section 205

"Pay grade	2 or less	Over 2	Over 3	Over 4	Over 5	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
0-7 and above.....	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$110
0-6.....	225	250	300	350	400	400	400	400	400	400	400	370	340	310	280	250
0-5.....	200	250	300	350	400	400	400	400	400	400	400	370	340	310	280	250
0-4.....	175	225	275	335	400	400	400	400	400	400	400	370	340	310	280	250
0-3.....	125	156	188	206	400	400	400	400	400	400	400	350	300	300	275	250
0-2.....	125	156	188	206	250	300	300	300	300	300	300	300	300	300	275	220
0-1.....	125	156	188	206	250	250	250	250	250	250	250	250	250	250	230	200."

INCREASE IN NUMBER OF SENIOR RESERVE OFFICERS' TRAINING CORPS SCHOLARSHIPS

SEC. 13. Section 2107(h) of title 10, United States Code, relating to financial assistance for specially selected members, is amended—

(1) by striking out "6,000" and inserting in lieu thereof "8,000"; and

(2) by striking out "6,500 and inserting in lieu thereof "9,500".

EFFECTIVE DATES

SEC. 14. (a) Except as provided in subsection (b), the amendments made by this Act shall take effect on October 1, 1981.

(b) The amendments made by section 7 shall take effect on April 1, 1982.

Amend the title so as to read: "An Act to increase the pay and allowances of members of the Armed Forces."

Mr. BAKER. Mr. President, I move that the Senate disagree with the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon and

that the Chair be authorized to appoint conferees on behalf of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. LAXALT) appointed Mr. TOWER, Mr. JEPSEN, Mr. COHEN, Mr. QUAYLE, Mr. DENTON, Mr. STENNIS, Mr. EXON, Mr. HARRY F. BYRD, JR., and Mr. NUNN conferees on the part of the Senate.

ORDER HOLDING H.R. 3136, THE OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENT ACT OF 1981, AT THE DESK

Mr. BAKER. Mr. President, I ask unanimous consent that the House message, H.R. 3136, the Overseas Private Investment Corporation Amendment Act of 1981, be held at the desk pending further disposition.

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

THE CULTURAL LAUREATE PROGRAM

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Resolution 118, a resolution commending the cultural laureate program, and I ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. Res. 118) commending the cultural laureate program.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? There being no objection, the Senate proceeded to consider the resolution.

The question is on agreeing to the resolution.

The resolution (S. Res. 118) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 118

Whereas the Senate should seek means to advance the best interests of all the people of the United States; and

Whereas, in our history of taming a continent and building a great industrial society, our citizens have shown a continuing dedication to both the quality of life and excellence in achievement; and

Whereas, by the public recognition of achievement, our society reaffirms the greatness of our people and encourages continued striving toward that excellence in every walk of life which has made our country the most powerful nation in the world; and

Whereas there now exists a cultural laureate program which enables the people of each State and territory to honor fellow citizens for their outstanding achievements and provides for national recognition by the public of the exceptional accomplishments of the people; and

Whereas the cultural laureate program belongs to the people and operates without any requirements for either State or Federal funding: Now, therefore, be it

Resolved, That the Senate commends the cultural laureate program as being in the best interest of all the people and encourages establishment of the laureate in each of

the various States and territories and in the Nation so that the people of the United States can fully and appropriately express their commitments to excellence.

Sec. 2. When the cultural laureate becomes truly national in scope, the Senate recommends public recognition of those citizens nominated by the people and selected for honor by groups of their peers to the end that all the people of the world shall know that the greatness of America is firmly based upon the achievements of individual Americans.

DESIGNATION OF THE SQUARE DANCE AS NATIONAL FOLK DANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 59, designating the square dance as the national folk dance of the United States, and I ask for its immediate consideration.

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

The assistant legislative clerk read as follows:

A resolution (S. J. Res. 59) designating the square dance as the national folk dance of the United States.

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Record show the following cosponsors:

COSPONSORS OF SENATE JOINT RESOLUTION 59
Senators Baker, Heflin, Baucus, Ford, Goldwater, Abdnor, Boren, Burdick, Garn, Huddleston, Inouye, Levin, Schmitt, Bumpers, Dixon, Moynihan, Nunn, Proxmire, Riegle, Sasser, DeConcini, Denton, Thurmond, Lugar, Cranston, Dole, Exon, and Domenici.

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

This a tremendous piece of legislation.

Mr. BAKER. A momentous piece, especially in view of the fact that the square dance is also the State dance of my native State of Tennessee.

Mr. ROBERT C. BYRD. Mr. President, I introduced this resolution some time ago and made an appropriate comment at that time. I wish to thank all cosponsors for the support that they have given to the manager.

I wish to thank the members of the Judiciary Committee for their cooperation and consideration.

I wish to thank the distinguished majority leader for moving to discharge the committee at this time and to proceed to the consideration of the resolution.

There are a goodly number of square dancers in town at this time coming from all parts of the United States, and I think this is a very appropriate moment to consider the resolution and to act on it.

Mr. BAKER. Mr. President, I wish to take this opportunity to commend the minority leader for his initiative in bringing this matter to the attention of the Senate and most especially for arranging to have the matter discharged and brought before the Senate at this

time. I am delighted to join with him as cosponsoring this resolution and urging its adoption by the Senate.

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

The joint resolution (S.J. Res. 59) was considered, ordered to a third reading, read the third time.

The preamble was agreed to.

The joint resolution (S.J. Res. 59), with its preamble, was passed as follows:

S.J. RES. 59

Whereas square dancing has been a popular tradition in America since early colonial days;

Whereas square dancing has attained a revered status as part of the folklore of this country;

Whereas square dancing is a joyful expression of the vibrant spirit of the people of the United States;

Whereas the American people value the display of etiquette among men and women which is a major element of square dancing;

Whereas square dancing is a traditional form of family recreation which symbolizes a basic strength of this country, namely, the unity of the family;

Whereas square dancing epitomizes democracy because it dissolves arbitrary social distinctions; and

Whereas it is fitting that the square dance be added to the array of symbols of our national character and pride: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the square dance is designated the national folk dance of the United States of America.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution 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.

AUTHORIZATION FOR ENROLLING CLERK TO MAKE CHANGES IN SENATE JOINT RESOLUTION 4

Mr. BAKER. Mr. President, I ask unanimous consent that the enrolling clerk be authorized to make changes in Senate Joint Resolution 4 reflected on the attached copy of the bill, and I send the corrected copy to the desk.

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

AUTHORITY FOR THE COMMITTEE ON VETERANS' AFFAIRS TO FILE A REPORT ON S. 266 NOT LATER THAN SEPTEMBER 29, 1981

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be granted an extension of time and permitted to file a report on S. 266 not later than September 29.

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

LEGISLATIVE PROGRAM FOR THE NEXT SEVERAL DAYS

Mr. BAKER. I would point out that the Senate will convene at 9:30 tomorrow.

May I ask the Chair is that correct, is that the order to that effect?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. I point out that the Senate will convene at 9:30 a.m. tomorrow.

After the recognition of the two leaders under the standing order, the Senator from Wyoming (Mr. WALLOP), the distinguished chairman of the Ethics Committee, will be recognized under a special order for not to exceed 5 minutes.

I anticipate tomorrow there will be a request for time for the transaction of routine morning business which will be provided after the discharge of those times.

The Senate at 10 o'clock will be asked to begin consideration of the continuing resolution, assuming that that measure has reached the calendar at that time, which we anticipate. That will be done pursuant to the order previously entered authorizing the majority leader, after consulting with the minority leader, to proceed to the consideration of that measure in that manner.

At 12:30 p.m. tomorrow, assuming the Senate is then considering the continuing

resolution, which I expect, under the order previously entered, the Senate will temporarily lay aside the continuing resolution and resume consideration of the foreign assistance bill, S. 1196.

At 1 p.m. tomorrow two rollcall votes will occur, the first to be 15 minutes in length to be followed immediately back to back or by a second of 10 minutes on the two measures on which the yeas and nays were ordered today.

At the expiration of the time for those two votes the Senate will resume consideration under the order just entered of the continuing resolution.

I anticipate that the Senate will be in late tomorrow. I hope we can finish consideration of the continuing resolution on Thursday. If we do not I expect we would resume consideration of that measure on Friday.

I hope we make good progress on the continuing resolution and that it will not be necessary to remain late on Friday or to consider the possibility of a Saturday session. I do not anticipate such a request at this time.

Mr. President, it is my hope we can begin consideration of the debt limit extension bill—I am speaking of the so-

called larger of the two bills—on Monday. I will have further statements to make in respect to the schedule of the Senate as the other factors appear.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further business to transact before the Senate. I will inquire of the distinguished minority leader if there is any other matter he wishes to take up at this time?

Mr. ROBERT C. BYRD. Mr. President, the distinguished majority leader is very thoughtful in asking the question. I have no other business.

Mr. BAKER. I thank the minority leader.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I now move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 9:30 a.m. on tomorrow.

The motion was agreed to; and the Senate at 6:36 p.m., recessed until Thursday, September 24, 1981, at 9:30 a.m.