

EXTENSIONS OF REMARKS

STREAMLINING THE JUVENILE COURT SYSTEM

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. HOYER. Mr. Speaker, we are all aware of the alarming reports of increases in crimes committed by juveniles in this country. In my district in Maryland, we are unfortunately seeing a similar increase. But Prince Georges County is fortunate in that it is now tackling a method of adjudicating juvenile crimes that we hope will be effective in reducing their number.

As in many areas of the country, court systems in Prince Georges County, Md., are overcrowded and in disarray. But midway through this experimental program, the circuit court system has already seen a reduction in its caseload as well as in the number of judges serving on the juvenile court.

Mr. Speaker, this program has proven an overwhelming success. Highlights of this experiment include:

A 75-percent reduction in the number of juveniles held in the detention center during the last 6 months;

A 61-percent reduction in the number of cases pending in the court; and

A 320-percent increase in the collection of court costs during the first 9 months of 1981 compared to the same time period in 1980.

Mr. Speaker, I congratulate all those who have made this effort a success, and, in particular, juvenile judges David Gray Ross and Robert J. Woods. I hope my colleagues will review the following report inasmuch as it may serve as a valuable tool in dealing with similar situations in each Member's district. The report follows:

Today marks the midpoint of a twelve month experiment announced by Chief Judge Ernest A. Loveless, Jr., last January, and which began on April 1, 1981. We feel that this experiment is proving to be successful.

HIGHLIGHTS

A 75-percent reduction in the detention population of September 30, 1981 compared to April 1, 1981—118 to 30 of which 17 are actually confined and 13 are in house detention.

A 25-percent reduction in the number of juveniles arrested by all reporting law enforcement agencies in the first eight months of 1981 compared to the same time period in 1980—4,467 in 1981 and 5,921 in 1980.

A 5-percent reduction in the number of cases filed with the Court in the first eight months of 1981 compared to the same time period in 1980—2,233 cases in 1981 and 2,451 in 1980.

A 61-percent reduction in the number of cases pending in the Court on September 30, 1981 compared to April 1, 1981. From 793 cases to 312 cases.

A significant decrease in the time between arraignment and disposition. 75.6 percent of all cases currently pending in the Juvenile Court are scheduled within 2 weeks. 90.7 percent of all cases are scheduled within 3 weeks and 97.7 percent of all cases are scheduled within 4 weeks.

A 128-percent increase in the number of cases waived to the adult court during the first nine months of 1981 compared to this same time period in 1980. (98 cases waived in 1981 compared to 43 in 1980).

A 320-percent increase in the collection of court costs during the first nine months of 1981 compared with the same time period of 1980—\$52,180 in 1981 compared to \$12,410 in 1980.

A 96-percent reduction in the number of writs of attachment issued during the month of September 1981 compared to the month of April 1981 (From 80 to 3).

95 percent of all cases involving the county police are now scheduled when the officer is working day work to accommodate the officer's personal schedule and to eliminate outstanding costs.

The utilization of 12.5 percent (representing 30 judge days) of the Juvenile Judge's time in the general assignment during the past six months.

BACKGROUND

On July 1, 1978, the positions of three Juvenile Masters in Prince Georges County, as such, were eliminated by the General Assembly. In their place, two additional judgeships were created. Pursuant to the new law, five Circuit Judges were designated to hear juvenile causes on a rotating basis. The general scheme was designed to permit the designated Judges two weeks in the juvenile assignment, followed by two weeks in the general assignment. One judge was available to cover for vacations, etc. After thirty-three months under this scheme, Chief Judge Loveless designated two Judges to preside full time in the Juvenile Court. In an effort to provide continuity, the Administrative Judge of the Juvenile Court continued to serve in that capacity. This report discusses some of the aspects of the new system.

GOALS

On February 27, 1981, we announced goals for the Juvenile Court beginning April 1, 1981. The first goal dealt with reducing the detention population, i.e., those pending waiver, merits and disposition hearings. Our plan was to reduce the population by reducing the number of days between the arraignment and the waiver hearing, between the waiver and the merits hearing, and between the merits and the disposition hearing.

This Court had one hundred eighteen children in detention on April 1, 1981. At the beginning of business on September 30, 1981, we had a total of thirty children in a detention status. Of this number, only seventeen were actually confined, while thirteen others were assigned to our house detention program. In these six months we have reached our goal of reducing the detention rate by 75 percent.

Of the seventeen respondents actually detained, four are pending waiver hearings, ten are pending merits hearings, and three are pending disposition. Eight persons are in House Detention pending merits and five are in House Detention pending disposition.

Another goal was to conclude all cases within two weeks. 75.6 percent of all cases are currently scheduled within two weeks, 90.7 percent are scheduled within three weeks and 97.7 percent are scheduled within four weeks. A handful of cases have, with the permission of the respondent, been scheduled to accommodate college and Job Corps calendars.

A third objective was to schedule cases on work days for police officers. Our goal was twofold in this regard. First to accommodate the law enforcement officer's personal schedule and second to save the expenditure for overtime. While we are unable to cite specific numbers, we are certain that this is being done in approximately 95 percent of all cases.

ORGANIZATION OF EFFORT

Another breakthrough has been accomplished with the cooperation of the Clerk of the Court, the Chief of Police and the Sheriff. Personal service by the Sheriff's Department of summonses on County police officers has been totally eliminated. Instead, the Clerk's Office directs hearing notices to police witnesses at their individual duty stations. Each day the regular police courier picks up the hearing notices in the Clerk's Office and they are in the hands of the Station Clerk within hours of their preparation. By eliminating the Sheriff's Department's prior role, we have saved many man-hours and several days in the lag time between arraignment and trial.

A special service being provided by the Clerk's Office has eliminated the need for continuances on the day of trial. Such last hour continuances are now the exception rather than the rule. In every case, the Clerk's Office reviews the Court file forty-eight hours in advance to insure that summonses and hearing notices have been served. Those with "non-est" returns are brought to the attention of the Victim Assistance Unit of the State's Attorney's Office for immediate action.

Regarding costs, the Juvenile Clerk collected \$16,547 during 1980. As of September 30, 1981, \$52,180 has been collected during 1981.

More than \$20,000 in uncollected court costs from years 1978 through 1980 were outstanding as of August 31, 1981. To effect the payment of costs, a policy of denying clearances and record checks to individual respondents with outstanding costs has been implemented. A Rule to Show Cause in each of these cases was scheduled during the month of September. All costs levied prior to 1981 have now been paid, reduced to judgment, or, in a few cases, waived.

Writs of Attachment dating back to 1956 were reviewed during September. With the cooperation of the Clerk, the Sheriff, and the State's Attorney, six hundred writs have been recalled.

Additionally, there has been a drastic reduction in the number of writs of attachment that have been issued. Prior to May,

1981, we averaged four writs per day from the three courtrooms, or eighty a month. During the month of May, only seven writs of attachment were issued. In June only six writs were issued. It is felt that this reduction was attributable to the fact that parties and witnesses are more likely to show up when hearings are scheduled in a timely manner. Unfortunately, the summer months of July and August with our expedited scheduling of cases often in conflict with vacations, resulted in a dramatic increase in the number of writs. This problem, however, has been eliminated with the start of school and with the assistance of the Deputy Chief Bailiff. During the month of September only three writs were issued.

With the cooperation of the Chief Bailiff, a Deputy Chief Bailiff for Juvenile Causes has been appointed. In addition to supervisory duties, the Deputy Chief has assumed responsibility for making a "first try" at finding parties for whom writs of attachment would normally be issued. To date, he has been successful in approximately eighty-eight percent (88 percent) of the cases in having parties appear without the necessity of a formal writ being issued. This simple telephone call obviates the need for the Clerk and the Sheriff to become involved. The Deputy Chief Bailiff also serves as the Court's Liaison Officer to the police agencies.

The most dramatic statistic concerns itself with pending cases. On April 1, 1981, there were 793 cases of all categories pending in the Juvenile Court. At the beginning of business on September 30, 1981, there were only 312 cases pending, a reduction of sixty-one percent. Attached is an analysis of those cases pending in the Court.

While this activity has been progressing, we have also been reviewing the case of every child on probation. An in-court review of every case with every Probation Office has resulted in reducing the active case load for seventeen agents from 861 on March 1, 1981 to 308 as of September 15, 1981. This is a reduction of sixty-four percent. Currently, there are 65 children in care and custody, compared to 108 on March 1, 1981.

There has been a slight decrease in the number of Court filings. During the first eight months of 1980, 2,451 cases were filed. During the equivalent period of 1981, 2,333 cases have been filed. By comparison, during the first eight months of 1980 there were 5,921 arrests of juveniles. During the equivalent period in 1981 there were 4,467 arrests.

The number of cases waived to the adult court has increased by one hundred twenty eight percent (128 percent). There were 43 cases waived during the first nine months of 1980 and 98 cases waived during the same period in 1981. It is interesting to note, however, that of the 98 cases waived so far this year, this represents only 43 respondents.

As originally conceived, the Juvenile Court would have first claim on one of the "part time" Juvenile Judges in the absence of either full time Juvenile Judge. This has not been necessary. In fact, we have actually given back to the general assignment thirty judge days during the past six months by having a Juvenile Judge help with the general assignment or by having no replacement for an absent Juvenile Judge.

FUTURE PLANS

Institutional population

As of June 15, 1981, we had a total of one hundred forty-four children committed for long term care to institutions. One hundred

one other children are receiving after care supervision. In order to strengthen the hand of the institution and after care worker dealing with these high risk children, we plan to visit the institutions on a monthly basis to be briefed by the staff on the progress of the child in the presence of the child. The first such review will be held at the Maryland Training School on October 15, 1981.

Restitution

Restitution is an important component of the Juvenile Justice scheme. By utilizing the Community Restitution Program, the 70001 JOBS Program, and the authority given under Section 3-829 of the Courts and Judicial Proceedings Article, the Court intends to make every effort to see that innocent victims are compensated. The Court has, however, ruled that insurance companies are not parties, as defined in the Juvenile Code, and therefore has discontinued the practice of using the Juvenile Court as a "subrogation claims agency". An appeal to that has been noted and we will be hearing more on this subject.

Training

The Judges of the Court have undertaken a training program directed toward the full time staff of the Board of Education, the Department of Juvenile Services and the Department of Social Services. Our 1981 Conference on Children in Crisis, co-sponsored by the Criminal Justice Department of the Prince George's County Community College was a first step toward that in-service training. Over five hundred persons registered for the Conference which featured six workshops and an address by Governor Hughes. In addition, the Judges have undertaken a program of training with the Clerk's Office and the Sheriff's Department to improve the skills of those individuals dealing with the children of the Juvenile Court.●

TRIBUTE TO FIVE PENNSYLVANIA SCOUTS

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. NELLIGAN. Mr. Speaker, I join my colleagues today in honoring five Boy Scouts from the 11th District of Pennsylvania, which I am privileged to represent. These five Scouts from various troops in my district have recently received the highest Scouting award, the coveted Eagle Scout Award.

William Ault, Jr., 18, son of Dorothy and William Ault, Sr., currently is a freshman at Bloomsburg State College. As a member of Troop 502 in Mountaintop, William is an assistant Scout master, working with his father, who is troop leader.

Thomas Peeler, 16, son of Harriett and Thomas Peeler III, is a junior at Wyoming Seminary, where he is active in many of the school's clubs and organizations. Thomas is a member of Scout Troop 155 in Trucksville, where he is also a member of the Youth Council of the Shavertown United Methodist Church.

Harold Richards, 17, son of Virginia and Harold Richards, is a junior at

Hanover Township High School, and is a member of the school's band. Harold is a member of Troop 33 in Ashley, and is also a member of the National Guard.

James Staudenmeier, 17, son of Dorothy and James Staudenmeier, is a senior at West Hazleton Township High School, where he is active in the school's music programs. James is also the school's representative to Hazleton's CAN-DO organization.

Robert Montgomery, 16, son of Jayne and Richard Montgomery, is a junior at Dallas Senior High School. In Troop 155, Robert is senior troop leader. Robert also is a member of his local Methodist Church.

I commend the troops' Scout leaders, William Ault, Sr., Richard Montgomery, and Bill Bonn, along with the assistant Scout leaders, for spurring these young men on to such an outstanding achievement, and I join parents, friends, and members of the communities in wishing these young men equal success in their future endeavors.●

ACADIA NATIONAL PARK BOUNDARY

HON. DAVID F. EMERY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. EMERY. Mr. Speaker, last week I introduced H.R. 4855, a bill to establish a permanent boundary for that portion of Acadia National Park which lies within the town of Isle au Haut, Maine. This legislation is similar to a bill I sponsored last year, and I am honored to share the sponsorship of this year's bill with my distinguished colleague from Maine, Mrs. SNOWE.

H.R. 4855 is the product of over a year's worth of discussions between residents of Isle au Haut, landowners, conservation groups, and the National Park Service, and it represents, at long last, a workable solution to a difficult problem. The situation I am referring to is the result of an unusual policy regarding the establishment of Acadia National Park in my State of Maine. Anyone who has traveled up the coast of Maine is aware of the unique beauty possessed by the lands which make up Acadia. In 1929, the park was created through the generosity of private donors who, over the years, have given their property to the National Park Service. While this open-ended policy has contributed to the preservation of an area of unparalleled scenic beauty, it has also produced an irregular pattern of both contiguous and noncontiguous parcels of park holdings. In addition, it resulted, years later, in a situation which threatened the livelihood of a town which depends on the land for its very survival.

Attempts to correct this situation for Acadia as a whole have been ongoing since 1970, but agreement on a final master plan for the park has been elusive. However, with respect to the park lands within the town of Isle au Haut, which is in my district, similar discussions have resulted in the agreement embodied in H.R. 4855.

The irregular boundaries of Acadia National Park meant that on the island of Isle au Haut, travel from one park holding to another necessitated that visitors to the park trespass across private lands. This was an intolerable situation for year-round residents, who were equally concerned that a unilateral authority for the park to expand further was unreasonable and potentially damaging to the town's tax base and mode of life. At the same time, however, the town realized that, in keeping with the general character of island life, it would be necessary to allow continued preservation of Isle au Haut's quiet, isolated beauty.

H.R. 4855 contains, as its principal element, the establishment of a rational, manageable, and permanent boundary for the fee holdings of the park within the town of Isle au Haut. Through an exchange of three parcels of land in the northern section of the island currently held by the park to municipal ownership, the new park boundary concentrates park jurisdiction and visitor activity in the southwestern portion of the island. This arrangement allows the park to retain its current holdings, which now amount to almost 55 percent of the island, and also allows for the acquisition of several other new parcels of land which are currently under private ownership. These properties are contiguous to the park boundary.

In order to maintain Isle au Haut's natural beauty, the town and the park have agreed to subject the municipal holdings to conservation restrictions designating lands above 400 feet as forever wild, and those between 300 and 400 feet as forever wild except for dead and fallen timber. Lands below 300 feet would remain subject to current town zoning ordinances.

The most difficult issue in this whole question dealt with the means by which future conservation easements would be handled. Lengthy discussions and a willingness to compromise on all sides resulted in the creation of the Isle au Haut land conservation trust, made up of private individuals, town officials, and the Superintendent of Acadia National Park as ex-officio trustee. Under this new provision, to be embodied in Maine State law, the trust will have the authority to accept lands by donation or easement for current holders. The Secretary of the Interior will have a limited enforcement role on easements outside the new boundary. Other than that,

the National Park Service will have no further legal authority to own property outside the boundary.

The resolution of this potentially divisive issue is essential to the feasibility of the entire Isle au Haut management plan because to leave the easement question open ended would undermine the very purpose of establishing a permanent boundary for the park. I must commend those involved in the discussions which produced H.R. 4855, particularly the Isle au Haut town managers, for their willingness to work to bring about a healthy agreement.

What this legislation attempts to do, then, is preserve both a viable and self-governing town, and a refuge which symbolizes the quiet strength and beauty of our environment. The agreement which has been worked out is an important example of how communication between the local residents and the National Park Service can produce a plan which benefits all concerned, from those year-round residents who farm, raise sheep, or haul in their lobsters on the island, to those visitors who travel thousands of miles to absorb the splendor which is Isle au Haut.

I urge that my colleagues give due consideration to this bill and approve it in a timely fashion.●

SPINAL HEALTH MONTH

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. COURTER. Mr. Speaker, chiropractic groups throughout the United States observed October as "Spinal Health Month" in order to increase public awareness of the importance of spinal health.

Chronic low back pain and other nagging ailments common to many people can trigger related illnesses. A person's general outlook on life, their temperament, can also be affected as well. During the month of October, New Jersey's chiropractors sought to inform and educate people on how the proper care of the spine and nervous system can contribute significantly to improved general health for all citizens.

I commend the American Chiropractic Association and chiropractors in the State of New Jersey for calling the public's attention to the need for adequate spinal health care, because a healthier America is in everyone's best interest.●

WHY THE RUSSIANS CAN'T GROW GRAIN

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MICHEL. Mr. Speaker, international crises come and go but one thing remains constant: Every year, with few exceptions, the world learns that the Soviet Union has had another series of crop failures.

Recently, Roy Medvedev, the dissident Marxist historian now living in Moscow, addressed the question of Soviet crop failures. What he says should be of interest to anyone who has wondered why the Soviet Union manages to sow nothing but disaster in its collective farms.

At this point I wish to insert in the RECORD, "Why The Russians Can't Grow Grain" an interview with Roy A. Medvedev, from the New York Times, November 1, 1981.

[From the New York Times, Nov. 1, 1981]

WHY THE RUSSIANS CAN'T GROW GRAIN

(By Seymour Topping)

Moscow.—Roy A. Medvedev is a Marxist historian who believes Leninism is compatible with democracy and a multi-party system within the Soviet Union. He was expelled from the Communist Party in 1969 and is now the most prominent dissident in Moscow since the exile early last year of Andrei D. Sakharov, the physicist.

The 56-year-old Mr. Medvedev was recently interviewed in his Moscow apartment by the managing editor of The New York Times, a former Moscow bureau chief for the newspaper.

Q. In the last 20 years, there have been enormous changes in this country. We saw the success of the space program and the development of a military machine that has made the Soviet Union a global power. But we have seen a failure in development of the economy and industry. What are the prospects for reform and improvement of the system?

A. The Soviet Union has a totally different system than the West and responds to totally different stimuli. It's differently controlled; it is different in the way it functions. And it's not a united system, but actually four different economic systems.

The functioning of each of these depends upon which national priority is being met, which programs are being followed and which approach has been selected.

The first is military, to which you can link the space program. This functions well and the production here is probably up to American standards. The Soviet Union still hasn't learned how to make a decent typewriter, but the Kalashnikov AK-47 automatic rifle is probably the best in the world. The Soviet Union hasn't learned to make a good automobile, but our tanks are probably no worse than any Western country's. American helicopters didn't show themselves to good advantage in Iran; Soviet helicopters in Afghanistan still seem to be functioning quite well. This is because the military machine gets the best people, the best supplies, the best equipment both for men and for

projects, and enjoys the greatest attention of the authorities.

The second category is what we call heavy industry. Ever since the times of Stalin, all the aspects of heavy industry—metallurgy, construction of heavy-duty trucks and large machinery—has received the closest attention. I've been in some of the largest Soviet factories, to the Ural mines, to all the largest industrial facilities, and these are all well functioning enterprises. Many of them may be as good, if not better, than corresponding Western enterprises.

The third sector is the one which works to meet the consumer demands of the people—clothes, shoes, furniture, and so forth. This sector works a lot worse and the quality leaves a lot to be desired. And here we need major changes and reforms.

The fourth is agriculture. No proof is needed. It's working badly. This is because for decades the best people have been skimmed off this sector and it has received very little. And this one, above all, requires reform.

Q. I have the impression that Russians, generally, are patriotic. They are constantly being urged to produce better for the Motherland. But at the same time, the statistics of the 26th Party Congress reveal a slump in productivity. Why this contradiction?

A. What is falling is the rate of growth in productivity. The overall productivity is increasing, but not at the rate the Government would like.

This is because the Soviet economy has reached a stage where pure patriotism, where simply an individual's expertise at his job, where personal individual effort, is no longer enough to make a difference in productivity. The shortcomings, rather, come from the management, from that aspect of the Soviet economy which breeds entrenched bureaucratism. The centralization of the economy was a positive fact when the Soviet Union had a weakly developed economy. But it becomes a weakness when the Soviet Union becomes relatively wealthy.

Q. Twenty years ago there was a great deal of intellectual excitement in Soviet circles about the Liberman theories, which said that there should be a reduction of bureaucratic centralism and reforms which would improve productivity. Why were these reforms not put into effect?

A. These theories were not only Liberman's, but they were championed by many others, including Kosygin. One problem was that the theories were never thought through.

The first flaw is that the system of management of the economy proposed by Liberman also raised new problems of bureaucratization and new incorrect methods of measuring productivity. For example, before Liberman, the work of a factory was measured purely by the quantity of goods produced. Liberman proposed measuring it by the amount of goods sold, trying to inject a Western concept of profit as a measure of productivity.

But what happened under that system was that enterprises simply began producing more expensive goods, while producing fewer goods. They looked for ways to make higher profits but failed to produce enough products. This started working counter to the five-year plans. They started producing less than the plans had intended. The factories then began finding new ways to fool the planning authorities, and the planning authorities needed to invent scores of new ways to try to measure productivity and to try to make sure that they were not sacrificing quantity for profit.

The system presupposed the independence, the self-management of ministries and enterprises at every level. They were supposed to make their own decisions at a far greater level than before and this reduced the Communist Party's influence in the economy at all levels, from the local factory chapters right up to the highest. This was a prerogative that the party did not want to surrender.

The importance of this prerogative is illustrated right now in the harvest of the vegetables. Every enterprise is required to send workers to help with the harvest—potatoes, whatever. Under Liberman, this would have been impossible. But under the Soviet system, it is critical that all these people who continue receiving wages from their factories and offices go out and work on the collective farms when needed.

Q. After three bad harvests, there is now, at least in Western circles, some speculation that the Government will undertake some reforms. Do you believe that that is possible?

A. These efforts to produce new methods in farming are not only a rumor in the West but are a fact in Soviet agricultural policy. Some changes are taking place even now. The problem is that agriculture needs far more radical changes, and none of these are being undertaken right now.

Q. What kind of radical changes?

A. A fault in Soviet thinking that goes all the way back to the times of Stalin and right through the times of Khrushchev and continues now is the false idea that agriculture is a fairly simple affair, that it's much simpler to lead and handle than, for example, industry—heavy or light. There is this perception in the higher circles that it's enough to scatter some seeds and wait for good weather, and you don't really need to do much beyond that.

Of course, in industry you can work quite badly in January and February and then organize what they call a shturmovshchina [a work blitz] and just go completely berserk in March and still make up your plan.

In agriculture, 50 percent depends on God. If things go badly in April and March, and you see that it's going badly in August, there's absolutely nothing you can do. So, agriculture demands good management all year round—unlike industry, where a director can sleep half the year and then work around the clock the other half.

A second factor traces back, again, to Stalin's times when there were two principles proposed: One was Bukharin's theory, which basically called for gradual but balanced development. In other words, if you build more cars, you would have to simultaneously build more roads, gas stations, etc.

The other principle was that of going full-steam ahead in whatever we happened to be doing even if the balance lacked. For example, we began building trucks, and built thousands of trucks even before roads were completed. We began building the BAM [the Baikal-Amur Mainline], the new branch of the trans-Siberian railroad, before all the engineering and technical problems were resolved. This system in industry did justify itself somewhat by allowing us to make incredible strides in technology and in production.

I consider agriculture to be the most difficult sector of the economy. Every day and every year is different from the last. We should have the most intelligent and the most creative people. The knowledge and creativity of the farm manager should be greater than that of a factory manager.

When our agriculture consisted of millions of people owning their own little hunk of land, each peasant, of course, knew what he had to do on his own little plot. Where competition became the foundation for progress in agriculture, we developed the kind of farmer who was a master at his trade.

We created a vast agricultural economy, but we failed to produce a manager adequate for that economy.

Q. How do you see the evolution of the international situation, and how does it relate to the internal situation in the Soviet Union?

A. The international situation generates a lot of alarm in the Soviet Union right now. We hope that it will improve, but the fact is that it's worsening. A few years ago, the Soviet Union had friendly governments on all its borders except for Turkey, which was a member of NATO. Now, these governments are a source of major alarm for the Government. The Chinese border generates alarm. Alarm for the Government. Along the border with Afghanistan, a war is going on. Turkey remains a NATO member. Now the Polish border is causing alarm.

The worsening of the international situation always leads to a worsening of the internal situation, and the Soviet Union feels compelled to demonstrate internal unity.

Q. Do you see any qualitative changes in the new generation of Soviet leadership?

A. The change is going to be made just by sheer force of numbers. The majority of leaders are old and you can safely forecast that within a fairly short period of time a lot of new people will come to power.

In 60-odd years of history, the Soviet Union has had only four major eras—Lenin's, Stalin's, Khrushchev's and Brezhnev's. We stand now at the dawn of a brand new political era. I surmise that it will start sometime in the mid-1980's and will continue through the end of the century.●

**BOB CONROY—RECOGNIZED
PUBLIC SERVANT**

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. BAILEY of Pennsylvania. Mr. Speaker, Bob Conroy has now left the city of Monessen, Pa., where he was publisher and editor of the Valley Independent. While managing that newspaper, which is in my district, I never felt free to express to you or the Members of the House the admiration and respect this man has garnered—admiration for the courage and foresight to speak out in a balanced and insightful way—and respect for, above all things, being fair.

We did not always agree—he did not always support my position, and he did not at all times support me. But he has always made every effort to express his opinions in an honest and open manner, free of selfishness, mindful of the rights of others, and is a tribute to everything that the first amendment to the Constitution of the United States of America represents.

It is ironic and unfortunate that I could never publicly or privately ex-

press these sentiments to Bob while he was at the paper. To do so placed both of us in a difficult position and would probably have cast doubts on what I hope will always be a friendly, but more importantly, an honest relationship based on objectivity. If all members of the press conducted their affairs with the degree of thoroughness and integrity employed by Bob Conroy, there would be no need for liable and slander sanctions. There are exceptions, of course, like those times when Bob did not support me either on various positions I had taken legislatively or politically or, indeed, even for my first election. Other than those times, I must say that my admiration soared and stayed aloft at even greater heights.

The only major domestic issue on which we strongly disagree concerned some matters where Bob was fighting in a labor dispute. However, to his great credit, he at all times conducted himself as a gentleman with respect for the rights and duties and the creature comforts of the strikers.

In short, Mr. Speaker, he will be sorely missed—less so by people like myself who, in our official capacity, respected the things for which Bob Conroy stood, but even more so by the readers whom he served with a deep sense of responsibility. ●

**GOLDENDALE, WASH., SUPPORTS
LEWIS FAMILY**

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MORRISON. Mr. Speaker, today I am introducing a bill to provide that Mr. and Mrs. Clive Anthony Lewis, and their three children, Sean Martin, Anthony Conan, and Gail Alison become citizens of this great Nation.

The entire town of Goldendale, Wash., has supported and assisted the Lewis family in becoming citizens since their arrival from Great Britain 3 years ago. Since then, the parents have been self-supporting and contributors to the community. The children have been hard working and studious. I am proud to join my predecessor, Mike McCormack, in recognizing their potential and immense contribution to the community by introducing legislation on their behalf. The Lewis family would not only be an asset to the State of Washington, but to this Nation as well. I would be pleased to represent the Lewis family in my constituency. ●

**THE NEED FOR INCREASED U.S.
PRESENCE IN THE FAR EAST**

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. EDWARDS of Oklahoma. Mr. Speaker, I would like to call the attention of my colleagues to an excellent argument in favor of an increased American military presence in the Far East.

Martin Lasater, a recognized expert on East Asian security and strategic affairs, recently returned from 2 years of research in Taiwan where he prepared a monograph on Taiwan's security which will be published in the near future by Georgetown University.

In a guest editorial appearing in the August 1981, issue of *Asia Report*, published by the Center for Strategic and International Studies at Georgetown, Mr. Lasater points out that our new strategic interest in the Indian Ocean has increased the importance of our military forces in East Asia because our supply lines to the Indian Ocean are so long and so vulnerable to Soviet interdiction.

Mr. Lasater stresses the importance of our bases in the Far East, particularly those in Japan and the Philippines, yet warns of dangerous trends toward Finlandization in the area. He also suggests ways in which we might counter these trends.

His comments were recently quoted at length in the October 12 issue of *U.S. News & World Report* in an article entitled "Southeast Asia Revisited."

I heartily recommend Mr. Lasater's editorial.

**IMPERATIVES OF UNITED STATES DEFENSE
STRUCTURE IN THE FAR EAST**

(By Martin L. Lasater)

Despite the shift in emphasis to the Indian Ocean, the Pacific Far East remains critical to U.S. security interests. In fact, given the logistical difficulties inherent in supporting a military presence in the Indian Ocean some 11,000 miles from either coast of the U.S., the Seventh Fleet and access to friendly facilities along the littoral of the Western Pacific have assumed even greater importance.

A conflict between the armed forces of the U.S. and the Soviet Union in the Indian Ocean would inevitably involve the Pacific fleets of both powers. Whoever gained supremacy over the sealanes around the periphery of Asia would determine the course of events within the Indian Ocean. For the U.S., operating at such tremendous distances from its home ports, control over the sealanes and local areas of operation would be essential. Conversely, the Soviets would seek to deny freedom of movement to American units. The destruction of forward deployed naval units and support facilities would be of utmost importance to both sides. Naval air, whether carrier- or land-based, would play an essential role in the struggle, as would submarines and their ASW (anti-submarine) counterparts.

Given the present force levels available to the U.S. and USSR in the Indian and Pacific Oceans, a favorable outcome of that struggle would be in doubt, especially if it were initiated by a Soviet surprise attack against our surface fleet. The uncertain results of an armed confrontation between the superpowers has caused American allies in the region, most notably Japan, to re-evaluate the effectiveness of the U.S. security umbrella and to question whether the deterrent value is worth the potential Soviet reprisal.

The Finlandization of not only Japan but also the Philippines, Republic of Korea, ASEAN, and other pro-Western governments in Asia might well occur in the foreseeable future if the U.S. does not quickly demonstrate both a willingness and an ability to counter the growing Soviet threat. An increased military budget, tough rhetoric, and more consultations with its Asian allies on military and strategic matters are important steps in the right direction. But none of these can replace the absolute necessity of increasing the size of the American military presence in the Far East.

Of immediate concern is the buildup of U.S. naval and air units in the Western Pacific. At the present time only one U.S. aircraft carrier is deployed in the Far East, a target far too vulnerable by itself to the multitudes of cruise missiles mounted on Soviet submarines, surface combatants, and Backfire bombers assigned to the Pacific Fleet. Although the drawdown on the Seventh Fleet is largely a result of Indian Ocean commitments, in the light of Middle East instability there is little chance that the forces deployed in the region can be reduced in the near term.

The American buildup, however, is severely limited by the lack of available ships and trained personnel to man them. The illusions underlying the "swing" strategy have returned to haunt us in our hour of need. There is no alternative but to pursue the goal of a 600-ship navy centered around 15-16 large deck carriers. This would permit the deployment to the Far East of the two additional carrier task forces needed to ensure at least operational control over the vital sealanes of communication supporting our units stationed in the Indian Ocean.

BASING REQUIREMENTS

Frequently neglected, but of at least equal importance to U.S. security in the Far East and Indian Ocean, is the need to secure American bases and logistical facilities along the littoral of East Asia. Since the Vietnam debacle (a lesson Americans like to forget but an example to which Asians constantly refer), the U.S. has permitted its island chain defense system to deteriorate to the point where American bases in Japan and the Philippines, twin pillars of the U.S. military presence in the region, are in jeopardy of being closed by the host governments because of domestic political opposition and uncertainty over U.S. commitments. With the derecognition of the Republic of China, the U.S. also abandoned irreplaceable air and naval support facilities on Taiwan. Although Taipei would in all probability permit the U.S. to once again use these important facilities, Washington is now faced with a major political dilemma stemming from President Carter's decision to withdraw completely from the island as part of the normalization agreement with Peking.

Because of the Sino-Soviet split, it has been argued that the PRC provides a strate-

gic counterweight to the USSR. While this is true to a certain extent, Mainland China is not, nor can it be, a substitute for the U.S. in the Far East. Relying too greatly on the PRC for the free world's defense is as strategically unsound as it is morally reprehensible. And the PRC is of value as a counter to Soviet aggression by pinning down their troops only as long as it suits Peking's purpose—not ours—to do so. Neither Moscow nor Peking has given up on its intention of bringing all of Asia under socialist domination. As tempting as the China option might be, the U.S. must face the reality of its own indispensable role in preventing the Finlandization and eventual communization of Asia.

The Reagan administration's commitment in principle to a 600-ship navy is correct. More needs to be done, however, in actual deployments to the Far East and the modernization of the island chain defense. The strengthening of the armed forces of American friends in the region, including those of Taiwan, should also be expedited. Most important of all, these steps should be taken within the framework of an effective, unified defense strategy designed to deter Soviet, Vietnamese, and (if necessary) Chinese expansion in the Pacific and Indian Ocean basins. Such a strategy and resulting defense posture will enable the free world to maintain access to Middle Eastern supplies of oil and to prevent the communization of the rimlands of Asia. Both of these goals are essential to U.S. security interests and indeed to our nation's survival for the remainder of this century.●

SHIPLEY CEMETERY

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. DAUB. Mr. Speaker, in his address to the Nation last month, President Reagan spoke of America's proud tradition of generosity. He related the story of Alexis de Tocqueville, a Frenchman who came to America over a century ago and later wrote a book for his countrymen telling them what he had seen here. He told them that in America when a citizen saw a problem that needed solving, he would cross the street and talk to a neighbor about it. The first thing you know a committee would be formed, and before too long, the problem would be resolved.

I recently had the privilege of witnessing the results of citizen action much like that which de Tocqueville wrote about 140 years ago. It started with three amateur genealogists who had recollections of an abandoned cemetery near Omaha, Nebr. Following a search, they located the site of the cemetery and found it in deplorable condition.

A committee was formed and set out to preserve the cemetery for its historic value. This summer, the fruits of 2 years of hard work were borne when Shipley Cemetery was dedicated as a registered historic site.

Determined and dedicated citizen action such as this should not pass

without the highest commendation, and I am pleased to take this opportunity to share with my colleagues the names of those individuals who selflessly devoted their time and energies to preserving a part of Nebraska's heritage.

Shipley Cemetery board of directors: Howard Hamilton, Omaha; Mrs. Janice Andrews, Omaha; Mrs. Doyle (Georgene) Sones, Omaha; Mrs. Sandy Hiykel, Omaha; Mrs. Harold (Betty) Juul, Omaha; Mrs. William (Vivian) Carmichael, Omaha; Mrs. Bernice Law, Council Bluffs, Iowa; Mr. Rufus Amis, Omaha; Mrs. Winifred Johnson, Omaha.

Others who assisted: Mrs. LeMara Eicke, Washington, Nebr.; Larry Tietz, Omaha; Frank Tietz, Omaha; Ms. Cindy Smith, Omaha; Mrs. Mary Yates, Omaha; Mrs. Virginia Lanquette, Ft. Calhoun; Mrs. Belva Riley, Lincoln; Lyle Shipley, Ashland, Ore.; W. D. Amis, Oklahoma City, Okla.; J. H. Amis, Scottsdale, Ariz.; Earl W. Shipley, Norfolk, Nebr.; Doyle W. Sones, Omaha; Harold Juul, Omaha; Mr. and Mrs. Reuben (Margaret) Forsythe, Omaha; Rev. Thomas Burton, Omaha; Schmidt Monument Co., Jerry Peterson, Earl Diedricksen, Blair, Nebr.; Washington County Genealogical Society, Blair, Nebr.; Washington County Historical Museum, Ft. Calhoun, Nebr.; Ft. Atkinson American Legion Post No. 348, Ft. Calhoun, Nebr.; The Blair Enterprise, Blair, Nebr.; Forest Lawn Cemetery, Omaha, Nebr.; Washington County Board of Commissioners, Blair, Nebr.; Ponca Hills Fire Station, Omaha; Omaha World-Herald, Omaha.●

A LABOR VOICE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. FORD of Michigan. Mr. Speaker, I know that many of my colleagues will want to join me in lamenting the untimely death of Albert J. Zack, who for a quarter century was public relations director of the AFL-CIO.

As spokesman for the labor federation Mr. Zack was major policy-maker in the upper echelons of organized labor. He spoke with authority for the late George Meany and the AFL-CIO from the beginning of the merged labor federation in 1955. Mr. Zack, 63, retired in 1980 following Mr. Meany's death.

Mr. Zack brought dignity and respect to the American labor movement. He spoke with honesty and conviction. And when he spoke generations of labor reporters understood that he was accurately reflecting labor's views.

His death brings deep sadness to all those who knew and admired his talents for straightforwardly articulating the positions of American workers.●

TAX EXPENDITURE STATEMENT

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. BONIOR of Michigan. Mr. Speaker, today I am introducing legislation to amend the Congressional Budget Act of 1974 to mandate the inclusion of ceilings for tax expenditures in the first and second budget resolutions and the reconciliation process.

Tax expenditures, as defined by the Budget Act, are those "revenue losses attributable to provisions of the Federal tax laws which allow a special exclusion, exemption, or deduction from gross income or which provide a special credit, a preferential rate of tax, or a deferral of tax liability." They are designed to reduce a tax burden or encourage particular economic behavior for a targeted segment of the population.

In practice, they are realized in the form of tax deductions for the elderly and the blind as well as the expensing of exploration and development costs for oil companies. They are the deductibility of mortgage interest and special tax treatment of royalties on coal.

For fiscal year 1981, the Congressional Budget Office had identified some 92 tax expenditure programs affecting corporations and individuals and although a cost estimate must be accompanied by a strong caveat (about which, more later), the Joint Committee on Taxation has estimated it at greater than \$228 billion. When tax expenditures are added to direct expenditures, the former constitutes one-fourth of the Federal budget.

The Congress has, this year, been through a tortuous budget process which, assuming the best in all of us, was designed to bring the Federal budget under control. Leaving aside any discussion on the manner in which it was done, one can only wonder that the Congress implicitly consented to allow one of every four revenue dollars to remain outside the parameters of its deliberations.

When the first tax expenditure budget was produced in 1968, there were some 40 different programs accounting for \$44 billion in forgone revenues. The figure for 1981, as mentioned earlier, now stands at \$228.5 billion and 5 years hence is expected to reach \$465.3 billion.

Tax expenditures have grown at an annual rate of 14 percent since 1975 as compared with a growth rate of 11 percent for direct spending over the same period and these figures do not take into account the creation of eight new tax expenditure programs and the expansion of 21 others with the pas-

sage of the Tax Incentive Act in August of this year.

Despite the enormity of the tax expenditure budget, the budget resolutions must include only ceilings on expenditures and floors on revenues and tax expenditures properly fall into neither category.

They are revenues forgone, not raised, and thus do not constitute a tax and yet are not distinctly an expenditure because they are not subject to the regular authorization and appropriations process. As in entitlement programs, any individual or corporation which can meet the criteria established for the program in the IRS Code can use the benefit by simply indicating thusly on their tax return. The individual or corporation in essence gets money that would otherwise accrue to the Treasury. It has the same effect as a direct expenditure but is not subject to an appropriation and, in most cases, is not subject to reauthorization, Federal review, or congressional oversight—\$228.5 billion!

The Budget Act itself only requires that a tax expenditure budget be included in the report accompanying the first budget resolution but does not require that any ceilings for tax expenditures be included therein. It may be argued that tax expenditures are controlled through the establishment of revenue floors in the second resolution and that any tax expenditures which would lower the floors of the binding resolution would be subject to a point of order. Such control is oblique at best.

Existing tax expenditures are not sunsetted or zero-budgeted, and, therefore, the revenue floors communicated in the resolutions assume their continuance. Therefore, only new or revised tax expenditures subsequently considered on the floor are subject to a point of order if they reduce revenue floors.

Alice Rivlin, Director of the Congressional Budget Office, testified before the House Rules Committee in 1980 that more than 70 percent of the Federal budget was outside of congressional control because of entitlements, defense contracts, and various other "uncontrolled" spending programs. When tax expenditures are added to this list of uncontrollables, it is no wonder that direct expenditure cuts have been so difficult this year. The burden of reduction must be borne by the less than 30 percent of the Federal budget which goes through the regular authorization and appropriation process.

Several factors, it seems to me, will accelerate the use of tax expenditures in the future.

First, the limits placed on direct expenditures by the budget resolutions will beg for creative circumvention for those seeking to establish new programs without creating new expendi-

tures or bumping up against expenditure ceilings.

Second, tax expenditures are not subject to appropriations and rarely to the authorization process. Sole jurisdiction for their creation and continuation rests with Ways and Means Committee in the House and the Finance Committee in the Senate although the authorizing committees have been provided authority to review tax expenditures within their area of jurisdiction. The usually cumbersome route to program creation or reauthorization is thus truncated.

Third, these programs create no new or extensive bureaucracy. There is no process of application, review, and approval (and the paperwork that entails) of a Government agency. The cost of administration, unlike spending programs, is negligible. The taxpayer merely assumes the deduction or credit in his tax return subject only to the possibility of an IRS audit.

While each of these points may be seen to have positive aspects, the damage sustained to the congressional institution far outweighs the benefits derived.

Increasing use of tax expenditures to avoid spending ceilings will further diminish that portion of the budget "controllable" by the Congress. More responsibility for reaching fiscal goals will be shifted away from the authorizing committees with a commensurate enhancement of authority for the Ways and Means Committee, sought or unsought. That committee cannot possibly conduct regular oversight and reauthorization for 92 or more tax expenditure programs.

To illustrate the uncontrolled nature of this fiscal tool, one need not delve very far into the research material available to realize that there is only a "lowest common denominator" approach to exactly what items constitute tax expenditures. We have a definition in the Budget Act but there is no certainty with regards to which specific items constitute a deviation from the normal tax structure (the operational effect of tax expenditures) because differences exist as to the definition of the normal tax structure. For example, a deduction for investment in capital equipment is considered a tax expenditure while business entertainment deductions are not.

There is also no agreement on the cost of tax expenditures other than the agreement that any estimate produced to this point is tenuous at best. "A lot" might be the most accurate response to an inquiry concerning costs.

The GAO, in 1979, stated:

The cost of all tax expenditures is the difference between the revenue raised by the normal tax structure and that raised by the existing structure. In the real world, these costs cannot be determined directly. No one knows what revenue the normal tax structure would raise. The present system creates incentives for people to alter their behavior

and so presumably influences the way they act. They would probably act differently under another system, with consequent effects on revenue, but there are too many unknowns to estimate the differences . . . Although it is common to make such a summation, the figure is of limited usefulness.

Additionally, the cost of a tax expenditure cannot simply be derived by summing the amounts claimed on a tax return. For instance, a tax credit for businessmen hiring Vietnam veterans does not depict the true costs if we consider the income taxes lost if that program were ended plus the costs of unemployment benefits that would have to be provided. Secondary or spinoff effects, however, are difficult to estimate even in direct spending programs.

Nevertheless, the point remains valid that we have a fiscal tool of formidable effect and increasing use, of imprecise dimensions, of imprecise costs, under negligible control.

The budget process as it now exists is a one-armed wheelbarrow. It is self-deception for this body to pretend to be a partner in the budget process when it allows itself access to only one-third of that budget.

In proposing this legislation, I am not arguing for the elimination or diminution of any particular tax expenditure or class of tax expenditures—although like everyone else in the Congress, I would have my candidates for revision. Some tax expenditures, like deductions for charitable contributions and interest paid on home mortgages, have proven their worth in increasing the general welfare and propagating societal values.

However, the Congress might want to consider a sliding scale for the investment tax credit instead of the flat 10 percent or it might want to lower the deductions for mortgage interest on second homes or very expensive homes. It may want to eliminate the expensing of exploration and development costs to large oil companies and have expenses deducted from income as it is produced, as is the normal procedure. Perhaps, the Congress may want to change the mix of tax expenditures and increase or decrease the 21 percent that currently goes to corporations or alter the regressive nature of a sizable proportion of individual tax expenditures. The point is not that we should pursue any of these particular actions but that we should be able to.

The bottom line is that Congress, in its yearly budget deliberations, should be able to place ceilings on tax expenditures and consequently make some tough but well-considered decisions about the mix of those tax expenditures. In doing so, it would be providing itself access to revenues which could relieve pressure on the 30 percent of the budget we now use as the tail to wag the dog.

I am aware that ceilings for tax expenditures have been considered in the past and for one reason or another were not implemented. Unlike some proposals in the past, however, my legislation does not seek to set any type of fixed limit on tax expenditures that would be imposed upon future Congresses. Quite the contrary, by requiring yearly deliberations and ceilings, Congress will be newly allowed to work its will on tax expenditures as part of the Federal budget.

In adopting this approach, the Congress would merely be following the central purpose of the Budget Act of 1974 which sought to provide order to fiscal decisionmaking.

Whatever the problems in the past, times and circumstances change and create new dicta for response. Paraphrasing Thomas Jefferson, "To ask institutions to live by unchanging guidelines is like asking a man to wear the same coat he did as a child."

Anyone who feels the Budget Act, as now constituted, is adequate, need only examine the record of this year's attempt at fiscal management. I hope this legislation will become the first of several needed reforms.●

USE OF ILLICIT DRUGS A PROBLEM TO SOCIETY

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. HEFNER. Mr. Speaker, I am today reintroducing legislation which I first proposed in the 95th Congress to combat a problem which continues to plague our society—the increasing use of illicit drugs by our young people. While we do not hear as much about drug use among school children as we used to and emphasis is shifting to the use of alcohol, it is still an extremely serious problem. A recent survey among junior and senior high school students in an urban county in my home State of North Carolina indicates that the use of drugs has increased over that of last year. This was a survey among the students themselves; so on their own admission drug use is on the rise.

The very worst habit anybody can ever acquire is the use of drugs as a means of escaping from reality. Drugs all too often doom the lives of those young people who use them and rob the families of the drug users of their happiness and, in a large measure, of their hopes and dreams for their children.

Drug use which was once confined to the street culture has already become a feature of college life in our country and is increasing in our high schools. Now, even our elementary schools are being invaded by illicit drugs. Few schools are immune to the problem.

A part of this problem, and ample evidence exists to show it, is that many drugs are sold by nonstudents or other individuals who come onto school grounds or hang around school neighborhoods to supply their student customers. This is a cause of concern among law enforcement officers, school administrators, teachers, and parents. I share their concern.

I think we have to come to the realization that people who sell drugs to our young people are criminals and should be treated accordingly. I personally believe that the selfish individuals who traffic drugs should be given the harshest punishment the law knows.

Our main legal tool against the drug problem, the Controlled Substances Act of 1970, already provides penalties for persons who illegally distribute or dispense controlled substances. Furthermore, the act goes on to double these penalties for individuals selling drugs to persons under 21 years of age. This of course begins to deal with the problem of drugs in our schools.

The legislation I am introducing again today should carry this effort further. This bill would supplement the provisions of the Controlled Substances Act to identify specifically the problem of drugs being sold on or adjacent to school property and provide mandatory sentences for individuals convicted of this offense. I hope this will be a strong tool which will go directly to the problem of drugpushers in our schools.

More specifically, this bill says that a person, 18 years of age or older, who violates the Controlled Substances Act by manufacturing, distributing, or dispensing a controlled substance on or within 100 feet of the grounds of a public or private elementary or secondary school will receive certain additional penalties. Differing from the Controlled Substances Act, this bill prescribes a minimum as well as a maximum sentence. Further additional penalties are prescribed for second or subsequent convictions of the same offense. The bill also provides that these sentences may not be suspended and that probation may not be granted. Persons sentenced under this proposed law would not be eligible for parole until serving at least the minimum sentence prescribed by the bill.

The purpose of this bill is to deal with those persons who have no business in or around our schools except to sell drugs to students. I realize that the bill does not extend to the problem of drug traffic among the students themselves. And I understand that this too is a real and serious problem, but these matters are generally handled by school officials in cooperation with local law enforcement agencies. In addition, a harsh attitude toward outside drugpushers would not only be a warning to the student pusher, it

would also go a long way toward drying up these students sources of illicit drugs.

I feel that an important part of this bill is that provision for mandatory sentences for violators. This harsh step is necessary because all too often the courts have failed to provide the necessary sentences for drugpushers. Studies show that a high percentage of our citizens feel lenient courts are the principle cause of rising crime. An even greater percentage of them feel that mandatory sentences for serious crimes, including drug violations, are a necessary step to deal with the crime problem. I believe the citizens of this country are calling for action.

I have consulted with law enforcement officers, educators, and parents in my district and State about the drug problem and possible solutions. I believe these concerned and involved people are in support of the bill I am introducing today. In fact, the attorney general of North Carolina has informed me that he would welcome such legislation as an aid to local and State efforts to deal with the problem of drugs in our schools.

I am certainly not interested in involving the Federal Government any more than it already is in the affairs of our schools, nor do I want to interfere with the work of our State and local law enforcement bodies, which, after all, are the front line in the war on crime of all sorts. This bill is not an intrusion into our schools or local law enforcement, but it is another tool, to be used where appropriate, to assist with the problem of drugs.●

INTEGRITY IN GOVERNMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LANTOS. Mr. Speaker, there is no task more important or more urgent than restoring the trust and confidence of the American people in the integrity of public officials. In the wake of Watergate and Abscam, everyone elected to public office has a very special responsibility for setting an example of integrity and ethical conduct in public service.

It is in this spirit that I cast my vote against the proposed increase in outside earnings limits for Members of Congress. Whatever rational arguments may be advanced in terms of inflation, they are dwarfed into insignificance by the overriding importance of rebuilding public trust in our governmental institutions. The country is entitled to an assurance that its representatives are not benefiting from fees from special interest lobbyists.

Members of Congress must forgo private gain when they have an opportu-

nity to strengthen the faith of the American people in the integrity of their elected officials. At a time when we are asking millions of Americans to make painful sacrifices, we must not be voting ourselves a pay increase, either at the expense of the taxpayer or at the expense of public confidence in the honesty of Government. ●

**FAITH, HOPE, AND CHARITY
DAY IN THE LEHIGH VALLEY**

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. RITTER. Mr. Speaker, I would like to share with my colleagues a very special and unique charitable event taking place this weekend in the Lehigh Valley of Pennsylvania. Faith, Hope, and Charity Day, on Sunday, November 8, at Lehigh University's Stabler Arena and Saucon Valley fields, will commemorate the "International Year of the Disabled Person" with athletic competition and musical entertainment. In the process, the event's steering committee hopes to raise over \$30,000 in contributions for the disabled. As a member of the honorary committee for Faith, Hope, and Charity Day, I believe the event is a real red-letter day for raising funds for the disabled and merits the support of everyone. And, I am glad to say, thousands of persons and organizations are lending their support.

Scheduled to take place throughout the day are a 10-kilometer cross-country race, a 2-mile run with about 500 sponsored men and women from 10 Lehigh Valley area colleges competing for prizes, and musical performances by over 1,300 students from 32 high schools. All the activities are part of what steering committee chairman Tom Morgan calls a day when people of all faiths join together for the hope of others with an expression of charity.

I believe that an important part of Faith, Hope, and Charity Day is the spirit it displays. It serves as an excellent example of the American spirit of volunteerism. Individuals and groups are working together to benefit others less fortunate than they. The volunteer spirit and service will benefit the Good Shepherd Home in Allentown, the Lehigh Valley Society for Crippled Children and Adults, LaGonave Education Fund on the Haitian island of LaGonave, and other programs for the disabled.

Through the efforts of a long list of dedicated volunteers, Faith, Hope, and Charity Day has grown around the central theme of increasing the public's awareness toward the disabled not just this special year, the International Year of the Disabled Person, but

every year. It is an idea that certainly deserves our utmost praise, an idea that I hope will grow and flourish.

Mr. Speaker, I join with my friends and neighbors throughout the Lehigh Valley in congratulating everyone who has played a part in Faith, Hope, and Charity Day. And I look forward to the spirit generated by this initial event growing into something that might become an annual event in the Lehigh Valley. ●

**CONGRATULATIONS TO JAMIE
WHITTEN**

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ROYBAL. Mr. Speaker, I would like to congratulate my esteemed colleague, JAMIE WHITTEN, on his 40th anniversary in the U.S. House of Representatives. This is the longest period of service attained by any current Member of the House of Representatives.

This remarkable achievement could only be attained by a remarkable individual. JAMIE WHITTEN was elected to represent the First Congressional District of Mississippi in 1941, a month before the Japanese attack on Pearl Harbor. Since that time, he has enjoyed an uninterrupted career in the U.S. House of Representatives. This is certainly a tribute to JAMIE's ability to understand and respond to the needs and concerns of his constituents.

For years, JAMIE has chaired the Agriculture Subcommittee of the Appropriations Committee. In this capacity he has played a vital role in shaping this Nation's farm policy, and is one person whose opinion is always sought in developing or implementing new agricultural measures.

In 1979, JAMIE WHITTEN became chairman of the full Appropriations Committee. It has been a real pleasure for me to work with him in my capacity as chairman of the Treasury/Postal Service/General Government Subcommittee. He has provided strong leadership in a cooperative atmosphere and has been most responsive to the needs of Americans everywhere.

Congratulations on your 40th anniversary, JAMIE! I look forward to working with you for many years to come. ●

**DO NOT FORGET ATLANTA—A
CHILD'S GUIDE TO PERSONAL
SAFETY**

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ADDABBO. Mr. Speaker, since July 1979, 28 young blacks have been

killed in Atlanta. These heinous crimes, perpetrated primarily against children, remain unsolved. Law enforcement efforts continue, public concern and support for the ongoing investigations remains strong. I sincerely pray that the killer(s) will be found and brought to justice. I also pray that we will one day see an end to these killings, regardless of where in these United States such inhuman crimes are committed.

One way we can help law enforcement efforts, and help prevent crimes against our youth, is to be sure that our children become more perceptive and discerning when dealing with those they meet, especially strangers. A child normally displays a great deal of curiosity. Children also have a heightened sense of trust and friendship, very often accompanied by an eagerness to please and be liked. Those who commit crimes against children learn to take advantage of these attributes. It is most unfortunate that the beautiful disposition of a child must be tempered by feelings of mistrust and suspicion. Nevertheless, this is one way we can arm our youth against possible harm.

Just the other day I received a flyer from one of my constituents which lists guidelines of personal safety that can be easily explained and discussed with a child. It is my intent to distribute copies to schools, civics, and other organizations within my district. I submit it for the RECORD here so that those of my colleagues who wish to can follow my lead.

The material follows:

CHILD'S GUIDE TO PERSONAL SAFETY

Public restrooms should be used with caution. If you must utilize such facilities, it is advisable to have someone accompany you. Don't loiter in or around the restroom area. If you are approached by someone in a suspicious manner—leave immediately.

Every child should know his full name, address, telephone number, school, and the name, address and telephone number of a relative or friend who can be contacted in case of emergency. Children should be instructed in the proper use of the telephone to get help in emergency situations.

Report to your parents, school authorities, or a policeman—anyone who approaches you and exposes his private parts or attempts to expose your private parts. Don't go over to strangers in automobiles who may ask you for directions or pretend to have something for you—such as a message, gift, money or candy.

Stay with your group. On an outing don't wander off alone. If you should get separated have a pre-arranged meeting area to wait for your group, preferably a location where someone in authority would be present. For example, in a movie—the manager's office; or in open areas where a security office is not available—choose a location that is frequented by many people, so that you are not alone until your friends find you.

Only parents, doctors or nurses should be allowed to touch your body in a personal or intimate manner. If a stranger, relative or friends wants to fondle your private parts or

have you do the same to them—tell them you are not allowed—and get away from them as fast as you can. Never keep this kind of relationship “secret”. If it means doing something that you cannot tell your parents about, don’t do it.

Never hitchhike—or accept an offer of a ride from a stranger. Learn to use the public transportation that is available to you. If for some reason you can’t, then have your parent or another responsible person take you to or from your destination. Hitchhiking is equally as dangerous for boys as it is for girls.

Always tell your parents or guardian where you are going, with whom you will be, and when you will return. If you will be late in getting home, call and let someone know you have been detained and where you are.

Lock doors and windows and never indicate to strangers that you are home alone. If someone telephones asking for your parents—make up some excuse to explain why they can’t come to the phone: “Mommy is lying down, she has a headache.” Take a message, or have them call back. Don’t open the door to strangers—if your parents are home let them answer the door—if you are alone use an excuse as indicated above. Don’t let strangers know there is no one at home with you.

Shortcuts through deserted areas, alleyways, vacant lots or abandoned buildings can be dangerous. Walk or play out in the open where you can see or be seen by other people. Don’t loiter in the schoolyard when the rest of your playmates have left. Walk to and from school with a friend or group of friends, if possible.

Always discuss with your parents any incident which has disturbed or confused you. Confide in them freely even when you feel embarrassed or ashamed about the situation. You will be relieved of unnecessary anxiety or guilt if you have this kind of relationship with your parents. Any questions about sex should be directed to them and not to your peers, who may be less informed than you.

Familiarize yourself with your neighborhood. Remember specific places you can go to if you should need immediate help: storekeepers, gas stations, a friend’s house nearby, the local police and fire stations. Always let your parents or school authorities know about anyone who tries to accost you bodily, or lure you away. Try to remember what they looked like and what they said.

Every parent should exercise care in the selection of baby-sitters. Young people who baby-sit should also know something about the families for whom they sit. Make arrangements to be brought to and from the location—especially if it involves coming home late at night, or traveling in an area with which you are not familiar.

To be alert is important—alert to the fact that there are some people who will try to take advantage of you—will try to win you over by offering you money, candy, or a gift of some kind for favors of a very personal nature—which would embarrass you or make you feel uncomfortable. These people, whether they are total strangers or known to you or your family—should be reported to your parents.●

EXTENSIONS OF REMARKS

NO DOMESTIC SPY ROLE FOR CIA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. EDWARDS of California. Mr. Speaker, the following editorial from the October 29, 1981 edition of the Christian Science Monitor suggests strongly that President Reagan should not sign the Executive order that would authorize a domestic spy role for the CIA.

NO DOMESTIC SPY ROLE FOR CIA

When outspoken national defense advocates like Barry Goldwater and Daniel Patrick Moynihan find common cause to oppose a major expansion in the spying activities of the Central Intelligence Agency, the Reagan administration should listen carefully. Mr. Reagan appears ready to sign a proposed new executive order scrapping present curbs on the CIA that keep the agency from infiltrating or influencing domestic groups. Mr. Reagan should reject such an ill-considered and dangerous proposal.

Messrs. Goldwater and Moynihan, chairman and vice-chairman respectively of the Senate Intelligence Committee, are on target on this issue. That panel voted to reject Mr. Reagan’s plan. In fact, allowing domestic spying—a role now properly left to the FBI under strict guidelines—seems to be a violation of the legislation setting up the CIA in the first place. Beyond that, it poses fundamental threats to the liberties of all Americans and risks a return of the deep public suspicion and hostility toward the “Company” that marked much of the mid-1970s. Throwing off the present restraints would thus only be counterproductive and possibly lead to an acrimonious new congressional battle over legislation to reimpose curbs.

The National Security Act of 1947 specifically precludes an “internal security” role for the CIA. Like the FBI, the CIA has managed to build up new public goodwill in recent years. This is hardly the time to undo what is most likely a still tentative consensus of support for U.S. intelligence agencies. The essential distinction between the international spy role of the CIA and the domestic spy role of the FBI ought to be maintained. Mr. Reagan would do the country a disservice to blur it.●

DANGERS OF THE U.S. METRIC BOARD

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. RUDD. Mr. Speaker, for as long as I have been in Congress I have been pointing out how foolish it is to continue funding the U.S. Metric Board. Metric use is voluntary. The public is strongly against forced metrication. Tax dollars should not be used to support a useless and intrusive Federal agency.●

A recent item in the Washington Post shows how out of control and wasteful the Metric Board is. The Board awarded a \$75,000 contract to a local research firm to study the dangers and physical hazards of metrication. The Board says typical risks include a pilot not knowing how tall a mountain is in meters and a gas station attendant not knowing how many kilopascals to fill a tire.

For free, at no taxpayers’ expense, I can assure you that the real danger here lies with useless and self-serving agencies which attempt to impose their own hazardous ideas on an unwilling American public. Congress should abolish the U.S. Metric Board and any other Government entity that serves only itself.

[From the Washington Post, Nov. 3, 1981]

Danger! . . . Perhaps you haven’t spent much time worrying about the physical hazards involved in converting to metric measurements. The U.S. Metric Board has. The board just gave a \$75,000 contract to Middlesex Research, a D.C. firm, to study the dangers.

The contractor says typical risks include those facing a pilot who has to fly over a mountain that is 2.5 kilometers high, or a gas station attendant who is told that a tire cannot be inflated beyond 200 kilopascals.●

PRESIDENT SIGNS H.R. 3499

HON. G. V. (Sonny) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MONTGOMERY. Mr. Speaker, on Monday, Members of Congress received a letter from the committee with attached brief summaries of three comprehensive veterans bills enacted during this session of Congress.

At the time the letter was mailed, one of the bills, H.R. 3499, was awaiting the President’s signature. I am pleased to report to Members that yesterday the President signed the bill, and it is now Public Law 97-72.

I wanted Members to know, as they prepare for the observance of Veterans Day next Wednesday, November 11, that all three major veterans bills have been signed by the President and are now public law.●

EARLY WARNING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ASPIN. Mr. Speaker, today at the request of the Budget Committee I am inserting this week’s early warning package into the CONGRESSIONAL RECORD. This week the House of Representatives is scheduled to consider one spending bill providing new enti-

tlement authority, H.R. 4591, Mineral Leasing Amendment. This bill is under the committee's allocated new entitlement authority. The early warning package also includes brief summaries of the authorization (nonspending) bills that are scheduled. These materials factually compare the total amount of spending authorized by these bills with the assumptions for such spending that resulted from congressional approval of the first budget resolution for fiscal year 1982 and the amounts actually in appropriation bills, where appropriate. The committee intends to insert into the CONGRESSIONAL RECORD these staff analyses, and analyses of all other appropriations, entitlement, or revenue bills as they are scheduled for floor action. We hope to provide these "Early Warnings" to interested Members normally every Monday. I believe that it is very important for the House to have information that compares such bills to the budget resolution—achievement of the resolution spending targets is not likely to occur unless the Members are clearly aware of the budget impact of their votes.

EARLY WARNING REPORT

H.R. 4591, MINERAL LEASING AMENDMENT

This bill is under the committee's allocated new entitlement authority.

Staff analysis

Committee: Armed Services.

Chairman: Mr. Price (Illinois).

Ranking minority member: Mr. Dickinson (Alabama).

Scheduled: Wednesday, November 4, 1981.

I. Description of bill

This bill directs that all receipts from leases on Federal lands used for military or naval purposes (except for the Naval Petroleum and Oil Shale Reserves) be split equally between the Federal Government and the States containing the lands. The bill would create a permanent appropriation and an entitlement for States to their share of the funds. States do not now receive any payments from these lands. The bill is scheduled on the suspension calendar.

II. Comparison with target for new entitlement authority

The bill is \$2 million below the Military Installation and Logistics Subcommittee of the Armed Services Committee's 302(b) target for new entitlement authority.

III. Summary table—new entitlement authority

	Millions
1. Amount in bill	23
2. Prior action this session	0
3. Total action to date	23
4. 302(b) target	25
5. Over (+)/Under (-)	-2
6. Amounts assumed but not yet enacted	0
7. Over (+)/Under (-)	-2

IV. Explanation of over/under

This bill would result in an estimated \$23 million of entitlement payments to States in 1982. These payments were not assumed in the First Budget Resolution for 1982; however, spending reductions in the Omnibus Reconciliation Act for activities in the juris-

diction of this committee were larger than assumed in the Budget Resolution leaving room within the 302(b) target for this new entitlement program.

V. Comparison with the President

Neither the President's March budget or September revisions assumed any funding for these new payments to States from income earned on Federal mineral leases.

VI. Amendments

None are known at this time.

Definitions of terms in summary table, section III

Line 1. Amount in bill: This amount is the estimated budget impact that will result from creating new entitlement benefits—in this case, an entitlement for States to share in the receipts from mineral leases on military lands.

Line 2. Prior action: This amount reflects new entitlement authority (NEA) created through House-passed bills reported from the Armed Services Subcommittee on Military Installations and Facilities.

Line 3. Total action to date: Line 1 plus line 2.

Line 4. 303(b) target: The target for new entitlement authority set for this Subcommittee by the Armed Services Committee.

Line 5. Over (+) Under (-): Line 3 minus line 4.

Line 6. Amounts assumed but not yet considered. This reflects NEA amounts for legislation assumed in the First Budget Resolution which have not been considered by the authorizing committee.

Line 7. Over (+) or Under (-): Line 5 minus line 6.

SUMMARY OF AUTHORIZATIONS

H.R. 3464—PROHIBITION ON CONSTRUCTION OF NAVAL VESSELS IN FOREIGN SHIPYARDS

This bill provides that no United States Naval vessel or major component of the hull or superstructure of a naval vessel may be constructed in a Foreign Shipyard. There are no costs associated with this bill.

H.R. 4624—EMPLOYMENT PROTECTION FOR NON-APPROPRIATED FUND EMPLOYEES OF DOD WHO REPORT VIOLATIONS

This bill would extend to nonappropriated fund employees protection similar to that afforded other Federal employees. It would protect them from reprisals when they have reported illegalities, mismanagement, abuse and waste. The bill would require the Secretary of Defense to prescribe regulations to implement this legislation and be responsible for prevention of adverse action to employees and responsible for the correction of any such actions taken. There are no costs associated with this bill.

H.R. 4625—RETURN OF WORKS OF ART TO GERMANY

This bill authorizes the Secretary of the Army to return to the Federal Republic of Germany certain works of art seized by the United States Army at the end of World War II. There are no costs associated with this bill.

H.R. 4792—REFERENCE TO UNIFORM CODE OF MILITARY JUSTICE

This bill contains provisions relating to administration of leave in relation to certain court-martial correction and review, post-trial confinement, individual military counsel, and procedure relating to military review division. There are no costs associated with this bill.

H.R. 3598—CARL ALBERT CONGRESSIONAL RESEARCH AND STUDIES CENTER ENDOWMENT ACT

The bill would authorize grants to assist in the development of the Carl Albert Congressional Research and Studies Center at the University of Oklahoma. The funds authorized, subject to appropriations actions, would be available for a period of seven years but could not exceed an aggregate amount of \$3 million. The funds would support the following activities: scholarships, research, education, and archives. The Congressional Budget Office has estimated that the \$3 million would be spent over a four year period, fiscal years 1983-1986.

H.R. 4543—AMENDMENTS RE TIMBER PRODUCED ON MILITARY INSTALLATIONS

The bill provides that 25 percent of the amount received into the U.S. Treasury from the sale of timber or timber produced on military installations will be paid to each State in which the producing facilities are located. The 25 percent paid to the States will be taken from net receipts following reimbursement of appropriations to the Department of Defense for all expenses incurred during the production of timber and timber products. The bill establishes an entitlement of \$1 million for each fiscal year starting with fiscal year 1982. This amount is within the 302(b) allocation of entitlement authority to the Armed Services Committee under the First Budget Resolution for Fiscal Year 1982.

H.R. 3502—AMENDMENTS RE VA AND DOD SHARED MEDICAL FACILITIES

H.R. 3502 is legislation to provide for greater coordination and sharing of medical facilities and resources of the Veterans Administration and the Department of Defense. The bill authorizes the establishment of an interagency committee with responsibility for maintaining oversight of opportunities for sharing medical resources and for making recommendations to the agencies and an annual report to Congress. CBO estimates that savings will occur as better utilization of facilities and resources is achieved. However, it is impossible to determine the level of savings without knowing policy changes and procedures that may be implemented.

H.R. 3942—COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT

The bill alters the primary purpose of the Act of 1964 to support and encourage greater State support of the research, development and management of commercial fishery resources. The bill also deletes existing authorizations for new commercial fishery development projects in fiscal years 1982 and 1983, changes the fund apportionment formula for the remaining authorizations, establishes more specific guidelines and priorities for project approval, and directs the Secretary of Commerce to submit annual reports to the Congress on the status of the remaining programs. The Congressional Budget Office cost estimate states that enactment of this legislation will result in neither greater costs nor savings for the Federal Government. For although the bill eliminates \$500,000 in existing program authorizations for fiscal years 1982 and 1983, because the program has never received any appropriations, no outlay savings will result. ●

COMMENDING LOCAL INITIATIVES TIGHTENING FEDERAL GRANT APPLICATIONS

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LOWERY of California. Mr. Speaker, the effort to restore balance to our economy and fiscal responsibility to government will require a commitment from government at all levels: Federal, State, and local. The efforts of Congress and the administration, however successful, will not be sufficient to do the job alone.

I recently received a letter from the chairman of the San Diego Board of Supervisors, Hon. Paul Eckert, outlining the program that our local government will be undertaking to reverse the free money mentality characterizing applications for Federal grants. I applaud San Diego County for its efforts and commend Mr. Eckert's letter to the attention of my colleagues. Hopefully, other local governments will be encouraged to follow in San Diego County's footsteps as we work together toward our national goal of fiscal integrity and responsibility in government.

COUNTY OF SAN DIEGO,

San Diego, Calif., October 21, 1981.

For many years the County of San Diego has accepted federal grant revenues to fund projects and activities of marginal value to this community. In part, acceptance of such grants has been justified by the availability of "free money." In part, it was believed that if the County refused such funds, they would merely be spent in some other community.

This Board of Supervisors believes that the traditional mentality associated with federal grants is inconsistent with your efforts to reduce the national deficit, balance the federal budget, and narrow the scope of government at all levels. This Board, therefore, in the future will require departments seeking Board authorization to solicit or accept federal grant awards to certify to the Board that the federal funds would be used to finance programs which are of such local importance that financing for them would be sought from the County General Fund even if no outside source of funding—i.e., "free money"—were available. Absent such certification, it will be the policy of this Board to decline such federal grants.

We have thus made a commitment to do our part to help in efforts to restore balance to our economy and responsibility in government. Obviously, our efforts acting alone will have little impact. We would hope that through your Office similar efforts could be encouraged on the part of other local governments. We also have a recommendation which, if pursued by your Office and the Congress, will ensure that such efforts on the part of local government achieve the intended result: we recommend that federal revenues "turned back" to the federal government by local agencies be recaptured and placed in the General Fund for the purpose of reducing the federal budget deficit, rather than being returned to the federal agency in which the grant revenues were

EXTENSIONS OF REMARKS

originally appropriated. Absent such a "turn back" policy on the part of the federal government, economizing efforts on the part of local governments will be neither encouraged nor effective.

Sincerely,

PAUL ECKERT,
Chairman, Board of Supervisors.●

HILLSIDE ELEMENTARY SCHOOL

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ROYBAL. Mr. Speaker, I would like a few moments to talk about an extraordinary group of young people in my district—Mrs. Dorsey Lawson's fourth and fifth grade classes at Hillside Elementary School.

Last April, these students wrote to me about their concern over world hunger. This was not just a monetary concern. On Friday, October 16, the classes celebrated World Food Day by imploring the Nation's leaders to work toward the alleviation of hunger everywhere. World Food Day culminated an intensive study by the classes of the world hunger problem.

The main focus of the program was a presentation of man's achievements—achievements once thought to be impossible. Students made posters and presented demonstrations of such accomplishments as flying, breaking the 4-minute mile, ending slavery, journeying to the Moon, and finding vaccines for smallpox and polio. This record of our achievements dramatically makes the point that with modern technology and knowledge there is no reason why we cannot accomplish the impossible once more by ending hunger across the globe. Other activities included essay contests for school children, best farmer awards, nutrition study courses, television specials, and showings of John Denver's film about world hunger, "I Want to Live."

I applaud these students in their struggle to spread awareness and concern about the estimated 800 million people in this world who live in absolute poverty. Most of us have become immune to the grim statistics—life expectancy in developing countries of 56 years compared to our 72, the incredibly high infant mortality rate, the high inflation and rising oil prices that have devastated the economies of these countries. But children will never be immune to these facts. They force us to look past our facts and figures, past our rhetoric and politicizing, and to focus once again on the realities of millions of our brothers and sisters who never get enough to eat. We must face up to this enormous problem, and it appears that once again our children will lead us. I know you will all join me in saluting Mr. Law-

son's students at Hillside Elementary School, and in encouraging them to keep up the good work.●

AMERICA'S NEWEST HERO

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. VENTO. Mr. Speaker, America has a new hero. This past Friday, Mr. Gerry Spiess of White Bear Lake, Minn., completed an epic voyage across the Pacific in his homemade 10-foot sailboat, the *Yankee Girl*. The only person to ever cross the Pacific in such a small craft.

Setting sail from Long Beach, Calif., on June 1, Gerry faced the dangers of a rigorous 153-day sail and was not assured of success until he docked in Sydney, Australia, on October 1. During the voyage, he had to face the threat of an 11-day electrical storm which threatened to strike his mast.

Gerry's victory over the Pacific matches his 1979 sail across the Atlantic in the *Yankee Girl*. He now has the record for crossing both oceans in the smallest craft. He has now sailed alone over 11,000 miles in a 10-foot sailboat.

Gerry Spiess exemplifies the American spirit of adventure and discovery. He embodies the noble characteristics of our early explorers and his significant accomplishments are worthy of national recognition. For this reason, I will be nominating Gerry Spiess to President Reagan for the Presidential Medal of Freedom.

America's spirit of adventure is not lost. Gerry Spiess proved that in 1979 and again this year.

At this time, I would like to bring to my colleagues' attention, a recent Washington Post article detailing the latest voyage of Gerry Spiess.

The article follows:

[From the Washington Post, Nov. 1, 1981]

AMERICAN SAILS TO AUSTRALIA IN 10-FOOT BOAT

(By Peter O'Loughlin)

SYDNEY, Oct. 31—With near-miss lightning bolts striking every 15 seconds and sledgehammer waves pounding his 10-foot homemade sailboat, Gerry Spiess covered on his bucking bunk and dreamed of ice cream, his wife Sally—and never doing anything like this again.

"This is the last time—forever," declared the rubber-legged, 40-year-old, American school teacher as he wobbled ashore today after the epic cruise that earned him the distinction of having crossed both the Atlantic and Pacific oceans in the smallest craft ever—the *Yankee Girl*.

Spiess sailed into Sydney harbor after the 153-day voyage from Long Beach, Calif., to a tumultuous welcome from his tearful wife, his parents, a throng of cheering Australians and 15 friends from his hometown of White Bear Lake, Minn.

He leaned on his wife's arm as he walked to the club house for the dish of ice cream

he had been craving during his five months at sea.

It had been smooth sailing except for the last leg of the voyage, Spiess said, when 11 days of electrical storms off the north Queensland coast kept him prisoner inside the hold of the little blue boat.

"Lightning was striking about every 15 seconds and huge waves were really knocking me about. It was very frightening. There was nothing I could do," Spiess told a news conference at the Royal Sydney Yacht Squadron.

"I was lucky I wasn't struck," said Spiess, who was forced to stay in the stern of the boat in case the aluminum mast was hit by lightning. "The grounding system was badly corroded. The aluminum was just like paste."

Otherwise, Spiess' only major complaint about the 7,800-mile voyage was not being able to sleep properly because his bunk was on the wrong side of the boat. He was forced to curl up to keep from falling out as the boat heeled with the prevailing winds.

Spiess said he kept his hopes up by thinking of Sally and telling himself: "This is the last time."

Sally kept in touch with her husband with the help of a ham radio operator in Hawaii.

Spiess said he prepared himself psychologically and physically for the voyage, deliberately putting on weight before he left. He arrived 20 pounds lighter.

Before reaching Australia's east coast, Spiess stopped in Honolulu, Fanning Island, American Samoa, Fiji and New Caledonia.

Spiess said he spent the last few days out bidding farewell to the Yankee Girl. The yacht is to be flown to the United States and put on exhibition at boat shows, while Spiess concentrates on writing a chronicle of his seafaring adventures.

In 1979, Spiess sailed solo 3,800 miles across the Atlantic Ocean in 54 days to earn a place in the Guinness Book of Records.

"Although I said I wouldn't do it again after the last voyage, I really mean it this time," he vowed. ●

FREE MARKETS WORK

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MICHEL. Mr. Speaker, perhaps the most persistent—and pernicious—economic myth of the 20th century is that a socialist economy is compassionately directed toward human needs while a capitalist economy is selfish and directed toward a small elite. This myth is spread by Socialist theorists, leftwing dictators and other ideologues.

This myth of socialism is the philosophical foundation of the so-called "North-South" economic division. We are told by socialist propagandists that the "North"—meaning the industrial democracies of the world—must engage in huge transfers of money and goods to the "South"—the undeveloped nations of the Third World. Such a transfer, we are told, will serve to work off the guilt of the industrial democracies for producing so much

wealth and consuming so much of the world's goods.

What is never mentioned is that the industrial democracies, using the free enterprise system, have benefited hundreds of millions not only in the "North" but throughout the world.

The free market works in the "North" and it has already worked in the "South." Taiwan, South Korea, Singapore, and the Ivory Coast, all Third World countries, have transformed their economies through free enterprise.

At this point I wish to insert in the RECORD "The Free Markets Work Very Well in the Third World" from the Baltimore Sun, October 25, 1981.

THE FREE MARKETS WORK VERY WELL IN THIRD WORLD

(By Fred Barnes)

WASHINGTON.—As an avid promoter of capitalism, President Reagan offers a simple solution to the economic ills of poor and less developed countries. "The magic of the marketplace," he called it in a speech last month to the World Bank.

And his advice—abandon government controls, adopt free enterprise—was the same last week when he conferred in Cancun, Mexico with 21 leaders from nations both rich and poor.

The Reagan solution is hardly a new one. In fact, the movement to free market economics has reached such proportions and achieved such dramatic success in the Third World in the past two decades that it amounts to a capitalist counterrevolution of global dimensions.

With missionaries for capitalism such as Mr. Reagan in scare supply since the Depression, this counterrevolution was not a foregone conclusion. It went against virtually all the advice of the supposed experts on economic development, many of them employed by governments and universities in Europe and North America.

Gunnar Myrdal, the influential Swedish socialist, insisted that central planning is "the first condition of progress." The heralded report of the Brandt Commission in 1979 said an outright transfer of wealth from rich to poor nations is "necessary."

But an increasing number of leaders in the Third World have dismissed this advice, with the result an economic boom in some unlikely places. Indeed, perhaps the most striking aspect of the shift to capitalism is that it seems to take root and flourish in every type of political soil.

Hong Kong is a British colony with appointed leaders; free trade, low taxes and non-intervention have given it the most vibrant economy in the world. Similar policies have revived the economies of Uruguay and Chile, both controlled by military men. They have also produced an economic renaissance in Sri Lanka, a democracy whose economy had stagnated for decades.

Capitalism has touched off spectacular economic growth in Taiwan and South Korea, growth that persisted during oil shocks and worldwide recession. Taiwan and South Korea are authoritarian states. Less autocratic, the Ivory Coast and Singapore have experienced two decades of prosperity and growth under capitalism.

A number of other countries have taken more tentative steps toward free enterprise. Jamaica has veered dramatically away from a socialist economy since Edward Seaga

became prime minister last year. Under President Anwar el Sadat, Egypt got an economic boost from deep cuts in personal income tax rates. In Israel last spring, the government of Menachem Begin, eager for reelection, audaciously cut excise, inheritance and income taxes, generating some supply-side results in increased revenues.

But the most intriguing and potentially momentous use of market forces has come in China, where money incentives are being applied to increase productivity, expand private farming and attract foreign entrepreneurs. But even if China slips back into doctrinaire collectivism, the case for capitalism in the Third World has been made and some cherished theories about economic progress have been cast into serious doubt.

For one, the idea that the road to national prosperity is paved by massive government intervention in the economy has been tainted. In black Africa, the country with the highest per capita income, the Ivory Coast, also has the freest economy. Sullied, too, is the notion that wealth can be widely shared only if redistribution is aggressively pursued. Among black African nations, it is little pressed in the Ivory Coast, intensely applied in Tanzania and Zambia. Yet, by some measures, the wealth is more broadly distributed in the Ivory Coast.

Another discredited theory is that nations cannot expect much material advance unless they are blessed with natural resources. This has been disproved since the 1950's by Japan, Hong Kong, South Korea, Taiwan and Singapore. And finally, there is the idea that overpopulation bars economic progress. This has failed to doom Hong Kong, whose population doubled between 1954 and 1977.

The antecedents of the rebirth of capitalism, which had lost intellectual and political favor in the first half of this century, lie in the postwar economic recovery in Germany and Japan. In Germany, Ludwig Erhard rejected recommendations that the government manipulate the economy. In occupied Japan, Gen. Douglas MacArthur recognized the need to slash taxes. Both nations gave wide play to market forces, both prospered and both became models to be copied, especially Japan.

The first imitators of Japan, whose economic resurgence had lifted it right out of Third World status, were the Asian gang of four—Taiwan, South Korea, Hong Kong and Singapore. Taiwan and South Korea fostered industrialization but not at the expense of agriculture. They pointedly steered clear of collectivization, price controls on food and heavy taxation of farmers to aid industry, policies that other Third World countries followed at great cost and inefficiency. Taiwan's agricultural productivity outstripped China's, South Korea's outpaced Communist North Korea's.

Industries of increasing sophistication thrived, and South Korea's 10 percent growth rate held firm right through the oil price hike and recession of 1974 and 1975. Significantly, the growth benefited all. It "was particularly impressive because it brought with it early and almost as a by-product a more egalitarian distribution of income and wealth than is found in most other countries," noted Herman Kahn. "Some socialist states have achieved a more egalitarian distribution of income and wealth, but only at great economic and human costs."

Hong Kong also achieved 10 percent growth from 1960 to 1980 on the strength of low taxes (top rate 15 percent), unfettered

flow of capital, free trade and the near-total absence of government regulation.

Important to Hong Kong's adherence to free market economics were colonial officials convinced of its virtues. One was John Cowperthwaite, the financial secretary in the 1960s. "I still believe that, in the long run, the aggregate of the decisions of individual judgment in a free economy, even if often mistaken, is likely to do less harm than the centralized decisions of a government, and certainly the harm is likely to be counteracted faster," he said.

In Singapore, Prime Minister Lee Yuan Kew is not quite a capitalist of this stripe. But disillusioned with socialism, he looked for an alternative and spotted Japan. "You have to learn how to succeed, to see who performs better, and then copy them," he said. Singapore has boomed, with 9 percent growth and in 1976 a minus 2 percent rate of inflation.

"We proved that certain principles worked," Mr. Lee told writer Anthony Sampson. "Whether they're acceptable is a different matter, and other countries disagree. It's a question of priorities. . . . It's not that we're superior. It's that our approach is right."

Like the Pacific four, the Ivory Coast has been thriving since the early 1960s under capitalism, mainly because President Felix Houphouet-Boigny brushed aside the conventional wisdom on black African development. He retained European (French) advisers, eschewed grandiose agricultural or industrial schemes and restrained the interventionist impulse.

President Julius Nyerere tried the opposite course in Tanzania, forcing farmers onto "ujamaa" settlements. Tanzania was transformed from a food exporter to a food importer. The Ivory Coast, meanwhile, exports rice, cocoa and coffee at great profit. "There is no miracle," said Mr. Houphouet-Boigny. "Just the work of men, freely furnished."

A second wave of new capitalists emerged in the mid-1970s in Chile, Uruguay and Sri Lanka. Chile is remembered for 350 percent inflation under President Salvador Allende, but it actually spurred to 500 percent after Gen. August Pinochet seized control in a bloody coup. The remedy was supplied by a team of free market economists, some of whom studied under Milton Friedman at the University of Chicago. They cut tariffs and taxes. The economy blossomed and inflation shriveled to 5.4 percent in the first five months of 1981.

In Uruguay, the personal income tax was abolished altogether in 1974, a year after the military interceded. Uruguay's economy also suffered from lavish government spending, price controls and high tariffs. Spending was cut, controls lifted and tariffs reduced. The government ran a surplus for two years. And last August, Finance Minister Valentin Arismendi appeared on television to, in the words of a State Department cable, "puncture any expectations of more state intervention in the economy."

One of the sharpest economic reversals has occurred in what is still called the Democratic Socialist Republic of Sri Lanka. Four years ago, voters tossed out the socialists who had provided 20 years of welfare extravagance, food rations and price controls—and a stagnant economy. Taxes were cut, controls eased and subsidies trimmed. An "investment promotion zone" for foreign companies was created outside Colombo, the capital. It advertises "more profits, 100 percent tax-free."

Sri Lanka's leaders are remarkably candid about the economic steps they have taken. Explaining the enterprise zones, President J. R. Jayewardne said, "We are open to serve as a capitalist organization and I often use the words, 'Let the robber barons come' to that area." Trade Minister Lalith Athulathududal described the shift to capitalism this way:

"We are in a post-socialist era, an era where slogans no longer are believed to be ipso facto. They have to be proved. . . . If you live in a country such as ours, a very poor country, at least 50 percent of the people in poverty, and if you assess the problems of the country in your heart, then there is no question what is paramount is concern for the underprivileged. And that makes you think a socialist philosophy is the way out.

"In theory, it's perfect, but what I have experienced and what the people of this country have experienced [is] that in practice it means something quite different. And in practice, it often means the poorest don't have their lot improved at all. I mean, the poor just could get nothing, but at the same time, the preachers of socialism, the leaders, were enjoying the benefits of commercial and political privilege.

"To my mind today . . . we have taken a socialist goal, but in practical terms socialism means whatever means can be employed to improve the lot of the poor. If that includes private enterprise, then that's also a good object, because if that gives jobs, if that increases incomes, if that gives better cultivation methods, if that means better management of your industries, well that's good enough socialism for me."

In China, where capitalism is awakening from the long night of Maoist collectivism and state planning, the leaders are not ready to proclaim a "post-socialist era," but they approach that as a limit. The government's goal, Deputy Prime Minister Yao Yilin said last spring, is "to regulate the economy according to the pressures of supply and demand in the market, within the state plan."

Under the guidance of the so-called pragmatists who replaced Mao Tse-tung and his followers, thousands of industries are allowed to keep a large chunk of their profits and use the money as factory managers desire. Most of it goes for fringe benefits and bonuses for workers. Moreover, farmers have been granted the right to double the size of private plots. Homemade crafts may be openly marketed. And foreign capitalists have been invited to establish factories in enterprise zones.

All this is not capitalism of the sort that Mr. Reagan espouses, but it raises the prospect of the most significant breakthrough for capitalism since the demise of mercantilism in the 1700s.

Certainly the regular appearance of gems of free market wisdom in the Beijing Review suggests that the Chinese are serious about capitalistic incentives. "The purpose of socialist production" is to meet people's demand for "material goods," an article said recently. "An excessive issuance of currency inevitably gives rise to inflation," another said.

Maybe the most telling sign was the inclusion of this nugget in a poll of Communist youth on their favorite proverb: "Everyone for himself and the devil take the hindmost." Even in the land of Mao, 2.5 percent were reported to have daring enough to pick this as their favorite. ●

JOHN BIRKS-DIZZY GILLESPIE
CENTER FOR CULTURAL
CHANGE AND THE JAZZ HALL
OF FAME

HON. W. G. (BILL) HEFNER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. HEFNER. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in the House of Representatives the kickoff drive today for the John Birks-Dizzy Gillespie Center for Cultural Change and the Jazz Hall of Fame at Laurinburg Institute in Laurinburg, N.C. Woody Shaw, a native of Laurinburg who is a top jazz performer, will serve as the host for the concert today.

This is a grand occasion for all people who love jazz and want to see its tradition preserved. Jazz is a part of our heritage that all of us enjoy and cherish.

I want to extend my personal congratulations to the Center for Cultural Change and the Jazz Hall of Fame and express my best wishes for its success.

I also would like to congratulate Mrs. Tinny Etheridge McDuffie on the occasion today of her 100th birthday. Mrs. McDuffie is a cofounder of the Laurinburg Institute, which is the only private black high school in the United States. ●

AND YOU THINK YOU HAVE
TROUBLES (PART I OF A CONTINUING SAGA)

HON. EDWIN B. FORSYTHE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. FORSYTHE. Mr. Speaker, back in 1976, Congress passed the Fishery Conservation and Management Act (FCMA), a progressive piece of legislation designed to extend U.S. fishery management authority to 200 miles and to maximize the participation of the U.S. fishing industry in management decisions affecting it. What great hopes we had that the FCMA would insure the speedy development and implementation of fishery management programs.

Now, more than 5 years after the FCMA was passed, the fishery management system is mired in a morass of federally imposed procedural requirements which threaten to bury the Government and the fishing industry in paper, while the fish die of old age. What is even more disturbing is that some attempts to make the process work better, particularly attempts to reduce paperwork and the regulatory burden on small businesses, may have made the problems worse.

What better way to show what the Government has created than to describe some examples of the hoops which must be gone through to accomplish almost anything under the FCMA.

Earlier this year, the regional fishery management councils created by the FCMA recommended to the Subcommittee on Fisheries and Wildlife Conservation and the Environment that the FCMA be amended to permit the councils to gather information to determine whether to do a management plan for a fishery. Now that seems like a simple enough request. After all, who wants to devote a lot of time to preparing a management plan if you are not sure whether the fishery needs to be managed. What better way to decide whether to prepare a plan than to first collect the information you need to make that decision. Well, JOHN BREAU and I asked the Department of Commerce whether it wouldn't be appropriate to permit the collection of the needed information in a fairly rapid manner, rather than have to go through the long-drawn-out process followed to approve an actual management plan. What was the Commerce Department's answer? They replied, "We see no advantage in proposing special procedures * * * Such (plans) by their nature are expected to be simple and noncontroversial, so they should be rapidly approved."

Likely to be "rapidly approved" they say. Do you know how long "rapid" is in the eyes of the Department of Commerce? Would you believe that if a council proposed a data collection program on your birthday, you would be almost a year older by the time the final regulations were published just to request the data.

The following table shows all the different steps that the Department of Commerce would take before they issued those regulations. I should note that the time schedule does not even include the amount of time which the Regional Council would use to identify the kinds of information which they want and to draft regulations which would request that information.

SCHEDULE OF REGIONAL COUNCILS

Day 1—Regional Council adopts Data Collection Plan and draft regulations.

Day 5—Data Collection Plan, draft regulations, and Draft Regulatory Impact Review received by the Department of Commerce.

Day 15—Request to collect information transmitted to National Oceanic and Atmospheric Administration (NOAA).

Day 25—Administrator of NOAA approves Draft Regulatory Impact Review and transmits it to the Chief Economist, Department of Commerce.

Day 45—Chief Economist's comments on Draft Regulatory Impact Review provided by Regional Council.

Day 75—Regional Council completes a final Regulatory Impact Review (assuming this is a non-major issue under Executive Order 12291).

Day 80—The Department of Commerce begins a Secretarial review of the proposed Data Collection Program.

Day 141—The Secretarial review ends. Department of Commerce begins 10-day review of proposed regulations.

Day 152—President's Office of Management and Budget starts 10-day review of proposed regulations.

Day 163—Proposed regulations submitted to Federal Register.

Day 169—Proposed regulations and notice of approval and availability of Data Collection Program document are published in Federal Register.

Day 170—Start of 45-day public review period of Data Collection Program and proposed regulations.

Day 171—Copy of draft Regulatory Impact Review transmitted to the Small Business Administration.

Day 215—Forty-five day public review ends.

Day 230—Final regulations completed. (This assumes 15 days for preparation and NOAA clearance.)

Day 241—End of 10-day Department of Commerce review of final regulations. Beginning of 10-day Office of Management and Budget review of final regulations. This assumes the regulations are non-major under Executive Order 12291.

Day 252—End of 10-day Office of Management and Budget review of final regulations.

Day 253—Final regulations filed with Federal Register.

Day 256—Federal Register publishes final regulations.

Day 257—Start of 30-day delayed effectiveness period on final regulations pursuant to the Administrative Procedures Act.

Day 287—Final regulations become effective. Now we begin to actually collect the data.

While I certainly agree that we don't want the regional councils or the Department of Commerce to do anything rash, what is the sense of a process that takes over 9 months just to reach agreement on whether you want to collect data and how to do it? I support regulatory review, but in the context of resource management, this is absurd. If this is what the Department of Commerce considers rapid action, we will be in deep trouble if we ever ask the Department of Commerce to do something and to take their time.●

REDUCTION OF CIVIL FILING FEES

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. KASTENMEIER. Mr. Speaker, on October 15, 1981, I introduced a piece of legislation to reduce the fee for the filing of a civil action in Federal district court from \$60 to \$30. I introduced H.R. 4762 for the following reasons.

In a little known technical amendment to the Bankruptcy Reform Act of 1978 civil filing fees were increased 400 percent, effective October 1, 1979.

Originally, title 28, United States Code 1914(c) provided for a filing fee of \$15. The bankruptcy reform raised this to \$60.

Ostensibly, this was done to conform the civil filing fee to the bankruptcy filing fee, which previously was at \$50.

When this was accomplished late in the 95th Congress, my subcommittee—the Subcommittee on Courts, Civil Liberties, and the Administration of Justice—was not briefed about this change in the law. Likewise, most public interest groups were unaware of the fee change.

No one in the House or the Senate who participated in the bankruptcy legislation will take responsibility for the drastic increase in filing fees. The Senate-passed version of the bankruptcy bill had included a bankruptcy filing fee of \$60; the House-passed version had set it at \$50. Neither bill touched the civil action filing fee. Because of the time pressures at the end of 95th Congress, the bankruptcy reform measures were not referred to a conference committee. Instead, differences were worked out in informal meetings between members of the House Judiciary Subcommittee on Civil and Constitutional Rights and the Senate Judiciary Subcommittee on Improvements in Judicial Machinery. Sometime during these meetings, the augmented fee was inserted.

Now, nobody will even admit that they were aware of it.

The net outcome of my legislative proposal will still be an increase of exactly 100 percent over what civil filing fees were prior to 1978.

Indisputably, a filing fee should reflect several factors. First, to the extent feasible, it should approximate the costs of processing a complaint, opening a docket, receiving the fee, and entering the ledger. In this regard, it should not be considered as a tax. Also, it does not necessarily have to cover time and space, since these are separate line items in the budget of the Administrative Office of the U.S. Courts. Second, as in the area of other filing fees, for example, automobile registration, marriage licenses, drivers permits, the fee should be kept as low as possible to meet the needs of the average citizen. Last, an increased fee should attempt to parallel inflationary living increases. I believe that all of these factors could be met with enactment of a \$30 filing fee in civil cases.

This amendment achieves the same result as H.R. 6490, a bill which I sponsored during the 96th Congress with the cosponsorship of several respected colleagues; Mr. RODINO, Mr. PERKINS, Mr. RAILSBACK, and Mr. LAGOMARSINO.

I understand the difficulty of not having equal civil and bankruptcy filing fees. I have no objection to low-

ering bankruptcy filing fees. In closing, it must be stated that if civil filing fees are not reduced overall, there will be efforts to reduce them in specific subject matter areas; for example, social security, banking, veterans' affairs, and so forth. This balkanization of the fee system would be an extremely unfortunate development and would be avoided by adoption of my legislative proposal. I wholeheartedly urge my colleagues to support it. ●

SUPPORT FOR "FREE ENTERPRISE WITHOUT POVERTY"

HON. JOHN LeBOUTILLIER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LeBOUTILLIER. Mr. Speaker, a short while ago, I entered remarks into the CONGRESSIONAL RECORD, expounding the virtues and good sense of a book by Mr. Leonard Greene entitled "Free Enterprise Without Poverty."

Essentially, Mr. Greene advocates replacing welfare with a system called graduated income supplement. His incisive proposals have won the support of such diverse political and economic personalities as Senator BARRY GOLDWATER, Senator DANIEL PATRICK MOYNIHAN, and Benjamin L. Hooks, executive director of the National Association for the Advancement of Colored People.

While I remain impressed with Mr. Greene's economic thought, it is of equal value to consider the evaluations of others who have read Mr. Greene's book. What follows is an article written by Mr. John Pinkerton, a Copley News Service reporter.

It is well worth reading, and I urge my colleagues to familiarize themselves with the book, "Free Enterprise Without Poverty."

[From the San Gabriel Valley Tribune, Sept. 25, 1981]

WORK INCENTIVE OFFERS OUT

(By John Pinkerman)

President Reagan, despite his startling victory in getting a budget-slashing bill through Congress, has and will continue to have budget and deficit problems.

Contributing substantially to these problems is the matter of welfare—waste, fraud and growth of a national malaise that creates a disinclination to work.

However, all may not be lost, particularly if Reagan and his welfare reform people have a serious chat with Leonard M. Greene, economist, mathematician, founder of a computer equipment corporation and president of the Institute for Socioeconomic Studies, a Westchester, N.Y., think tank.

Greene has spoken at length and across the country on his ideas, which simplify down to a theory of what he calls replacing welfare (and eliminate poverty) with something called Graduated Income Supplement. He even has written a book on the subject: "Free Enterprise Without Poverty," published by W. W. Norton and Co.

EXTENSIONS OF REMARKS

That his ideas have appeal is demonstrated dramatically by the fact that he enjoys the support of people of diverse political and economic thrusts, such as Sen. Barry Goldwater, Arizona conservative, on the one hand and Benjamin L. Hooks, executive director of the National Association for Advancement of Colored People on the other, also liberal Democratic Sen. Daniel Patrick Moynihan of New York and conservative business leader and corporate planner John Diebold.

Greene is no mere ivory tower theoretician. He went into the slums and the poverty belt for research and to work at all manner of menial jobs. And, he had a shocking experience with his own computer firm.

This experience had to do with his hiring of a black teenager and the six months expensive training that went with such a venture. The boy worked out well but after three months he suddenly quit the job with Greene's firm. Relating the story, Greene said, "Quietly and without trying to hide his disappointment, the boy told me a surprising story.

His family lived in a crumbling building in the Bronx but for three years had had an application in for subsidized housing in a new development. Finally, word came that they were eligible."

However, there was one problem that typifies what is wrong with the results that welfare produces.

"The family," Greene said, "could earn no more than a fixed sum to retain its eligibility. If its members earned more, they would have to stay in their slum dwelling until they could buy their way out. The result was that the parents decided my young employee must quit his job so they could live better.

"I often wonder what happened to this boy, with all of his obvious ambition. He may be running numbers on the streets—or worse. But, I am certain that a good part of the current 38 percent unemployment among young blacks is due to this kind of work disincentive"—caused by welfare rules.

Greene has many other stories of a similar nature. They have to do with food stamp abuses and stupid rules, with aid to needy children and all the other ridiculous aspects of welfare.

He admits that the welfare bureaucracy and the millions it employs will fight his reform plan to the hilt but he justifies it on the basis of its features providing a work incentive, promoting the integrity of the family, offering uniform benefits, its integration with our tax system and the ease with which it might be administered.

"Every adult and, at a different level, every child," he proposes, "is to receive a taxable income supplement. The dollar value of that supplement will be reflected on the income tax return as a reduction of taxes owed. If the amount of taxes owed is less than the supplement, a cash refund will be made.

"A family with no income will receive the full amount of the supplement in cash payments. Because the supplement is taxable income, its net value is progressive in accordance with the graduated tax income.

"The GIS will not call for a determination of the assets or the needs of recipients. Its basic payments will be unrelated to any financial standard (thus reversing the disinclination to work promoted by welfare). However, thanks to taxation, it will operate as an income-related program."

Greene's plan would be financed through the partial or total phasing out of current

welfare programs. Most of all, it would restore family dignity and, particularly, elevate once again the incentive and the urge to work by people like the black boy Greene wanted to help but who was caught up in a disgraceful "don't work" welfare system. Last, Greene's plan would take a significant welfare cost load off the backs of American taxpayers.

Greene deserves a full hearing of his ideas in the White House and anywhere else where the Reagan administration is struggling with the albatross that is welfare. ●

DO WE NEED MORE NUCLEAR WEAPONS?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, November 4, 1981, into the CONGRESSIONAL RECORD:

DO WE NEED MORE NUCLEAR WEAPONS?

The question came unexpectedly. As the public meeting in the small southern Indiana town was about to end, the elderly gentleman hesitated a bit, raised his hand, and said: "We're cutting back on education and health to get money for the MX missile, but we've already got enough missiles to destroy the Soviet Union many times over." His question to me was polite but direct: "Do we really need more nuclear weapons?"

The United States possesses an awesome arsenal of strategic nuclear warheads. We have some 9,000 in all, and they are deployed on the "legs" of our strategic triad—manned bombers, land-based missiles, and sea-based missiles. There are proposals to modernize each leg by increasing the flexibility, accuracy, and range of the delivery systems. The B-1 and Stealth bombers have been suggested as replacements for the B-52, whose service may be extended in the meantime by equipping it with the new cruise missile. The Titan and Minuteman missiles may be followed by the MX, the Trident nuclear submarine and its new missile are intended to succeed the Polaris and Poseidon systems as our sea-based deterrent. Our present strategic forces, however, give us the means to inflict cataclysmic destruction on the Soviet Union if that nation attacks us first. We may indeed ask why we must have more warheads and better delivery systems when we can obtain them only by denying ourselves very worthwhile things.

As I understand them, the following four arguments are the main ones being made in favor of strengthening our strategic forces.

1. After absorbing a Soviet first strike against us, we must have enough strategic force left to retaliate with devastating effect. Since we do not know how many nuclear weapons we could launch just before absorbing a first strike or how many would be destroyed by it, it is important for us to have a large number of deliverable warheads so that, in any case, many would survive. The number available after the attack is the key. The more the Soviet Union thought we would have, the stronger would be its fear that a first strike would bring about its own destruction. This fear of the Soviet Union is the essence of deterrence.

2. Because our technology is not perfectly reliable and cannot be fully tested, the Soviet Union must be shown that we have a margin of safety. Strategic nuclear warheads and their delivery systems are advanced devices, but they are not perfectly reliable. Like other products of high technology, they can malfunction and fail. Unlike other such products, however, they cannot be tested in the real world. We cannot, for example, launch a missile armed with nuclear warheads on its real trajectory and then assess the damage the warheads do to the real targets; but without such a test we do not know whether the missile would stay on course as it passed over the magnetic field at the North Pole or whether the warheads would detonate near enough to the targets to destroy them completely. No one is certain what proportion of warheads we could deliver successfully, so larger numbers of weapons let the Soviet Union know that we have a margin of safety.

3. Strategic weapons age and become less reliable, so they must be replaced from time to time. We have fielded strategic forces for three decades. Some components of those forces—for example, the B-52—have been in service for many years. We must modernize so that the Soviet Union will know that our forces are generally reliable.

4. Advances in strategic technology and improvements in defense of strategic targets in the Soviet Union require us to deploy new forces to maintain deterrence. For many years the Soviet Union has been developing and deploying new strategic technology. More powerful warheads and more accurate delivery systems may lead the Soviet Union to believe that it could destroy most of our strategic forces in a first strike. The Soviet Union has also been bolstering its defense. Civil defense in its cities and the "hardening" of its missile silos and its military and political command centers may lead the Soviet Union to believe that it could survive any retaliation. Each of those beliefs lessens the Soviet Union's fear that a first strike would result in self-destruction. However, by modernizing our strategic forces to make them more accurate and by changing the way we base them to make them harder to hit, we can show the Soviet Union that a first strike would carry lethal risks no matter what.

I find these arguments reasonable, even compelling. They set out the logic of deterrence, a policy which has kept the peace in a nuclear world for three decades. Yet I also find these arguments disturbing. Clear-thinking Soviet military planners, who must also desire to deter attack on their homeland, may reason from them as we do, but if they do then it should be apparent to all just how deeply entrenched the arms race is in the thinking of the superpowers. As we deploy more nuclear weapons and modernize our strategic forces for the sake of deterrence, the Soviet, perceiving the threat to them and using the same arguments, respond in kind. Their action prompts a further effort on our part, which in turn causes them to respond again—and so on. Because nuclear weapons themselves have become both the primary means of defense and the primary reason to build a stronger defense from the point of view of both sides, the logic of deterrence becomes the illogic of the arms race.

A clear understanding of the need for more nuclear weapons pushes us hard toward the conclusion that deterrence, while essential, is not enough. Bilateral

talks leading first to strict control of nuclear weapons and then to slow dismantlement of strategic forces—all of which must be mutually verifiable—are absolutely necessary. Because the alternatives are defenselessness or a relentless arms race, such talks should not be postponed any longer.●

SOCIAL SECURITY: THE TIME IS NOW

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ROYBAL. Mr. Speaker, I have received many letters from people in my district who are very worried about the ultimate fate of the social security system. Many of these people either are, or soon will be recipients of social security benefits, and have very personal concerns in this matter. I too am very worried about what is in store for social security, and how quickly the bipartisan review committee assigned to recommend proposals for the system will be able to act.

It is our duty, Mr. Speaker, to see that the matter of social security is taken up without any delay and that meaningful recommendations are made prior to our scheduled recess next summer. I realize that this issue is very complex, and that there are many proposals to be reviewed before final recommendations can be made. But there is no reason that an all-out effort cannot be made to develop a plan to provide for an adequate benefit level for all recipients, and insure the financial stability of our social security system.●

SOCIAL SECURITY SAVINGS BONDS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SCHULZE. Mr. Speaker, the social security system is in very dangerous condition. It is on the verge of insolvency, and Congress must act now to avoid an economic and social catastrophe of cataclysmic proportions.

The Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund confirms in its 1981 Annual Report that it is extremely likely that one or more of the trust funds will be unable to meet its benefit obligations in 1983.

We are well aware that neither the savings provisions in the Omnibus Reconciliation Act, nor the effect of the tax reallocation in the Senate bill will insure solvency for the system. Even with both legislative initiatives, the trust fund balances are estimated to be insufficient to meet benefit payment requirements by mid-1984.

Mr. Speaker, today I am introducing a bill to create a new way for retired Americans to invest, and for these same retired Americans to participate in a patriotic effort to preserve the social security system. I am proposing a social security savings bond program and a campaign reminiscent of the War Bond and victory loan programs of World War II.

During calendar year 1982, there will be \$139 billion in payments from the social security OASI Trust Fund. I believe that through the social security savings bond program, it is possible to defer \$6.2 billion or more. This is a significant part of the projected deficit of \$7.8 and \$10 billion based on intermediate assumptions.

The social security savings bond program will take some of the pressure off of the OASI fund. The program is not intended to remedy the entire longrun shortfall in fund revenues. It is intended to provide a mechanism by which willing, patriotic, retired Americans can contribute to the continued viability of the social security system which provides the minimum living maintenance funds for many less fortunate Americans. Social security savings bonds will provide a mechanism to defer the current disbursement requirements of the fund, strictly at the option of the individual beneficiaries.

Electing beneficiaries would receive a social security savings bond in lieu of their monthly social security checks. The bond would earn interest, payable upon redemption, at 70 percent of the Treasury bill rate, just as do all-savers certificates.

The bonds could be redeemed at any time at the same institutions that are now qualified paying agents for other U.S. Government bonds. The liability for the payment of principal and interest would remain with the trust fund and would not become a liability of the General Fund.

The bonds will be free of all taxes: Federal, State and local income taxes, as well as estate and inheritance taxes.

The bonds will be inheritable and will continue to bear interest for a period of 6 months following the date of death of the electing beneficiary.

Skeptics have asked whether social security beneficiaries can afford to forego their monthly cash payment in favor of a social security savings bond. The answer is emphatically, yes, many can. Consider the following:

First, the New York Stock Exchange has reported that 4.5 million of the 30 million stockholders in the United States are 65 or older.

Second, the NYSE also reported that as of mid-1980, 393,000 Americans aged 65 or older made their first stock or mutual fund purchase during the 5 preceding years. This compares with the 3,842,000 "veteran" stockholders aged 65 and above.

Third, preliminary data from a 1979 study performed by social security shows that among persons aged 65 years or older, 14,668,000 had savings accounts; 4,861,000 owned certificates of deposit; 3,246,000 owned U.S. Savings Bonds; 593,000 received income from personal loans or mortgages. The study also found that there were approximately 4.3 million older Americans who owned dividend-bearing assets. The study disclosed that older Americans invest in a variety of illiquid assets as well as interest and dividend-bearing investments.

Fourth, a 1977 "Consumer Credit Survey" published by the Federal Reserve Bank found that families with a family head age 65 or over held significant assets in checking or savings accounts: approximately 16 percent held \$2,000 or more in checking accounts; over 40 percent held \$2,000 or more in a savings account; 16.9 percent of the families with family head age 65-74 owned certificates of deposit; 8.8 percent owned certificates with a value more than \$10,000. In the 75 and over age group, 14.6 percent owned certificates; 7.9 percent owned certificates with a value more than \$10,000.

Fifth, according to the IRS, 45 percent of all reported savings account interest is earned by people over 65, even though they represent only 11 percent of the population.

Sixth, a 1977 University of Michigan study determined that older Americans have a preference for bonds and savings accounts over investment in real estate and other investment modes. The rate of increase in preference for liquid investments increases as investors get older.

It is clear, then, that retired Americans hold investments when they retire. And it is clear that those older Americans who have a substantial income stream will continue to make investments after their retirement. Social security savings bonds will be an attractive investment option for both financial and patriotic reasons.

During World War II, the Government established the war bond program and gave it wide and forceful publicity. President Roosevelt gave his personal endorsement to the program by purchasing the first Series E bond issued. As is well known, the program was a success. The receipts from the bond program played an important role in funding the war effort.

I believe that the social security bond program will touch a responsive, patriotic chord in the hearts of many Americans and that this will add to the success of the program.

Another question arises as to the amount of net deferral that is possible under the program. Experience with the U.S. savings bond program indicates that substantial numbers of issued bonds remain unredeemed during the 5 years following sale. Data

from 1980 published by the Department of the Treasury show that in the year following issue, 46.59 percent of the savings bonds remain outstanding. This percentage declines to 28.20 percent in the fifth year following issue.

This means that the deferral will be cumulative and, if the social security savings bond program has experience similar to the U.S. savings bond program, the aggregate deferral (assuming constant 1981 benefit and participation levels) would be as follows:

	<i>Billion</i>
1981	\$6.20
1982	8.69
1983	14.18
1984	20.03
1985	26.01
1986	31.89

The aggregate deferral is the cumulative amount of bonds issued, reduced for redemptions and interest.

Besides the patriotic reasons for electing the bonds, participants would have economic inducements including tax-free treatment of earnings, and the ability to transmit the bonds as part of their estates. There would be no estate tax levied on the bonds, and the persons inheriting the bonds would continue to earn interest on them tax free for a period of 6 months following the death of the electing beneficiary.

These are the characteristics of social security savings bonds:

First, persons eligible to take bonds in lieu of a social security payment are limited to persons receiving payments from the Old-Age and Survivors Insurance Trust Fund. These persons are generally, but not exclusively, retired persons or their spouses.

Second, the face value of the bond will be equal to the amount of the cash payment forgone by the electing beneficiary.

Third, each bond may be redeemed at any time for its face value, plus accrued interest, at any Federal Reserve bank, any other financial institution which is a qualified paying agent, or from the Federal OASI Fund, itself.

Fourth, each bond shall accrue interest, compounded monthly, payable only at redemption. No interest shall be paid if the bond is redeemed during the first 6 months after issue.

Fifth, the rate of interest paid on each bond shall be fixed at the time of issuance so that the annual investment yield shall be equal to 70 percent of the average investment yield for the most recent auction (before the week in which the bond is issued) of U.S. Treasury bills with maturities of 52 weeks.

Sixth, each bond issued shall continue to accrue interest for a period of 6 months after the date of the electing individual's death.

Seventh, social security savings bonds shall not be transferable except

at the death of the individual beneficiary.

Eighth, title to any bond which is not redeemed during the lifetime of the individual, together with any rights associated with such bond, including accrued interest, shall vest in persons surviving the owner of the bond either as specified in the decedent's last will and testament or, if none, pursuant to the laws of intestacy of the decedent's domicile.

Ninth, the right to receive a bond in lieu of a cash social security payment is elective, and the election is revocable.

Tenth, payments on the redemption of social security savings bonds, including both interest and principal, shall be made only from the OASI Trust Fund. The obligations will not be obligations of the general fund.

Eleventh, election by an individual to receive social security savings bonds in lieu of the payment of any benefit under title II of the Social Security Act shall not be considered a waiver of any right or remedy which would be attributable to such individual if the individual had accepted cash instead of the bond.

Twelfth, the social security savings bond program would be effective for benefits payable for periods beginning on or after January 1, 1982.

I solicit the support of my colleagues with respect to the social security savings bond program.●

DECISIONS MUST BE MADE

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. HUBBARD. Mr. Speaker, Mr. C. C. Barnett, president of the of Tube Turns Division of Chemetron Corp. in Louisville, Ky., has written me a very thoughtful and timely letter indicating that a strong legislative program is needed in order to solve the many problems facing the social security system. I feel Mr. Barnett's letter is one which should be shared with my colleagues and I wish to do so at this time. The letter follows:

DEAR CONGRESSMAN HUBBARD: I have been watching with growing concern the activities in Washington surrounding the Social Security System. I believe that difficult and unpopular decisions must be made in the near future, otherwise our Social Security System will sink into a sea of debt and disappointed people.

I urge you to please consider the horrible problems which our country will face if a satisfactory legislative package is not produced soon. Obviously, any changes to the system which reduce benefits to anyone will be unpopular. Many of us in this country, however, are several years away from receiving Social Security benefits and are increasingly concerned about the cost we will have

to bear in the form of future Social Security contributions.

I feel strongly that some reductions in benefits must be made and made promptly. I wholeheartedly endorse providing benefits for those people in need of assistance. However, over the years our Social Security System has been built into such an indiscriminate dispenser of benefits that it must receive a thorough overhaul. There is certainly a middle ground between continuing this huge give away, and at the other extreme, drastically curtailing benefits for those genuinely in need of help.

I hope you and your colleagues will act promptly and courageously to begin a sensible and proper realignment of our Social Security System.

Sincerely,

C. C. BARNETT.●

SEPARATION OF SOCIAL SECURITY FROM THE BUDGET

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. GRADISON. Mr. Speaker, on October 19, I introduced H.R. 4773, a bill to separate the social security trust funds from the Federal budget, thereby making the system an off-budget item. While the separation of the trust funds can be justified without regard to the financial status of the social security system, separation is imperative now because politics and misconceptions have halted the crucial social security reform process. This bill would end fears that cuts in social security are being made to balance the budget, and would thus allow focus on the status of the system and the need for reform.

And indeed, the financial status of the system is not good.

Recent estimates by the Social Security Administration, which take into account the provisions of the Budget Reconciliation Act and the Senate version of H.R. 4331, show that the old age, survivors, and disability trust funds will be exhausted by August 1984 under worst case economic assumptions, and in January 1990 under intermediate II-B assumptions. Moreover, because of the reallocation of tax rates contained in the Senate bill, and new evidence that hospital costs are increasing faster than previously anticipated, the hospital insurance fund will be exhausted in 1983 under worst case assumptions, and in 1984 under intermediate II-B assumptions.

Of course, the economic assumptions are crucial for determining when the trust funds will be bankrupt. As Social Security Commissioner John Svahn noted on October 23, 1981:

It is critical to use unfavorable economic assumptions for decisionmaking affecting the trust funds. The so-called worst case economic assumptions used in the 1981 trustees report, are, on the whole, no worse than the actual performance of the econo-

my during the last 5 years * * *. It is also critical to note that during the past decade, the economy has consistently performed at a considerably lower level than the intermediate II-B assumptions of the annual trustees report.

He also stated:

We believe that the so-called worst case assumptions used in the 1981 trustees report are the desirable basis for decisionmaking affecting the trust funds. The trust funds would be in far better condition today if worst case assumptions had been used in developing the 1977 Social Security Amendments.

Svahn concluded:

As to 1984 and 1985, it is extremely unlikely that there is sufficient funding available.

Yet, though the financial picture is bleak, comprehensive reform of the system is being delayed. The longer the delay, the greater will be the costs to the public. Further delay means there will be less time to phase in necessary benefit reductions, causing cuts to be more abrupt and making adjustment to them more difficult. Moreover, greater delay daily decreases the public's confidence in the social security system's survival, in specific, and in Government in general.

Separation could help end the delay. But what does separation entail? Making social security an off-budget item involves no change in the financing of the system or in the flow of benefit payments. It is purely an accounting change. Surpluses and deficits of the system would no longer be subject to the Budget and Impoundment Act of 1974 and the subsequent annual budget review process.

Does this mean that there would be no audits or review of the social security system? No, the Social Security Act independently provides for annual accounting and reporting by the trustees of the system and for the establishment of biennial commissions to recommend appropriate changes in the system.

Then why is the system included in the Federal budget? The central argument for inclusion is that the social security system is a large part of Government spending and thus should be considered in the examination of the receipts and expenditures of the Government.

But inclusion of social security in the unified budget is counterproductive, since it actually distorts our picture of the true Federal deficit. If the social security system runs a surplus, and if the system is included in the budget, then the overall deficit will appear smaller. Yet social security is financed through predetermined independent taxes; these fund the precontracted benefit payments. If a surplus exists in the social security trust funds, the surplus revenues cannot be used for any purpose but to pay future social insurance benefits.

Thus the true deficit, that is the deficit which the Government must fi-

nance through borrowing, is not reduced at all. Inclusion of the social security system in the budget therefore masks the extent to which the Government is financing program through inflation-producing deficits.

It is interesting at this point to note the history of the inclusion of the system in the unified budget. In the late 1960's, at the height of the Vietnam war, the Johnson administration placed several entitlement programs, the biggest of which was social security, in the unified budget. The official reasons given were that the programs are an important part of Government spending and thus should be included. But the inclusion of these programs also immediately decreased the large wartime deficit. It is widely believed that the social security system was only included to make the deficit appear smaller.

Besides creating the illusion of lower deficits, unification of the social security system with the overall budget also threatens the independence of the system. Inclusion of the system in the budget means that cuts in social security benefits may be considered as a means of making the deficit appear smaller, rather than to make the system financially sound. The threat of this type of benefit cut, besides creating skepticism that the system needs reforms, also weakens the contractual nature of the system.

H.R. 4773 would allow the system to regain full independence. By removing the system from the budget, it would make clear that any changes in benefits would be made only to rectify financial problems of the system. This clarification is important now because political issues surrounding the need for reform could be put to rest, and the reform process could begin again.

We must act now to save our social security system, before election politics make reform much more difficult. We must return our social security system to its independent status so that it is not affected by the yearly ebb and flow of Government budgeting. We must insure that the social insurance contract between the people and the Government is upheld. H.R. 4773 would take us an important step closer to all of these goals.●

NUCLEAR TENSION IN EUROPE IS REAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MILLER of California. Mr. Speaker, at the end of this month the United States and the Soviets will sit down to discuss the deployment of nuclear weapons in Europe. It is very

clear that these discussions must be thorough and serious.

Hopefully, those talks will lead to a reduction of nuclear arms in Europe by both the Soviets and NATO. If they do not, our NATO alliance will be imperiled and the likelihood of nuclear war will be increased. Mr. Speaker, Members of Congress should be aware that the concern among the leaders of the European nations is very real, but more importantly, the concern of the European people is very deep and widespread. The Reagan administration will do well to treat the discussions seriously and not as a means of buying time until the antinuclear marchers die down.

The enclosed articles from both the Wall Street Journal and the Economist indicate the talks must lead toward reducing the nuclear tension in Europe. The articles follow:

THE EUROPEANS WHO STAYED AT HOME ARE PRETTY SCARED TOO

Last weekend more than half a million people demonstrated, mainly in London, Rome and Brussels, against the deployment of nuclear weapons in western Europe. Three weeks ago, about a quarter of a million marched to make the same point in Bonn. This wave of protest is unlike anything Europe has seen since the demos against the Vietnam war in the 1960s; the number of demonstrators in some capitals last weekend exceeded the numbers who have taken to the streets for any cause in the last 30 years. Does this protest reflect only the views of a minority, or does it indicate a more decisive change in public opinion?

The latest opinion polls suggest that it reflects a remarkable change in European public opinion within the past 18 months. Increasing numbers of people in the five countries where Nato intends to site cruise and Pershing-2 missiles are now either opposed to the missiles or doubtful about the need for them. Although few people want their country to leave Nato or go neutral, only a small minority want to increase spending on defence.

A detailed study¹ in the latest edition of Public Opinion contains some worrying news for Nato's policymakers. Consider first the missiles which the alliance proposes to deploy in Britain, Italy, West Germany, Holland and Belgium.

A survey in April found that 50 percent of the British were opposed to the missiles and only 41 percent were for them (a sharp change from September, 1980, when 43 percent were against them, 49 percent for). In a Belgian poll taken this month, 66 percent were opposed, 19 percent favourable (a year ago the split was 42 percent to 26 percent). In Holland, a poll in April found a 68 percent to 28 percent majority against the missiles (compared with 53 percent to 39 percent last autumn). The Italians seem less anti-missile but there is little reliable poll evidence available.

In West Germany the evidence is confusing. An Allensbach survey in May found a

39 percent-29 percent plurality against the missiles. A more complicated question about Nato's talk-and-deploy decision found that 53 percent were in favour of that. Another question, which specifically mentioned that the Nato plan involved stationing missiles on German soil, found 33 percent against the plan and 37 percent in favour. Young Germans, however, are overwhelmingly anti-nuclear: a poll by the Emnid institute found that 70 percent of those under the age of 20 were opposed to the new missiles.

Britons remain more sympathetic to the United States than people in some other European countries, and even among young people two thirds think that Britain should stay in Nato rather than go neutral. But support for unilateral nuclear disarmament has clearly risen. A year ago, a poll carried out for New Society found that 61 percent of Britons were against unilateral disarmament and only 21 percent were in favour. But a Mori poll last month found that the ratio had dropped to 57 percent-33 percent and that among young people opinion was evenly divided: 42 percent favoured unilateral disarmament and 48 percent were against—but those "strongly in favour" of it outnumbered those "strongly against" by 27 percent to 24 percent.

A Gallup poll in September found that the Labour party's pro-unilateral-disarmament policy was only marginally a vote-loser: 37 percent said the policy made them more likely to vote for Labour, 41 percent said it made them less likely to do so. Britain's Campaign for Nuclear Disarmament, which went into suspended animation after the 1963 nuclear test ban treaty, has gained a new lease of life. Membership has risen from 3,000 to 32,000 in 18 months.

In France, the only other European country which possesses its own nuclear weapons, support for unilateral disarmament is tiny. All the main political parties (including the Communists) are in favour of the force de frappe. Polls show huge majorities in favour of keeping France's independent nuclear deterrent. Yet, despite President Mitterrand's anti-Soviet policy, public opinion is more neutralist in France than in any other major west European country. There is little enthusiasm for rejoining Nato's military command, and a survey in 1980 found that, if there was a Russo-American war, 63 percent of Frenchmen would prefer to stay out of it: only 22 percent thought the country should side with the United States. A poll in March, 1981, found that 40 percent of Frenchmen preferred neutrality to membership of the western alliance.

However, French opinion may be moving closer to the alliance under Mr. Mitterrand's lead. Ministers of the new French government have strongly criticised the neutralist current elsewhere in Europe, which, as Mr. Pierre Mauroy said last week, "hides behind a pacifist approach". Last Sunday's demonstration in Paris was not aimed at the force de frappe but at more general disarmament: the protesters were in favour of banning the neutron bomb and diverting money from defence budgets to help third-world countries. Although many of the new Socialist members of parliament are opposed to nuclear power, hardly any of them oppose France's nuclear deterrent.

Attitudes in northern Europe are much more anti-nuclear. West Germans are increasingly reluctant to fight to defend their country, and they are not prepared to see nuclear weapons used for that purpose. A poll last spring found that only 15 percent of them favoured defending the country if

this meant the use of nuclear weapons on its soil. Another poll, in May, found that 48 percent of West Germans were prepared to accept a communist government if this was the only way to avoid war (against 36 percent in 1955). Only 27 percent were ready to defend "democratic freedom" if this led to a nuclear war.

In Holland and Belgium, the anti-nuclear tide has already obliged the governments to postpone a decision to accept cruise missiles. And on Nato's northern flank there is a good deal of support in Norway and Denmark for the idea of creating a Nordic nuclear-free zone. These two countries have always refused to take nuclear weapons on their soil in peacetime, but the suggestion now is that they should rule out their use there in wartime, in advance.

WHY NOW?

The rapid recent growth of the anti-nuclear movement in Europe seems to have two main causes: (a) the need to take decisions about the cruise and Pershing-2 missiles (and about Trident in Britain), which has focused public attention on the nuclear issue; and (b) the Reagan administration's tough response to Soviet rearmament, which has, in many European eyes, made nuclear war seem more possible. President Reagan's widely misunderstood remark last week about the possibility of a limited nuclear war confined to Europe touched a sensitive nerve in European public opinion.

Most Europeans do not share the general assumptions of American public opinion. In March, for example, majorities in West Germany, Italy, Holland and Norway were not "concerned" that Russia might attack western Europe in the next five years. Opinion in France and Britain was evenly divided. Only a small minority (one in five in Britain, fewer in other countries) were "very" worried about a Russian attack. And an overwhelming majority of Europeans think that arms-control talks are a better way to improve their security than strengthening Nato's military forces.

The extent of support for arms control talks in Europe was emphasised by a survey in March which asked whether these talks should be ended if the Russians invaded Poland. Only about one in 10 in West Germany, Britain, Holland, France and Norway favoured stopping the talks in these circumstances. The word detente remains popular in Europe: 65 percent of Germans and 54 percent of Frenchmen think that the west has got as much from detente as the communist countries have. Only 34 percent of Americans take that view.

In West Germany, the recent march in Bonn was officially organised by two Protestant church associations. And on last Sunday's march in Brussels many priests, nuns and Christian trade unionists were in evidence. In general, the Protestant churches have been more enthusiastic for banning the bomb than the Catholic church. It is notable that the anti-nuclear movement is stronger in the Protestant north of Germany than in the mainly Catholic Bavarian south. Catholic France and Italy are less anti-nuclear.

This may, however, have more to do with Latin attitudes than with religion. Two thirds of those who took part in the huge march in Brussels last Sunday were Flemish (Dutch-speaking) rather than Walloon (French-speaking). Yet both Flanders and Wallonia are Catholic. In France and Italy, the irony is that the large Communist parties have reduced opposition to nuclear

¹"Is Nato in trouble? A survey of European attitudes", by Kenneth Adler and Douglas Wertman, in Public Opinion, August-September, 1981, published by the American Enterprise Institute. Most of the polls cited in our article are drawn from this survey and were carried out by the United States International Communication Agency.

weapons. The Communists are sensitive about their links with Moscow and so on have refrained from being too critical of their own countries' defence effort. It is hard to predict how much bigger the anti-nuclear movement is going to grow in Europe. In West Germany another big demonstration is planned in Munich next April to coincide with the Social Democrats' congress. Meanwhile anti-nuclear militants are planning a campaign of civil disobedience. They hope to persuade workers in armaments factories to down tools and to ask everyone to refuse to complete income-tax declarations.

Worrying that the softening of European public opinion may now pose a real threat to western security, Lord Carrington delivered as well argued pro-nuclear speech in Luxembourg on Tuesday. About time too. New Society's poll, a year ago, found that 52 percent of Britons do not even know what Nato's initials stand for and that only 12 percent have any idea what a cruise missile is.

GOD AND THE BOMB

The revival of anti-nuclear sentiment in Europe stems in part from the success of traditional left-wing arguments (reinforced by Soviet propaganda, which has been intelligently diffused through the World Peace Council, which helped to co-ordinate some of last weekend's marching). But it also stems from new church thinking.

The country in which the church has played the most prominent role in the anti-nuclear campaign is Holland. The Inter-church Peace Council, which represents most of the country's churches, now has 400 local groups and 20,000 active members. In November, 1980, the synod of the Dutch Reformed church—the largest Protestant community, with 3m members—called on its congregations to "reject nuclear weapons as a means of mass destruction". The council, which also has the support of Pax Christi, the Catholic peace movement, has been particularly effective in influencing conservative opinion.

MOOD OF NATO: ALLIES SUPPORT REAGAN BUT WISH HE'D TAME ANTI-SOVIET RHETORIC—IT STIRS UP THEIR LEFTISTS; EUROPEANS APPRECIATE U.S. READINESS TO LISTEN

(This article was prepared by Wall Street Journal staff reporters Barry Newman in London, John M. Geddes in Bonn and Felix Kessler in Paris.)

"WE KNOW WHERE HE STANDS"

During the presidency of Jimmy Carter, America and its allies in Europe didn't get on famously. Mr. Carter expected a reaction from Europe that matched his own sense of urgency about the goings on in Afghanistan and Iran. He didn't get it. Europeans wanted a foreign policy from Mr. Carter that was evenhanded and predictable. They didn't get that.

When Ronald Reagan took on the presidency he promised a change in the tenor of transatlantic relations. He backed the promise with the appointment as Secretary of State of Alexander Haig, someone Allied leaders knew and liked.

"The beginning of our wisdom," Mr. Haig said last May, "is to establish the consensus and confidence with our Allies that has been missing in recent years. Clearly our Allies welcome a more robust American leadership, informed by a more sensitive appreciation of their problems."

Then came the new administration's decision to proceed with development of the Enhanced Radiation Warhead, better known

as the neutron bomb. Strictly speaking, it was a decision that didn't involve the Allies, and it was made without consulting them. But, in the words of Joseph Luns, secretary general of the North Atlantic Treaty Organization, it "was not an example of tact in the conduct of international relations."

RAW NERVE

And then, on Oct. 16, came President Reagan's remark that a limited nuclear war could possibly be fought in Europe "without bringing either one of the major powers to pushing the button." Strictly speaking, Mr. Reagan was merely restating a recognized NATO position. But the prospect of nuclear war confined to Europe happens to be the most sensitive nerve of Europe's disarmament movement—which just happened to be planning demonstrations in observation of United Nations Disarmament Week.

The result was an outpouring of perhaps 600,000 people in London, Paris, Brussels and Rome, bolstered by fresh evidence of America's failure to see their point of view. The demonstrations took on an unmistakable tone of anti-Americanism. Once more, it seems, the alliance is having its troubles.

European governments could hardly be said to agree entirely with the protesters. On the contrary, they generally see a positive portent in the administration's willingness to sit down with the Soviet Union on Nov. 30 to talk about NATO's plan for arming Europe with medium-range nuclear weapons. What bothers them immediately is Washington's apparent insensitivity to the rigors of coping with a popular movement that is rapidly gathering political steam.

PEOPLE PROBLEMS

"Ultimately, problems may not stem from differences over foreign policy, but from a negative impact of U.S. rhetoric," says Dominique Moisi of the independent French Institute of Foreign Affairs. In West Germany, where 250,000 demonstrators marched for disarmament last month, a foreign-policy official says: "We have our own public opinion to worry about. We aren't at all happy about anything that makes our job more difficult."

On another level, though, Europe's touchy response to American missteps may say something broader about the state of the Atlantic alliance. Europe began shedding its psychological dependence on the United States with the oil price increases that began in 1973. It gained far more in business and commerce than the U.S. ever did from detente with the Soviet Union. Europe's reading of Russian intentions has become so benign, some commentators are saying, that even an invasion of Poland wouldn't upset it.

"There would be an initial closing of ranks" after an invasion, a British foreign-policy expert predicts, "and then quite a lot of tension between the U.S. and Germany—and maybe Britain and France, too—over the extent of economic sanctions."

TWO U.S. "ERRORS"

Ronald Reagan's view of Soviet inclinations couldn't be further from those shared by America's European Allies, with the notable exception, as it happens, of socialist France. An analyst in London, with many others, finds two "vulgar errors" in Mr. Reagan's world view: a notion that military superiority is desirable, and a habit of casting every crisis in terms of an East-West struggle.

"We feel one should first look at conflicts or crises on their own merits and not see them as primarily an East-West problem,"

says a top foreign-policy aide in Germany. Adds Jan Nico Scholten, a Dutch Christian Democratic parliamentarian: "The Americans see a Communist force behind every demonstration, and it simply isn't there."

Europe's current economic discomfort is another pebble in NATO's boot. Already skeptical of the Russian threat, the Allies are being asked by Washington to increase defense spending at a time when money is hard to come by. Yet, to many Europeans, Mr. Reagan seems unwilling to ease off on some of his economic doctrines for the sake of Europe's recovery.

Of all the Allies in Europe, Margaret Thatcher's Britain is best attuned to the principles of Reagan economics. But even in Britain, the backwash of America's high interest rates is diluting a strong relationship.

At the International Monetary Fund meeting in Washington in September, British Chancellor of the Exchequer Geoffrey Howe said Mr. Reagan's anti-inflation efforts "cannot succeed simply through high interest rates." It was the first time in memory that a British chancellor felt moved to complain in public about an internal American policy.

For all this chafing, nobody predicts that the alliance is about to come undone. Whether or not they subscribe to his ideology, European officials generally find Ronald Reagan an improvement over Jimmy Carter. Neither man was likely to reverse the widening of intercontinental divisions, but despite his admittedly distressing gaffers, Mr. Reagan appears more interested in building bridges.

At least the Allies understand what Mr. Reagan is driving at. "What Europe reproached Carter with, above all else, was muddle," says an analyst in London. Today, the fog seems to have lifted.

"Our two Presidents understand each other extremely well," says Pierre Bergevoy, President Francois Mitterrand's chief of staff at the Elysee Palace. Says a senior aide to Germany's Chancellor Helmut Schmidt: "We are sure now that we know the main principles of the Reagan policies." And Stefano Folli, spokesman for Italian Prime Minister Giovanni Spadolini, says Mr. Reagan "has been able to reestablish in these nine months the image of a strong Western leadership."

The allies are unreservedly grateful for Mr. Reagan's commitment to tell them what he thinks and to ask their advice. "This isn't only a new policy," says a Foreign Office official in London, "it is working in practice." A case in point, oddly enough, is the issue causing the current uproar: the debate over positioning medium-range missiles in Europe.

LISTENING WELL

Obvious lapses aside, the administration impressed European diplomats early on by agreeing to negotiate seriously for the removal of the Soviet Union's medium-range missiles already in place. "They not only heard our statements," says Chancellor Schmidt's aide, "but understood them as well, and they're entering negotiations because of this, not out of any immediate desire on their part."

Without abandoning its perspective, alliance diplomats say, the Reagan administration has made room for the European view on other fronts as well. Earlier this year, for instance, Lawrence S. Eagleburger, the American Under Secretary of State for European affairs, toured Europe's capitals arguing that El Salvador's turmoil had a

Moscow connection. He was persuasive enough, European diplomats say. But they add that their own arguments, in turn, persuaded the administration to begin noting the need for El Salvador's junta to pay some heed to human rights.

The administration came into office "breathing fire," as one European puts it, about an East-West face-off over Namibia, the territory occupied by South Africa. The U.S. wanted Cuban troops in neighboring Angola withdrawn before a Namibian settlement was reached. Europeans, especially the British, argued that an end to white domination of blacks in Namibia would probably lead to the Cubans' withdrawal anyway.

America listened, European diplomats say with satisfaction. The administration still wants the Cubans out as part of a Namibian settlement, but not as a precondition. Talks have been revived; the prognosis is good.

SOME DISAGREEMENTS

Still, there are sticking points. In defense of free enterprise, the U.S. has come close to scuttling long-running talks to write a law governing the sea; that has disappointed Europeans, including Mrs. Thatcher's negotiators. In Mexico two weeks ago, neither Britain nor France was able to alter significantly President Reagan's distaste for a World Bank energy fund, or for the discussion of North-South issues in a new forum in which the Third World would have a bigger voice.

And nine months in the White House haven't changed Mr. Reagan's perception of the Middle East as an East-West tinderbox, or brought him much closer to Europe's conviction that the Palestine Liberation Organization must have a role in any Middle-East peace.

The differences do make for bad blood. Europeans sometimes complain that the Reagan administration suffers from a "with-us-or-against-us" complex. "There's a tendency in Europe," one specialist says, "to write off Americans as dangerous and beyond redemption."

But most European policy makers would prefer to agree to disagree wherever possible, and to keep the alliance alive. Europe, after all, has much to offer America: bases, trade, troops, a willingness not to rock the boat in the Middle East. And America still has the power to make life or death decisions for Europe. These things are self-evident to the current leaders of most of America's European Allies. The problem is convincing their voters.●

LT. M'BAREK TOUIL

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LUJAN. Mr. Speaker, at the request of Amnesty International Group 101 in Albuquerque, N. Mex., I would like to take this opportunity to present their concerns over a Moroccan prisoner, Lt. M'Barek Touil, married to a U.S. citizen.

Lieutenant Touil was given a 20-year sentence in 1972 for allegedly taking part in a coup against the King. The group has not taken issue with the sentence but has been appealing the conditions of his imprisonment and the fact that he has not seen his wife,

Nancy Gatewood, an American citizen from Sargeant Bluff, Iowa, nor his son, an infant since he was arrested, nor been allowed any visitors or correspondence at all since his imprisonment.

The group has been informed that he and the officers with whom he was arrested have been held since 1973 in a secret military facility in the interior in solitary confinement.

I wanted to bring to my colleagues' attention the concerns of Amnesty International with the violations of minimum standards of imprisonment entailed in this case. I believe that this is something everyone should think about while deliberating human rights issues.●

THE DELUSIONS OF NATURAL GAS PRICE CONTROL ADVOCATES

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. DANNEMEYER. Mr. Speaker, Congress may soon be considering whether to amend the Natural Gas Policy Act of 1978 (NGPA) to remove or reduce Federal controls on natural gas wellhead prices. One of the key questions we will confront surrounds the artificial distinction in the act between old and new natural gas. The NGPA defines old gas as that produced from wells existing prior to April of 1977. Under NGPA, controls will remain on old gas indefinitely. The price ceilings on new gas are allowed to increase according to a complex formula for each of the 20-plus categories of gas under NGPA. While price controls on most new gas categories are scheduled for removal on January 1, 1985, the remaining controls on old gas will mean that about half of the gas produced in 1985 will still be under price controls.

There are those who argue that only new gas should be decontrolled. Controls should remain on old gas because those fields were developed under the economics of the day. The investment has already been made, so the argument goes, and removing controls on these wells would result in a windfall to the producers. Aside from the possibility of enhanced recovery efforts if old gas were also decontrolled, there are a number of other economic reasons for removing controls from old as well as new gas. The case for old gas decontrol has been put together quite well by John Semmens, an economist with the Transportation Planning Division of the Arizona Department of Transportation in an article in the November 7, 1981 issue of Human Events. I hope my colleagues will review Mr. Semmens comments as the debate on

natural gas pricing policy continues in the weeks ahead.

I am inserting the article at this point in the RECORD:

[From Human Events, Nov. 7, 1981]

PIPE DREAM OF DISASTER: THE DELUSIONS OF NATURAL GAS PRICE CONTROL ADVOCATES

(By John Semmens)

In an effort to overturn the phaseout deregulation of natural gas prices, the Citizen-Labor Energy Coalition has sponsored a study—Pipeline to Disaster: The Impact of Natural Gas Decontrol on American Jobs—which purports to demonstrate that deregulation will cost the U.S. economy \$86 billion and 3.4 million jobs by 1985.

The study, naturally, is based upon the classically specious assumptions which drive most econometric models used to forecast economic trends. Historical correlations between various sets of numbers are cranked into so-called input/output computer models in order to predict a disastrous consequence from allowing the market rather than the government to price and allocate a scarce resource.

A clue to the underlying inanity of this study is revealed in the appendix. The authors of the report—Employment Research Associates—concede that some of the increased income to the gas suppliers would be paid to the government in the form of taxes and "this would, of course, create some jobs." Of course, this is completely backwards.

Resources consumed by government subtract from the capital base which is necessary to support job creation. High levels of capital creation are necessary to support high levels of productive employment. The capital-poor nations with large government consumption ratios are the places where unemployment reaches upwards of 40 and 50 percent of the labor force.

Resources left in the private sector can compound industrial growth. This creates ever larger pools of capital to sustain more employment at better wages over larger periods. Government taxes, far from creating jobs, devour the very substance of the economy which is needed to provide robust employment opportunities.

That the Employment Research Associates would stand the fundamental issue of the capital and employment relationship on its head tells much about the caliber of thought that must have gone into their study of natural gas price controls.

The methodology of input/output analysis is devoid of cause-and-effect relationships between its sterilized "variables." The base case is a static equilibrium in which certain historical ratios of employment in various business sectors are tracked against investment outlays of differing sorts. Statistically, these ratios have a high degree of reliability. What is seldom acknowledged, though, in the course of touting the statistical reliability is the inherent assumption of randomness in developing the reliability estimates. Such an approach completely skirts the issue of conscious choice on the part of economic decision-makers.

Human beings tend to be utility maximizers in their decision-making. That is, they tend to choose those courses of action that they perceive as most advantageous to themselves and their objectives. Valid economic forecasting must consider this element of choice and examine the incentives embodied in any government-mandated rules or rule changes in order to predict out-

comes of different policy options. The Pipeline to Disaster study does not do this. Consequently, their forecast of disaster is invalid.

There is a very practical reason why static models have to be used in these types of analyses—mathematics is a deterministic science. Addition, subtraction, multiplication and division would be impossible if volition based upon subjective values and perceptions were introduced into the calculations. The sensible economist knows that quantitative estimates of future events are subject to wide error ranges. This is even more the case when major changes in policies affecting the economic environment are contemplated.

A case in point was demonstrated in the decontrol of gasoline prices. Static equilibrium models forecasted sharp price increases as a result of this move. In contrast, classical economic analyses in which the volitional aspects of human action were contemplated forecasted a stabilization of prices. Events since decontrol of gasoline prices seem to reinforce the importance of volition.

Lack of proper consideration of the volitional responses to a major economic event like natural gas decontrol leads the Employment Research Associates into a quagmire of economic errors. The most critical error is the confusion of price and cost. Holding natural gas prices below market levels does nothing to reduce the cost of producing or using this resource. In fact, suppression of the allocating function of the market price system results in significant hidden social costs.

Because prices are held below the market level, supply and demand will be out of balance. More of the scarce resources will be demanded than can be economically supplied. This imbalance has to be resolved by denying the resource to some potential users. Since the decision on who will and who won't receive the resource is not based on a market pricing system, misallocation of the resource will occur.

The uses to which the resource will be put will be less productive than if the price system had been used to determine who would obtain natural gas. This effect will occur regardless of whether government decrees require all current needs to be met. In such a case, future uses of the resource would be sacrificed to immediate political expediency. As it is, government allocation plans for tight supply situations call for distribution of natural gas based on sales for the year 1972. Consumption patterns of 10 years ago can hardly serve as a rational means of channeling resources to their most urgent uses.

The effect of natural gas price control is to divert resources from their most productive uses to some other pattern of consumption. The hidden costs are incurred in the form of accelerated resource depletion, lost production from unfilled demand, and forced resort to less desirable forms of energy. These costs are not even mentioned in the Pipeline to Disaster report.

The best that can be said for the Pipeline to Disaster study is that it is superficial and, ultimately, meaningless. What other conclusion could one reach when its authors make no distinction between productive and non-productive uses of time and money? Contrary to the claims of the Citizen-Labor Energy Coalition, it is not decontrol of natural gas prices which will lead to disaster, but the very existence of continued regulation and the uncertainties fostered by regulation

that will inexorably exact a high price in lost production, high unemployment, and financial chaos.

Decontrol of natural gas prices will most likely lead to increased profits for energy producers. While this may be an anathema to the Citizen-Labor people, it is a very necessary development if the economic welfare of society is to be pursued. High profits are the social signals which direct entrepreneurs and investors to channel capital toward uses which serve our most urgent needs.

Resentment against the good judgment or good fortune of those who enjoy large profits may be a natural human emotion, but it would be a devastating mistake to allow resentment to misshape public policy. There are some very cogent reasons why public policy should not interfere with the high profits to be earned from natural gas price decontrol.

First, the most obvious source of investment funds for new facilities are monies earned on old facilities. This source is depleted, however, when the pricing mechanisms allow recovery of only historical costs or if profits from decontrol are taxed away. New facilities with similar capacity are several times more expensive than historical cost. So, even if price controls allow all the old capital to be recovered, the earnings will be insufficient to replace the worn-out facilities or depleted reserves.

Second, the denial of holding gains to possessors of scarce resources on the grounds that such gains are socially unjust "windfall profits" reduces the incentive for the conservation and nurturing of such resources. A policy of "windfall" taxation will result in monies being diverted to other ventures, such as antiques or rare stamps, where holding gains are not restricted. The potential for speculative holding gains is an important attractor of investment capital. In the absence of government penalties, the more urgent of society's needs will be the most promising area for such speculation. Setting aside those areas as "to vital" to be subjected to such motives effectively denies them access to large pools of capital.

Third, investors are not oblivious to past history. The exemption of "new" investments from the same controls imposed on "old" investments is not as effective as the absence of all controls would be. Inevitably, today's "new" will become tomorrow's "old" in the context of government policy. The mere existence of such a phrase as "old new," as applied to certain supplies of natural gas for the purposes of setting lower prices, cannot fail to be noted by investors. To presume that knowledge of this practice will not affect investment decisions is an attitude devoid of any sensibility.

Fourth, the favorite compromise of a tiered system of pricing is inefficient. It pushes investment toward the more remote and exotic sources of supply that do not yet come under price ceilings. This entails heavy commitment of capital to expensive recovery procedures, as well as massive new transportation systems. Tying up capital in such systems draws funds from capital markets—denying resources to other uses and raising interest rates for all consumers of capital. This leads to increased prices, decreased supplies of goods and services, unemployment and reduced standards of living.

The net effect, then, of price controls is to hold down returns-on-investment in natural gas facilities. At the same time, of course, the quantities of gas demanded have been

stimulated by prices held below levels that would clear the market. An imbalance between supply and demand is the unavoidable outcome of this policy. The longer such measures persist, the worse the imbalances will become, the greater will be the depletion of reserves, and the more serious the consequences. The longer controls are imposed and the greater their deviation from the unregulated market prices, the more cataclysmic will be the eventual adjustment to economic realities.

The economic laws of the market are the manifestations of human material motivations. Like them or not, we ignore them only at great cost in material well being. Supply and demand are balanced by the aggregate of individual decisions to buy or sell. In this fashion, scarce resources are channeled toward what this aggregate "wisdom" determines are the most urgent needs of society.

From any individual's own personal point of view, the market may seem unjust since it most likely rewards him less munificently than he would like or would order if he had control over the system. However, one must keep in perspective the fact that in an unrestrained free market, the economic power enjoyed by wealth is merely the result of the actions and decisions of millions of freely acting consumers.

It is unlikely that any single authority can attain anything close to the perfect knowledge of future contingencies that would be necessary for a centrally planned allocation of resources to work. The market, in producing a solution resulting from the sum total of a continuous stream of discrete actions, would then appear to be the most satisfactory option available.

So the public interest will be best served, not by extending natural gas price controls beyond the 1985 expiration date, as the Citizen-Labor Energy Coalition recommends, but rather, by expediting, in any way possible, the removal of all price controls and earnings penalties on producers of the energy society demands. ●

SKELTON PROPOSES GEORGE WASHINGTON STAMP

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SKELTON. Mr. Speaker, I am today introducing a bill directing the Postal Service to issue a stamp which would commemorate the 250th birthday anniversary of our first President, George Washington. Over 200 years ago, Washington was serving our country as a heroic military man, a great leader, and a loyal citizen. He was a pioneer, leading a life of dedication to achieve freedom for the people of this country.

George Washington began his loyal service as Commander in Chief of the Continental Army in the American Revolution. He then presided over the Constitutional Convention in 1787 and became a major influence in the formation of our democratic Government. The people elected Washington as the first President of the United

States, where he served two terms of office. George Washington's leadership as the President of our infant Nation should remind all citizens of their obligation to make their own contribution to our democratic system of government.

Fifty years ago, this Congress established a commission to celebrate Washington's 200th birthday, as was pointed out to me by a constituent, Comdr. Ed Ellis, USN (retired), but in today's tight budgetary constraints it would be best to limit our commemoration to a proper stamp in his honor.

The anniversary of George Washington's birthday will be on February 22, 1982. It is with great admiration for the courage and devotion of this great man that I urge my colleagues to co-sponsor this legislation. ●

MARYLAND CONGRESS OF PARENTS AND TEACHERS TO HOLD 66TH CONVENTION

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LONG of Maryland. Mr. Speaker, on November 12 and 13 the Maryland Congress of Parents and Teachers will hold its 66th annual convention at the Hunt Valley Inn in my district with the purpose of demonstrating continued support for Maryland's public school system and of discussing its policies and objectives.

The theme of the Maryland PTA is "Education—A Shared Responsibility." As a father and former educator, I know that nothing is more important than the education of our children. Their lives are shaped by the education provided in their formative years; and tax dollars spent to improve the quality of education are the best investment we can make in our Nation's future.

Since 1977 there has been a steady improvement in Maryland students' reading skills, at the same time that national scores have gone down. Marylanders have distinguished themselves in international academic competition. Miss Kotilla Ravel, who resides in my district, received a gold medal for her proficiency in Russian language and history in competition recently held in Moscow. Mr. Brian Hunt of Montgomery County received a perfect score in an international math competition. High standards of achievement are the result not only of the efforts of our State's dedicated teachers and administrators, but also of the encouragement and guidance given to children by parents.

Over a century and a half ago Alexis DeTocqueville wrote that our Nation's free and universal education system was one of our finest attributes.

Throughout our history, parents, teachers, administrators, and public servants have been working to broaden this great stairway of opportunity. As the Maryland Congress of Parents and Teachers carries on this effort, I look forward to receiving the convention's thoughtful recommendations to share with my colleagues. ●

REAGAN ECONOMIC PLAN PUT IN CURRENT PERSPECTIVE

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. DOWNEY. Mr. Speaker, on October 26, Ways and Means Committee Chairman DAN ROSTENKOWSKI delivered a speech putting the Reagan economic plan in current perspective. For we who were skeptical from the beginning but are searching now for the best road, I think the chairman's comments are well worth reading.

The remarks follow:

REMARKS OF HON. DAN ROSTENKOWSKI BEFORE THE FEDERAL SAVINGS AND LOAN COUNCIL OF ILLINOIS

After months of moving back and forth across the battlefields of budget and tax cuts, we have all begun to take the full measure of the Reagan economic program.

The President's early victories were as impressive as they were profound. They carry enormous potential—and enormous risk.

From the very beginning, many of us in Congress echoed public and private doubts from Wall Street and the corporate world that the Administration's economic assumptions were far too optimistic—that an automatic, three-year tax cut was too bold a commitment. But the pursuit of political victory often overcomes a sense of economic reality. In the end, a Democratic compromise containing a more cautious tax cut was rejected by the President, and an eleventh hour White House package won the day.

As corporate boards cheered the President's political victories, "Hard money" movers on Wall Street began to reflect the enormity—and the peril—of those victories: \$750 billion in tax cuts, \$1.6 trillion in defense spending and \$200 billion in spending cuts over the next five years.

Suddenly the rhetoric of supply-side theory has come face to face with the statistics of reality. It is precisely this gap between \$200 billion of spending cuts and \$750 billion of tax cuts that concerns Wall Street and brings into public focus the inconsistency of the Administrations's economic design. The White House is once again confronted with the axiom that investment confidence follows performance, not promise.

Once again, the lesson is blunt: there are no easy fixes—no magic formulas—to our economic dilemma. Economic uncertainty continues to be a way of life in America. The difference this time is that the stakes are higher, and the potential for crisis greater.

Contrary to the supply-side promise of quick economic turnaround, we are wading back into a recession with little hope that recovery will begin before mid-1982.

The collision of a tight money policy and an overly stimulative fiscal policy has driven interest rates to crisis levels.

For this administration, interest rates carry enormous political danger. For the rest of us, they carry frustration and doubt.

Unlike inflation rates or GNP growth, interest rates are tangible. They are direct and personal. They have crippled the auto and housing industries—for whom the current economic condition is more than a "technical" recession. High interest rates are now rippling through all sectors of the economy—affecting everyone from a young couple trying to purchase their first home to a small businessman trying to expand his business.

Despite Administration appeals for massive capital investment to match the promise of historic tax cuts, the private sector still lives by old teachings. It still only believes what it can see. It still bites coins to test their strength. And it still scowls at sudden contradictions in economic policy.

Business and financial managers no longer accept the limp excuse that past presidents are to blame for today's troubles. Only the most fearless are willing to wager on the consistency—and candor—of this Administration.

After watching President Carter suffer the charges of "inconsistent economic policies", veteran observers have begun to point the same finger at President Reagan and his advisors. And not without reason.

Less than two months after signing his historic tax cut into law, the President announced that the Administration will seek \$3 billion in revenue "enhancement" measures. In plain English, they want to raise \$3 billion in revenue for 1982—\$22 billion over the next three years. Over night, the supply-side testament according to St. Laffer has been rewritten. Now the sin of taxation is OK—if only in small doses.

David Stockman, the high priest of budget balancing, asks us not to pay strict attention to next year's \$43 billion deficit target. Instead, he wants us to keep our eye on what he calls the "trend line" of federal deficits. That's not a case of inconsistency; that's a case of cynicism.

After months of waving the big stick of tight monetary policy—the most credible indication to business that the Administration is really prepared to "tough it out"—we now hear Donald Regan appealing for an easing of the money supply. Add to that official calls for a return to the gold standard.

After actively resisting the creation of All-Savers certificates, the Administration jumped on the band wagon at the last minute. And once your industry got the go-ahead to offer tax-free certificates, the Treasury called for higher passbook interest—a position since reversed.

But for all the contradictions in economic direction, the 1981 Economic Recovery Tax Act is a reality—and with it, the All-Savers certificate. Just as we wonder how we can ever balance the budget chasing after three-quarters of a trillion dollars in tax cuts, there is a serious question over the ultimate fate of All-Savers.

The All-Savers tax certificate was enacted as a stop-gap measure—a one-shot, almost desperate attempt to stem the flood of savings into high interest money market funds. The Ways and Means Committee was bombarded by rumors of imminent failures among savings and loan associations—some of them real. In the end we approved All-Savers, despite deep doubts about its curative powers.

Much of our skepticism remains. We still have no proof that All-Savers is having much effect on aggregate savings. We may well have only encouraged the shift of deposits from one account to another—from one financial institution to another.

The measure is not uniquely helpful to the savings and loan industry. Equity dictated that we include commercial banks and credit unions as well.

Most of the benefit of All-Savers is flowing to upper-income taxpayers who know how to maneuver their money to achieve the highest yield. These are the same people who benefit the most in other areas of the Administration's tax cut program.

In addition, linkage of All-Savers deposits to loans for the housing industry appears to be ineffective.

Perhaps the only real benefit to the savings and loans from the All-Savers certificate is the margin of arbitrage. As investment managers, you know that this is the shortest of short-term strategies, and no real solution to the fundamental long-term growth problems facing the unsettled savings community.

Until we determine the fate of the All-Savers certificate, you will remain the prisoners of short-term investment. And that is not in the best long-range interest of your industry or the nation's economy. I realize the legislative clock is running. If we are to encourage responsible long-term savings deposits, Congress must soon begin to sort out the options.

Without question, one of the strongest factors in the debate will be the enormous drain on Treasury revenues promised by any extension of the All-Savers certificate. In a sudden reversal of tax philosophy, the Administration now is seeking to increase revenues—which hardly suggests their support for a multi-billion dollar extension.

I haven't come today with the answer to the All-Savers dilemma. That will only come after long discussions with—among others—Chairman St Germain of the Banking Committee. But I think we all agree that our ultimate decision must provide significant incentives to encourage long-term savings in this country. That was the principal goal of the tax bill. That remains my personal commitment and the over-riding objective of the Ways and Means Committee.

The critical need for capital formation must be met—and more specifically, we must build sufficient long-term savings to relieve the enormous pressure on the capital markets.

If we simply let the deadline pass with no alternative savings plan, we only throw open the flood gates—with no control as to where the maturing All-Savers deposits will flow. That would leave you in 1983 precisely where you were earlier this year.

If we do not choose to extend the present tax exemption, then we must at least construct a bridge to more productive investments offered by financial institutions.

One option that will be debated would permit All-Savers deposits to be rolled over into Individual Retirement Accounts (IRAs) which have long been a stable reserve of savings. I first proposed the expansion of IRAs earlier this year for this very reason—to increase the long-range, dependable reserves available to savings and loans and other troubled lending institutions.

I ask this vital industry to begin examining constructive alternatives to the All-Savers certificate, recognizing the budgetary constraints under which we will be operating next year. Congress will be sensitive to

the problem of disintermediation facing the savings and loan industry if maturing All-Savers deposits are not retained in those financial institutions which have issued such certificates. However, I and others in Congress will be looking to this industry for less costly, longer range policy recommendations.

In the end, it is you who carry the greatest obligation to see good savings policy made in Washington. In the end, it is you who must sort out the best alternative and then sit down and reason with those of us in Congress. Only then can we find a responsible answer to guide short-term All-Savers deposits into long-term investments that contribute to a more stable and healthy economic climate.

Mainstream Democrats, like me, are groping for responses like this to the Reagan economy that are neither bombastic nor cynical. We want his plan to work as much as he does. It does no one good if he fails. Most Democrats are willing to give his initial budget and tax cuts a chance to work. I think most Democrats are willing to give President Reagan a fairer shake than the Republicans gave his predecessor.

For the moment, we will stand in loyal opposition—supporting the President when we can, confronting him when we must. What was done last summer is done. The cuts are in effect. Any proposals for change or rollback must come from Republicans.

So far, Congressional Republicans are reluctant to lead another assault on social programs. So far, few seem eager to re-open the tax code. Little doubt remains that the next round of Reagan economics will be given a much tougher trial on Capitol Hill. ●

NRC COMMISSIONERS WARN AGAINST FAST-TRACK NUCLEAR LICENSES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. MARKEY. Mr. Speaker, tomorrow the House will consider amendments to the Nuclear Regulatory Commission authorization bill for fiscal years 1981 and 1982. When the final version of the bill is approved, its provisions will, to a very significant extent, determine the tenor of the NRC's regulatory oversight of the commercial nuclear industry.

Together with our colleague from Connecticut (Mr. MOFFETT), I intend to offer an amendment to the bill, to strike the section which grants the NRC the authority to grant operating licenses for up to 100 percent of power to nuclear reactors before important public hearings on these issues have been completed or even begun.

We take this step because we take seriously the lessons of Three Mile Island. In the words of the NRC's own post-TMI study of what led to the Nation's most serious nuclear accident in 1979, "Insofar as the licensing process is supposed to provide a publicly accessible forum for the resolution of all safety issues relevant to the construction and operation of a nuclear plant,

it is a sham." By curtailing the public hearing process through rendering its safety deliberations meaningless, the temporary operating license provision in this bill turns its back on the lessons of Three Mile Island.

I do not make this charge lightly. Several members of the Nuclear Regulatory Commission and a number of its top officials share my reservations.

NRC Commissioner Victor Gilinsky has said:

The interim full power license proposal would undermine the hearing process . . . I think it is a terrible mistake for the nuclear industry to put too much pressure on this agency to grant licenses quickly.

NRC Commissioner Peter Bradford has warned:

Authorizing full power operation pending final resolution of safety matters would make the NRC's licensing proceedings appear a sham.

These warnings have been echoed by the chairman of the NRC Atomic Safety and Licensing Appeals Board Panel, Alan Rosenthal, 9-year veteran NRC regulatory official. In June, Rosenthal told the President's Nuclear Safety Oversight Committee:

I strongly oppose the issuance of full-power licenses while the adjudicatory hearings are still under way. It would be entirely destructive of any public confidence in the integrity of the process. The suspicion would be abroad, and I think correctly so, that the adjudicatory process would be a sham.

It is true that this bill sets an initial low-power (5-percent of full-power) limit on the temporary operating license. But let us understand clearly that for the 2 years' duration of this authorization bill, the NRC will be free to grant at the second stage of the interim license proceedings permission to operate the reactor at full power before the conduct or conclusion of public hearings.

The nuclear industry wants to railroad this rewriting of the Atomic Energy Act through Congress in a cloud of misleading allegations about nuclear plant licensing delays. This propaganda campaign has been discredited by a major report of the House Government Operations Committee, following hearings chaired by the gentleman from Connecticut (Mr. MOFFETT). I urge my colleagues to carefully review this report (No. 97-277) titled "Licensing Speedup, Safety Delay: NRC Oversight." This report is a comprehensive indictment of the theme of the nuclear industry lobby: that meaningful public participation and thorough NRC licensing board scrutiny are expendable luxuries unrelated to safety. Nothing could be further from the truth.

In this regard, I urge my colleagues to consider the views of NRC Commissioner Bradford, presented on March 31, 1981, before the Senate Subcommittee on Nuclear Regulation. In his

remarks are found an eloquent defense of the importance of public hearings as an integral part of the nuclear regulatory process. Commissioner Bradford's remarks follow:

I want, however, to speak a moment on the importance of the hearing process itself, to respond briefly to the question of just why we undertake these time-consuming inquiries that are sometimes imprecise and often expensive. If we are to tamper with them without doing violence to their purpose and their benefits—real and potential—we must remind ourselves just what the purposes and the benefits are. To do so comprehensively would be a major undertaking, but I want at least to attempt a sketch this morning.

The fact is that nuclear power is a uniquely favored industry in terms of its relationship to local fears and concerns. All of the operating plants and all of the plants whose "delays" we are concerned about were exempted by the preemptive sections of the Atomic Energy Act from any sort of state or local regulation of a radiation hazard that could force the plant's neighbors to evacuate their homes or that could—in the most unlikely case—render those homes uninhabitable for decades. In terms of basic American traditions of state and local government, this was a breathtakingly radical step—one that could probably only have been taken in an era in which public faith in the benign omniscience of the federal government ran much higher than it does today.

Furthermore, as if preemption weren't enough, the two-step licensing process postponed the hearing of many serious safety questions until the operating license hearings—after the plant was already built and an immense financial and social commitment made to its operation. While even the more enlightened representatives of the industry would prefer more thorough construction permit hearings today, the fact is that the historic process was set up to suit the needs of a rapidly developing technology, and the plants in the operating license hearings today received construction permit reviews that were not only pre-Three Mile Island, but that were often the Atomic Energy Commission's equivalent to a lick and a promise.

Against this background, the NRC hearing process can be understood as the federal side of two bargains. First, all effective state and local scrutiny of radiation hazard was preempted, but those concerns could be raised and examined in depth in federal hearings. Second, plans could be built on the basis of relatively flimsy construction permit reviews on the understanding that at least the operating license review and hearing be thorough. While the proposals before you today can be reconciled with these commitments, others now under discussion in the Commission and in parts of the Congress would waltz on both of these commitments by making the hearing process even more of a sham in terms of effective safety review than it is today.

We look to public hearings to serve two purposes. They should provide a strong and skeptical independent check on the NRC's internal reviews, and they provide the only avenue for citizens to resolve concerns about a new and serious hazard being introduced into their communities. When we talk of "streamlining" them, we must keep these purposes and the bargains that underlie them in mind.●

COL. WILLIAM MERLE DELANEY

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. DUNCAN. Mr. Speaker, Veterans Day, which will soon be upon us, is a time to reflect on the contributions made by our servicemen and women to the United States. These contributions are more than the victories of the battlefield in defense of our Nation. They include a spirit which brings respect to the United States at home and abroad, for services aimed at insuring peace and protection of the free world.

I would like to draw your attention to one man who characterizes this spirit of selfless service. Col. William Merle Delaney contributed 20 years of his life to the defense of this Nation, enough for any man to seek the comforts of retirement. Yet, Colonel Delaney continues to serve his fellow citizens, in many capacities, in the Maryville community.

The people of Maryville appreciate these contributions in both the local and national realms. They will honor him Sunday, and I would like to take this opportunity to add my voice to those of so many others, in saying thank you to Colonel Delaney for his tireless dedication.

William Merle Delaney grew up in Harriman and Maryville, Tenn. as the oldest of six children. As a boy he revealed the traits which would earn him respect throughout the world. His leadership and competitive spirit were apparent in athletics, as he played football, basketball, and baseball in high school and college. At 18, he was the first enlistee in Blount County's National Guard unit. Before the unit was mobilized for World War II, he worked as a foreman in ALCOA's powder plant. At 35, he was called upon to defend his country, and left Maryville as Commander of the 191st Field Artillery Battalion.

Colonel Delaney's military career is marked with decorations and honors. He fought in the South Pacific as Commander of the 181st Field Artillery in the Second World War. During this service, he received the Bronze Star, Oak Leaf Cluster to the Bronze Star, and the Silver Star. Following the war he was appointed commanding officer of the New Orleans Army Air Base and New Orleans Personnel Center. From May 1948 until February 1952, he was with the Department of the Army at the Pentagon. At this time Colonel Delaney took part in the Second Arctic Orientation Tour which traveled to the North Pole.

In July 1952, after a brief tour of duty in Yokohama, Japan, he was sent to Korea, where he served until May 1953. He was promoted to full Colonel August 3, 1953. He taught for 3 years

at the Armed Forces Staff College in Norfolk, and was then assigned to the Army Headquarters in Orleans, France for 3 years. He returned to the United States in July 1960 as Commander of the XII Army Corps, Georgia sector, serving until he retired September 1, 1961.

At each of the sites Col. Merle Delaney has been assigned, he has been recognized and honored. He received a Presidential Unit Citation from Syngman Rhee for service in Korea. He was given the 32d degree Mason's award by the Supreme Conseil De France, and made an honorary citizen of Germany, while on duty in Europe. The city of Macon, Ga., awarded him with the key to the city. These honors show the respect and admiration Colonel Delaney has gained from people throughout the world.

Colonel Delaney, however, was not content to rest on these laurels. Upon returning to Maryville, his military service was replaced by community service. He has been a Sunday school teacher at the First Baptist Church in Maryville, a director of the Red Cross for 6 years, and a director of the Green Meadow Country Club. His leadership qualities have stood out in the chairmanships of many Maryville service groups. He served as director of the Blount County Civil Defense for 6 years and was elected president of the Tennessee Civil Defense Association in 1967.

Since November 22, 1967, Col. Merle Delaney has been chairman of the housing authority in Maryville. In his years at the helm of the authority, he has taken charge in providing needed low-rent housing for the community. He has wisely used urban renewal funds to promote neighborhood development and modernize the city.

These accomplishments of his military and civilian careers are but a small sampling of the work Colonel Merle Delaney has done and the service he has provided. His devotion to the youth of this country, a product of his military service and the training of young men, was revealed in his efforts to provide funding for the Laurel Lake Youth Camp. As the representative of the Maryville Kiwanis Club he was able to make funds available for improvements of the facilities at the youth camp.

A past president of the camp expressed the opinions of many citizens when he said, "It was through the untiring efforts, persistence, and hard work of our board members, especially Col. Merle Delaney, who with great vision and total dedication, made the youth camp an attractive and enjoyable place for the citizens of Blount County to use. Colonel Delaney's principal strength is his superb ability to deal with people. Extremely affable, his warmth and personality solves

countless problems that otherwise could not be avoided."

Col. William Merle Delaney is a prime example of the reason we honor veterans. He is a man who has worked for the good of our people both in and out of uniform. He builds within all Americans a sense of self respect. ●

WATT: THE AGENT, NOT THE CAUSE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. OBERSTAR. Mr. Speaker, President Reagan continues to enjoy a measure of personal popularity despite the deepening economic recession, overtures to militaristic and reactionary foreign governments, and a seeming lack of compassion for the less fortunate members of our society. However, his advisers and his Cabinet officers implementing his policies are receiving the criticism of Americans dismayed and shocked by those policies.

Noted Minneapolis Star columnist Jim Klobuchar suggested in a recent column that Secretary of the Interior James Watt is the symbol of Reagan environmental policies. Secretary Watt's actions should surprise few people. They implement the beliefs of a President who is reacting to what he perceived as the proenvironmentalist bias of previous administrations and who now gives the appearance of setting an antienvironmental tone for his own administration. Mr. Klobuchar suggests that those of us who are concerned for the conservation of America's natural resources may wish to focus efforts more on Reagan environmental policies and less on the actions of one Presidential appointee.

Watt is just one of a number of administration appointees who seem to have a disdain for environmental laws and programs.

In Jim Klobuchar's words, Jim Watt's "views are no more or less destructive than Reagan's own."

I ask that Mr. Klobuchar's column be included in the RECORD:

[From the Minneapolis Star, Oct. 21, 1981]

WE ARE WASTING ENERGY ON WATT

(By Jim Klobuchar)

The passionate energy being spent over the performance of James G. Watt as the Interior secretary, both by his critics and his apologists, is absorbing but largely wasted motion.

Watt is Ronald Reagan's creature and his political toad. He is described as ferociously principled and intellectually brilliant—one of his admirers said in all seriousness that if Watt ever made a mistake he did it deliberately—and no doubt he is all of that.

As the secretary of Interior, however, he is conducting himself and administering his job exactly the way Reagan wants him to. This means that left unchallenged, he would deliver much of what we now call the

public's sanctuaries and resources to the extractors of industry who used to pay Watt's salary, and whose vision of America is practically interchangeable with Reagan's.

If you are not thrilled by this prospect, I want to advise you today that you have just been consigned to that body of citizens who are malicious, unfair and extremist.

For this revelation we are indebted to the Republican congressman from Utah, Dan Marriott, in whose mind James Watt clearly is a white-cloaked crusader riding intrepidly into the woods to protect the God-ordained rights of the mining and oil companies and the timber cutters.

Marriott delivered his remarks as part of the Washington response to the arrival of more than a million signatures on a petition asking for Watt's removal.

The signatures were presented at a rally organized by the Sierra Club. Its objective was to demonstrate the broad discomfort and alarm that exists in the country today over Watt's plain intent (actually Reagan's) to reverse a 20-year consensus in this country that the earth's environment is worth protecting.

One of Watt's acolytes reacted to the rally predictably. He described it as a "60s-type Vietnam demonstration with 50 kids made to look like thousands."

That put it all into a nice and tidy package. The people who are opposing Watt are recycled hippies. They probably have B.O. and are snorting something awful. If you look closely, they probably hold their wrists sort of limp and just don't seem, well, very robust and American.

The senator from Minnesota, David Durenberger, who is a Republican and rather robust and also an environmentalist, objected.

He asked the Watt spokesman to apologize, but this request, while no doubt in earnest, was irrelevant. Durenberger should have directed it to the whole environmentalist-baiting crowd that Reagan and Watt have dragged into the Interior Department, because the acolyte's remarks represent the official picture of the public's protest.

"The people who traveled to Washington represent 1.1 million Americans, and probably millions more, who have the impression of a secretary of the Interior who is subverting his authority," Durenberger said.

It represents, among other things, not only the distrust of conservation groups like the Sierras and millions of unaffiliated friends of the earth but such a totally undreamy organization as the National Wildlife Federation.

The federation is appalled by Watt, and it should be. Left without surveillance, he would inflict damage on watersheds and wildlife that go directly to the federation's deepest concerns.

When you peel away all of his missionary urges, what this man wants to do in his "multiple use" of American public lands is to exploit every inch and grain that can be exploited by every device in his bureaucratic handbook. If there's a law to protect the land, throw it out or dodge it. If people protest, call them hippies. If there's an agency to slow the devastating stripping of land by the Western mining industry, emasculate the agency.

Enter Marriott.

James Watt, he said, "has been the subject of what I consider to be unfair and malicious attacks by several groups of extreme environmentalists since taking office."

You have now been thoroughly identified. But Watt is fundamentally Reagan's lightning rod on these issues. His views are no

more or less destructive than Reagan's own. In ways that cannot be seriously disputed, the country made a recognition more than a decade ago that it was in danger of eroding and ruining something precious and irreplaceable—that it was, in fact, threatening its very survival if it continued to listen to people who insisted we had to have growth at all costs.

Those voices are now in Washington.

And if you object, you are malicious and an extremist. ●

TRIBUTE TO THE LATE R. M. "BEN" TUCKER

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SHELBY. Mr. Speaker, I would like to pay a tribute to the late R. M. "Ben" Tucker, editor and publisher of the Chilton County News, who was inducted into the Alabama Newspaper Hall of Honor on October 10, 1981.

Each year two nominees are selected for induction into the Hall of Honor which was established in 1958 to recognize the achievements of former newspaper men and women in Alabama.

Not many people achieve the measure of admiration and respect that the late R. M. "Ben" Tucker enjoyed. He earned that admiration and respect because he genuinely cared about people and about the welfare of his community.

He was a rarity—a man who had the vitality and know-how to be extremely effective in getting things done, yet warmth and sensitivity that made him a beloved leader.

Ben, editor and publisher of the Chilton County News from 1942 to 1965, becomes the 47th newspaper editor to be enshrined in the Hall of Honor. He joins his father Mark L. Tucker, lifetime newspaperman and publisher from 1938 to 1942 and inducted in 1975, as one of only two father/son teams in the Hall of Honor.

Ben Tucker was born in Paris, Ark., in 1905 and qualifies for the Hall of Honor because of his experience with such weekly newspapers as the Ashville Aegis, the Wetumpka Herald, the Oneonta Southern Democrat and the Chilton County News. Under his leadership the News was recognized as one of the State's more innovative newspapers and that resulted in a number of Alabama Press Association better newspaper awards over the years. While he was editor and publisher the News became one of the first papers to convert from the six-column to seven-column format. At the same time, the News was one of the first weekly papers in Alabama to convert to flush-left heads.

To go along with a good looking and easily read newspaper, Ben Tucker also used his writing talents to the paper's best advantage. He was a skilled and sensitive writer and his column "Folks and Things About Town" was popular with News subscribers. He was active in civic affairs, becoming a charter member of the Clanton Lions Club and served as executive secretary of the Chilton County Democratic Party for 9 years. Tucker was also a member of the Clanton Red Cross and served as a church schoolteacher in the Clanton First Methodist Church where he was a member.

As an editor, Tucker was popular within the community and while he was not noted as a controversial editorial writer he would take a stand and work for something he believed in. He is credited with helping sell the 1-cent sales tax for school buildings in the early fifties. The tax passed and today provides funds for the construction and upkeep of schoolhouses for Chilton's students, making Chilton one of the leaders in the State in that regard.

Myrtle Tucker, widow of the late R. M. "Ben" Tucker now resides in Montgomery, as does a daughter, Mrs. James Andrews-Carolyn. Their other two children reside in Chilton County, Mrs. L. R. West, Sr.—June—in Clanton, and Bob Tucker in Verbena, who is the current editor and publisher of the Chilton County News.

It is also interesting to note that since the Tucker's took over the operation of the Chilton County News in 1939 there have been well over 2,000 consecutive weeks of publication without missing an issue. This devotion to the American work ethic is just outstanding.

R. M. "Ben" Tucker's life should serve as a memorial to him for all the time in Clanton, Chilton County, and the State of Alabama, for he truly devoted it to serving the people that he loved and cared for.

Mr. Speaker, it is indeed an honor for me to share this tribute with my colleagues in the House of Representatives. Ben Tucker was a fine gentleman, truly deserving of being inducted into Alabama's Hall of Honor.●

REFLECTIONS ON EUROPEAN MONETARY DECLINE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. McDONALD. Mr. Speaker, the Committee for Monetary Research and Education, Inc., recently published a one-page description—October 1981—in its newsletter, of what has happened in Europe since World War I written by Raoul Audouin. It is a

very lucid description of what has happened to European society as a result of the cheapening of its currency and the resultant effect on society, the family, and values in European society. It is too short a piece to describe all the reasons this rot set in, and who might have been culpable in creating this situation; but, it does accurately describe the situation in Europe and if the piece is read carefully, it points out lessons for the United States where the course of disease is not quite so far advanced. I commend it to the careful attention of my colleagues:

REFLECTIONS ON EUROPEAN MONETARY DECLINE

(By Raoul Audouin)

The increasing preference for security over liberty denotes a pathological phenomenon closely connected with the growth of welfare policies. If civilization is to be safeguarded, a disease we must cure is the blind ignorance of people at large, and politicians in particular, of the solidarity of individual freedom, market liberties and progress, both as notions and action through institutions.

When did we catch the disease? In my opinion, our intellectual and moral decay as citizens was born of a political nature even before the advent of the welfare state. The initial decline started with World War I.

I was a schoolboy when The Great War broke out. When it was over, French children still learned arithmetic mainly to solve problems of simple and compound interest. They were still taught that putting aside monthly a portion of one's revenue, however small, was a virtue rewarded by growing freedom, social ascension, and a hope for decent old age. But their parents, and later on the children themselves, experienced the disturbing phenomenon of "la vie chere", higher prices and dwindling purchasing power of their savings.

Another heavy blow to the traditional mentality came from the protracted enlistment as combatants of nearly all young husbands and fathers, the employment of women in the war industries, and the dreadful decimation of mature generations. The family could no longer be a sure pillar of sound education, safety and mutual assistance. Nobody, then, could object to family allowances and pensions to widows, orphans, veterans and the disabled. Minimum wages and rent ceilings were introduced under the same urge to help victimized families. Self-sustenance ceased to be a moral duty because in many instances it had become impossible. If the state could provide during war, why should it not do so in peace?

In addition, there were gigantic transfers of paper money for the rehabilitation of devastated regions. Paper money went adrift, speculation generated daydream fortunes, and gold money never came back to the housewife's purse for daily transactions (it was even forbidden to refer to gold in contracts). People discovered the "spiral of wages and prices", which turned democratic institutions into a wrestling ring for unions and pressure groups, with government as umpire. From then on, political prepotence could not but become the ultimate goal of clever people of any description.

By waging total war, the industrialized nations which had been on the uncertain but ascending road to Freedom under Law began to slide down the slope to the totalitarian experiments of the Thirties and to

the Second World War. Just as the First War had weakened familial and patrimonial institutions and destroyed the sound international system linking national currencies, the Second completely obliterated the distinction between real "final" money and monetized liabilities. The need for artificial security intensified and faith in Government grew apace. Together, they begat the welfare state.

We ought probably to pay more attention to a great teaching of Hayek: that men are, and will long remain, ignorant of the concrete working of a free cosmos, and that the greatest measure of freedom, prosperity and security can only flow from good habits, the rationale of which we seldom can explain. I think that metallic money, freely convertible at market price everywhere, was a good habit of high social and educational value and I believe the sooner we de-nationalize money, the better.●

VETERANS DAY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SKELTON. Mr. Speaker, on the morning of November 11, 1918, the Allied forces in Europe signed an armistice with Germany, which brought an end to the First World War. Upon hearing the news, Americans everywhere exploded into celebration. There were songs and tears, dancing in the streets, parades, and solemn prayers of thankfulness. Since that time, November 11 has been proclaimed as Veterans Day and observed across the country to honor those individuals who have fought for the freedom of people everywhere.

The importance and meaning of Veterans Day must not be forgotten. As a member of the Committee on Armed Forces, I am filled with a sense of pride when I reflect on the sacrifices that our veterans and their families made to protect our ideals and freedoms. Frequently, we take our rights as Americans for granted.

Veterans Day salutes Americans who fought in foreign wars, for their courage and unselfish giving. Their sacrifices represent the highest devotion a member of this great Nation can have. Veterans stand proud as an invaluable segment of our society. I would like to voice my thanks to these great Americans and pay a special tribute to them on Veterans Day, November 11.●

INTERNAL REVENUE CODE OF 1954

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. PICKLE. Mr. Speaker, today I am introducing legislation that would

address what I believe is somewhat of a technical, unintended problem caused by section 457 of the Internal Revenue Code of 1954. This legislation is in the nature of a technical correction to section 457 since it is fair to say that had Congress perceived this problem when first enacting section 457 in 1978 some effort would have been made to cover the situations this bill should remedy.

Section 457 was enacted by Congress in 1978 (section 131 of Public Law 95-600, 92 Stat. 2763) in response to questions raised by proposed Treasury regulations which dealt with nonqualified salary reduction deferred compensation arrangements. Section 457 was adopted to clarify the taxation of benefits under optional salary reduction arrangements sponsored by State and local governments. The legislative history of section 457 supports my view—and I was a member of the Ways and Means Committee when it acted on this issue—that the provision was not meant to address the regular mandatory retirement plans maintained by the State and local governments.

Congress wrote section 457 into the code to accomplish two things: (a) To establish structural requirements which deferred compensation salary reduction plans would have to meet to earn favorable taxation; and (b) in section 457(e) to specify the tax treatment of salary-reduction plan benefits which failed to meet the structural requirements.

Under Internal Revenue Service regulations that become final beginning in 1982, if a plan fails to satisfy the requirements of an eligible State deferred compensation plan, section 457(e)(1) provides that compensation deferred under such a plan is currently includible in a participant's income for the first taxable year in which there is no substantial risk of forfeiture—that is, upon vesting. However, Congress provided an exception from this treatment for certain plans such as qualified section 401(a) plans, tax-deferred annuity plans, et cetera. The Service recognized at the time it promulgated the proposed section 457 regulations that there are State plans that are the regular retirement plan of the State but which do not qualify as an eligible State deferred compensation plan under the 457(b) structural requirements and which do not come within any of the exceptions to section 457(e)(1). Thus, participants in these plans would appear to be subject to the severe tax treatment requiring the inclusion of all such deferred compensation income in taxable income immediately upon vesting.

Mr. Speaker, this is a very harsh result and in some cases is one which probably goes well beyond what Congress was attempting to get at by the adoption of section 457. In fact, in the preamble to the proposed regulations

the Internal Revenue Service acknowledges that it is unclear whether this result was intended. The reforms brought about by section 457 were an attempt to prevent situations where employees of State and local governments could defer recognition of income through optional deferred compensation agreements with their employers. The bill I am introducing today in no way weakens that reform. This legislation is quite narrowly drawn and provides no loophole for the kind of optional deferred compensation arrangements limited by the 1978 act.

The problem with the 1978 provision came to my attention when the regular, mandatory exclusive retirement plan of the Texas State judges appeared not to be excluded from the section 457(e)(1) penalties. It is my understanding that this State judges plan was just the type of plan that the Internal Revenue Service acknowledged was an unintended victim of the broad language of present law section 457. The bill I am authorizing would add to the exceptions from section 457(e)(1) State judicial plans that are the regular, exclusive, and mandatory plan for service as an elected State judge. The bill would not allow additional, optional contributions by judges that would affect includible compensation.

Since I believe that this legislation is essentially a technical correction to the 1978 provision, and is in no way intended to carve out a "safe harbor" for newly adopted plans, I have included a limitation in the proposed exception clause that would apply the exception to only those plans continuously in existence since December 31, 1978, the point after which section 457 became effective. Again, in light of the technical correction nature of the legislation, the provisions of the bill are generally effective with respect to taxable years beginning after December 31, 1978.

One final point involves the requirement in the exception clause that would be added by the bill defining a qualified State judicial plan as one which at all times during the taxable year meets the requirements of section 415. My intent with respect to this particular limitation is to set a limitation on the annual benefits under a qualifying plan to the lesser of \$124,500 or 100 percent of the participant's average compensation for his high 3 years. This would be an annual test of the plan to determine whether in fact the plan has violated the section 415 limitations.●

PRESIDENT REAGAN'S ECONOMIC PROGRAM: THE UNTOLD STORY

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SOLOMON. Mr. Speaker, on October 13, Donald Kendall, the chairman of the board at the U.S. Chamber of Commerce and the chairman of the board and chief executive officer of Pepsico, delivered a speech at the conference on National Priorities at George Washington University that refuted many of the unfair and premature criticisms of the President's economic recovery program.

Don Kendall, as a spokesman for the chamber of commerce, has worked tirelessly throughout this year in support of the President. In this speech he delivers an analysis of the President's program that is not often heard. I commend it to your attention.

PRESIDENT REAGAN'S ECONOMIC PROGRAM:
THE UNTOLD STORY

(By Donald M. Kendall)

It is a real pleasure to be here this morning. I would like to congratulate George Washington University and Burson-Marsteller for sponsoring this important gathering of representatives from government, business, labor and academia to discuss our nation's economic future.

Listening to the various critical comments about the President's economic recovery program, I am struck by the fact that most of those doing the criticizing are the same ones who got this country into the economic mess in the first place. And they are criticizing a program which, for the most part, hasn't even taken effect.

Ladies and gentlemen, I was asked here this morning to present the business point of view on what needs to be done to rebuild America in the 1980s. But I'm not going to do that. Instead, I would like to discuss what needs to be done from the point of view of all Americans—because economic growth, in a free society like ours, benefits all people and all economic interests.

If you think about it, broadly based economic progress has always been the clue that has held our heterogeneous society together. Thomas Sowell discovered as much in his brilliant new history of ethnic America. "The rich economic opportunities of this country have made fighting over existing material things less important than the expansion of output for all, and rewarded cooperative efforts so well as to make it profitable to overlook our differences."

There's an important message there: Let's not resign ourselves to squabbling over slices of the existing economic pie. We can and we must create a bigger pie so that the slices for all Americans grow larger. Instead of saying to each other, "Give me more of yours," let's work together to create more of ours.

If economic progress is the answer to our problems, and I sincerely believe that it is, then it is easy to see why we are in deep trouble today. When I assumed the chairmanship of the U.S. Chamber of Commerce in April, I said then that the success of our

mission to rebuild America would depend on our ability to address two critical problems: declining productivity and declining U.S. competitiveness in world markets.

In the first decades following World War II, our economy was the wonder and envy of the world. Our productivity growth averaged 3.2 percent per year. But by the end of the 1960s, our productivity growth began to taper off. For the last three years, it actually declined—the first time that has happened since we started measuring our economic performance this way in 1909.

There is a clear and direct link between our declining productivity growth and our declining competitiveness in world markets. It used to be that exports were viewed as little more than the spillover production that Americans couldn't consume. That attitude was common both in the government and the business community.

But thank God we woke up: Exports aren't a luxury. They're a necessity—an integral part of our hopes for the future—the hopes of business and labor.

Nationwide, one out of every eight jobs in manufacturing and one of every four in agriculture is supported by exports. And each additional one billion dollars in new orders translates into 40,000 new jobs.

But in recent years, our share of world markets has shrunk from 21.3 percent in 1970 to about 18 percent in 1980. In 1960, American produced half of all the cars in the world. Today we produce barely more than a fifth. After World War II, we produced roughly half of the world's steel. Today—only a sixth. Trade deficits seem like old hat to us now, don't they? Well, the one we had in 1971 was our first trade deficit of the 20th Century! And we have run almost continuous and increasingly large deficits ever since.

Sagging productivity and sagging exports. These deeply rooted problems are at the foundation of all the economic ailments with which we are more familiar: double-digit inflation, persistent unemployment and sky high interest rates.

What has gone wrong? Have our workers grown lazy? Have our business people lost their nerve? Nonsense! We're still the most productive people in the world. But something else was happening during those same years that our economy began its downward slide from unsurpassed supremacy to no more than sixth place among nations in terms of per capita income.

It has been estimated that over the past 10 years, taxes on the average working American have increased by 249 percent. The federal budget more than tripled. And the hidden price tag of regulations reached and exceeded \$100 billion for consumers, not to mention thousands of lost jobs for workers.

In other words, the government has been getting richer while the people have been getting poorer. The correlation is clear and indisputable—if not to all the so-called experts, then at least to a broad-based majority of Americans in last fall's elections. The people have had enough of a government that won't stop growing. They want a different course.

As a matter of fact, the results of the latest Gallup survey commissioned by the U.S. Chamber of Commerce reveal that 59 percent of Americans support the budget cuts that the President has succeeded in getting through Congress. And the same survey shows that a majority of union members—54 percent—support those budget cuts. What is more, a plurality of union

members want additional budget cuts. It is clear that there is solid support for what the President is doing.

Treasury Secretary Don Regan put it in a nutshell this way: "The less we tax, the more we can save. The more we save, the more we invest. The more we invest, the more we can produce. The more we produce, the more we can provide for everyone's benefit."

These words express precisely what the President's economic recovery program is all about: To slow the growth of government and remove the economic roadblocks which threaten the American dream for millions of workers and their families. The President's tax and budget bills were passed by a bipartisan majority in Congress. Various parts of this program were supported by Democratic Senators such as Moynihan, Glenn, Sarbanes and Jackson, as well as Republicans. The same kind of bipartisan support was evident in the House. Together, these bills represent a major shift in economic policy in America—and it comes not a moment too soon.

As historic as they are, let's put the budget and tax cuts passed so far into proper perspective.

We've heard a lot of noise recently the effect that Ronald Reagan is dismantling 50 years of social progress by cutting five percent from the 1982 budget increases planned by the previous administration. What is seldom mentioned is that the budget for fiscal 1982, which began October 1, will be the largest in our history. In fact, unless further cuts are made, it will still grow by \$54 billion over the 1981 budget, and by \$114 billion over the 1980 budget. If that's dismantling, then maybe we should spend the rest of our time here reading the dictionary.

If Jimmy Carter could be credited with meeting the social needs of our people in 1980 with a \$600 billion budget, why can't we do it today with \$723 billion? If Lyndon Johnson was a hero with a Great Society budget in 1965 of \$118 billion, of which 40 percent was spent on defense, why is Ronald Reagan a villain for spending over \$700 billion, of which just 27 percent goes for defense?

The charges we have been hearing just don't square with the facts—and the only conclusion we can draw is that they are politically motivated. The federal budget has doubled since 1975. It has tripled since 1970. Are we to believe that not one single dime can be cut from that budget?

In his Labor Day message, Lane Kirkland described those of us who want to slow the growth of government as "suspicious of government programs to feed the hungry, educate the young, secure dignity for the elderly, care for the sick, safeguard the rights of minorities, protect consumers and defend the environment from plunder."

He's absolutely right. We are suspicious of those programs—not because we object to their goals, but because so often they don't work. We are suspicious, along with most Americans, when we read of a study of government poverty programs by economist Walter Williams. He figured that if we took all the money spent on poverty programs at all levels of government, and divided it up among the families we classify as poor, we would be able to give each of them \$40,000 a year. Obviously, our needy get only a fraction of that. They could and should get more. But someone is taking a might big cut off the top. And both the taxpayers and the poor are suffering for it.

As for the tax cuts, no amount of rhetoric is going to convince working Americans that a 25 percent tax cut is bad for them—or that indexing, which represent permanent protection from inflation, is evil. But it won't be for lack of trying. We are told that the tax cuts are going to big business and the rich. Yet, the the \$725 billion in taxes to be cut by 1986, individuals will get \$565 billion and business \$160 billion. The vast middle class of America—working America—now pays three-quarters of the income tax, and they'll get three-quarters of the tax relief. The average worker will see his marginal tax rate reduced by 25 percent, the marriage penalty cut, the child care credit increased and the personal exemption indexed for inflation. And he can reduce his federal tax another \$200 starting in 1982 by putting \$20 a week into an individual retirement account. He can save up to \$2,000 per year in that account and deduct those deposits from his taxable income.

Now, there is no question that it will take some time for the effects of budgetary discipline and new tax incentives to flow through our economy. No one ever said that this new course would be quick or easy. But I am absolutely convinced that we are on the path to unleashing a new era of economic prosperity in the 1980s.

The Reagan economic program is only the beginning. A major share of the burden for increasing productivity and prosperity now falls on the business community. We've been properly complaining for years that if only government would get itself under control, and remove some of the roadblocks, that there is little that American private enterprise cannot accomplish. Now that many of the disincentives to investment and expansion are being removed, it is time for business to act. And I am confident that we will act as the measures designed to spur capital formation take effect.

Recent history provides a good example of how business will respond. In 1978, a significant reduction in capital gains tax rates was enacted. It was attacked then as a boondoggle for the rich. But look what happened to small businesses which employ 100 workers or less—businesses which account for more than 80 percent of all new jobs created in our economy.

In 1977, under the old law, these small companies raised just \$42.6 million in equity capital. The number of companies that went public and issued stock for the first time totaled 13. But this year, under the new tax law, \$2.2 billion will be raised, with 348 companies going public. Even Uncle Sam has come out all right. By the end of 1981, according to preliminary figures, that lower capital gains tax rate passed in 1978 will be generating more revenue than government was getting under the higher rate.

Business will respond to the new incentives provided by the President's program—and so will the economy. The U.S. Chamber's forecast center predicts that our economy will be weak for perhaps the remainder of this year. But 1982 and 1983 promise to be years of accelerating growth in the GNP, a rapid increase in business investment, lower inflation, more jobs, rising productivity and, yes, falling interest rates. In fact, there have already been some encouraging signs:

Inflation, while still too high, has dropped 25 percent since the President took office. It is now running between eight and nine percent, below last year's double-digit pace.

Interest rates have begun a noticeable decline.

Just one of the measures designed to spur savings, All-Savers Certificates, generated over \$15 billion in deposits during the first few days of October alone.

The percent of after-tax income saved by Americans, the lowest of any industrial nation, has begun an impressive climb, from 4.3 percent back in January to an estimated 5.3 percent today.

How many newspaper headlines and network news reports have been telling this side of the story?

Despite these encouraging signs, there is still a great deal more to be done to get our economy back on track.

One big fight the U.S. Chamber and the business community intend to wage is for regulatory reform. We must have a more rational approach to regulation in this country that allows us to pursue those worthy goals without costing workers their jobs and consumers their buying power.

Take the Clean Air Act, for example: 2,500 pages of statutes and regulations so wrought with confusion, contradiction and complexity that even EPA officials themselves don't know exactly what they are supposed to be requiring of the private sector.

But we know all too well what the result has been: Vital energy and industrial projects have been delayed and cancelled. This has meant lower productivity, higher prices, fewer jobs and even—are you ready for this—delays in cleaning up the air.

Make no mistake. The business community believes just as strongly as anyone that the air should be cleaned up and the environment protected. I've been a hunter, fisherman and outdoorsman longer than I've been a businessman. But we are also problem solvers and innovators, and you can't tell me that we can't move toward our goals of clean air, good health and good business all at the same time. The U.S. Chamber is now working hard to convince Congress to pass the Clean Air Act, which has come up for renewal, as soon as possible—but to pass an Act that will work better. And we are being joined in this effort by the nation's governors, mayors and a number of labor unions in recognition of our common interest.

In addition to regulatory reform, the business community will take the lead on a number of other fronts as well. We are pushing for specific legislation to help expand our exports. Chief among these efforts is the need to encourage the formation of export trading companies. Toward this end, there is legislation pending which would ease concerns about antitrust laws and allow banks to participate, thereby bringing both capital and international expertise. This legislation must be passed. There are more than 20,000 small, job-producing businesses with an untapped export potential which now account for no more than 10 percent of our total exports. We need incentives such as trading companies to bring more small businesses, including service-oriented businesses, into international markets.

And let's not forget budget control. No one should have been surprised by the President's call for additional budget cuts. The federal government has been spinning out of control for decades, and it is going to take many more cuts before we bring that budget under control and in balance. I am convinced we can do that and still provide the essentials for those less fortunate than we—as long as the bureaucrats do their job and cut fat instead of services.

One area where budget control needs to be exercised is in the payment of overdue debts owed to Uncle Sam. The Office of Management and Budget figures that \$175 billion is now owed to the federal government. More than \$25 billion is either delinquent or in default. Thousands of Americans have left unpaid loans made to them in good faith by us, the taxpayers—and yet Uncle Sam turns around and writes tax refund checks to many of these same people.

I'll be very frank. Business must take a large part of the blame. About 60 percent of the delinquent debts are owned by businesses. This is an intolerable situation, and the U.S. Chamber strongly supports legislation to crack down on these debtors.

Those are just a few of the new fronts on which the business community is fighting to rebuild our economy in the 1980s. As business people we are ready to meet the challenge to invest, expand and create jobs provided by the Reagan economic program.

But we have assumed another role in recent years, the responsibility for which rests squarely at the doorstep of the U.S. Chamber of Commerce. Thanks to the initiatives of the Chamber, the business community has become more involved in the political process than ever before in American history. We intend to expand this political activism in the future. And we make no apologies for it.

As a matter of fact, it could be said that business has finally caught on to what organized labor has realized for many years: that political activism is a necessary and legitimate tool for getting our message across.

Taking labor's lesson to heart, business worked hard last fall to elect both Republicans and Democrats to Congress who believe that economic prosperity depends on a rejuvenated private sector. And we worked hard for passage of the President's tax and budget bills because we are convinced that they are in the best interest of all Americans. We intend to continue to fight in the political arena for the many remaining reforms that are necessary to rebuild America.

I don't begrudge for one second the right and, yes, even the responsibility for organized labor to involve itself in the political process. And I hope they would acknowledge the same right and privilege of business to do the same. After all, isn't that what our democracy is all about?

As business managers and political activists, we have reason to be optimistic about the prospects for our country and our economy in the 1980s. As managers, we will respond in a big way to the challenge put to us in the form of new incentives to expand, retool and rebuild. As political activists, we are more committed than ever to draw for the American people again and again the sharp contrast between the defenders of the status quo in Washington and the bipartisan leaders of a new era for our country. The first group says we can't cut the budget. That it must grow bigger every year. That we can't cut taxes, but that taxes should be increased to pay for new programs. They say don't reexamine the effects of federal regulations, but increase those regulations.

The business community, a bipartisan majority of Congress, the President and no doubt, a vast majority of Americans reject that thinking. We are sick and tired of the "can't-do-status-quo." We are ready to move ahead on a different path in pursuit of new economic opportunities which can be shared

by all. Let's never forget that by rolling up our sleeves and working together in private enterprise we Americans built the most prosperous and prestigious society man has ever known out of a continent of wilderness, deserts and swamps. I am convinced that we will rebuild America the same way. ●

TRIBUTE TO GWEN WIESNER

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. PATTERSON. Mr. Speaker, I am honored to invite my colleagues to join me in recognizing an outstanding public servant, Mrs. Gwen Wiesner, the assistant city manager for the city of Garden Grove. On September 30, 1981, Gwen retired from her position in Garden Grove after 25 years of faithful service and will be honored by that city on November 13, 1981.

Twenty-five years ago, on November 13, 1956, the year in which Garden Grove became an incorporated city, Gwen, a native of DeLeon, Tex., and the wife of William "Bud" Wiesner, was hired as the first secretary to the new city administrator. Six months later she was promoted to the position of deputy city clerk and by July became city clerk. Shortly after that, Gwen was also named city treasurer, bearing responsibilities for both positions.

Gwen remained city clerk and treasurer until 1969, when she was promoted to the position of administrative assistant. Shortly thereafter, she became an assistant to the city manager. In 1972, she was named director of administrative services and in May 1980, was officially appointed to the post of assistant city manager. During that time, she retained the titles of director of administrative services and city treasurer.

Gwen is a woman whose commitment and dedication have inspired others to achieve similar accomplishments. She has been a recipient of the Cypress College Community Service Award, and was the Garden Grove Chamber of Commerce "Woman of the Year."

Gwen is also a woman of fine leadership capabilities. She has been the president of the Garden Grove Business and Professional Women's Club; the Southern California City Clerk's Association; and the Garden Grove Girl's Club.

Throughout her career, Gwen has always been an innovative and progressive thinker. She has been the skillful initiator of a number of management programs and procedures one of which is the Garden Grove central record system, acclaimed as one of the most advanced record systems in the entire State of California. Other pro-

grams which she has inspired include: The Garden Grove Word Processing Center and the student intern training program. Gwen's creative ingenuity also led to the development of a comprehensive program designed to address citizen requests for service and public information.

During the early part of my career I was afforded the pleasure of working with Gwen. I can only attest to her professional excellence, but can also say that she is one of the warmest and finest individuals with whom I have ever worked. She has always contended that city government should not only be representative of, but also responsive to, the citizens it serves.

Mr. Speaker, it is indeed a pleasure to ask my colleagues to join with me in honoring this most outstanding woman. Gwen, we thank you for the many contributions that you have made to Garden Grove and the surrounding community over the years. Although you will absolutely be missed, we offer you our most sincere wishes for a very happy retirement, and look forward to seeing you as a private citizen at community events. Thank you and congratulations. ●

PRIVATE SECTOR ROLE IN EMPLOYMENT AND TRAINING POLICIES

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mrs. ROUKEMA. Mr. Speaker, we are currently at a turning point in the development of a number of Federal programs, not the least of which are those aimed at providing employment and training services to those who are among the so-called structurally unemployed—that is those who have difficulty finding jobs because of their socio-economic background and a lack of basic skills.

Next year, the House Education and Labor Committee will begin work on a reauthorization or replacement of the existing programs which are now included in the Comprehensive Employment and Training Act (CETA).

Before discussing specific issues concerning manpower policy, I would emphasize that there is no certainty as to more basic questions concerning the survival of Federal employment and training programs as such. We witnessed this year the demise of the public service employment programs, which suffered from a history of failure, abuse, and costliness. The public service jobs programs, costing almost \$4 billion to the Federal taxpayer, were achieving a much lower success rate than the training programs in ultimately placing participants in unsubsidized jobs at two to three times the cost per participant.

The Congress did reauthorize through the coming fiscal year the youth programs and the training programs under the Comprehensive Employment and Training Act (CETA), at a funding level of \$3.895 billion. However, CETA expires at the end of fiscal year 1982 and, in the coming year, Congress will be faced with a number of crucial questions concerning the programs. Certainly, a complete restructuring of the system should and will be considered. Yet, I would also hope, without suggesting an answer at this point, that the basic question as to whether or not the Federal Government should even be involved in employment and training policy should be considered.

In any event, even if the programs survive, there can be little doubt that they will do so at a reduced funding level. Therefore, it is essential that the most efficient, cost-effective programs be devised. I would suggest that this can only be achieved through an increased role of the private sector in developing manpower policies and managing the programs implementing those policies.

The realization of the need for this expanded role was present even under the previous administration. In 1978, Assistant Secretary of Labor for Employment and Training Ernest Green, in addressing private sector representatives on the National Commission for Manpower Policy, urged the maximum involvement of the private sector and acknowledged that we have not done nearly enough in the past in linking up with the private sector * * * What I would like to stress about this program is that it cries out for your expertise in matching CETA participants with job requirements in private industry. Federally subsidized training and jobs must be inexorably linked with eventual transition to the private sector.

There is also a growing awareness within the business community of its stake in the success of these programs. In 1978, Reginald Jones, then Chairman of the General Electric Corp. and Cochairman of the Business Roundtable, pointed out that:

Businessmen have come to recognize in structural unemployment a threat to the business system itself. Realistically, how long can that system survive if we have in our body social a large group of frustrated and jobless youth, turned off by the system and demanding fundamental changes? * * * As the committed defenders of the private enterprise system, we in business leadership must step up to this challenge if we want the system to survive.

Regrettably, participation in manpower programs by the business community has been low and, until the past couple of years, virtually nonexistent. One cannot help but conclude that this is a significant reason for the conspicuously weak history of those programs. Their origination in

the early sixties was a reaction to the retraining needs of skilled workers threatened by automation. Although the thrust at the time was toward keeping those workers in the private sector, the structure of the programs quickly evolved into a host of narrowly defined Federal programs aimed at serving particular disadvantaged groups. It is clear that the question of whether manpower programs should be oriented toward establishing an effective labor force serving the needs of the economy or whether they should be geared primarily toward helping the needy and disadvantaged was tilted toward the latter approach in this period of the program's history. While a private sector role would doubtless be more adaptable toward the former approach, it is premature to suggest that a role cannot also be defined for the private sector in attempting to serve the needs of the disadvantaged.

In any event, the needs and views of the business community were largely ignored during this period of the program's history. In addition, the fragmentation of the programs and the growing problem of massive paperwork and regulations was causing concern even among supporters of the programs. In turn, negative attitudes were left in the business community about the whole employment and training effort—attitudes which to this day have not been completely eradicated.

Some progress was made in the programs with the enactment of the original Comprehensive Employment and Training Act in 1973. While the private sector was still largely ignored, there was at least an attempt to turn some of the decisionmaking over to the State and local level in one of the early block grant efforts. Unfortunately, the aforementioned reliance on public service jobs and a steady growth of fragmentation even within the block grant approach, aimed at meeting the needs of particular groups, have prevented CETA from achieving the successes anticipated in its creation. Meanwhile, a continuing proliferation of restrictive, counterproductive, and often inconsistent regulations have caused disillusionment with the programs at the State and local government levels. In 1 year, more than 400 field memoranda were issued constantly changing and reinterpreting regulations and asking for new reports. This averages more than one per day, even including Sundays and holidays.

Despite this unfortunate history, the 1978 amendments to CETA did produce one positive program which, at the time received little attention, but which now contains the seeds of great potential for future employment and training policies.

I am referring to title VII of the 1978 amendments, which established the private sector initiative program (PSIP). Although the program is still in infancy, its early results have been most promising.

The private sector initiative program was established to insure private sector involvement in CETA by requiring all CETA prime sponsors to establish private industry councils (PIC's), which are composed primarily of business and industry representatives from large and small firms alike, as well as those owned by minorities and women. In addition, the PIC's contain representatives from education, community-based, organized labor and local economic development organizations. The PIC's serve a variety of functions aimed at fostering the involvement and assistance of the business community in the development of local CETA programs. This can include the design and development of actual training programs, providing advice and assistance in the operation of programs from all CETA titles, serving as a liaison between the business community and the prime sponsor, and surveying employment demands in the private sector. The most frequent activity engaged in by existing PIC's is classroom training, with on-the-job training a distant second.

While most PIC's have only recently been formed, many are showing clear indications of future successes. For example, in Paterson, N.J., the PIC has quickly focused on a serious problem facing the local economy: A projected shortage of able machinists which could have disastrous effects on the machine industry, which is so important to Paterson's economy. This, combined with an equally serious structural unemployment problem in Paterson has led to a promising solution: The recent opening of a machine tool operations program which offers a 16-week course to 25 structurally unemployed Paterson residents. The program opened on May 4 of this year and is showing early signs of remarkable success. Of the 25 trainees in the first run of the program, 20 have completed the course and 14 of those have been placed in permanent, unsubsidized jobs earning wages over \$5 per hour. It should be noted that, of those not yet placed, they had taken an additional 2 weeks training which was just completed last month.

A similar success story has emerged from Cape May County's PIC, which established a security guard training program, which involves a skill that is always in demand. The first round of the program last year trained 11 persons, at a cost of \$1,250 per person, and achieved a 100-percent placement rate.

In Bergen County, which I represent, the PIC has also achieved success in programs aimed at training mason-

ry apprentices, 50 percent placement; secretarial training, 60 percent placement; junior accountant training, 50 percent placement; and auto body training, 100 percent placement. In the coming year, the Bergen County PIC will operate programs in computers, roofing, and electromechanical repair. The latter will be specifically aimed at women.

The statistics for the private sector initiative program nationwide are also most encouraging. According to the Department of Labor report to the Congress on the PSIP in fiscal year 1980, there was a positive termination ratio of 66 percent, 43 percent placed in permanent, unsubsidized employment; 12 percent transferred to other CETA titles; 10 percent otherwise positively terminated, such as by returning to school. Considering the infancy of the program, this compares most favorably with the statistics for the other CETA titles. In fiscal year 1979, title II B and C—training programs—had a positive termination of 70 percent, with 47.3 percent placed in unsubsidized positions. The statistics for the public service employment programs have been widely disputed with estimates of placements in permanent, unsubsidized positions varying from 34 to 47 percent. Regardless of what the true percentage has been, the fact that the cost per participant was two to three times that for the training programs causes such numbers to be unacceptably low.

The early accomplishments of the public sector initiative program demonstrate that there can indeed be a successful role for the business community in Government employment and training policies. This certainly makes sense when one considers that it is those within that community who are in the best position to know where the jobs exist currently and where they will be opening up in the future. In addition, the success of Government manpower policies can only be measured by how effective they are in moving those served by the programs into the private sector. Business community acceptance of the program's clients, which has been a problem in the past, can only be enhanced when the business community itself feels a stake in the success of the program through its own involvement. If there is one underlying reason why the business community has generally tended to regard the manpower programs with disdain, it is because they have been viewed as programs which are of the Government, by the Government, and for the Government.

Assuming that we accept the need for a stronger private sector role in manpower policy, it is now up to those of us at all levels of government to see that that role is indeed enhanced.

Positive steps have already been taken. I have mentioned the private

sector initiative program and its early successes. The future shape of the program and the evolution of the PIC's created under it will be largely determined by the overall shape of the employment and training programs. As noted earlier, this is likely to be drastically altered next year. For example, if the program becomes a simple block grant with few restrictions applied, the private sector role will be largely determined at the State and local level.

In any event, there are steps that can be taken to increase that role. For example, the National Association of Counties (NACo), which favors continuation of the existing delivery system with fewer restrictions on prime sponsors, has urged a revamping of the requirement that each prime sponsor maintain three advisory councils: The Planning Advisory Council, a youth employment council, and the Private Industry Council. NACo supports the requirement that a single, consolidated council be established with majority representation from private business and industry. In addition, the council's involvement in the development and operation of manpower programs would be significantly expanded. It is worth noting that a number of prime sponsors have already combined their PIC's and the planning advisory councils as they are permitted by law to do so.

This proposal would provide a good start. However, it is important to emphasize that the success of this approach would be dependent upon the amount of autonomy allowed to the council while still insuring accountability through proper oversight by the prime sponsor. It is my understanding that those PIC's have been most successful until now which have been given broad powers which can even stretch into other titles of CETA besides the programs funded under title VII. What all of this seems to suggest is that what is really needed is perhaps more than a private sector role in manpower policy; rather, we should strive for something which would be more aptly labeled private sector management of the programs.

There are other areas which are worth mentioning where business community involvement has occurred. The Targeted Jobs Tax Credit, enacted in 1978, has recently been extended by the new tax law. This tax credit for employers, which applies to wages paid to newly hired individuals from certain targeted groups, allows a credit of 50 percent of the first \$6,000 of first-year wages and 25 percent of the first \$6,000 of second year wages. The new law extends this through calendar year 1982, removes limits on the total amount of credits an employer may take, and tightens the eligibility of the targeted groups. While the targeted

jobs tax credit has seen a steady rise in participation by businesses, questions have been raised as to whether it has actually resulted in a significant increase in new jobs and whether the disadvantaged employees hired would have been hired anyway in the absence of the credit. It is still too early to tell, but these are questions needing careful study before the extension of the credit is considered next year.

A similar program is the on-the-job-training (OJT) program, which subsidizes wages of CETA-eligible employees during their initial training period with an employer. Many prime sponsors, including Bergen County, have placed OJT contracts in the hands of their private industry councils. Similar questions have been raised with regard to this program as to the actual job expansion and targeting which is occurring through the OJT contracts.

It is clear that, as a private sector role in manpower policy evolves, the experiences under both of these programs need to be thoroughly examined.

I have briefly mentioned a few areas needing closer attention if an effort is to be made to bring the business sector into manpower policy development. I am in no way suggesting that these examples define the limits of that involvement. For example, the vocational education programs have had very little private sector involvement. I would submit that the lessons that have and will be learned with private sector involvement in the CETA programs could probably provide suggestions as to potential improvements in the vocational education programs as well.

I would just close by emphasizing that a successful involvement of the business community in the manpower programs cannot be achieved without observing certain basic guidelines:

One, the policies and directives governing the programs must support and complement, rather than substitute for, the role of the business community in providing jobs and income; two, the Federal role must be reduced and the system must be streamlined as much as possible, without sacrificing accountability, to insure business confidence and willingness to participate; and three, there must be sufficient flexibility to help insure that today's needs as well as those of tomorrow are being addressed at the local level.●

THE INSPIRING BERT RUEHTER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SKELTON. Mr. Speaker, Monday morning, as I was watching the early morning news on NBC's

Today show, I was pleased to see a feature on a fine young man from my home of Lexington, Mo., Bert Ruehter, who has a visual handicap, is an active member in the Lexington High School marching band, and, despite his disability, marches with the band in all its events, including drill competition. I wish to compliment this fine young Missourian on his accomplishment and willingness to achieve. I know that he is, and will continue to be, an inspiration to all who know him. His parents, Mr. and Mrs. Jim Ruehter, are long-time friends of mine, and I know how proud they are of their son Bert.

Murle Pilant, his band director, summed it up during the television interview when he said "I trust Bert." I also trust that Bert Ruehter will, in the days ahead, continue to set an example and inspire others to achieve honorable goals, despite obstacles or handicaps.●

THE VILLAGE OF NEW SQUARE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to inform my colleagues about an extraordinary group of dedicated people in Rockland County, N.Y., who have established their own separate village, and today are celebrating their 20th year as a community.

When the village of New Square was incorporated in November 1961, it consisted of only 500 residents living in 50 single-family homes. The residents, all Hassidic Jews, had but one synagogue, located in a basement, and no school buildings for their children.

Today, the village of New Square which has been referred to as the "Hassidic oasis in the suburbs," has nearly 1,900 residents who live in 150 multifamily homes. They have a large main synagogue, a boys school, a girls school, as well as several agencies—a public housing authority, an industrial development corporation, and a minority enterprise small business investment corporation. Four commuter buses travel to New York City daily, for those residents who maintain jobs outside of the community. These buses are equipped as synagogues on wheels to enable their religious passengers to offer their daily prayers while en route to work.

This community is centered around family life and the education of their children. Their children are not exposed to drug or criminal problems. In fact, there is no juvenile delinquency in New Square. The residents of the village attribute their virtually crime-free community to their strong family

ties, to their ties to the past, and to each other. Religion permeates the lives of the members of this closely knit community, 24 hours a day, 7 days a week, 365 days a year.

Over the past 10 years, the residents of New Square have successfully established an alternative, peaceful lifestyle, a community in which they are free to exist without unwanted influences from the outside world. In honor of its 20th year as a community, I would like to share with my colleagues the following study of New Square, printed in the magazine *Kosher Home* in 1978:

NEW SQUARE: HASSIDIC OASIS IN THE SUBURBS

New Square, N.Y., population 1,500, lives in the Jewish past and loves it. There is no fiddler on the roof of Mayor Mattes Friesel's home, but neither is there a TV antenna. The village's houses are heated by gas instead of firewood, and cars are parked in front instead of milk cows. But in dress, thought, and deed, the citizens of New Square have changed little from their shtetl forefathers, many of whom lived in the namesake village of Skvira, Russia, near Kiev. That—until persecution became intolerable—was the ancestral home of the Hassidic Grand Rabbi Jacob Joseph Twersky, whose son David assumed the new community's hereditary spiritual leadership several years ago at age 28 upon his father's death.

The commandment to "be fruitful and multiply" is taken very seriously, indeed, in New Square. Families of a dozen children are not uncommon, with 16 the current "record." Comments unofficial village spokesman Samuel Weissmandl, "After all, it's not the family planning that counts. It's what you do with the family afterward."

What New Square parents do afterward is 180 degrees away from the course compulsively chosen by the great majority of Jewish American parents: Instead of making sure that their children go to college, the Skviras make sure they don't. "Many times," says Weissmandl, "groups come in to meet and speak with our families out of curiosity about our lifestyle, and they are perplexed by this—you might even say shocked. They say, 'You mean to tell me that in this day and age you would deny your children the opportunity for a college education—the chance to become a doctor or a lawyer?' One answer is that we are bringing up our children in a shtetl precisely because we do not want them to live in this day and age. The main thing is that they should have strong ties to our past, that they should serve God 24 hours a day, 365 days a year. We teach them to earn a livelihood. All else is secondary. And that they should come to worship the false gods of success—that is the last thing in the world we want for them."

The quarantine seems to be working. There is no juvenile delinquency in New Square—other than that occasionally imported on, for example, Halloween, when a carload of kids from adjacent communities may drive through, pulling over mailboxes or bombing front doors with raw eggs. Drug use is non-existent. "Our children are not even exposed to drug education," said one community member. "Why should they see a film on how to shoot dope into their arms? When Albany passed a law mandating drug education in the schools, we sent a letter to our state senator, Gene Levy, and he ar-

ranged an exemption from the law." Another opiate of the masses is absent, too. New Square is not only drug-free, but TV-free as well, thanks to an unwritten community law forbidding television sets in town.

Wives, too, are sheltered. Occasionally, a doctor new in practice, decides to open an office for a day or two each week in New Square. Any such physician is immediately informed that his nurses must dress discreetly. ("Long-sleeved dresses only, like their grandmothers used to wear.") He is told, too, that Muzak may be soothing to waiting patients, but it is unwelcome in New Square.

When New Squarers commute to work—most to the diamond district and 7th Avenue in Manhattan, but a few to Brooklyn—the separation from general society continues even on the bus. The vehicle is a shul on wheels, with an ark and Torah of its own, complete right down to the mechtiza that separates the men from the girls. Explains Weissmandl, "It was the idea of the late Grand Rabbi. It makes two daily trips back and forth, the first at 6:30 A.M., and the second for women and children who may be going into the city for visiting relatives or shopping. On the early trip, the men daven shachris—which saves them the time of going to shul. When they get to the Amida, the bus driver pulls over to the side of the highway until they're finished with that and the Torah service. On the return trip, they daven mincha in summer and maariv in winter. When we first started, all we had was a small little old van. That grew into a small little old wheezing bus, and eventually to a big new one that seats 50. One thing we never have a problem with is getting a minyan." Motorists passing by the shul-on-wheels have problems though. "I had no idea what was going on," recalls one, "and I got so interested I almost drove off the road. All I could see at first was a whole bunch of laundry swaying in the breeze inside the bus. It wasn't until later that I realized what it was—talleysim fluttering as the congregation rocked in prayer."

The hassidim of New Square were better understood in Brooklyn, but they abandoned that battered borough in 1955 at the insistence of Grand Rabbi Twersky who felt they could no longer bring up their children in safety there any more. His scouts reported a large farm for sale in Rockland County, and the group purchased it for the construction of a brand-new neighborhood of their own. In 1960, the community petitioned the Town of Ramapo, in which their development lay, for the right to incorporate into an independent village. Town government resisted, but after a series of pitched battles in the courts, was forced to yield. New Square was able to elect its own mayor and four trustees, none of whom draw a salary. Mayor Friesel has a dual job—he is president of the religious organization as well—but manages to commute daily to a travel agency he owns in Manhattan. The government is, of course, entirely shomer shabbat.

But though New Square has its own religious court ("the rabbi tries to mediate any arguments between husbands and wives or neighbors"), it is not as tightly insulated on the Sabbath as, for example, Jerusalem's Mea Shearim. "We have a guard booth at the entrance to the community," explains Weissmandl, "but the road is a public thoroughfare and cannot legally be closed. Maybe we don't pick up our mail on Shabbos, but that doesn't stop the postman from delivering it."

That didn't stop the Religious Party in

Israel from winning a major Knesset debate by using New Square as a shining example, however. Says Weissmandl, "I was in Israel for a few weeks recently, and I learned that the big national dispute between the religious and the non-religious Israelis had come to a head again over the barrier chains put up around orthodox quarters in some communities on Shabbos—with the non-religious incensed because they have to make detours with their cars. It came up in the Knesset, and I'm told that one of the Religious Party leaders got up and told about a little orthodox community in the United States that puts up barriers on Shabbat. He said, 'If they can do it in a secular country like America, we can do it here, too.'" Adds Weissmandl whimsically, "Of course, if I had been there, I would have had to contradict him. But I understand that he won the debate."

When a boy or girl reaches age 18 in New Square, there is no debate about one thing: It's time to get married. Delaying marriage for the sake of a career or waiting until one is financially secure is all but unheard of in the community. Says Weissmandl, "We don't exactly have any fulltime professional shadchunim (marriage brokers), but everyone is a shadchun. And the feeling is that if someone makes a match, then they should be paid a fee—out of tradition."

Tradition is as important in New Square as the lilting song of the same name in "Fiddler on the Roof" proclaims it, and nowhere is this clearer than in the morés of marriage. When boy meets girl, girl's parents know their part of the bargain includes a religious dowry—presenting the boy with a new tallit, a kittel, a set of shas (the 60 tractates of the Talmud at a cost of \$150 to \$300), and a streimel (a fur hat worn on Shabbat and holy days, costing anywhere from \$400 to \$800). Honeymoons are not a week at Miami Beach or Niagara Falls, but the sheva brachot—seven days of festivities beginning with the wedding feast, and followed by a party at a brother's house one day, a sister's another, an uncle's on a third, and so on. Then the couple sets up house-keeping, depending upon its finances, in a room in one of the parent's homes or in an apartment or home of their own (they vary from one to four-family) in New Square.

New Square is not exactly the Pittsburgh of Rockland County, but it does have industry of its own, employing a number of happy hassidim who thus avoid the necessity to commute. It boasts the only bookbindery in the county, a watch assembler, a couple of jewelry manufacturers, and three knitting mills—all high-ceiling basement operations, the largest of which employs 15. It has a fish market, a meat market, dry goods and appliance stores, and two building construction firms, but the town's most celebrated operation is a bakery. The business' most coveted product isn't apple strudel or rugelach, but rather the once-a-year schmurah matzos which bring Jewish purchasers from miles around. It is, in fact, an annual tradition for Hebrew schools in the area—and there are at least a half-dozen—to send their pupils by the busload to see the matzos being made and have the process explained. The women teachers who bring them are invariably disappointed, however—they are cordially invited to remain outside, well away from the male bakers.

The needs of the community from cradle to grave are now met by recent acquisitions. The cemetery came first. "When the Grand Rabbi passed away," explains Weiss-

mandl, "we received special permission from Albany to start our own cemetery just inside the town boundary, and we buried him there."

There are, of course, termites in Paradise. Not a lot of them, and none troubling enough to disturb the tranquility of services in the great synagogue around which all of New Square revolves. None as threatening as the pogroms that periodically menaced the original Skvira in the Old Country. But problems nevertheless.

There is beauty in that life. The black coats are drab, no doubt. Beards mask handsome young faces, wigs hide thick, dark manes. Homes are humble, and family incomes less than Rockefellerian. But the glow one sees on New Square faces at prayers in the central synagogue reflects a harmony, good will, and peace as rare today as a black fur hat.●

TRIBUTE TO BUD WEILAND

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. DASCHLE. Mr. Speaker, on September 7, 1981, a very dear friend of mine and certainly a leader in South Dakota passed away. An article that appeared in the Madison Daily Leader sums up well our feelings for Bud. I wish to take this opportunity to offer my tribute to a dear friend, a trusted adviser, and confidant whom I will greatly miss.

The article follows:

COMMUNITY LOSES A LEADER

The unexpected death of Donald P. (Bud) Weiland Monday at a family picnic leaves us with a sadness at losing a friend and a community leader.

Bud Weiland was, first of all, a family man who watched with pride as his children grew to maturity. But through the years he expressed equal concern for his neighbors and friends, and for the community, state and nation in which he lived.

He served at various times as chairman of the local Democratic Party, taking the good times and bad times with his even-tempered good humor. He was that rare person who is active in politics without making enemies among the opposition. His disarming smile would defuse the situation when political discussions got hot and heavy.

He brought the same level-headed approach to his service on the Lake Central School Board, where he seemed always to understand the human issues involved in the board's decision.

Weiland was also a sports fan, sticking with the local teams through good seasons and bad. He was a familiar figure along the sidelines at the football stadium or a track meet or in the stands at a basketball game, and he played an active part as a local sports booster.

His ready smile and helping hand will be missed by many.●

PRIVATE EMPLOYEE BENEFIT
PLANS

HON. JACK BRINKLEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. BRINKLEY. Mr. Speaker, I wish to share with our colleagues a copy of a statement made today by a remarkable man, Mr. Morton A. Harris, before the Subcommittee on Labor in the other body. Mr. Harris is president of the Small Business Council of America, and his analysis of S. 1541 is noteworthy. The House companion bill is H.R. 4330, introduced by our colleague, JOHN ERLENBORN. The stated purpose of the legislation is to encourage the establishment and growth of employee benefit plans and to encourage savings to meet the needs of employees and their families in the event of death, disability, or retirement.

Mr. Speaker, the substance of such goals might be reduced down to the two words of "individual responsibility," which is consistent with everything the Small Business Council of America stands for. The legislation provides a vehicle to achieve personal independence. Its focus is away from government, choosing instead personal initiative and endeavor within a sound and predictable framework of law.

I commend the uncommon insight which Mr. Harris' paper reveals in the hope that objectives such as this can be achieved during the 97th Congress.

STATEMENT OF MORTON A. HARRIS, ESQUIRE, PRESIDENT, SMALL BUSINESS COUNCIL OF AMERICA, INC., AT HEARINGS ON S. 1541 BEFORE THE SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON LABOR AND HUMAN RESOURCES, U.S. SENATE

Good morning, Mr. Chairman and Members of the Committee: I am Morton A. Harris of the law firm of Page, Scrantom, Harris, McGlamry and Chapman of Columbus, Georgia. I am officially here today in my capacity as President of the Small Business Council of America, Inc. (SBCA). However, I am also appearing as an individual who has been involved in the private pension industry for over twenty years and who is vitally concerned with the continued viability and growth of a sound private pension system.

SBCA is a national organization of over 1,400 small business men and women located in over 46 states. A major thrust of SBCA's efforts, since its founding in 1979, has been to identify problems in the small employer plan area and to seek solutions through the regulatory agencies or the Congress. SBCA's constant theme has been to urge the creation of incentives—and the elimination of disincentives—for the establishment and maintenance of private employee benefit plans by small business employers.

As an initial matter, I would like to state that SBCA strongly supports the basic thrust of S. 1541 and its companion in the House, H.R. 4330, introduced by Congressman John Erlenborn of Illinois. The stated purposes of this legislation—to encourage the establishment and growth of employee

benefit plans and to encourage savings to meet the needs of employees and their families in the event of death, disability or retirement—are consistent with everything SBCA stands for.

Mr. Chairman, in my view, the ERISA problems of small plans and small employers resulted, in no small measure, from the fact that ERISA was drafted with little consideration given to precisely how the reporting, disclosure, and administrative burdens would fall on small plans. I really cannot fault this Committee or others involved in drafting ERISA for this deficiency. Small businesses and small plans were relatively silent when ERISA went through the legislative process. The focus of the small business legislative effort was at the eleventh hour and was devoted to insuring that small plans could retain a sufficient tax advantage to encourage their continued growth and to insuring that there was no tax discrimination against small plans. In focusing on these problems, small business interests paid insufficient attention to many, many other provisions of ERISA. I am delighted to note that since ERISA was enacted, small plans and small businesses, and indeed the entire private pension industry, have organized, and I can assure you that the small business sector will not be silent as further employee benefits legislation is considered.

Over the coming months, SBCA will be communicating with this Committee, and with the House Education and Labor Committee, with respect to details of the pending bills. For today, I would like to confine my remarks to general comments on the first five titles of S. 1541, and to identify a few items of particular interest and concern to the members of SBCA.

Title I of S. 1541 would provide for the establishment of a new Employee Benefit Administration and for the consolidation of the policy, administrative and enforcement functions of ERISA in that agency. Although SBCA has not adopted a formal position on this particular title, I would like to risk a few personal comments. On the one hand, I am very cognizant of the obvious practical and logistical problems involved in consolidating the administrative and enforcement functions of ERISA in a single agency. I am further aware of the particular political problems involved in consolidation of such functions in a new independent agency. On the other hand, there is no doubt that there is a need for adoption and implementation of a unified national policy regarding savings and provisions for retirement and for the elimination of unnecessary and duplicative administration. I think we must recognize that the existing agencies with prime employee benefits jurisdiction—the Internal Revenue Service and the Department of Labor—have fundamental missions which may not be totally compatible with the purpose of pension laws. For specific example, the function of the Internal Revenue Service is to collect taxes, and its policies inherently are developed with a primary view to impact on revenues. Employee benefit laws, on the other hand, should be administered with a primary view towards maintaining and expanding employee benefits security, not limiting revenue impact. In other words, administrative policy and discretion can and should be exercised primarily for the benefit of participants and beneficiaries, not primarily to collect taxes. I am not saying that the Commissioner does not and should not exercise proper discretion in administering the tax laws. I am saying, however, that his primary purpose is to

focus on revenue impact and not on employee benefits security and this primary purpose leads to the adoption of policies which, in fact, are often contrary to furthering employee benefits security. For an example, I need point no further than the Service's continuing policy of disqualifying plans for innocent errors as opposed to seeking and encouraging remedial corrective measures. A new agency with a mission and purpose of encouraging retirement savings, and encouraging the establishment and improvement of private plans, may well be what is needed. Be that as it may, SBCA has not adopted a formal position on this matter and these are just my own views.

Title II of S. 1541 would provide for a deduction by employees and their spouses for contributions to qualified retirement plans. I am very proud of the role played by SBCA in the recent enactment, in the Economic Recovery Tax Act of 1981 (ERTA), of provisions which would provide for expanded deductions for contributions to individual retirement accounts, and, for the first time, deductions for contributions by plan participants to IRA's or to qualified plans. SBCA strongly supports this concept and we hope that it will be improved upon. For example, SBCA supports expansion of the deductibility feature to "mandatory" contributions, and, when budgetary considerations permit, we strongly support an increase in the deductible amount.

Title III of S. 1541 proposes a number of specific amendments to ERISA. As a general matter, SBCA either supports or has no objection to these changes. Many are technical changes which long have been needed. Others merely conform provisions of Title I of ERISA to comparable provisions of the Internal Revenue Code. Still others apply to special industries or situations and simply do not effect our members. There are some changes that we support, but would prefer to see amended. For example, S. 1541 would provide certain changes in connection with the Summary Annual Report. We support the changes, but would prefer the elimination of the Summary Annual Report. It appears to us that if the Annual Report itself is available to participants, then the Summary Annual Report is just added paperwork. For another example, S. 1541 would simplify some of the confusion regarding the Notice to Interested Parties. We support these changes, but again would urge elimination of the Notice to Interested Parties. We have difficulty in determining any real benefit of the Notice. It advises interested parties that a determination letter has been sought in connection with a plan. However, a plan either "qualifies" or it does not. The comments of interested parties cannot change that fact. As a result, the notice provisions appear to accomplish little more than a delay in the determination letter process.

There are two provisions of S. 1541 that we would like to single out for particular approval. One is the provision, under Section 3603, that at least one member of the Advisory Council "... shall be a representative of employers maintaining small plans." Given that small plans, under any definition, constitute well over 90% of all plans, it is only reasonable that they be represented on the Council. A second provision we strongly favor is the return to the "adequate consideration" test for determining prohibited transactions. Although much progress has been made since 1974 in granting needed exemptions and in refining the exemption process, the inherent costs and

delays still preclude many small employers from entering into perfectly legitimate transactions which would be in the best interests of all concerned.

Title IV of S. 1541 proposes amendments to the Internal Revenue Code. We would like to note our particular support for Section 4810, which would provide "safe-harbors" under Code Section 411(d) relating to discrimination in vesting standards under qualified plans. SBCA has fought long and hard for vesting "safe-harbors", and would be delighted to see this matter laid to rest, once and for all, by specific legislation declaring that "4-40" vesting is a bottom-line, "safe-harbor".

There is one area presently not covered in S. 1541 which we hope will receive consideration in the final bill. This is the entire subject of employee aggregation under Internal Revenue Code Section 414(b), (c), and (m). These rules were designed, in one fashion or another, to prevent abuses in selective coverage under qualified plans. However, Sections 414(b) and (c), as interpreted by the Internal Revenue Service and the courts, go far beyond what might be termed "abusive situations", and reach situations where there is no purpose to deny coverage to low-paid groups, but merely a purpose to treat truly separate businesses separately. Code Section 414(m) was hastily drafted and is simply incomprehensible in many situations. Many very legitimate business organizations are combined or separated in one fashion or another for very legitimate business purposes. In many situations today, it is simply not possible for these organizations to determine exactly what kind of qualified plan they can have. Unfortunately, at the present time, it is our understanding that regulations under Section 414(m) are not a priority project. With the enactment of ERTA, publication of the 414(m) regulations may have been even further delayed. No one supports artificial schemes to carve out certain classes of low paid employees from coverage under qualified plans. However, it is imperative that the private sector know what the rules are and know what is permissible. For this reason, SBCA has strongly supported H.R. 3721 which would postpone the effective date of Code Section 414(m) until 90 days after final regulations have been issued by the Internal Revenue Service. SBCA is vitally interested in the adoption of clear and reasonable rules regarding the aggregation of related employers and employees. We would like to communicate further with the Committee on this subject, and with your permission, will be submitting additional specific comments on Code Sections 414(b), (c) and (m).^o

STATEMENT ON H.R. 3464

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. STARK. Mr. Speaker, I support this legislation to make permanent the longstanding provisions in the yearly appropriations bills designed to insure that naval construction capacity is maintained in the United States. If the money appropriated for naval construction is allowed to be spent in foreign shipyards, we will rapidly lose the remaining shipyard capacity we have—

and the result could be disastrous in time of war when shipyards are needed for repair and overhaul. Defense lies not just in building more ships, but in the capacity to repair and refurbish them, through a diversified system of regional shipyards and dry-docks.

As a member representing a district with substantial shipyard capacity, I know from firsthand experience that the domestic industry is on its knees, and that permitting Navy contracts to be completed abroad would be another, crippling blow to the survival of the U.S. shipyard industry.

The economic health of many areas of the country depend upon Defense contracts to build and overhaul our Nation's naval vessels. To shutdown this industry would mean depression-era conditions for many port cities.

I appreciate the Armed Service Committee's willingness, at long last, to bring this bill to the floor and to make this provision permanent law, thus eliminating the necessity of providing yearly amendments to the Defense Department appropriations bills.●

NO CIA SPYING AT HOME

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. EDWARDS of California. Mr. Speaker, recent columns in the Washington Post have expressed concern about the proposal currently circulating on Capitol Hill to inject the CIA into domestic intelligence activities. One of the columns is in a humorous vein written by Art Buchwald. The other is in a serious vein, written by former CIA Director Stansfield Turner. Although obviously different in style, both of the columns raise serious questions about the propriety of the administration's proposal to expand the role of the CIA here in the United States:

[From the Washington Post, Oct. 29, 1981]

THE CIA SHOULDN'T SPY ON AMERICANS

(By Stansfield Turner)

The administration is discussing with Congress a plan to authorize the CIA to engage in spying on Americans, for instance, by infiltrating domestic organizations. Public discussion of this proposed change will undoubtedly focus on the risks posed to our democratic liberties. That is understandable. No one wants the process of gathering intelligence in order to defend those liberties to, in fact, undermine them. Thus there is legitimate room for serious debate on this point. We should not, however, become so preoccupied with that emotional issue that we fail to explore the impact such a change could have on the effectiveness of our intelligence capabilities. I believe it would be very injurious.

It could be injurious because it would lead the CIA into activities for which it is not well-equipped. The CIA's previous involve-

ments in gathering data about Americans were a large factor in the intense public criticism of the agency that evolved from the various investigations of 1975-76. The exaggeration that accompanied the justified criticisms of those unauthorized intrusions into the privacy of Americans harmed the CIA greatly.

Authorizing the CIA to look into the activities of Americans could well lead to another wave of criticism, and that could be fatal to the CIA. Why should we be concerned about such a possibility? Because CIA officers are not trained to operate in the domestic environment, where regard for law is a primary consideration. The ethic of intelligence is to get the job done in spite of local laws. It is unwise and unfair to force CIA operations into the domestic arena. It isn't necessary, either, for that is exactly where FBI officers are trained to operate. They instinctively research the legal limits surrounding any new assignment. They have over many years proved themselves to be professionals at both counterintelligence and the gathering of positive intelligence. With more emphasis on the latter they could cover whatever tasks the administration has in mind for the CIA.

In addition to reducing the risks that the CIA would be overly zealous in the domestic arena, there would be very positive benefits to our overall intelligence capabilities from such an arrangement.

It would encourage close cooperation between the CIA and the FBI. How foolish it is if one of those agencies has information that the other needs and fails to share it. That, unfortunately, was the case in the latter days of J. Edgar Hoover. Those days are gone; cooperation today is excellent. Authorizing the CIA to intrude into the lives of Americans inside this country would be interpreted as a lack of trust in the FBI to do the job well. It that is an implicit assumption of this new presidential executive order, it could undermine the mutual confidence and cooperation between the FBI and CIA which has been so hard-won and is so essential.

When it comes to collecting necessary intelligence information about Americans overseas, that is a different matter. The FBI is not an overseas agency, and the CIA is the agency with the experience and the necessary contacts in that arena. Should the CIA, then, be given new authority to intrude into the lives of Americans abroad? The answer is both yes and no.

There are lesser risks here, simply because there is less implication that information gained about Americans might be utilized for domestic political purposes. Consequently, I believe we could safely relax some of the rules on the CIA's probing into Americans overseas. Specifically, the rules on investigating suspected espionage are drawn very tightly now, yet the loss to our country from successful espionage against us could be very severe.

Beyond this the waters are murky. There are other areas in which there is a legitimate intelligence interest in the activities of Americans abroad. Most often these are matters such as the flow of narcotics toward the United States or international terrorist operations. Our intelligence activities in these areas today are hampered somewhat by limits contained in the present executive order. Despite this adverse impact in these special areas, I believe it is preferable not to change these rules and thus not risk unnecessary intrusions into the privacy of Ameri-

cans abroad and a possible new wave of criticism.

Another reason for eschewing additional involvement of the CIA with American citizens, other than for suspected espionage overseas, is the adverse psychological impact it would have on CIA personnel. Intelligence is a risk-taking business. Intelligence officers who are bogged down in legal intricacies concerning intrusion into the lives of Americans will spend less time and thought on developing imaginative, risk-taking endeavors. It is a subtle but important point of focusing the intelligence professional on his profession as much as possible.

Finally, the proposed changes risk the politicization of intelligence. This is the third effort by this administration to formulate some relaxation of the controls on the CIA. The impetus behind this determination appears to lie in rhetoric of the campaign and transition periods that averred that the CIA was unduly shackled by President Carter's executive order of January 1978. A close comparison of that order with the one issued in 1976 by President Ford (with George Bush as director of Central Intelligence) shows that there was no significant change in this area of the regulation of CIA activities with respect to Americans. This is not, then, a political issue and should not be pursued as the fulfillment of political promises.

The Senate Intelligence Committee has already taken a non-partisan stand against this new security order. Yet its advice is not binding on the President. All this emphasizes the importance of Congress' enacting legislation in this area that will endure from administration to administration. An issue of this significance to American values deserves the kind of thorough debate that would be involved in enacting a legislative charter for the entire intelligence community. Such a charter would, among other topics, spell out the line between the needed secrecy of our intelligence operations and the fundamental openness of our democratic society. It is an issue so vital to both our security and to our freedoms that it should be addressed in congressional statutes that provide much of the continuity in our governmental system.

[From the Washington Post, Oct. 29, 1981]

CALL IT INTELLIGENCE
(By Art Buchwald)

I have good news today. The CIA is going to come back into all our lives. If President Reagan's executive order goes through, the agency can once again spy on Americans in this country.

There are few people in America who are nervous about giving the Central Intelligence Agency this kind of power, so I will put their fears to rest by answering some of the questions being raised by the new ground rules.

Q: If you allow the CIA to operate in this country, don't you violate our civil liberties?

A: No, the CIA protects them. The more it knows what Americans are up to, the safer we all will be from the Commies.

Q: Will the CIA agents be able to read our mail and tap our telephones?

A: Within reason. But they are only going to read the mail and tap the phones of those people who deserve it. The rest of us have nothing to fear.

Q: The CIA was used as a political instrument by the Nixon people. What's to prevent them being used again to "get" the administration's opponents?

A: The difference is that the men under Nixon lost their moral compass. But the people who work for Ronald Reagan are beyond reproach.

Q: How do we know this?

A: Because most of them are lawyers.

Q: Doesn't the CIA have enough to do gathering intelligence abroad without bugging Americans?

A: You would think so, but most intelligence organizations know that if they can operate in their own country, they can justify a much larger budget.

Q: Will the CIA be able to break into your home under the new guidelines?

A: Not legally. But no one is going to make a big deal of it if an agency does so without getting an official okay.

Q: What's the worst that could happen to a CIA person who oversteps his authority?

A: He would be asked to resign, and then get a job working for Col. Qaddafi.

Q: I thought the FBI was in charge of catching spies in the United States. Why is the CIA getting into the act?

A: Because there are a lot of bag jobs FBI agents are no longer permitted to do. Since the CIA is not interested in prosecuting anyone, they can justify almost anything in the name of national security.

Q: What's to prevent the CIA from working with the Mafia or hiring Cuban gangsters to do their dirty work for them?

A: Nothing, really. When you're doing a covert job, you want the best people you can get.

Q: Isn't there a chance that the CIA will start off their domestic spying with the best of intentions, but, as they get more and more power, they could turn the country into a police state?

A: It couldn't happen. The CIA is monitored by a Senate Watchdog Committee, and nobody in the CIA would ever lie to a United States senator.

Q: Will the press be allowed to report on what the CIA is up to in this country?

A: Not if Congress passes its new American Official Secrets Act. You can't have a first-class domestic intelligence operation if the media are going to write about it.

Q: Then who protects us from our own Secret Service?

A: That's like asking who protects Soviet citizens from the KGB?●

A BALANCED ENERGY PLAN

HON. MARILYN LLOYD BOUQUARD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mrs. BOUQUARD. Mr. Speaker, in July of this year, the President issued his national energy policy plan describing a new energy policy for the Nation. The underlying philosophy of the policy is a sound one that defines the Federal function of establishing "sound, stable public policies that will encourage individuals and groups in the private and public sector to produce and use energy resources wisely and efficiently." The plan recognizes that the economy will dictate energy consumption by the end of the century and that quantitative energy goals "are not objectives in themselves."

Mr. Speaker, I support the basic approach outlined in the policy plan for reaching the underlying objective. The President believes that Federal spending should be considered "only in those promising areas of energy production and use where the private sector is unlikely to invest" and that Government spending is appropriate for "long-term research with high risks, but potentially high payoffs." Unfortunately, this approach has not been implemented in a balanced and consistent manner nor is it clear what the criteria are for the Federal involvement in technology development. Funding for a number of energy R. & D. programs for which private capital is not available has been severely impacted by the administration's budget initiatives.

Clearly, if in a given energy area a free market situation does not exist or the economic risks are too great (for whatever reason including Federal policy uncertainty) the Government will have to support development including demonstrations or we may lose the benefits of an important energy technology. In the case of nuclear power, the administration has recognized the lack of private venture capital and a viable free market for its support and development. This insight, combined with an appreciation of the importance of this energy source has been reflected in the administration's budget proposals and the recent nuclear policy statement.

I commend the President for taking a firm stand in support of nuclear power, a stand that is in direct contrast to the previous administration's vacillation. Thirty-two leading American scientists, including eight Nobel Laureates, sent a telegram to President Reagan expressing strong support for his policy statement on nuclear energy. Nobel Prize winners in physics and/or chemistry, Luis Alvarez, Hans Bethe, Felix Bloch, Robert Mulliken, Arno Penzias, James Rainwater, Glenn Seaborg and Eugene Wigner joined their prestigious scientific colleagues in commending the President for his policy initiative, stating:

We feel that the approach that you have outlined will help to insure the viability of commercial nuclear power as a vital component in the future energy mix of this country and that the policy is consistent with our interests in pursuing international non-proliferation goals.

Unfortunately, the President's approach in other energy areas does not warrant such acclaim.

I believe there are a number of energy R. & D. programs which have potentially high payoffs with high risks that are not being properly funded by the administration.

Lack of administration support for the solvent refined coal demonstration plants leaves this technology in jeop-

ardy of stagnation. These very expensive facilities cannot be funded by the private sector and the Synthetic Fuels Corporation (SFC) was not crafted by Congress for the purpose of funding these riskier, advanced technology demonstrations. Funding of such projects by the Corporation is of low priority because of the SFC's primary goal of catalyzing energy production, not R. & D.

In the area of solar energy development, of major concern are the cuts in funding for photovoltaics and large wind energy programs. In the long term, economical photovoltaics will greatly benefit our economy and improve our standard of living. This program should not be cut. Also the very well-managed technology demonstration program in large wind machines has been cut back arbitrarily. Similarly, budget cuts in industrial conservation R. & D. will impact our drive toward energy independence. In both the solar and conservation areas, the administration is so far continuing support for large tax incentives—about \$1.5 billion for fiscal year 1981 in non-R. & D. funds—which will play a major role in accelerating the installation of commercially viable systems and methods. These tax incentives will reduce our dependence on scarce organic fuels and hopefully will not be tampered with.

Other areas where continued Federal R. & D. support is needed are conservation programs in heat engines and electric vehicles at a time when Detroit is on its knees and unable to carry this work on its own. In electric energy systems and storage the financially strapped and heavily regulated utility industry is similarly unable to perform and major U.S. manufacturers are in danger of losing vast international markets.

The administration's philosophical approach to Federal energy funding is on the right track but, unfortunately, its implementation has been inconsistent and the basis for setting its priorities in many cases is either unclear or indefensible. It behooves the Members of Congress to review this matter and see to it that we have a balanced energy program. Within the framework of the administration's approach, we should identify those areas needing additional support through recognition of private industry's limitations and see to it that they get such support. Unfortunately, in such a climate, some will see this as an opportunity to simply attack programs. A more sound approach is to work together to insure a balanced energy program that meets all our needs.

I urge my colleagues to work cooperatively toward a balanced energy program and insist on a much more solid rationale from the administration than the simple code phrase "economic recovery." ●

A THOUGHTFUL MESSAGE ON CORPORATE RESPONSIBILITY FROM CHAIRMAN WILLARD C. BUTCHER OF CHASE MANHATTAN BANK

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LENT. Mr. Speaker, under the leadership of President Reagan and his administration, our country is moving in a new direction. It is moving away from heavy reliance on big government to take care of every need toward a more positive and responsible role for the private sector.

It is, therefore, reassuring to know that the leaders of the business world are giving thought to their part in assisting this major change in governmental approaches to our problems.

One of the most able of our country's business leaders, Willard C. Butcher, chairman of the Chase Manhattan Bank, recently addressed the subject in a lecture at the University of North Carolina. I bring to the attention of my colleagues the very thoughtful analysis of corporate responsibility in the 1980's which Mr. Butcher presented. It provides a most impressive philosophy as to the duties and responsibilities of corporate citizenship in this new decade. In order that my colleagues have the full benefit of Mr. Butcher's eloquent discourse, I ask that the full text of his address be entered in the RECORD at this point.

TOTAL CORPORATE RESPONSIBILITY IN THE 1980's

Good afternoon. I was delighted to receive your invitation to participate in the "Alumni Distinguished Lecture Series." But I accepted so quickly, I forgot to ask whether the alumni audience or the lecture is supposed to be distinguished. I'm relieved, as I look out over this illustrious gathering. That it's the audience you meant. Since, therefore, my lecture need not be distinguished, I would like to give you a straight-from-the-shoulder talk, which I have titled "Total Corporate Responsibility."

The title means simply that the full obligations of corporate citizenship—like individual citizenship—cannot be discharged merely by presenting a fat check to someone's favorite philanthropy. Responsible citizenship is more demanding and far-reaching than that.

All rights carry corresponding duties, and there are no benefits without obligations. That includes the benefits of citizenship. It's a legal fact that a corporation has a "personality and existence distinct from its individual members." That means a company not only has rights and privileges like an individual person, but also responsibilities and duties. Any person who claims his rights but shuns his responsibilities fails to contribute to the betterment of mankind and therefore, has no claim on the respect of mankind. I believe the same holds true for corporations.

And while there are some who still argue that a corporation should not concern itself

with the needs of society and should, in fact, be prevented from contributing to help meet those needs—I am not one of them.

I believe, corporations do, indeed, have obligations. And today I'd like to focus on what I think those obligations are. Specifically, I'll cover three things: (1) how I believe a company should conduct itself in responsibly running its business (2) how it can apply its special expertise in a programmatic way to aid its community and (3) how it can contribute philanthropically to the betterment of society.

Let me start, however, by clearing away some recent confusion about one obligation that corporations do not have.

We do not, in my opinion, have a major role to play in saving all the broad social support programs that are jeopardized by the Administration's budget cuts. Clearly, there are some programs that deserve more corporate support, and I'll have more to say on these later. But I want to make it clear that pie-in-the-sky proposals about a massive corporate rescue mission are raising a lot of false hopes.

The whole rationale for reducing Federal spending and easing the tax burden is to redirect more of our national wealth from immediate consumption into investment that will increase future production. If business were to redistribute its limited investment funds back into social programs for consumption again, nothing would be gained.

Those who are ready to bury the Administration's economic recovery program—after all of two weeks in operation—should be reminded that the problems President Reagan is attacking resulted from a legislative bias that has accumulated over the last 50 years—and accelerated in the form of "Great Society" entitlement programs about 15 years ago. These broad-based, open-ended, public expenditures ballooned so fast that they brought our government into fiscal disrepute which, unless reversed, could lead to financial embarrassment and, I would contend, moral bankruptcy.

The damage done to our free enterprise system by the accumulation of broad, socialistic benefit programs is an adequate reason for business to examine very carefully any that seek our support. But there also is a more pointed reason—namely, that many of these benefit programs have been of doubtful benefit to the recipients.

If you don't believe that you might consider the plight of several species of birds that have been dying off in our country, Carolina wrens, Illinois mockingbirds, and Mid-West Downy Woodpeckers are three that come to mind. Why are they dying? Because so many people put out birdseed in the fall, that the birds feel no need to go through a long, strenuous migration to get food. They get hooked on handouts, until the feeders are empty or a harsh winter kills them off. Once a bird thinks its found a steady source of free sustenance, it quits trying to provide for itself.

Now, I'm not implying here that all of our social programs are "for the birds," but I do think we must prove ourselves smarter than our feathered friends and seize this moment to figure out what's gone wrong with our social programs over the years.

While every civilized society is obligated to provide for those unable to provide for themselves—no society, in my view, is justified in deliberately creating a benefit-dependent class—perpetuating it from generation to generation—and then encouraging its bloat, by means both legitimate and ille-

gitimate. Yet, that is exactly what has happened in America.

Instead of a safety net to catch Americans who fall through the cracks and need a helping hand to get back on their feet. We have created a tightly woven security blanket of support and assistance that helps destroy personal initiative.

According to the Commerce Department, Federal transfer payments grew by an unconscionable 419 percent between 1968 and 1980! Yet the official poverty class remained constant at around 25 million Americans. Since cash income was counted in determining who was entitled to most benefits, there was no real incentive for beneficiaries to improve their cash income. And dependence on these benefits increased.

I don't believe that the Government—much less the private sector—should support any program that encourages dependence and discourages initiative.

There is no "philanthropy" in such programs. In my view, it is not an expression of good will toward one's fellow men to deprive them of the motivation to strive for financial independence and self-respect. On the other hand, it is genuine philanthropy to provide opportunities, tools, and encouragement to those who are willing to make the effort.

Now, having explained what business cannot and I think should not do, let me turn to the ways in which corporations can and should contribute to the betterment of mankind.

Here, I am talking about what has become known generally as "corporate responsibility" or, put another way, the responsible management of corporate resources. And the bottom line of responsible management is to run a business properly and profitably. Indeed, if a business is not profitable—if a company squanders its corporate assets or wastes its resources—then it will never possess the ability to contribute meaningfully to society's improvement. As Winston Churchill once put it, "Profits aren't obscene—losses are." And the first obligation of any management intent on running a responsible corporation is to earn an adequate profit.

By the same token, management also has an obligation to provide a needed product or service at a fair price and to deliver it—as promised. By that I mean producing the very best quality product we can, so that when we advertise it forthrightly and sell it at a fair price—we end up with a satisfied customer.

This doesn't mean management should be considered immune from making mistakes. Even the best management will, occasionally, make an error. But when it does, it will move quickly and decisively to correct itself. Such was the case recently when Procter & Gamble removed its Rely tampon from the market, when the product was linked to toxic shock syndrome. P&G's action was the responsible thing to do and, in the long run, should augur well for the corporation's enhanced reputation and increased profitability.

Companies also have a front-line responsibility to their own employees. They must assure workers of equal opportunities to advance based solely on merit, maintain a safe and healthy workplace, and avoid infringing on rights to personal privacy and free expression. A company must also offer workers the opportunity to increase their real rewards through the vehicle of increased productivity. Indeed, to increase wages without

increased productivity is the height of irresponsibility in that it only helps fuel inflation.

Corporate responsibility to the immediate community and to the general society is another clear obligation of the corporation.

Here, I believe companies must apply what I call a "programmatic approach" to community involvement. This goes deeper than digging into one's corporate pocketbook and coming up with cash. It means offering corporate time and talent—both full and part-time support—in a programmatic way to areas like municipal financing, school boards, pollution control, public recreation and the like.

A dollar is a dollar—from whatever source. But when companies provide direct, in-kind support, they have an opportunity to draw on their special skills and resources and beam their assistance to add an extra dimension to the group supported. For example, as a bank, we might provide financial counseling to a minority business or a community development project. But for guidance in a drug abuse clinic, a chemical or pharmaceutical firm could be more useful. This is what I mean by a more "programmatic approach" to corporate giving. And there has never been a greater need or a greater opportunity for business to customize and gear up this kind of support to a higher level.

I've reserved till last my specific comments on what is traditionally called "corporate philanthropy"—direct financial gifts, grants and contributions to non-profit agencies. There are some 300,000 such agencies in the U.S. today. They face a kind of Darwinian thinning-out process, as a result of Federal budget cuts. The fittest will survive. Those that are redundant, mismanaged, balkanized, or hopelessly unrealistic will have a harder time of it. They are undergoing a kind of market discipline that we in the business sector have always understood and dealt with. This will no doubt be a painful process but I think, in the end, will be a healthy thing.

The responsibility of business in this process is not to save the programs that perpetuate dependence. But again to support those that help build the future potential of our people and the future quality of life of our society.

Worthwhile agencies that promote culture, education, training, retraining, rehabilitation, economic revitalization of neighborhoods and urban communities deserve all the support we can muster; for their good and ours.

And it is in this area of corporate philanthropy that I think, frankly, we in American industry have not been doing enough and simply must do more.

The low level of overall corporate giving is frankly, appalling. Fewer than 30 percent of all corporations in America today make any charitable contributions at all. And only 6 percent give more than \$500 a year. That means 94 percent of the Nation's corporations cannot even dig up a dollar and a half a day for charity in their own self-interest. Unless we in business do a good deal better than that, we will have no right to complain when our critics regain the upper hand * * * when the chickens come home to roost.

Every corporation is free, of course, to set its own level of contributions and pick the best time and most appropriate recipients for them. At Chase, our board recently approved a three-step increase in the percentage of after-tax earnings that we can give, which will bring us to a 2 percent level in

1983—well above the average contributed by all corporations.

We currently contribute almost \$7 million a year—which ranks us with the top 100 U.S. foundations. We divide the monies into eight major categories, including education, culture, employment and youth groups, economic development, and public policy research. This year, we've funded groups ranging from The Boy's Choir of Harlem to the New York Public Library . . . from the American Enterprise Institute to the American Women's Economic Development Corporation.

To ensure the efficacy of our system, philanthropic monies are managed by a Corporate Responsibility Committee made up of 20 officers, including the most senior in the bank. Next month, the Committee will meet to consider the percentage of funds each philanthropic category should receive in 1982.

I would fervently hope that many other companies step up to this particular challenge—of stepping up as well the level of their philanthropic giving. This is especially critical—especially visible—in these days of refocused fiscal austerity in our nation.

These, then, are several major areas in which I think corporations have obligations to society. I would only add that most of these obligations demand the direct involvement and personal attention of the Chief Executive Officer. CEO involvement sends the right signals to the organization, to the community, and to the public-at-large that corporate responsibility is real, substantial, and of sincere concern to corporate management.

I can tell you from my own involvements that the educational value flows both ways. It's a broadening experience to get out of the board room and take the virtues and vitality of free enterprise into the community—and sometimes even into the classroom).

One of my own involvements is raising money for Lincoln Center. I'm sometimes asked how a hard-line free-enterpriser got sidetracked into supporting the arts. Well, aside from a lifelong addiction to good music and the performing arts, I have no trouble with twisting a few arms for this particular cause. I simply ask people to consider the total economic benefit generated for the city by the concert halls, theaters, restaurants, hotels and other businesses that have sprung up and flourished around the Lincoln Center complex.

You may have heard the saying, popular some years ago, that the trouble with a corporation is that it has no heart to be touched and no rear end to be kicked. Times though have changed. (In fact, I'm sure many businessmen and women think they've been kicked around pretty good lately!) In any case, I do believe that a fair-minded survey of everything that companies are doing today to meet their total corporate responsibilities, would indicate that many do have a heart—and a head—and are using both effectively to discharge their obligations as citizens which, in the final analysis, will help sustain their legitimacy and ensure their rightful place in American society.

Thank you. ●

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. CONTE. Mr. Speaker, I would like to express my support for the Public Lands Conservation, Rehabilitation and Improvement Act of 1981, introduced by Congressman SEIBERLING. As a cosponsor of this bill, I would like to commend him for the efforts he has put forth in drafting this piece of legislation, and offer my assistance to him as he moves forward on hearings on establishing a conservation and rehabilitation program to improve our Nation's resources, using the abilities of our young people.

Mr. Speaker, I have long been a supporter of this type of program, having fought to retain funds for the Young Adult Conservation Corps for the remainder of fiscal year 1981, following a rescission proposal by the administration. I think this bill makes some definite concept improvements for this type of a program in that it marries up the ideals of the Youth Conservation Corps and the Young Adult Conservation Corps, and attempts to eliminate past weaknesses of both of those programs.

The increasing demands on our public lands, for both recreation and resource production, are taking their tolls. If this tide is not stemmed, we will face a crisis as these valuable resources deteriorate.

Certainly, another problem which we in the Congress must address is the striking number of unemployed young people in our Nation. Many of these young people are more than willing to work, but simply cannot find jobs or lack the necessary skills to compete in the labor markets. A program such as this will go a long way in helping to relieve the high unemployment rate among our young people, and at the same time, give them a stake in preserving a valuable resource for their futures. In addition, I think a program of this type may serve to point out to some young people, an area of career interest they never before considered, and give them the skills necessary to pursue such a career.

I urge my colleagues to lend their support to this bill, and give our youth the chance to preserve an important part of their Nation—natural resources—through a worthwhile program. ●

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. McDONALD. Mr. Speaker, previously, in the CONGRESSIONAL RECORD for October 20, 1981, pages 24601-24602 I brought to the attention of my colleagues the statement of Mr. Carl Gershman, our distinguished counselor to the U.S. Ambassador to the U.N., which he made before the Third Committee of the U.N. on October 14. Mr. Gershman's October 14 statement was a reply to an entire day's reaction by all the Soviet bloc countries.

What caused this outpouring of rhetoric was Mr. Gershman's speech of October 9 before the same body; the subject of the speech was the "Right of Self-Determination," something we hear a lot about from the U.N. What surely upset the Communist members of the U.N. was Mr. Gershman's truthful and penetrating analysis and comparison of the Wilsonian and Leninist ideas of self-determination in language devoid of the typical, Orwellian "double-think" that dominates most of the actions and words of the U.N. and its proceedings. This point becomes even more apparent when one considers the action of Soviet bloc delegates during Mr. Gershman's remarks: Twice he was interrupted in an attempt to have him ruled out of order. Obviously, "freedom of expression" is as well regarded as the "right of self-determination" by our fellow members of the U.N.

Mr. Gershman's October 9 speech on "the Right of Self-Determination," which I commend to my colleagues, follows:

STATEMENT BY CARL GERSHMAN, U.S. REPRESENTATIVE IN THE THIRD COMMITTEE, ON ITEM 81, THE RIGHT OF SELF-DETERMINATION, OCTOBER 9, 1981

The recent admission of Vanuatu and Belize to the United Nations brings to 156 the number of member states in the world body. This figure, which is more than three times the number of states that attended the founding conference of the United Nations in San Francisco in 1945, bespeaks the transformation that has come over world politics since the Second World War. Before that time, and especially before the First World War, world politics was essentially the politics of European states. Since then, with the geometric increase in the number of independent states, which followed upon the dismantling of the European colonies in Asia and Africa, world politics has become more genuinely global in nature.

This fact alone, however, does not signify the triumph of the principle of self-determination in world affairs. While self-determination may well be the single most cited principle of the United Nations Charter, this does not mean that there is general agreement about its definition. Nor does it mean that all governments that espouse this principle respect it in practice.

The question of self-determination remains a highly charged and much debated political issue. This debate is not a mere academic exercise, but has profound implications for the future of mankind. The failure to define the issues clearly, therefore, can have far-reaching consequences.

As a starting point, it is important to acknowledge that there are really two conflicting views of self-determination, both of which emerged in the wake of the First World War. These two views—one deriving from Woodrow Wilson and the other from V. I. Lenin—are fundamentally at variance with one another. Indeed, as we shall see, the Wilsonian and Leninist positions are mutually exclusive. Still, the debate over self-determination, and attempts to implement this right, proceed as if there were a single, universally accepted definition of this right. The result has been a good deal of misunderstanding and, worse yet, the perversion of the right of self-determination into an instrument of oppression.

From Wilson's point of view, self-determination was above all a means to insure peace through justice. The Great War, he told the Congress in 1918, had "its roots in the disregard of the rights of small nations and of nationalities which lacked the union and the force to make good their claim to determine their own allegiances and their own forms of political life." The precondition for peace, according to Wilson, was security "for every peace-loving nation which . . . wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by other peoples of the world as against force and selfish aggression."

The Wilsonian view of self-determination was an attempt to apply the values of liberal democracy to international affairs. Henceforth, he insisted, it would be necessary to respect the rights of nations as well as the rights of individuals. In fact, the two principles were seen as organically related since self-determination for a nation presumed the free expression of the people as the basis of governmental authority. "Peoples may now be dominated and governed," Wilson said, "only by their own consent." The right of national self-determination, in other words, could be infringed as much by the denial of democratic liberties as by the violation of national sovereignty.

If the Wilsonian idea of self-determination affirmed national rights within the framework of the liberal democratic tradition, the Leninist idea of self-determination grew out of the desire to harness anti-colonialist movements to the Bolshevik Revolution. Lenin came to this view following the failure of the proletarian revolution in the West—a revolution he has always believed was essential for the triumph of Communism. In search of a new revolutionary class, Lenin turned to the East. He drew hope from the belief that the formerly dormant peoples of the East had been "drawn into the general maelstrom of the world revolutionary movement" as a consequence of the Great War. In this context, self-determination presented itself as a useful slogan—a powerful weapon of propaganda by which "the revolutionary nationalist East," as Lenin termed it, could be mobilized for the struggle against "the counter-revolutionary imperialist West."

The Wilsonian and Leninist approaches to self-determination were thus diametrically opposed to one another. For Wilson, the immediate crisis that made self-determination an urgent necessity was the breakdown of international peace. For Lenin it was the

failure of the revolution in the West. For Wilson the overriding purpose of self-determination was the establishment of world order. For Lenin it was the triumph of world Communism. For Wilson the philosophical foundation of self-determination was liberalism and respect for human rights. For Lenin it was Bolshevism and the so-called "dictatorship of the proletariat."

Ideas have consequences, and they may be judged according to those consequences. The Wilsonian and Leninist ideas of self-determination have been the source of two streams of action and thought, both of which have shaped the modern world, albeit in very different ways.

The consequences of the Wilsonian idea of self-determination may be observed in a development already referred to: the dismantling of the European colonial possessions and the corresponding emergence of scores of independent nation states. The right of self-determination has also been implemented, for example, in Puerto Rico, whose political status today wholly reflects the freely and repeatedly expressed desires of the Puerto Rican people. It is being implemented as well in Micronesia where the same process of free elections and plebiscites will occur under the supervision of the Trusteeship Council.

This achievement of self-determination by so many of the world's peoples, which is surely among the most momentous developments to have occurred in this century, was anticipated in the covenant of the League of Nations—a document that was strongly influenced by the ideals of Wilsonian internationalism.

To be sure, it cannot be said that the principle of self-determination has been fully implemented. At this very moment, for example, we are confronted with the question of Namibia, whose independence is long overdue. We are also confronted with the fact that in many countries of the world the right of self-determination remains unfulfilled owing to the absence of procedures guaranteeing political and civil liberties which are necessary for the free expression of the people's will. The link established in Article 55 of the Charter between self-determination and respect for fundamental freedoms is too often overlooked in the deliberations of the United Nations. So is the reference in Article 76 to "the freely expressed wishes of the peoples concerned"—words that accurately and succinctly state the heart of the principle of self-determination.

This should not diminish in our eyes the Wilsonian achievement, for there can be no question that the influence of his concept of self-determination has contributed to the liberation of mankind from the rule of force. Unfortunately, the same cannot be said of the consequences of Lenin's approach to the question of self-determination.

Whereas the historical offspring of the Wilsonian idea of self-determination has been the relinquishment of empire by the West, the Leninist approach has resulted in the consolidation and expansion of the last remaining empire on earth. The fact that this latter development has been justified in terms of the fulfillment of the right of self-determination—or as it is fashionably termed today, national liberation—is a powerful example of the perversion of language in the modern era.

The Bolshevik Revolution in 1917 inherited an empire that Lenin once referred to as "a prisonhouse of peoples." It was an apt description of an empire encompassing

many peoples that had expanded from some 15,000 square miles in 1462 to 8,660,000 square miles in 1914—a rate of more than 50 square miles a day over a period of 450 years.

Far from abandoning this empire, Lenin and his successors have expanded it and have imposed upon its subjects the even more ruthless force of modern totalitarianism.

In 1961, under an agenda item dealing with the right of self-determination, the United States Permanent Representative to the United Nations Adlai Stevenson traced the growth of the Soviet Empire after the Bolshevik Revolution. "We are told," said Stevenson, "that the peoples of the Soviet Union enjoy the right of self-determination . . . How did this 'right' work in practice?" Let me quote portions of his answer to that question:

"An independent Ukrainian Republic was recognized by the Bolsheviks in 1917, but in 1917 they established a rival Republic in Kharkov. In July 1923, with the help of the Red Army, a Ukrainian Soviet Socialist Republic was established and incorporated into the USSR. In 1920, the independent Republic of Azerbaïdzhan was invaded by the Red Army and a Soviet Socialist Republic was proclaimed. In the same year, the Khanate of Khiva was invaded by the Red Army and a puppet Soviet People's Republic of Khorizm was established. With the conquest of Khiva, the approaches to its neighbor, the Emirate of Bokhara, were opened to the Soviet forces which invaded it in September 1920. In 1918, Armenia declared its independence from Russia . . . In 1920, the Soviet army invaded, and Armenian independence, so long awaited, was snuffed out. In 1921, the Red Army came to the aid of Communists rebelling against the independent State of Georgia and installed a Soviet regime.

"This process inexorably continued. Characteristically, the Soviets took advantage of the turmoil and upheaval of the Second World War to continue the process of colonial subjugation at the expense of its neighbors. The Soviets' territorial aggrandizement included the Karelian province and other parts of Finland and the Eastern provinces of Poland, the Romanian provinces of Bessarabia and Bukovina, the independent States of Estonia, Latvia, and Lithuania, the Koenigsberg area, slices of Czechoslovakia, South Sakhalin, the Kurile Islands, and Tanna Tuva . . .

"Following the Second World War, whole nations and peoples were swallowed up behind the Iron Curtain in violation of agreements and without a free vote of the peoples concerned. These included Poland, Hungary, Romania, Bulgaria, Albania and then Czechoslovakia in coups d'etat. The German and Korean people, divided as the result of the war, were held from unity by the failure of the Soviet Union to live up to agreements it had signed and to permit the self-determination of these peoples through free elections."

During the twenty years since Adlai Stevenson wrote these words, new countries and peoples have been added to the Soviet Empire. Cuba is now a Soviet colony and imperialist base in the Caribbean, a threat to the peace of the region and the cat's paw of Soviet imperialism in Africa. Vietnam and Laos have now been absorbed into the Soviet Empire, a process that is being further pursued in Kampuchea by means of the invasion and continued occupation of 200,000 Vietnamese troops. And then, of course, there is Afghanistan.

It is hard to imagine a more explicit case of the denial of the right of self-determination. The Soviet Union is occupying Afghanistan against the will of the entire Afghan population. Approximately 3 million people, about one-fifth of the Afghan population, have fled the country to escape the carnage wreaked by the Soviet occupation force. Those remaining still control some 75 percent of the country, despite the fact that they are poorly armed and trained; and despite the fact, too, that the Soviet Union has used against them the most sophisticated weapons in its arsenal, ranging from heavily armed helicopter gunships to supersonic aircraft. Within the Kabul government, Soviet personnel direct virtually all aspects of administration, including the Ministries of Foreign Affairs, Defense, Interior, Information and Culture, Justice and Economic Planning. Since 1979, Soviet personnel have also commanded the Afghan army down to the brigade level and sometimes down to the company level.

Indeed, nothing more clearly illustrates the lack of public support for the Soviet occupation than the collapse of the Afghan army. The Kabul regime has resorted to desperate measures to recruit to the army. Young men, some only 12 or 13 years old, are seized in bazaars, loaded into ground or air transport, and shipped to another section of the country where they are shoved into uniform. Only those who escape—some of whom have been interviewed by the international press—are heard from again. The others simply disappear and even their families do not know where they are.

The recent call-up of men who have already completed their military service has been met with riots and protests. On September 6 and 7, a protest against the call-up by thousands of demonstrators, most of them women, was put down when troops opened fire on them, killing several of the demonstrators including two high-school girls. The regime has gone to the extent of offering 30 times normal pay—a salary equal to that of a sub-cabinet level administrator—to encourage former enlisted men and non-commissioned officers to answer the call-up. Yet still they do not turn up. On the contrary, draft age men slip out of the cities to join the resistance, and whole regiments of the army desert en masse.

In Article 1 of the Covenant on Civil and Political Rights, to which the Soviet Union is a party, self-determination is defined as including the right of all peoples to "freely dispose of their natural wealth and resources." This right is violated daily in Afghanistan by the Soviet Union, which has expropriated the country's wealth and resources to pay for the occupation.

For example, all the natural gas from the gas fields near Shibarghan in the north of Afghanistan is piped directly into the Soviet Union. Not only is the price for this gas set well below world market rates, but Afghan officials have no way of determining the amount extracted since the meters are all on the Soviet side of the border. Even then, the Soviets do not actually pay anything for this gas since it is extracted in exchange for exports which the Afghans are forced to accept and which are needed to sustain the regime the Soviets have imposed.

Not least, on September 3 the Kabul regime announced the signing of a 9.5 million ruble contract to buy materials for the construction of two additional housing developments for Soviet personnel to be built in the northeastern outskirts of Kabul. It seems that the denial of self-determination

in Afghanistan extends even to the point of making the Afghans pay for the cost of housing their would-be conquerors.

Mr. Chairman, the seeds sown by Lenin so many years ago have come to harvest, and the world is reaping a whirlwind of turmoil and tension. In region after region, the quest for empire has sharpened local conflicts, increased human suffering, and eroded the foundations of world stability. The present impasse in international politics is surely a vindication of the Wilsonian belief that the denial of self-determination threatens the peace of the world.

There is no other way out of this impasse than to reaffirm and defend the right of self-determination for all peoples. Toward this end, it is necessary to end the conspiracy of silence with respect to those within the world's last empire whose legitimate right to self-determination has been denied.

Let me speak of one individual whose fate is unknown to the world. His name is Yuriy Kuk, an Estonian from Tartu who was a professor of chemistry. He was among those arrested by the Soviet authorities following the publication of a petition called "the Baltic Appeal." This appeal, signed by 45 Baltic citizens, was issued in August 1979—the 40th anniversary of the Hitler-Stalin Pact which led to the partition of Poland and the occupation of the three Baltic states (all of whom had previously been members of the League of Nations). The petition called for the publication of the Pact, including its secret protocols, and for Baltic self-determination.

Kuk, who had also spoken out against the invasion of Afghanistan, was tried along with his fellow dissident Mart Niklus, convicted of "anti-Soviet agitation," and deported to the Gulag. On March 27 of this year, after a 4-month hunger strike, Kuk died in a transit camp near Vologda. He was buried outside the camp, and the authorities refused a request to allow his body to be returned to his family. When his wife visited the grave site, she was prevented by prison guards from placing flowers on it or from photographing it. They also refused her request to place her husband's name on the grave. They would only allow the grave to be identified by Yuriy Kuk's prison number—23781.

This is just one story among thousands, selected almost at random. It took place far away from the glare of world publicity, within what Aleksandr Solzhenitsyn has called the "isolated zone" of Soviet totalitarianism. Nonetheless, Yuriy Kuk and others like him are among the authentic heroes of our time. They deserve our admiration. Indeed, they deserve our solidarity.

"There is only one power to put behind the liberation of mankind," Woodrow Wilson once said, "and that is the power of mankind. It is the power of the united moral forces of the world . . ." Mobilizing these forces in support of genuine self-determination and fundamental freedoms for all peoples is the awesome challenge facing the United Nations.●

SMALL BUSINESS EXPORTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SKELTON. Mr. Speaker, American small businesses have long been

an example to the world of the values of independence, risk, and reward. Our small businesses stand second to none for their innovation, growth, and efficiency. Yet we have not yet begun to scratch the surface on what is the largest untapped market for our top-quality small business products; namely, foreign trade. Today, I am placing in the RECORD an article by Wilson S. Johnson, president of the National Federation of Independent Business, which I believe expresses in the clearest terms the need to encourage our small businesses in international trade. I commend this article to my colleagues.

SMALL FIRMS CAN SHARE EXPORT MARKETS

OTTAWA.—One of the principal topics of discussion among delegates from more than 60 countries assembled here for the week-long Eighth International Symposium on Small Business was the potential for small business participation in foreign trade.

Some see the export business as a major factor in expanding the economies of developing countries. Industrialized nations, such as Japan, are encouraging small businesses to become involved in exporting to an even greater extent than is now the case. In Japan, small enterprises already account for 30 to 50 percent of the total annual exports of that country. In the United States, it is estimated that 10 percent of small businesses are engaged in some form of exporting.

Clearly, there is an opportunity for more small U.S. businesses to enter the lucrative foreign markets. But in listening to the discussions in Ottawa, it became apparent to me that governments of many nations represented are far more active in assisting and promoting small business participation in international trade than is the United States government. Market surveys, financing, promotional activities and other functions are the province of government agencies, particularly in the developing nations.

In this country, the Commerce Department and the Small Business Administration do provide some assistance. Commerce now has 47 district offices to assist small-business people who want to learn more about selling abroad. The department also has commercial service offices in 65 countries—also to provide information and assistance to would-be exporters. But because many small-business men and women shun government help of any kind, some may be missing the opportunity to expand their companies and help the U.S. achieve a favorable balance of trade. In a recent interview in the newsletter of the National Federation of Independent Business, assistant Commerce secretary William Morris said, "Few businesses succeed by waiting for someone to discover their product or service. We are here to help them tell the world they exist. All they have to do is make one phone call."

In the private sector, banks and export brokerage firms are sources of assistance to the small entrepreneur who wants to unravel the mysteries of foreign trade. A Canadian banker who spoke at the small-business symposium observed, "Banking communities everywhere (must become) a good deal more to small businesses than mere bankers."

Export brokerage houses, such as the Boston-based ZLF International, operate much like a real estate broker, collecting their fee (usually 10 percent) only after the

exports have been sold. ZLF president Carl Zinnell claims that the use of firms such as his by small businesses minimizes the risks of exporting while increasing productivity.

The entry of many thousands of small, independent U.S. businesses into the markets of the world would do much to improve the nation's balance of trade, increase employment and provide a tonic to those suffering the ill effects of lagging domestic sales. But nations large and small are looking at those same markets and many have the jump on us. The message from Ottawa is clear: If the United States is to garner its share of world business, small entrepreneurs must become involved now.●

CONTINUING POVERTY OF RURAL ELDERLY

HON. STANLEY N. LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. LUNDINE. Mr. Speaker, poverty among elderly Americans continues to be far worse in rural communities than it is in urban areas. Although rural poverty is more broadly distributed and less visible than urban poverty, the proportion of the rural elderly falling below the poverty level is actually twice that of the urban aged.

As a member of the Select Committee on Aging, and a representative of a rural district, I am concerned that the rural elderly are suffering disproportionately from the ongoing budgetary battles. Recent Federal and State policy changes will compound problems for rural residents who already face low incomes, inadequate health services, and poor housing.

An article appearing in a recent issue of Human Ecology Forum documents the economic hardship endured by many of our rural aged. The author, Kristie Ann Puetz, is a graduate student in Cornell University's College of Human Ecology. I include this article in today's RECORD and recommend it to my colleagues.

THE CONTINUING PROBLEMS OF THE RURAL ELDERLY

(Kristie Ann Puetz)

An examination of the problems of the rural elderly should recognize the plurality of rural societies (the rural farm and rural non-farm populations); as well as migratory patterns, particularly retirement moves; the area of the country where the elderly live; and the fact that the problem may not be rural but may be due to aging, cohort effects, education, income, or other factors.

Current technology and the mass media have narrowed the gap between rural and urban life. Yet the gap that does exist affects the types of services that are established in rural areas, as well as national and state policy for the aged.

INCOME AND RETIREMENT

It is a well-established fact that the elderly exhibit a high incidence of poverty. The economic condition of the rural elderly is worse, because rural populations generally

are poorer than their urban counterparts. The 1970 U.S. Census report on low-income populations found 42 percent of rural non-farm elderly below the poverty level, compared to 24 percent of the urban elderly. Farm populations were comparable to the urban segment with 26 percent of the rural farm elderly below the poverty level.

Investigation of the incidence of poverty by region of the country will expose variations in income: the poorest rural elderly are located in the South and North Central regions. This regional difference is largely due to the industrial versus agricultural economic base in the areas.

A combination of factors accounts for this. Of particular significance is the fact that farming and self-employment were not covered under Social Security until 1955. Today's rural elderly, many of whom are farmers or self-employed, receive reduced benefits at age 65 or retirement. Widows are left in a particularly vulnerable financial position. (This will not be a factor for younger rural families.) The fact that many continue to receive income from farming past the Social Security retirement ages eliminates some or all their benefits under the Social Security retirement test.¹

The difference in rural and urban elderly income levels is offset by the lower cost of living in rural areas (for example, use of home-produced food and the higher likelihood of owning their own home). On the other hand, rural elderly have medical bills similar to urban elderly, making these expenses a greater proportion of the income.

Associated with income are patterns of work and retirement of the rural elderly. It has been said that farming is a way of life rather than a job. Many farm people have chosen a life of lower income to have the independence associated with farming. Many non-farm rural people are self-employed, so a similar situation exists for them. A consequence of the nature of ownership for the farmer and self-employed person is the ability to ease into retirement, unlike most urban workers. The abrupt transition from full employment to no employment can be avoided by retention of ownership but with a decreased involvement in management of the farm or business. Unfortunately for many, the lower income before retirement penalizes them when it comes to the amount of Social Security benefits they receive because benefits are based on earnings from work over the years, up to retirement (age 62 or later).

HEALTH AND TRANSPORTATION

For the elderly, the common notion that rural areas provide healthier living conditions is questionable. Rural aged are in poorer health than urban counterparts, suffering from more chronic illness, compounded by limited mobility. Their use of private health insurance, Medicare, and Medicaid is less than that of urban elderly, further straining their financial resources.

Additional stress comes from a lack of health facilities, emergency medical care, and helping services, such as home health aides. There also is variance in access to services between the elderly in small towns and the open country. Farm elderly face the barriers of distance, availability of transportation, and ability to travel in reaching the services that are available in the small towns.

¹ The retirement test decreases any Social Security benefits received when income from work surpasses \$5,500 (in 1981).

During the White House Conference on Aging in 1971, U.S. Senate hearings on the rural elderly in 1977 and House hearings on the problems of rural elderly in 1976, the predominant concern voiced was transportation for the elderly. The rural elderly depend to a great extent on automobiles, but failing health and low incomes reduce their ability to drive and maintain an automobile. An effective public transportation system has not been feasible in areas where rural elderly live because they are so sparsely populated. In addition, geographic populated barriers such as long distances and poor roads cause major problems.

Finding a system at a cost low enough to get public support is difficult, so the elderly continue to be unable to take advantage of services they need and are entitled to. Young people leaving rural areas reduce one form of voluntary transportation for the elderly. In addition, the tax base of the area is eroded, decreasing funds for transit and other needed services.

HOUSING

A large contrast between rural and urban elderly exists in regards to home ownership and length of residence. While 65 percent of the urban elderly own their homes, the figure for rural farm elderly is 90 percent and for rural non-farm elderly it is 80 percent. The duration of residence follows a similar pattern, particularly high for the rural farm elderly.

These two indicators may seem to be advantageous for rural people, but a second look reveals another side of the story. Rural homes are of less value, have fewer conveniences, and have more maintenance problems than urban homes and are often too large for their single or couple occupants. It has been estimated that 20 percent of the rural population aged 60 or older live in substandard housing. Of particular consequence are the lack of complete plumbing facilities and central heating. High utility costs and limited incomes result in poor heating and related problems, particularly in northern regions of the country where large proportions of the population are 65 and over. These combined conditions pose serious threats to healthy living conditions.

SPECULATIONS

Considering the changing political environments, it is difficult to foresee what the next decade will be like for both the rural and urban elderly. These speculations appear to be major possibilities:

The rural elderly for whom the prospects are bleakest are the poor. Any proposals offered for changing the Social Security system do not involve increasing benefits for those with low income and irregular or few years of work experience. Removal of the minimum benefit Social Security as offered in the past will force many people to receive Supplemental Security Income benefits.

On the other hand, part of the rural population would benefit from removal or an increase of the Social Security retirement test. Active participation in farming continues past age 65 for many, thus penalizing many rural farming elderly today.

Consolidating the HEAP (home energy assistance program) and the home weatherization program for the poor with other programs in the block grant presents the prob-

ability of decreased funding for both programs, further inhibiting the improvement of housing and health conditions for rural elderly. Furthermore, if the eligibility criteria for the weatherization program are unchanged, it would continue to discriminate against rural areas. Presently, only communities with a population of at least 50,000 automatically receive funds. Smaller communities compete for funds.

Policy decisions in general must look at the total and diverse needs of the elderly— income, health, transportation, housing, and others—if quality of life is to be improved. For many elderly, however, the road ahead appears to be rough. ●

AN ENERGY OPTIONS CHART

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SWIFT. Mr. Speaker, discussion of America's energy options is often characterized by misunderstandings and inaccuracies. I am convinced that many of the misunderstandings are largely a result of the lack of comparative energy analyses.

To address this concern and to foster meaningful discussions about America's energy future among policy-makers as well as our constituents, I am placing the following Summary Table of U.S. Energy Resources into the RECORD. The Energy Options Chart was recently developed by the Columbia Institute for Political Research.

The chart provides, in a concise and understandable way, critical energy, economic and environmental data intended to facilitate comparisons of the various energy options. The fundamental message of the summary table is that the United States should evaluate all available energy resources and utilize as many as are feasible as part of our total energy mix.

We should all recognize, Mr. Speaker, that no energy resource is a panacea. All energy alternatives, be they oil, coal, nuclear, solar, or synthetics, have their pros and cons. Some are fairly plentiful, but are costly and could have environmentally harmful impacts. Some are inexpensive and environmentally benign, but lack the energy potential to make significant contributions to meeting our future energy needs. Many are promising but they lack the technology to be feasible options in the near term. It is in this comparative, pro-con context that our energy resources and options should be evaluated. It is in this interest that I urge all my colleagues to carefully examine this energy options table.

Summary Table of U.S. Energy Resources

Energy sources	Current use		Projected use, year 2000		Potential supply ¹		Current cost ²	Environmental and safety considerations	Feasibility considerations
	In quads	Percent	In quads	Percent	In quads	In quads			
Fossil Fuels.....	75	92.5	81	79					
Petroleum—oil shale.....	18	23	22	21	800 plus 700 oil shale equals 1,500 (75 yrs. supply).	4.3 e/kwh	Air pollution, accidents, oil spills.....	Oil shale not demonstrated to be economical on a large scale.	
Coal—synfuels.....	19	24	37	36	90,000 (4,500 yrs.).....	430 e/mbtu	Pollution, strip mining, accident risk.....	Not demonstrated on a large scale.	
Gas.....	22	25.5	17	17	1,000 (50 yrs.).....	2.3 e/kwn	LNG—explosive.....		
Imports—primarily oil.....	16	20	5	5	30,000 (? yrs.).....	135 e/mbtu			
Nuclear.....	2.7	3.5	12	12		2.5e/kwn	Undermine national security, embargo threat, economic instability.		
Fission.....	2.7	3.5	12	12	LWR—1,200. Breeder 120,000 (10,000 yrs. supply). Unlimited.	220 e/mbtu	Potential accident risk, nuclear waste disposal, low level radiation.	Breeder technology not commercial until 2000-2010.	
Fusion.....						4.5 e/kwn	Unknown	Technology not proven, commercial application date unknown.	
Alternatives.....	3	4	9	9		Unknown			
Hydro.....	3	4	3	3	24 (annual).....	75 e/kwn	Threatens scenic areas and marine life.		
Geothermal.....			1.5	1.5	1,600 (1,000 yrs.).....	2 e/kwn	Mineral contamination, threatens scenic areas, mostly on federal lands.	Need technology for deeper drilling.	
Solar heating and cooling.....			1	10	(annual).....	6-16 e/kwn	Thermal pollution.....	Need technology advancements for large scale development.	
Solar thermal electric.....			.25	5	(annual).....	30-50 e/kwn	Large land use, noise and aesthetics.....	Need further technology and efficiency breakthroughs in energy storage.	
Wind.....			.5	10	(annual).....	20 e/kwn	Large land use.....	Need major technology breakthroughs to make economical.	
Photovoltaics.....				35	(annual).....	100 e/kwn	Cool ocean water, adverse effect on weather.	Not technically demonstrated for large scale development, must overcome marine cohesion.	
Ocean Thermal.....			.25	400	(annual).....	7 e/kwn	Some pollution, large land use.....		
Bioconversion.....			2.5	20	(annual).....	5-20 e/kwn			

¹ The potential for each energy resource is measured in either total quads for the lifetime of exhaustible fuels or in annual quads potentials for renewable forms of energy. For those nonrenewable resources, the estimated number of years of supply at current consumption is shown in parentheses. For renewable energy sources, only their annual quad potential is listed.

² Cost figures are either in cents per kilowatt hour of electricity (e/kwh) or cents per million BTU's (e/mbtu). A million BTU's is roughly equivalent to 7 gallons of petroleum and a kilowatt hour is equal to the amount of electricity required to light ten 100 watt light bulbs during an hour. Cents per million BTU's can no be compared with cents per kilowatt hour.

Note.—The figures are only intended to provide a general comparison of the various sources; they should not be treated as completely accurate or definitive figures. Most of the figures are rounded-off means, derived from examination of several research and study sources. Data was gathered from the Department of Energy Office of Energy Information, the Congressional Research Service, the House Committee on Energy and Commerce, the Edison Electric Institute, the Electric Power Research Institute, the Atomic Industrial Forum and the Solar Energy Electric Research Institute. ●

HUNGARIAN JURIST PRESIDENT SPEAKS OUT

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. ROUSSELOT. Mr. Speaker, Dr. Laszlo Varga, LL.B., the president of the World Federation of Free Hungarian Jurists headquartered in New York, has researched the files of the U.N. in connection with the role of the Hungarian delegation during the 1956 Hungarian revolution. This article is especially timely, as we have just commemorated the 25th anniversary of that revolution on Friday, October 23, 1981.

Dr. Varga was a member of the Hungarian Parliament after World War II, before the Communists forced him into exile. He also played an active resistance role against the German occupation forces in 1944, and was imprisoned by them for his actions. At the present time he is a member of the New York State Bar and a practicing attorney here in the United States.

The following article outlines the Soviet conspiracy directed at the nationalist Hungarian delegation to the U.N., which had not yet been replaced by a Soviet dominated delegation. Their actions were aimed at preventing a U.N. Security Council discussion of the situation in Hungary after the November 4 onslaught. Let me recommend this article to my colleagues and express the hope that we will not

forget how these freedom fighters made legitimate and monumental efforts to be free.

BETRAYED REVOLUTION

(By Laszlo Varga)

Twenty five years ago, on October 22, 1956, the students of the universities in Budapest decided to organize a demonstration in favor of the Polish people in connection with the Poznan's events, the next day, October 23.

It was a loud but peaceful march and at the end of it the students went to the Radio Building and demanded to broadcast their program—to change the 11 years of rigid communist control.—A few minutes after 9.00 p.m. the communist Secret Policemen opened fire on the crowd killing a number of people and wounding others.

The students answered: Revolution. Kremlin replied too. In the morning of October 24, Soviet vehicles appeared in Budapest and opened fire without warning. At that moment the Hungarian revolution was not anymore an internal but an international affair, since foreign troops attacked the defenseless Hungarian people.

In such situations, the chief representative of the attacked country calls for an emergency meeting of the Security Council to deal with the problem. But unfortunately this was not the case this time.

In Budapest the change was fast; in New York, the Hungarian Delegation to the United Nations remained motionless and silent.

In Budapest, on October 24, the Politburo bowed to the demands of the revolutionary students and elected Imre Nagy, the popular communist, as Chief of the Cabinet, who considered, primarily, the interest of the Hungarian people and not Moscow's.

Imre Nagy had a tremendous task and a short time to accomplish it, and according to the Report of the Special Committee of the United Nations on Hungary, from Octo-

ber 24 to October 28, he was in the captivity of the Secret Police and he couldn't act freely. He was unable then to change the Hungarian Delegation in New York, whose chief and staff members supported the old Moscow line and not the revolutionary one.

The chief representative was Mr. Peter Kos-Kondriasev. He had not only a double name but a double citizenship too: Hungarian-Russian, therefore he didn't hear the demands of the revolution: to withdraw the Soviet troops from Hungary. But he very well heard Mr. Sobolev's, the chief delegate of the USSR instructions: don't do anything. Those he faithfully followed.

On October 24, Mr. Kos-Kondriasev didn't request anything from the Security Council, neither on the 25, 26 or 27. Finally, on October 28 he moved. But in what direction?

Since the Soviet army fought against the Hungarian freedom-fighters and Mr. Kos-Kondriasev was deadly impotent, on October 27, the representatives of England, France and the United States requested the President of the Security Council to put on the agenda: The Situation in Hungary. The meeting was called at 4:00 p.m. on October 28 and the representative of Hungary, not being a member of the Council, asked the President of the Council to be allowed to attend and take part in the debate, which was granted.

After the debate, Mr. Kos-Kondriasev took the floor and said: "I note with regret that the Council decided to discuss the Hungarian situation"—and quoted a declaration of the Hungarian Government dated October 28, which: "categorically protests to any consideration of the Hungarian question being domestic affairs of Hungary."

Ironically, Mr. Sobolev also quoted the above Declaration at the same meeting. It was a perfect rapport between Mr. Kos-Kondriasev and Sobolev. But the question raised is whether the Declaration was made by Imre Nagy's Government and whether Mr. Kos-Kondriasev represented Hungary.

The answer to both questions is a clear "NO".

The Declaration didn't come from Imre Nagy's Government, first, because he didn't sign it, his name was not on it. It had not any name at all. Secondly, Imre Nagy wanted just the opposite: to discuss the Hungarian case, even more, to defend the Hungarian neutrality, that he declared and informed about on November 1, in his historical telegram to the Secretary General of the United Nations.

No doubt that the Declaration was a masterminded bogus prepared by Mr. Kos-Kondriasev with the knowledge of Mr. Sobolev and served the Kremlin's purpose perfectly: to delay discussing the merit of the Hungarian affairs and to not vote for any resolution. Mr. Sobolev played that political chess game well. The Security Council didn't pass any resolution until the brutal Soviet attack on November 4.

Mr. Kos-Kondriasev of course didn't represent the Hungarian Government but Moscow's.

When Imre Nagy was free to act, he ousted Mr. Kos-Kondriasev on October 31, who directly went to the Soviet Union and never got any position in the Hungarian Government.

The Security Council held its next meeting on November 2, but unfortunately the new Hungarian Delegation didn't arrive in New York by then. The Hungarian Government had no other alternative but select somebody from the New York staff, and he was Mr. Janos Szabo, who attended the November 2 meeting but didn't say one word for the revolution but at least nothing against it either. His credentials were strongly supported by Mr. Sobolev.

At the next meeting of the Council, November 3, Saturday, Mr. Szabo appeared again and was questioned by Mr. Lodge (USA) about Mr. Szabo's information concerning new Soviet troops entering Hungary and whether any meeting between the Hungarian and the Soviet Delegation took place in Hungary. Mr. Szabo took the floor about 4:00 p.m. and informed the Council that "the Hungarian and Soviet Delegations would meet tonight . . . and according to a Soviet proposal no more troops will cross the border until an agreement is reached." Mr. Szabo told a half-truth. The Delegations met in Budapest but Mr. Szabo forgot to add: the Chief Delegate of Hungary, General Maleter, was arrested and later executed together with Mr. Imre Nagy. And no more Soviet troops entered Hungary because they were already in. When Mr. Szabo gave the above cynical answer and shrewdly paraphrased the sentence, it was 10 p.m. in Budapest and the Soviet troops from the country side marched toward Budapest when at 4 p.m. (10 p.m. N.Y. time) they started the brutal attack against the capital of Hungary.

The Hungarian case in the United Nations in one aspect was unique. From the beginning of the revolution, October 23 to November 4, not one word was heard for the revolution from the "Hungarian Delegation".

The Hungarian people and Imre Nagy's Government during a crucial time of Hungarian history were not represented. On the other hand, the USSR had a very strong delegation: Mr. Sobolev, Mr. Kos-Kondriasev and Mr. Szabo.

The gist of the question is if Imre Nagy's Government had been well represented what could the chief delegate of Hungary do? Many things.

First of all, since the Hungarian case was overwhelmingly supported by the members of the United Nations—all the resolutions were voted by 85 percent of the members and at that time the Soviet Union was very isolated, she couldn't get more than 10 votes—a talented Hungarian representative would have had the possibility to propose to the General Assembly what certainly would have become a resolution: to establish an Ad-Hoc Committee in order to immediately send it to Hungary and observe the situation.

This is the Committee that the Secretary General, D. Hammerkjold—after the Soviet attack—so desperately wanted to send to Hungary, but at that time the door to Hungary was closed. Between October 28-November 3 it was open and the Hungarian People and Imre Nagy's Government would have overwhelmingly welcomed such a Committee.

The Soviet Government was shocked by the Hungarian revolution and the leaders of the Kremlin were uncertain as to their action which was reflected by the important Soviet Declaration of October 30, 1956, which expressed to discuss any "violation of the principles of the national sovereignty."

Since an Ad-Hoc Committee in Hungary would represent the United Nations, this would have made the Kremlin have a second thought about the army interference. An uncertain Kremlin would have given a chance to Washington to propose a meeting with the Soviet Union to discuss the solution of the Hungarian case, and Hungary would have had the chance to be not a Finland, not a Yugoslavia, but probably between them.●

CONTRIBUTIONS OF IMMIGRANTS TO THE UNITED STATES SHOULD BE HONORED BY COMMEMORATIVE POSTAL STAMPS

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SOLARZ. Mr. Speaker, recently one of my constituents, Mr. Joseph Zagame, brought to my attention the suitability of honoring the contributions of various immigrant groups to our country through the issuance of a series of commemorative stamps.

Mr. Zagame, a noted philatelist and historian who is active in the Italian American community in New York, convinced me that such a series by the Postal Service would systematically honor the important contributions of immigrants to every phase of American life—whether it be the arts, culture, business, science, or government. This could be accomplished by the post office preparing a block of four or more stamps to commemorate the accomplishments of different immigrants to the foundation and enrichment of our country.

We are, of course, a nation of immigrants—each nation, race, and ethnic group has contributed to the development of the material, intellectual,

moral, and spiritual wealth of the United States of America.

Mr. Zagame pointed out that it would be suitable for the Congress to encourage Postmaster Bolger and the Citizens Stamp Advisory Committee to issue these commemorative stamps honoring the particular contributions of these outstanding men and women who journeyed to our shores and flourished in this land of freedom and opportunity. Through their industry, intellect, and determination they built up the fabric of our unique society.

Philately is a learning tool as well as a hobby for hundreds of thousands of people. The U.S. Postal Service thus assumes the role of educator, historian, and propagandist by issuing postage stamps depicting people and events. Otherwise, all stamps would merely have the denomination and the words "United States" printed upon them. Over the years the U.S. Postal Service has issued many stamps commemorating notable persons, organizations, and events; but I feel that Mr. Zagame is correct: An important part of our culture has been overlooked—our immigrants.

While only a few stamps can be issued by the Postal Service each year, due to the volume of requests, there are precedents for such a series of stamps. These include "The Black Heritage" series, and the "Champions of Liberty" series which was issued from 1957 to 1961 at the rate of two stamps per year. Earlier, during 1943-44, a set of 13 stamps commemorating the "Overrun Country" series was issued by the Postal Service.

Mr. Speaker, given the tremendous contributions of immigrants to our society, I sincerely hope that the Citizens Stamp Advisory Committee will adopt Mr. Zagame's proposal for a series of four stamps honoring these great "new" Americans.●

IMPROVEMENTS IN THE U.S. PATENT SYSTEM

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. RAILSBACK. Mr. Speaker, I would like to take this opportunity to introduce into the RECORD today the remarks of Gerald J. Mossinghoff, the Commissioner of Patents and Trademarks, which he made before the American Patent Law Association on November 3, 1981.

In an effort to address the problems that have been highlighted in the Patent and Trademark Office, as well as the patent and trademark system, and to increase research and development incentives, the Commissioner has proposed a four-point plan.

Under the four-point plan, the first area is to improve the operations in the Patent and Trademark Office so that they may deal more effectively with their backlog of pending patent applications. The second component deals with the reexamination of patents under Public Law 96-517, which was processed by the Judiciary Committee and is now law. The third component of the four-point plan is the administration's support of the enactment of the court of appeals for the Federal circuit bill, H.R. 4482, which would create a new court resulting from the merger of the Court of Claims and the Court of Customs and Patent Appeals. That legislation is moving in the other body and will be brought to the floor of the House in the very near future. The last component deals with the administration's strong support of a comprehensive Federal patent policy, which would create a truly uniform patent policy.

The text of his remarks follow:

REMARKS OF GERALD J. MOSSINGHOFF,
COMMISSIONER OF PATENTS AND TRADEMARKS

Distinguished Guests, Ladies and Gentlemen, I welcome this opportunity to report to the American Patent Law Association on recent developments in the U.S. Patent and Trademark Office and to place those developments in the context of the Administration's overall plans for the patent and trademark systems.

A lot has happened in the three short months since my report to the ABA Section of Patent, Trademark and Copyright Law. Mr. Donald J. Quigg was sworn in as the Deputy Commissioner on October 26, following his confirmation by the Senate October 21. Mr. Bradford R. Huther, formerly Deputy Assistant Commissioner for Administration, was appointed on October 11 as Assistant Commissioner for Finance and Planning. Brad had served in an acting status in that position since late spring. Mrs. Theresa Brelford has been appointed as the Deputy Assistant Commissioner for Administration, replacing Brad in that job. And I am pleased that Mrs. Barbara Luxenberg, formerly a senior analyst and writer for the Congressional Research Service, has joined the Office as my Special Assistant.

Based on my experience in government, I know that the Patent and Trademark Office now has a very strong top management team, one that is already in high gear to bring about needed and lasting improvements in the Office. I particularly want to commend Mr. Michael K. Kirk, Director of the Office of Legislation and International Affairs, for his recognition by the President in the form of a \$10,000 rank of Meritorious Executive. Mike is one of three Department of Commerce employees so honored.

PATENT AND TRADEMARK OFFICE OPERATIONS

The anchor of the four-point plan concerns the Patent and Trademark Office itself. We now have a backlog of over 207,000 pending patent applications. That backlog grew by almost 20,000 cases during the fiscal year which ended September 30, 1981. In that year, we received 107,513 applications, and we disposed of 88,245. On the trademark side, we received 55,152 applications—an increase of about 6 percent from the previous year—and we disposed of 48,633. Our trademark backlog is now over

116,000, an all-time record. To begin to provide the examining resources to turn things around, in September the Administration proposed an increase of \$4.8 million for the PTO for fiscal year 1982. This was part of a package sent to Congress on September 30 which included a 12 percent decrease across-the-board in the civilian agencies. The Senate Appropriations Committee has not included that increase in the bill it is recommending to the Senate, and since House floor action occurred prior to this recommended increase, the item will not be considered in the House-Senate conference. We are now working with the Department of Commerce and the Office of Management and Budget to formulate our next actions. The additional \$4.8 million, if it is made available to the PTO this year, will permit us to hire 235 new examiners. This will result in a net increase of 185 patent examiners, a 20 percent increase. The additional funding request is part of Secretary Malcolm Baldrige's commitment not only to halt the increase in the backlog, but to decrease the average time it takes to get a patent to 18 months by fiscal year 1987. Our plan, which we are calling plan 1½%, will require enhancements throughout the patent side of the Office, both professional and clerical, to accomplish all preexamination functions in one month, examination in one year and postexamination operations in five months.

On the trademark side, we are committed to what we are calling ⅓s, three months to first action and an average of 13 months to disposal of a trademark application. For fiscal year 1982 we will increase the trademark examining corps of 14 examiners bringing the total to a record 98. We are also continuing efforts I announced earlier to raise the journeymen grade of a trademark examiner to GS-14. This initiative is aimed at increasing productivity by halting the extremely high turnover among trademark examiners.

These efforts are being supported by aggressive steps during fiscal year 1982 to place automated systems at the disposal of patent and trademark examiners. This September we awarded a contract to ISN, Incorporated of Arlington, to place as many as 20 terminals in the patent examining art units to provide direct access to several commercial data bases including IFI/Plenum's CLAIMS, Derwent's World Patent Index and Pergamon's U.S. Patent/Videopat-search. These systems include capabilities such as full-text searching of front-page text and bibliographic data, keyword searches of chemical patents, citation searching and display of front-page drawings and chemical structures.

On July 31, 1981, I signed an agreement with Mead Data Central, which will enable patent examiners to conduct on-line searches from six experimental search files consisting of 50,000 patents issued since 1970. This unique full-text patent data base will be merged with the LEXIS system and will be available for initial experimental use in January and for patentability searching purposes by June. Similar searching experiments using both the CAS ONLINE and DARC systems will enable our chemical examining staff to search a data base of more than 5.5 million chemical structures beginning next spring.

On the trademark side, development of the Trademark Reporting and Monitoring system (TRAM 2) is continuing. The terminals and related equipment required to support this automated tracking system are

being installed. This system will be able to track the location and status of trademark applications by next April. Also, this winter we will be soliciting proposals from industry for the development of systems to (1) capture a complete data base of all active registrations, (2) implement an automated searching system, and (3) produce the computer tapes which are used in printing the Official Gazette and registration certificates.

We have eliminated handwritten examiner actions in two of our 15 patent examining groups and are on schedule for the delivery of word processing equipment in the other 13 groups so that handwritten actions will be completely eliminated by March of next year.

To increase the usefulness of patent documents at our 37 Patent Depository Libraries, we awarded a \$350,000 contract in September to a small business concern, ABA Incorporated, to provide those libraries free, unlimited access during fiscal year 1982 to the PTO's classification data base. This will permit the public in 25 states to find where patents are classified, to acquire lists of all patents in a given subclass, to search keywords from our Manual of Classification, and to view subclasses in their hierarchical relationships.

Finally in the automation area, copies of the first draft of the automation study we are preparing under §9 of P.L. 96-517 are now available. The report to Congress is not due for 13 months. By publishing a draft at this time, we hope to stimulate industry and the bar to participate with us in refining and, if necessary, changing our tentative conclusions.

REEXAMINATION

The second component of the four-point plan is the reexamination of patents under P.L. 96-517 enacted last December. As you all know, for the first time in history a patent owner, or his or her competitor, can request the Office to reexamine an issued U.S. patent and rule on whether it should be amended or cancelled because of evidence of earlier work. In many cases, this new and inexpensive procedure could avoid the need for protracted patent litigation. Since July 1 of this year, when we instituted reexamination, we have received 94 cases, 34 of which or 36 percent are involved in litigation. We have ordered reexamination in 54 cases, two of which were granted on petition, and a total of six requests were ultimately denied.

The regulations to repeal the so-called Dann Amendments in reissue practice have been cleared by the Department of Commerce and are now being reviewed by OMB. Copies of those regulations are available from Rene Tegtmeier's office. Essentially, the new regulations, which are in the form of a proposed rulemaking, will eliminate no-defect reissues, delete the notice in the Official Gazette that a reissue application has been filed, deny access to reissue cases except by petition to the Commissioner, and require that reissue cases be handled exclusively on an ex parte basis.

The new regulations will also change the Rule 56 duty-of-disclosure practice. We will consider protests in this area, but again, except for the initial protest, all other considerations will be ex parte. Significantly, if a determination is made that Rule 56 has been violated in any case, that will form the basis of a rejection of the claims, rather than a striking of the application, so that the applicant can have the matter reviewed

by the Board of Appeals and then either the District Court for the District of Columbia or the Court of Customs and Patent Appeals.

COURT OF APPEALS FOR THE FEDERAL CIRCUIT

The third component of the four-point plan is the Administration's decision to support enactment of the Court of Appeals for the Federal Circuit, a new court resulting from a merger of the Court of Claims and the Court of Customs and Patent Appeals. We were very pleased that the House bill which would establish this new court, H.R. 4482, was favorably reported by the House Judiciary Committee on October 14. The Senate counterpart, S. 1700, was similarly recommended by the Senate Judiciary Committee on October 20. As I have stated previously, by providing a single authoritative tribunal to handle patent cases nationwide, these bills will contribute greatly to a single standard of patentability which will be understandable to inventors and businessmen alike. Barring unforeseen complications, we expect that legislation establishing the new court will be enacted during this session of the 97th Congress. The American Patent Law Association is to be commended for its strong and effective support of this very important legislation.

FEDERAL PATENT POLICY

The final element of our four-point plan is the Administration's strong support for enactment of a comprehensive Federal patent policy patterned after S. 1657, written by Senator Harrison H. Schmitt, and H.R. 4564, introduced by Congressman Alan E. Ertel. I was pleased to testify before a joint hearing of the Senate Committee on Commerce, Science and Transportation and the House Committee on Science and Technology in support of these two bills. In my view, Congress has a unique opportunity this year to enact a truly uniform patent policy, one that applies to all government agencies and to all of their contractors. And that policy will be specifically designed to spur business executives to invest in inventions resulting from Federal sponsorship. Both bills draw upon the extensive experience of the government that the likelihood of an invention being developed and commercially used is significantly increased when exclusive commercial rights in the form of title are given to the contractor.

Contractor ownership of patented inventions also provides another significant benefit: it relieves the government of the responsibilities, burdens and costs of seeking commercial uses for inventions made by others under Federal sponsorship. The rate of commercialization of government-owned inventions made under contract is very low. This is so principally for two reasons: first, when the government takes title to an invention and attempts to license others, it takes the invention away from the persons most interested in its development, namely the inventor and his or her co-workers. Secondly, the government simply has not been able to devote the resources necessary to market aggressively the patent portfolio of the 28,000 patents it owns.

Major goals of the Department of Commerce are to promote private sector capital formation, job creation and productivity. S. 1657 and H.R. 4564 are designed specifically to contribute to those goals. The bills will permit government contractors, except in narrowly defined areas, to retain commercial rights to their inventions, subject to a broad government license and "march-in rights." Thus, they will encourage the most

qualified and competent contractors to participate in government programs, and stimulate the introduction of new products into commerce, thereby promoting competition.

Another major goal of the Department is to minimize regulatory and administrative barriers to business growth, profitability, trade and competitiveness. By establishing easily understood standards for the allocation of rights to inventions, S. 1657 and H.R. 4564 will permit business judgments to be made and carried out with a minimum of bureaucratic delays and uncertainties.

PATENT AND TRADEMARK FEES

Let me now turn to what is certain to be the most controversial part of our plans: increased patent and trademark fees. In his address to the nation on September 24, President Reagan pointed out the difficult steps he was determined to take as part of the Administration's economic recovery program. Those steps involve deep cuts across government, extending to virtually every civilian department and agency. Within the Department of Commerce, Secretary Baldrige and Deputy Secretary Joseph Wright, Jr. have determined that the patent system is an integral part of the overall economic recovery program. Thus, the PTO has not only been spared deep cuts as I have noted, but we actually requested increased funding for FY 1982. But in order to bring about the needed improvements in the Patent and Trademark Office which industry, the bar and the public demand, we will need to increase substantially the fees that users of the patent and trademark systems will pay beginning in FY 1983. Thus, the PTO is recommending an increase in the fee ratios currently established in Public Law 96-517. Specifically, under our recommendation the recovery ratio for trademark processing and for design patent processing will be increased from 50% to 100%. The 25%/25% recovery formula in Public Law 96-517 for the patent process—25% recovery now with an additional 25% to be recovered through maintenance fees—will, in accordance with our recommendation, be changed to a 50%/50% fee recovery plan.

In formulating our recommendation for increased fees, Secretary Baldrige, Deputy Secretary Wright and I were faced with a critical choice: whether the Patent and Trademark Office would absorb its share of necessary government-wide cuts which would cause us to decrease our present inadequate staff and lead to overpowering backlogs or whether we would strive to give inventors and industry first-class service with quality and timely examination by increasing user charges. Realistically, there are no other alternatives. For us the choice was apparent. We would commit to a first-class Patent and Trademark Office through Plan 18/87 in patents, 3/13 in trademarks, and the other enhancements I have mentioned, and we would finance this service through increased user fees.

We are still in the process of refining our FY 1983 budget projections and concluding our analyses of what the actual fees will need to be. We have requested the Department of Commerce's Assistant Inspector General for Audits to review our analyses, and we must reach agreement with the Office of Management and Budget on the details of our budget projections. With all those caveats, and with the clear understanding that much work needs to be done on all sides to formulate the fee schedule, we now project that the fees will be substantially as follows under an amended Public Law 96-517:

Patent processing fees:	
Base filing (includes up to 3 independent and 20 total claims).....	\$300
Independent claims over 3 (each).....	30
Total claims over 20 (each).....	10
Base issue.....	500
Appeals:	
Filing.....	115
Hearing.....	100
Brief.....	115
Petitions for automatic extensions of time:	
First.....	50
Second.....	100
Third.....	200
Design patent:	
Filing.....	125
Issue.....	175
Trademark processing fees:	
Filing.....	200
renewal.....	300
Section 8 affidavit.....	100
Section 15 affidavit.....	100
Section 8 and 15 combined.....	150
Opposition.....	300
Cancellation.....	300
Appeal.....	100
Hearing in opposition, cancellation, or appeal.....	100
Service fees:	
Patent copy.....	1.00
Trademark copy.....	.40
Design copy.....	.40
Record assignment.....	20

Without doubt the new fees will be controversial. But there are good and substantial reasons, in my view, for industry, inventors and the bar to support these new fees.●

ONE CONSTITUENT TELLS HIS STORY ABOUT THE EFFECT OF THE CONTINUING PAY CAP

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. WOLF. Mr. Speaker, I have previously cited compelling statistics which make the case for removing the pay cap. One of my constituents, Mr. Jerome A. Smith, has come forward with his particular situation as Technical Director of the Office of Naval Research. The facts outlined by Mr. Smith are typical of other case histories in our Federal Government. I urge my colleagues to become more sensitive to the serious consequences of the pay cap. I ask that Mr. Smith's letter be printed at this point in the RECORD.

FAIRFAX, VA.,
November 2, 1981.

HON. FRANK R. WOLF,
Cannon House Office Building,
Washington, D.C.

DEAR CONGRESSMAN WOLF: This letter is the first I have ever written to a member of Congress in my life. There is reluctance to write even now for fear that it will only be viewed as another manifestation of self interest. I am the Technical Director of the Office of Naval Research (ONR) writing

about the deleterious effects of the pay cap. It is possible to write at length on this subject, but you are too busy to read and I am too busy to write in detail. Let me, then, just give you some facts which I hope will induce you to positive action to remove the federal service pay cap.

First. The current search for a Technical Director of the Naval Ocean Research and Development Activity (NORDA) in Bay St. Louis, Mississippi has attracted only applicants who are already government employees. Each of these applicants possesses a major deficiency. All twenty or so of the non-government employees encouraged to apply replied that pay was the major negative factor in their decision not to apply, even considering the lower cost of living in Mississippi. This has serious implications for the future viability of this laboratory.

Second. ONR will lose a GS-15 electrical engineer next month if the pay cap is not removed because he has a \$75,000 Washington area job offer in hand as well as three California offers in the mid-sixties. This individual was induced to look for other opportunities solely as a consequence of the pay cap. He has been selected for a promotion to an SES position, but has no pay incentive to accept it. He runs the Navy's multi-million dollar basic research programs in electronic warfare and atmospheric electromagnetic effects. We want him to supervise the total \$30 million program in electronics.

Third. The Naval Research Laboratory (NRL) lost an SES Materials Division Superintendent last week who left to take a position in a university laboratory for a 50 percent increase in salary and benefits. This individual declined a major promotion to the position of my deputy two months ago because he decided government employment held no future for him due to the continuing pay cap.

Fourth. In addition to these specific cases which have developed during the past two months, ONR has lost one quarter (25) of its total SES and Merit Pay employees to retirement in the last two years. About one-half of these individuals represent major losses to the Navy. All represent significant additional costs to the government in the form of salaries to those that replace them, retirement benefits to those retiring, and approximately \$20,000 in recruiting and relocation costs for each position. The net increased first year cost to the government for each of these retirements is approximately \$55,000, representing a \$1.4 million (7 percent of total payroll) additional expense. Virtually all of these employees left ONR with regret for financial reasons as a consequence of the pay cap.

I too, have experienced personal hardship. I can tally more than a \$5,000 increase in my family's after-tax expenses for groceries, property taxes, health insurance, and energy since I joined the government in February 1979. Continuation of the pay cap will force me to look for nongovernment employment during the next year.

If you and your committee choose not to rescind the pay cap this year, you should do so with the knowledge that your action threatens national security and the intellectual vitality of the Navy's and DoD's research, development, and acquisition enterprises.

Very respectfully,

JEROME A. SMITH. ●

WHO SPEAKS FOR EARTH

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. NEAL. Mr. Speaker, if mankind were called upon to account for its stewardship of Earth, how would the existence of a collective nuclear arsenal capable of murdering 100 billion human beings be explained—particularly when the human population totals less than 4½ billion?

In an article printed in the September issue of the international publication *PHP*, America's foremost scientist communicator, Dr. Carl Sagan, in his typically engaging style, explores this question and speculates on how much longer mankind can survive the illogic of the nuclear arms race. Citing statistical evidence, Dr. Sagan suggests that the mad rush toward total annihilation may have a momentum all its own and, therefore, the nuclear arms race cannot be allowed to continue indefinitely. We must demand more of our leaders before it is too late, argues Sagan.

Mr. Speaker, I am inserting this short article into the CONGRESSIONAL RECORD and recommend that my colleagues take a brief moment to read it and take heed of its message of survival. The article follows:

WHO SPEAKS FOR EARTH?

(By Carl Sagan)

"We are fortunate: we are alive; we are powerful; the welfare of our civilization and our species is in our hands. If we do not speak for Earth, who will? If we are not committed to our own survival, who will be?"

The cosmos was discovered only yesterday. For a million years it was clear to everyone that there were no other places than the Earth. Then in the last tenth of a percent of the lifetime of our species, in the instant between Aristarchus and ourselves, we reluctantly noticed that we were not the center and purpose of the Universe, but rather lived on a tiny and fragile world lost in immensity and eternity, drifting in a great cosmic ocean dotted here and there with a hundred billion galaxies and a billion trillion stars. We have bravely tested the waters and have found the ocean to our liking, resonant with our nature. Something in us recognizes the Cosmos as home. We are made of stellar ash. Our origin and evolution have been tied to distant cosmic events. The exploration of the Cosmos is a voyage of self-discovery.

As the ancient mythmakers knew, we are the children equally of the sky and the Earth. In our tenure on this planet we have accumulated dangerous evolutionary baggage—hereditary propensities for aggression and ritual, submission to leaders and hostility to outsiders—which place our survival in some question. But we have also acquired compassion for others, love for our children and our children's children, a desire to learn from history, and a great soaring passionate intelligence—the clear tools for our continued survival and prosperity. Which aspects of our nature will prevail is uncertain, par-

ticularly when our vision and understanding and prospects are bound exclusively to the Earth—or, worse, to one small part of it. But up there in the immensity of the Cosmos, an inescapable perspective awaits us. There are not yet any obvious signs of extraterrestrial intelligence and this makes us wonder whether civilizations like ours always rush implacably, headlong, toward self-destruction. National boundaries are not evident when we view the Earth from space. Fanatical ethnic or religious or national chauvinisms are a little difficult to maintain when we see our planet as a fragile blue crescent fading to become an inconspicuous point of light against the bastion and citadel of the stars.

Travel is broadening.

There are worlds on which life has never arisen.

There are worlds that have been charred and ruined by cosmic catastrophes. We are fortunate: we are alive; we are powerful; the welfare of our civilization and our species is in our hands. If we do not speak for Earth, who will? If we are not committed to our survival, who will be?

The human species is now undertaking a great venture that if successful will be as important as the colonization of the land or the descent from the trees. We are haltingly, tentatively breaking the shackles of Earth—metaphorically, in confronting and taming the admonitions of those more primitive brains within us; physically, in voyaging to the planets and listening for the messages from the stars. These two enterprises are linked indissolubly. Each, I believe, is a necessary condition for the other. But our energies are directed far more toward war. Hypnotized by mutual mistrust, almost never concerned for the species or the planet, the nations prepare for death. And because what we are doing is so horrifying, we tend not to think of it much. But what we do not consider we are unlikely to put right.

Every thinking person fears nuclear war, and every technological state plans for it. Everyone knows it is madness, and every nation has an excuse. There is a dreary chain of causality: The Germans were working on the bomb at the beginning of World War II; so the Americans had to make one first. If the Americans had one, the Soviets had to have one, and then the British, the French, the Chinese, the Indians, the Pakistanis. . . . By the end of the twentieth century many nations had collected nuclear weapons. They were easy to devise. Fissionable material could be stolen from nuclear reactors. Nuclear weapons became almost a home handicraft industry.

The conventional bombs of World War II were called blockbusters. Filled with twenty tons of TNT, they could destroy a city block. All the bombs dropped on all the cities in World War II amounted to some two million tons, two megatons, of TNT—Coventry and Rotterdam, Dresden and Tokyo, all the death that rained from the skies between 1939 and 1945: a hundred thousand blockbusters, two megatons. By the late twentieth century, two megatons was the energy released in the explosion of a single more or less humdrum thermonuclear bomb: one bomb with the destructive force of the Second World War. But there are tens of thousands of nuclear weapons.

By the ninth decade of the twentieth century the strategic missile and bomber forces of the Soviet Union and the United States were aiming warheads at over 15,000 designated targets. No place on the planet was

safe. The energy contained in these weapons, genes of death patiently awaiting the rubbing of the lamps, was far more than 10,000 megatons—but with the destruction concentrated efficiently, not over six years but over a few hours, a blockbuster for every family on the planet, a World War II every second for the length of a lazy afternoon.

The immediate causes of death from nuclear attack are the blast wave, which can flatten heavily reinforced buildings many kilometers away, the firestorm, the gamma rays, and the neutrons, which effectively fry the insides of passersby. A schoolgirl who survived the American nuclear attack on Hiroshima, the event that ended the Second World War, wrote this first-hand account:

Through a darkness like the bottom of hell, I could hear the voices of the other students calling for their mothers. And at the base of the bridge, inside a big cistern that had been dug out there, was a mother weeping, holding above her head a naked baby that was burned bright red all over its body. And another mother was crying and sobbing as she gave her burned breast to her baby. In the cistern the students stood with only their heads above the water, and their two hands, which they clasped as they imploringly cried and screamed, calling for their parents. But every single person who passed was wounded, all of them, and there was no one, there was no one to turn to for help. And the singed hair on the heads of the people was frizzled and whitish and covered with dust. They did not appear to be human, not creatures of this world.

The yield of the Hiroshima bomb was only thirteen kilotons, the equivalent of 13,000 tons of TNT. The Bikini test yield was fifteen megatons. In a full nuclear exchange, in the paroxysm of thermonuclear war, the equivalent of one million Hiroshima bombs would be dropped all over the world. At the Hiroshima death rate of some hundred thousand people killed per equivalent thirteen-kiloton weapon, this would be enough to kill a hundred billion people. But there were less than five billion people on the planet in the late twentieth century. Of course, in such an exchange, not everyone would be killed by the blast and the firestorm, the radiation, and the fallout—although fallout does last for a longish time: 90 percent of the strontium 90 will decay in 96 years; 90 percent of the cesium 137, in 100 years; 90 percent of the iodine 131 in only a month.

The survivors would witness more subtle consequences of the war. A full nuclear exchange would burn the nitrogen in the upper air, converting it to oxides of nitrogen, which would in turn destroy a significant amount of the ozone in the high atmosphere, admitting an intense dose of solar ultraviolet radiation.¹ The increased ultraviolet flux would last for years. It would produce skin cancer preferentially in light-skinned people. Much more important, it would affect the ecology of our planet in an unknown way. Ultraviolet light destroys crops. Many microorganisms would be killed; we do not know which ones or how many, or what the consequences might be. The organisms killed might, for all we

know, be at the base of a vast ecological pyramid at the top of which totter we.

The dust put into the air in a full nuclear exchange would reflect sunlight and cool the Earth a little. Even a little cooling can have disastrous agricultural consequences. Birds are more easily killed by radiation than insects. Plagues of insects and consequent further agricultural disorders are a likely consequence of nuclear war. There is also another kind of plague to worry about: the plague bacillus is endemic all over the Earth. In the late twentieth century humans did not much die of plague—not because it was absent, but because resistance was high. However, the radiation produced in a nuclear war, among its many other effects, causing a deterioration of our ability to resist disease. In the longer term, there are mutations, new varieties of microbes and insects, that might cause still further problems for any human survivors of a nuclear holocaust; and perhaps after a while, when there has been enough time for the recessive mutations to recombine and be expressed, new and horrifying varieties of humans. Most of these mutations, when expressed, would be lethal. A few would not. And then there would be other agonies: the loss of loved ones; the legions of the burned, the blind and the mutilated, disease, plague, long-lived radioactive poisons in the air and water; the threat of tumors and stillbirths and malformed children; the absence of medical care; the hopeless sense of a civilization destroyed for nothing; the knowledge that we could have prevented it and did not.

L. F. Richardson was a British meteorologist interested in war. He wished to understand its causes. There are intellectual parallels between war and weather. Both are complex. Both exhibit regularities, implying that they are not implacable forces but natural systems that can be understood and controlled. To understand the global weather you must first collect a great body of behaves. Our approach must be the same, Richardson decided, if we are to understand warfare. So, for the years between 1820 and 1945, he collected data on the hundreds of wars that had then been fought on our poor planet.

Richardson's results were published posthumously in a book called *The Statistics of Deadly Quarrels*. Because he was interested in how long you had to wait for a war that would claim a specified number of victims, he defined an index, *M*, the magnitude of a war, a measure of the number of immediate deaths it causes. A war of magnitude $M=3$ might be merely a skirmish, killing only one thousand people (10^3). $M=5$ or $M=6$ denote more serious wars, where a hundred thousand (10^5) or a million (10^6) people are killed. World Wars I and II had larger magnitudes. He found that the more people killed in a war, the less likely it was to occur, and the longer before you would witness it, just as violent storms occur less frequently than cloudbursts. From his data we can construct a graph (p. 10), which shows how long on the average during the past century and a half you would have to wait to witness a war of magnitude *M*.

Richardson proposed that if you continue the curve to very small values of *M*, all the way to $M=0$, it roughly predicts the worldwide incidence of murder; somewhere in the world someone is murdered every five minutes. Individual killings and wars on the largest scale are, he said, two ends of a continuum, an unbroken curve. It follows, not only in a trivial sense but also I believe in a very deep psychological sense, that war is

murder writ large. When our well-being is threatened, when our illusions about ourselves are challenged, we tend—some of us at least—to fly into murderous rages. And when the same provocations are applied to nation states, they, too, sometimes fly into murderous rages, egged on often enough by those seeking personal power or profit. But as the technology of murder improves and the penalties of war increase, a great many people must be made to fly into murderous rages simultaneously for a major war to be mustered. Because the organs of mass communications are often in the hands of the state, this can commonly be arranged. (Nuclear war is the exception. It can be triggered by a very small number of people.)

We see here a conflict between our passions and what is sometimes called our better natures; between the deep, ancient reptilian part of the brain, the R-complex, in charge of murderous rages, and the more recently evolved mammalian and human parts of the brain, the limbic system, and the cerebral cortex. When humans lived in small groups, when our weapons were comparatively paltry, even an enraged warrior could kill only a few. As our technology improved, the means of war also improved. In the same brief interval, we also have improved. We have tempered our anger, frustration and despair with reason. We have ameliorated on a planetary scale injustices that only recently were global and endemic. But our weapons can now kill billions. Have we improved fast enough? Are we teaching reason as effectively as we can? Have we courageously studied the causes of war?

What is often called the strategy of nuclear deterrence is remarkable for its reliance on the behavior of our nonhuman ancestors. Henry Kissinger, a contemporary politician, wrote:

"Deterrence depends, above all, on psychological criteria. For purposes of deterrence, a bluff taken seriously is more useful than a serious threat interpreted as a bluff." Truly effective nuclear bluffing, however, includes occasional postures of irrationality, a distancing from the horrors of nuclear war. Then the potential enemy is tempted to submit on points of dispute rather than unleash a global confrontation, which the aura of irrationality has made plausible. The chief danger of adopting a credible pose of irrationality is that to succeed in the pretense you have to be very good. After a while, you get used to it. It becomes pretense no longer.

The global balance of terror, pioneered by the United States and the Soviet Union, holds hostage the citizens of the Earth. Each side draws limits on the permissible behavior of the other. The potential enemy is assured that if the limit is transgressed, nuclear war will follow. However, the definition of the limit changes from time to time. Each side must be quite confident that the other understands the new limits. Each side is tempted to increase its military advantage, but not in so striking a way as seriously to alarm the other.

Each side continually explores the limits of the other's tolerance, as in flights of nuclear bombers over the Arctic wastes; the Cuban missile crisis; the testing of antisatellite weapons; the Vietnam and Afghanistan wars—a few entries from a long and dolorous list. The global balance of terror is a very delicate balance. It depends on things not going wrong, on mistakes not being made, on the reptilian passions not being seriously aroused.

¹The process is similar to, but much more dangerous than, the destruction of the ozone layer by the fluorocarbon propellants in aerosol spray cans, which have accordingly been banned by a number of nations; and to that invoked in the explanation of the extinction of the dinosaurs by a supernova explosion a few dozen light-years away.

And so we return to Richardson. In the diagram the solid line is the waiting time for a war of magnitude M —that is, the average time we would have to wait to witness a war that kills 10^M people (where M represents the number of zeros after the one in our usual exponential arithmetic). Also shown, as a vertical bar at the right of the diagram, is the world population in recent years, which reached 1 billion people ($M=9$) around 1835 and is now about 4.5 billion people ($M=9.7$). When the Richardson curve crosses the vertical bar we have specified the waiting time to Doomsday: how many years until the population of the Earth is destroyed in some great war. With Richardson's curve and the simplest extrapolation for the future growth of the human population, the two curves do not intersect until thirtieth century or so, and Doomsday is deferred.

But World War II was of magnitude 7.7: some 50 million military personnel and non-combatants were killed. The technology of death advanced ominously. Nuclear weapons were used for the first time. There is little indication that the motivations and propensities for warfare have diminished since, and both conventional and nuclear weaponry has become far more deadly. Thus, the top of the Richardson curve is shifting downward by an unknown amount. If its new position is somewhere in the shaded region of the figure, we may have only another few decades until Doomsday. A more detailed comparison of the incidence of wars before and after 1945 might help to clarify this question. It is of more than passing concern.

This is merely another way of saying what we have known for decades: the development of nuclear weapons and their delivery systems will, sooner or later, lead to global disaster. Many of the American and European émigré scientists who developed the first nuclear weapons were profoundly distressed about the demon they had let loose on the world. They pleaded for the global abolition of nuclear weapons. But their pleas went unheeded; the prospect of a national strategic advantage galvanized both the U.S.S.R. and the United States, and the nuclear arms race began.

How would we explain the global arms race to a dispassionate extraterrestrial observer? How would we justify the most recent destabilizing developments of killer-satellites, particle beam weapons, lasers, neutron bombs, cruise missiles, and the proposed conversion of areas the size of modest countries to the enterprise of hiding each intercontinental ballistic missile among hundreds of decoys? Would we argue that ten thousand targeted nuclear warheads are likely to enhance the prospects for our survival? What account would we give of our stewardship of the planet Earth? We have heard the rationales offered by the nuclear superpowers. We know who speaks for the nations. But who speaks for the human species? Who speaks for Earth? We, the nuclear hostages—all the peoples of the Earth—must educate ourselves about conventional and nuclear warfare. Then we must educate our governments. We must learn the science and technology that provide the only conceivable tools for our survival. We must be willing to challenge courageously the conventional social, political, economic, and religious wisdom. We must make every effort to understand that our fellow humans, all over the world, are human. Of course, such steps are difficult. But as Einstein many times replied when his suggestions were re-

jected as impractical or as inconsistent with "human nature": What is the alternative?

We have held the peculiar notion that a person or society that is a little different from us, whoever we are, is somehow strange or bizarre, to be distrusted or loathed. Think of the negative connotations of words like alien or outlandish. And yet the monuments and cultures of each of our civilizations merely represent different ways of being human. An extraterrestrial visitor, looking at the differences among human beings and their societies, would find those differences trivial compared to the similarities. The Cosmos may be densely populated with intelligent beings. But the Darwinian lesson is clear: There will be no humans elsewhere. Only here. Only on this small planet. We are a rare as well as an endangered species. Every one of us is, in the cosmic perspective, precious. If a human disagrees with you, let him live. In a hundred billion galaxies, you will not find another.

Human history can be viewed as a slowly dawning awareness that we are members of a larger group. Initially our loyalties were to ourselves and our immediate family, next, to bands of wandering hunter-gatherers, then to tribes, small settlements, city, states, nations. We have broadened the circle of those we love. We have now organized what are modestly described as superpowers, which include groups of people from divergent ethnic and cultural backgrounds working in some sense together—surely a humanizing and character-building experience. If we are to survive, our loyalties must be broadened further, to include the whole human community, the entire planet Earth. Many of those who run the nations will find this idea unpleasant. They will fear the loss of power. We will hear much about treason and disloyalty. Rich nation-states will have to share their wealth with poor ones. But the choice, as H. G. Wells once said in a different context, is clearly the universe or nothing. ●

COMPREHENSIVE POSTAL HEARINGS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. CLAY. Mr. Speaker, how fares the U.S. Postal Service a decade after it was created as a quasi-independent corporation with broad powers to govern itself? Does the experience of the 10 years since enactment of the Postal Reorganization Act of 1970 suggest a need for new legislation to meet the present and future postal needs of the American people?

These are among the questions that the Subcommittee on Postal Operations and Services, which I am privileged to chair, and the Subcommittee on Postal Personnel and Modernization, chaired by our distinguished colleague, Hon. MICKEY LELAND, will seek to answer during comprehensive joint public hearings that will begin December 1 and continue into the second session of the 97th Congress. Congressman WILLIAM D. FORD, chairman

of the Committee on Post Office and Civil Service, and Congressman EDWARD J. DERWINSKI, ranking minority member of the full committee will participate fully in the hearings as ex-officio members of each subcommittee.

If justified by the results of these hearings and our study, we anticipate the introduction of comprehensive postal reform legislation early next year.

On December 1 the Chairman of the Postal Board of Governors, the Honorable Robert L. Hardesty, will testify before the subcommittees. On December 3, the Postmaster General, the Honorable William F. Bolger, will come before the subcommittees. Hopefully before the December recess, the Postal Rate Commission, the General Accounting Office, and a representative of the administration will offer their views. In January, representatives of employee organizations, major mail users, consumers, competitors of the USPS, and academicians will be afforded an opportunity to appear before the subcommittees. A limited number of Members of Congress will be invited to offer testimony.

The 10-year anniversary of the Postal Reorganization Act of 1970, the recent action of the Postal Board of Governors in instituting a postal rate increase against the recommendation of the Postal Rate Commission, their running controversy and recent court rulings have exposed serious flaws in the law's structure and procedures. These events demand that the subcommittees undertake a major review at this time.

Goal: These hearings are intended to examine the issues, to obtain the views of a broad cross section of informed opinion and to formulate a position on the need for comprehensive changes in the organization and structure of the delivery of postal services.

Structure of the hearings: Each witness will be asked to address a number of specific questions addressing the outstanding issues as the chairmen see them. In this way, the hearings are expected to be as meaningful as possible. It will also be made emphatically clear that the subcommittees are serious about pursuing comprehensive legislative remedies.

ISSUES TO BE ADDRESSED

1. PUBLIC ACCOUNTABILITY OF THE POSTAL SERVICE

The public service subsidy is about to be eliminated. A prevailing view is that USPS management is becoming increasingly insulated from public, congressional, and administration opinion. Recently the USPS Governors instituted an increase in postal rates contrary to the recommendation of the Postal Rate Commission. Do the Governors have adequate time, expertise, and independent sources of in-

formation to properly represent the public interest? What is the preferred relationship among the Postal Service, the Congress, regulatory bodies, and the administration?

2. RATEMAKING AND CLASSIFICATION

Tens of millions of dollars are spent litigating cases before the Postal Rate Commission, but the USPS Governors are authorized to act contrary to its recommendations. There is seemingly endless judicial and administrative litigation of rate and classification matters. Should existing ratemaking and classification criteria be modified? Are the current methods of computing attributable and institutional costs fair or desirable?

3. COMPETITION, DEREGULATION, AND THE PRIVATE EXPRESS STATUTES

Recently, postal executives have been quoted as supporting an examination of this issue. How would any modifications of the Private Express Statutes impact upon the Postal Service, its employees, competitors of the Postal Service, and the general public?

4. POSTAL FINANCES: PRESENT AND FUTURE

What can be done to control the costs of the Postal Service? What subsidies to the USPS are appropriate? What are the recordkeeping practices of the USPS and how do they affect ratemaking and the public accountability of the Postal Service?

5. RESEARCH AND DEVELOPMENT/STRATEGIC PLANNING

What is the 10- and 20-year future of the Postal Service? What volume does the Service forecast for existing and projected classes and subclasses of mail? Given the Service's commitment to increased mechanization and work force economies, what practices should be adopted to minimize adverse impact on employees? Are USPS executives and professional salaries, and research and development investments, adequate for a competitive and high-technology future? (The issue of telecommunications legislation will be considered in separate public hearings, although we recognize that it will not be possible to avoid such discussions during this oversight hearing.)

6. LABOR AND EMPLOYEE RELATIONS

Personnel-related costs account for 85 percent of total USPS expenses, and critics point to collective bargaining as a primary cause of higher postal rates. There is continuing concern over employee safety and morale. The collective bargaining relationship between the Postal Service and its employees is unique. What changes, if any, need to be made in this area?

For further information about these hearings, please contact either Lloyd A. Johnson at 225-9124 or Louis Delgado at 225-3718. ●

BETAMAX DECISION SPARKS CONTROVERSY

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. RAILSBACK. Mr. Speaker, I would like to introduce into the RECORD today the remarks of Mr. David Ladd, the Register of Copyrights, regarding the very controversial *Betamax* decision.

On October 19, 1981, the 9th U.S. Circuit Court of Appeals in San Francisco overturned a lower court decision and ruled that users of home videorecorders violate the copyright law if they use such recorders to tape copyrighted television programs over the air.

The main problem with this decision is how to allow the public to have access to videorecorders and still secure the appropriate compensation for such use to program producers, authors, and other creative talent.

I know this problem has concerned a number of my colleagues, and I thought they would be interested in reading the Register's remarks.

The Register's remarks are as follow:

REMARKS BY DAVID LADD, REGISTER OF COPYRIGHTS

The *Betamax* decision has exploded over the entertainment world. Indeed over the entire American public. And the effect is all the more sensational because the reversal of the trial court's judgment was unexpected in many quarters.

Whether the appellate decision stands or not (Supreme Court review will probably be sought), it can already be judged a landmark in American law—either for the precedent it establishes or for the legislation it prompts.

Legislation has already been proposed. Within days after the decision several bills were introduced in Congress. All of them would create a general exemption for home video taping and thus alter legislatively the judicial result.

The reaction to the decision has not only been prompt, it has been emotional: newspaper and television commentaries have abounded in dire alarms about intrusion into the privacy of the homes; questions have been raised about whether present owners can use their decks; ironic contrasts have been drawn with the lack of liability for the manufacture and sale of handguns; and, probably more in ridicule than anxiety, the specter of storm-troop-like midnight confiscation of videorecorders has been conjured up. Small wonder, then, such agitated public response.

This is no time for sensationalism. There is no need for it. The *Betamax* case does present profound and important issues. But those should not be discussed and resolved in heat or haste. There is time. The first thing to do with this time is to strip away the exaggerations in reporting the newsworthy event and expose the fundamental issues at stake.

First, the *Betamax* decision is no quirk from a wayward and obscure tribunal. It is a fully reasoned opinion of a unanimous three-judge U.S. Court of Appeals, reversing

a similarly fully reasoned trial court judgment. The different defendants (manufacturers, retailers, users), different acts alleged to be infringing, the elaborate legal and historical grounds for both decisions, the variety of possible forms of relief—these factors make the case a much more subtle affair than the popular press has reported.

Neither is the decision final. If the Supreme Court takes the case, the final decision is more than a year away. Whether it does or not, the judgment and enforcement are some time away. There is time for thought, reflection, care.

The ultimate result, legislatively or otherwise, will predictably not be to forbid the sale of videorecorders, nor the public from using them. Calmer heads know this. The central problem, however, is how to allow both the public to have access and to secure to program producers, authors, and other creative talent, compensation according to use and enjoyment. That is the purpose of copyright. That is why our Constitution expressly provides for copyright.

A total statutory exemption for home video taping is the only solution proposed in the new bills in Congress. It is one possible solution. It is not the only solution. That solution would, in fact, run counter to the principles of the comprehensive revision of our copyright law in 1976. That revision recede from broad long-standing "not-for-profit" exemptions and substituted limited, narrow, and specifically defined exemptions qualifying broadly stated rights.

The Federal Republic of Germany and also Austria have already addressed the problem of home taping in legislation. Those countries have imposed levies on videorecorder hardware or blank tape, providing for distribution of proceeds to copyright owners. Germany's law has been in place since 1965. Other countries are working on the problem. So are legal groups in the United States; and they have been for some time.

Home video recording is a concern not just in the United States but throughout the world. The Joint Subcommittees of the Intergovernmental Copyright Committee (Unesco), the Universal Copyright Convention) and the Berne Executive Committee (Berne Convention) on the Legal Problems Arising from the Use of Video-Cassettes and Audio-Visual Discs have jointly called attention to systems that both affirm the public's right to home taping for non-commercial purposes and provide revenue for all rights holders from such recordings. In so doing, they generally confirmed the recommendations of the international Working Group of Experts which urged legislation to prevent inevitable harm to creators.

The mechanism which both the Working Group and Joint Subcommittees emphasized is the idea of a levy upon either the videotape hardware, blank cassettes, or both. In essence this would be a statutory license to record works for use in the home. It would obviously eliminate the staggering difficulties of enforcing private rights in private homes. It would also avoid the alternative of prohibiting the manufacture, sale and use of home recorders. The Court of Appeals in the *Betamax* case specifically recognized the potential public inconvenience in granting an injunction and indicated that a continuing royalty along these lines may be an "acceptable resolution."

If such a scheme were to be adopted in the United States, the levy would not need be large. It is not in Germany or Austria. The typical percentage of the retail price of

a video-cassette attributable to copyright royalty would be low—as it is now in commercial licensing. The balance, of course, represents the expense of any product—labor, invested money, advertising, promotion, distribution and the like. Thus, while the incremental cost to video-recorders or tapes represented by the levy would be small, the cumulative revenues would protect the copyright owners and encourage creation and production of new audiovisual works—exactly as copyright is intended to do.

The home recording issue is clearly joined. Earlier than some of us expected, perhaps; but now irresistibly presented. It will, of course, be resolved, either in the courts or in Congress. But it should not be resolved in undue haste. The particular question, and the broader problem it represents of accommodating the property rights of copyright to new technologies, are too difficult, too pervasive, too important, too profound to be resolved in posse-like speed. What is required is the same fullness of debate, and technical skill that marked the reworking of our copyright law culminating in the General Revision of 1976.

The public interest is paramount, to be sure. But the public is served quite as much by a respect for property—and copyright is the highest kind of property—as by expropriating it from its creators and owners for mass, free use.

Whether or how these ideas prevail, it is well to heed this statement from the Court of Appeals opinion in *Betamax*:

Article I, § 8, cl. 8 of the United States Constitution empowers the Congress: "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries." In commenting on this clause . . . our Supreme Court has said that "The economic philosophy behind the clause empowering Congress to grant patents and copyrights is the conviction that encouragement of individual effort by personal gain is the best way to advance public welfare through the talents of authors and inventors in 'Science and Useful Arts.'" *Mazer v. Stein*, 347 U.S. 201, 219, 74 S. Ct. 460, 471, 98 L. Ed. 630 (1954). Despite what is said in some of the authorities that the author's interest in securing an economic reward for his labors is "a secondary consideration," it is clear that the real purpose of the copyright scheme is to encourage works of the intellect, and that this purpose is to be achieved by reliance on the economic incentives granted to authors and inventors by the copyright scheme. This scheme relies on the author to promote the progress of science by permitting him to control the cost of and access to his novelty.

It is too often easy to convince people that the public interest is always served when someone else's property can be had for free. The more difficult task is to balance such impulses against the rights of our creative minority "to advance public welfare through the talents of authors . . . in 'Science and Useful Arts'" and to fashion an "acceptable cost [for] . . . access to published works . . ."

That requires statesmanship. And statesmanship is not possible on the fly. ●

TURNING BACK THE CLOCK

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. WYDEN. Mr. Speaker, this country has made significant strides in ridding ourselves of discriminatory regulations and statutes that treat unfairly women, minorities, and the handicapped people in our society. Unfortunately, a cruel effort is now trying to roll back these legislative gains and turn back the clock.

I recently received two letters from Oregon which tell this story better than I could hope to. I am inserting excerpts of these letters to be included as part of the RECORD.

OREGON STUDENT LOBBY EXPRESSES CONCERN (By Robert Watrus)

The Oregon Student Lobby would like to express concern over the proposed modification or elimination of Title IX and, furthermore, other federal antidiscrimination regulations dealing with persons in educational institutions . . . including women, minorities and handicapped persons.

The key provision of Title IX is that "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance . . ."

Title IX, as it pertains to students, covers athletics (which has received the most attention, leading some to believe that Title IX covers only athletics), recruiting, admissions, financial aid, student rules and regulations, housing rules, health care and insurance benefits, student employment, textbooks and curriculum, single-sex courses and women's studies programs.

To date, at least two pieces of legislation have been introduced which would either seriously weaken Title IX or totally eliminate it—legislation which should be vigorously opposed.

Senate Bill 1361, introduced by Senator Orrin Hatch (R-Ut.), would severely diminish the federal commitment to sex equity in education. Specifically, SB 1361 would:

Narrow the definition of federal financial assistance to exclude most federally financed student aid for higher education, which is the bulk of federal assistance to college and universities.

Require that the particular program or activity in which discrimination is alleged itself directly receive the federal funds in order to be covered by Title IX, rather than simply be a part of a school or college which receives federal funding from another related or unrelated activity or receives benefits from federal funds received by the school or college.

These two changes would render Title IX virtually unenforceable. The narrowing of the definition of "federal financial assistance," taken in conjunction with requiring a particular program or activity to directly receive federal funds, would eliminate most college and university programs (including the controversial athletic programs) from title IX coverage. And even in those programs still nominally covered, like vocational education, people who claim to be aggrieved by unlawful discrimination would

have to prove first that the activity received federal financial assistance before they could seek redress.

Redefine statutory beneficiaries from "persons" to "students", thereby curtailing coverage of teachers, administrators and other staff.

It should be noted that Department of Education Secretary T. H. Bell also has proposed revoking the department's long-standing regulations barring sex discrimination in employment at schools and colleges. Regulations to enforce Title IX, developed during the Ford administration in June 1975, specifically banned discrimination on the job as well as against students.

Furthermore, Title IX was one of 30 rules targeted for possible elimination or easing by the Reagan administration in August as part of its attack on federal regulations considered unnecessary or counterproductive. In announcing the review of Title IX, Vice-President Bush (who heads the "Presidential Task Force on Regulatory Relief") said the administration feels the guidelines on sexual discrimination in athletic programs are too vague and impose excessive administrative burdens. Supposedly, the administration is looking for more efficient ways of achieving the objectives spelled out in Title IX.

The actual requirements of the law—as it relates to both students and employees—are not excessively burdensome; they insure sex equity in education. Furthermore, the role of the Reagan administration in the proposals to modify or eliminate Title IX is particularly disconcerting. President Reagan has asserted that the reason he does not support the Equal Rights Amendment is because there are so many equal rights laws on the books. Title IX is the equal rights law for education, yet the move to diminish Title IX is being supported by the administration.

In terms of handicapped persons, Section 504 of the Rehabilitation Act of 1973 is another regulation which has been targeted by the "Presidential Task Force on Regulatory Relief" for "review." Its key provision states that "no otherwise qualified handicapped individual in the United States . . . shall, solely by reason of handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

As with Title IX, the Reagan Administration appears to be confused as to what Section 504 of the Rehabilitation Act of 1973 requires of institutions of higher education receiving federal financial assistance. The following is an excerpt from the previously cited Chronicle of Higher Education article:

"In announcing that the Reagan administration would review Section 504 regulations . . . Vice-President Bush said educational institutions had complained about the costs of complying with the rules. For example, he said, an institution might be forced to install an elevator in a two-story building just to accommodate one student who was confined to a wheelchair.

"Spokesmen for groups representing the handicapped contended that the example was, as one of them put it, 'off the wall and has never happened.' They said the regulations emphasized that institutions must make programs accessible to students but provided leeway in how that could be achieved. The rules did not require that buildings be totally accessible to all handicapped people, they said."

In another action weakening the anti-discrimination protections afforded "protected classes," the Department of Labor has proposed liberalizing affirmative action requirements for recipients of federal contracts (as provided for in Executive Order 11246), which include public college and universities.

Under the proposed changes, employers would not have to submit a written affirmative action document outlining plans to hire and promote more women and members of minority groups unless they had a federal contract of \$1 million or more. The current requirement is a \$50,000 contract. The proposals would drop requirements that federal contractors submit an annual summary of their affirmative action plans to the government and that compliance reviews be conducted before federal contracts can be awarded. Furthermore, they would exempt employers from reviews for five years after they have had such a review, although the Department of Labor would retain the authority to investigate complaints made by employees during the five-year period.

According to the Women's Equity Action League, the \$1 million limit would exempt 219 of the 272 colleges and universities that were required to file written affirmative action plans in 1980—a reduction of more than 80 percent. Additionally, approximately 70 percent of all females faculty members would be employed by institutions not required to have written affirmative action plans.

The Reagan administration's role in the weakening of equality of opportunity protections proves interesting. For an administration so concerned with "sending signals," what type of signal would be sent to educational institutions by the federal government weakening or eliminating the requirements of anti-discrimination regulations? It would signal a retreat by the federal government from its commitment to equality of opportunity and/or affirmative action which guarantees the rights of women, minorities and handicapped persons and, thereby, would signal to educational institutions that they no longer need to be concerned with providing equality of opportunity or affirmative action.

It is the responsibility of the federal government to assure persons throughout the country of equality of opportunity in education. It has only been through this commitment to equity (as embodied in Title IX and other antidiscrimination regulations such as Section 504 of the Rehabilitation Act of 1973 and Executive Order 11246), made to generations of Americans, that any progress to date has been made toward the ideal of equality of opportunity. Continued progress toward this ideal is needed and must be made; if this is to come about, the federal regulations relating to equality of opportunity and affirmative action must be kept firmly in place.

In conclusion, the Oregon Student Lobby opposes any weakening or outright elimination of Title IX, Section 504 of the Rehabilitation Act of 1973 and Executive Order 11246 and urges you to do likewise.

RESOLUTION PASSED BY THE ASSOCIATED STUDENT SENATE AND WOMEN'S CENTER OF SOUTHERN OREGON STATE COLLEGE

Whereas from an excerpt from a September 2, 1981 Chronicle of Higher Education article (entitled "Administration Moves to ease Federal anti-bias Regulations"):

"In announcing that the Reagan Administration would review section 504 regula-

tions . . . Vice President Bush said educational institutions had complained about the costs of complying with the rules. For example, he said, an institution might be forced to install an elevator in a two-story building just to accommodate one student who was confined to a wheelchair.

"Spokesman for groups representing the handicapped contended that the example was, as one of them put it, 'off the wall and has never happened.' They said the regulations emphasized that institutions must make programs accessible to students but provided leeway in how that could be achieved. The rules did not require that buildings be totally accessible to all handicapped people, they said."

Whereas Senator Orrin Hatch (R-Ut.) has introduced SB1361, which; narrows the definition of federal financial assistance to exclude most federally financed student aid for higher education which is the bulk of federal assistance to colleges and universities; redefines statutory beneficiaries from "persons" to "students," thereby curtailing coverage of teachers, administrators, and other staff; requires that the particular program of activity in which discrimination is alleged itself directly receive the federal funds in order to be covered by Title IX; rather than simply be a part of a school or college which receives federal funding from another related or unrelated activity or receives benefits from federal funds received by the school or college. According to the National Coalition for Women and Girls in Education, "this move would once again permit discrimination against women in school athletics and counseling to go unchallenged, with no legal relief. Even in programs which are still nominally covered, like vocational education, people who suffer discrimination would have to prove first that the activity was federally financed before they could seek redress. The law would become virtually unenforceable."

Whereas the Family Protection Act (HR 3955 and SB 1378) by Representative Albert Lee Smith (R-AL.) and Senator Roger Jepsen (R-IA.) includes a provision that simply would repeal Title IX, altogether.

Whereas under proposed liberalizing of affirmative action requirements for recipients of federal contracts, which includes public colleges and universities, employers would not have to submit a written affirmative action document outlining plans to hire and promote more women and members of minority groups unless they had a federal contract of \$1 million or more. The current requirement is a \$50,000 contract. The proposals would drop requirements that federal contractors submit an annual summary of their affirmative action plans to the government and the compliance reviews be conducted before federal contracts can be awarded. Furthermore, they would exempt employers from reviews for five years after they have had such a review.

Whereas the 1981 Oregon, Legislative Assembly's House Education Subcommittee on Affirmative Action found: ". . . as a state we have a long way to go to reach equity and the ideal of equality of opportunity set forth in our laws. Statistics, testimony of protected class members, and presence of litigation suggests that the State Board of Education, the Department of Education, the Superintendent, and the Chancellor must make a more dynamic commitment to affirmative action and equal opportunity both for student and employees." Therefore be it

Resolved, That the Associated Student and Women's Center of Southern Oregon

State College do hereby publicly oppose the weakening or outright elimination of Title IX, Section 504 of the Rehabilitation Act of 1973, and the proposed liberalization of affirmative action requirements for recipients of federal contracts, which include public colleges and universities, by the Department of Labor (Executive Order 11246), as being proposed by Congress and the Reagan Administration.●

THE VIOLENT CRIME CONTROL ACT OF 1981

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 4, 1981

● Mr. SAWYER. Mr. Speaker, on September 10, the FBI released the Uniform Crime Reports for 1980. The reports indicated that despite years of concerted efforts by State and Federal law enforcement agencies, crime, particularly violent crime, is increasing annually and shows no signs of significant reduction. A violent crime such as murder, rape, robbery, or assault now occurs every 24 seconds. If property crimes are included, then a crime occurs every 2 seconds.

These shocking statistics reveal a very discouraging trend in this country: Americans now rank crime as our second most pressing problem after the economy. More importantly, Americans are genuinely afraid of the growing pervasiveness of crime.

It is not only the ordinary citizen who is concerned about this issue. More than ever before, members of the executive, legislative, and judicial branches of Government are trying to coordinate an attack on crime.

On February 8, 1981, Chief Justice Warren Burger devoted his entire annual address to the American Bar Association conference in Houston to the subject of crime in America. The Chief Justice complained that for all our constitutional safeguards for accused criminals, our system of justice "fails to provide elementary protection for its decent, law-abiding citizens."

Similarly, on September 28, President Reagan outlined the administration's proposals on combating crime before the International Association of Chiefs of Police in New Orleans. The President noted:

The steady, ominous growth of crime in our Nation.

And pointed out that:

Crime is an American epidemic—it takes the lives of 23,000 Americans, it touches nearly one-third of American households, and it results in at least \$8.8 billion per year in financial losses.

In the face of rising public feelings of frustration, fear, and anger, the Chief Justice and the President, among others, have made several good proposals for dealing with violent crime. Similarly, on August 17, after

months of testimony, research, and analysis, a nine-member, bipartisan task force, commissioned by the Attorney General, issued a detailed, 64-point report containing a number of legislative recommendations to help reduce the rising tide of violent crime. For the past 2 months I have been painstakingly working on a single bill which incorporates, I feel, 10 of the task force's most important recommendations. It is significant to note that the recommendations which are contained in my crime package are also in accordance with most of the proposals made by Chief Justice Burger, President Reagan, Attorney General Smith, and the task force.

Today, the Attorney General will appear before the House Judiciary Subcommittee on Crime on which I am the ranking Republican. Mr. Smith will testify with task force cochairmen former Attorney General Griffin Bell and Illinois Governor James Thompson on the recommendations of their August 17 report. I, therefore, think it is only fitting that I introduce my bill today, the Violent Crime Control Act of 1981, since I will be discussing the task force report on which the bill is in part based with some of its distinguished authors.

The bill is a detailed and complicated piece of legislation. It is subdivided into eight separate titles which I would like to summarize individually here.

TITLE I.—MANDATORY SENTENCES FOR THE USE OF FIREARMS IN FELONIES

Basic proposals

First, an individual who uses or carries a firearm in the commission of a felony will receive a 2-year prison sentence for the first offense and a 5-year sentence for second and subsequent offenses separate from the punishment for the felony committed.

Second, this mandatory sentence may not be suspended.

Third, no parole or probation may be given.

Fourth, the sentence cannot run concurrently with the underlying felony.

Fifth, this charge may not be plea bargained.

Sixth, these provisions will not apply if the sole offense is the Federal crime of illegal sale, possession, or transportation of a gun.

Comments

This proposal is widely supported by judges, law enforcement officials, legislators, and the public. If enacted, it will provide truly mandatory sentencing: A felon caught using a gun will be imprisoned specifically because of that gun. If one object of criminal laws is to deter crime before it happens, I believe this no-nonsense proposal will accomplish that end. This title is similar to task force recommendation 17, report, pages 29-30, and to goals stated by the President on September 28 and

Attorney General Smith on October 23 before the Senate Judiciary Subcommittee on Criminal Law.

TITLE II.—ASSASSINATION-RELATED KILLINGS

Basic proposals

First, it is a Federal crime to kill a Federal public servant in the performance of his or her duties.

Second, Federal public servant includes U.S. Officers and employees designated by the Attorney General and Federal jurors.

Third, it is a Federal crime to kill, assault, kidnap, or conspire to kill or kidnap a U.S. official.

Fourth, a U.S. official includes the President, Vice President, Members of Congress, Cabinet heads, and Federal judges.

Fifth, it is also a Federal crime to kill a civilian in the course of an assassination of a U.S. official.

Sixth, the Attorney General may offer a reward of up to \$100,000 for information and services under this section.

Seventh, the Federal Bureau of Investigation shall have authority to work with other local, State, and Federal agencies to investigate violations of this title.

Comments

For years there has been a concern that Federal laws governing assassinations were unduly vague as to jurisdiction. These concerns were made even more apparent by the March 30 assassination attempt on President Reagan during which the President, Secret Service Agent McCarthy, White House Press Secretary Brady, and Washington, D.C., police officer Delehanty, were wounded. The potential for overlapping city, State, and Federal investigations and varying court results on the same incident are self-evident. A need for this type of legislation has been mentioned by the Attorney General on October 23 and in task force recommendations 23 and 24, report, pages 34-35.

TITLE III.—BAIL REFORM

Basic proposals

First, after the arrest of an individual, a court may either allow the individual to be released on personal recognizance or unsecured appearance bond, conditionally released, temporarily detained to revoke a conditional release, or detained.

Second, an individual shall be released unless there is no assurance that the person will appear at trial or the individual presents a danger to another person or to the community.

Third, if an accused committed the offense while on release pending a felony trial, pending imposition, execution, or appeal of a sentence, he/she may be ordered to be detained.

Fourth, a hearing shall be held in each case during which the accused may be represented by counsel, testify, call witnesses, cross-examine witnesses, and offer evidence.

Fifth, the defendant may appeal an order of detention. The Government may appeal an order of release.

Sixth, failure to appear at trial will result in a fine or imprisonment. Commission of a crime while on release will result in imprisonment.

Seventh, a judicial officer shall be able to deny bail, if it is determined that the source of the income is nonlegal.

Comments

Current law restricts judges to basically considering a defendant's likelihood to appear except in capital cases. This severely constrains a judge when he has to determine whether or not to release an individual whom he is almost positive will be a danger to the community while not detained. This proposal fills a much-publicized gap in the law and will allow judges more flexibility in fairly and honestly setting bail. Also, this title is patterned after a successful bail statute which the District of Columbia has used for 10 years. Task force recommendation 38, report, pages 50-53, embodies this title as do proposals by the Chief Justice on February 8, the President on September 28, and the Attorney General on October 23.

TITLE IV.—INSANITY DEFENSE MODIFICATIONS

Basic proposals

First, the Federal Rules of Criminal Procedure are amended to include a new verdict: guilty but insane.

Second, a person may be found to be guilty but insane if all the elements of the crime are present except that the requisite criminal state of mind is absent due to mental disease or defect.

Third, either the defendant or the attorney for the Government may make a motion to determine the mental competency of the defendant to stand trial, or at the time of the offense, or after a verdict of guilty but insane, or after the defendant has been imprisoned.

Fourth, in any of the above cases, the court may conduct a hearing, order psychiatric or medical examination, or order the defendant placed in the custody of the Attorney General for appropriate hospitalization.

Fifth, if the defendant recovers, a new hearing shall be held to determine if the defendant should stand trial, finish the term of imprisonment, or be discharged, whichever is applicable.

Sixth, if no recovery occurs the defendant shall continue hospitalization until the term of imprisonment has expired at which time a new hearing will be held to determine if a discharge or civil commitment proceedings are in order.

Seventh, at no time shall statements made by the defendant during a psychiatric examination nor shall the defendant's competency to stand trial be

admitted as to the issue of criminal guilt.

Comments

This proposal is an attempt to prevent the unjust situation in which a criminal is freed because he is found to be not guilty because insanity has altered or eliminated the legal requisite of a criminal state of mind. Current law only provides for a verdict of guilty or not guilty which leaves judges and juries with no option to deal with an obviously mentally ill person requiring hospitalization. So broad is this gap in the law that it is possible that alleged Presidential assassin John Hinckley may be free within 50 days after his trial. This proposal will require long-term hospitalization followed by imprisonment if either is necessary. A similar suggestion can be found in task force recommendation 39, report, page 54.

TITLE V.—EXCLUSIONARY RULE MODIFICATIONS

Basic proposals

First, evidence seized in violation of the Constitution shall not be excluded if the law enforcement officer was acting in the reasonable good faith belief that his actions were in conformance with the fourth amendment.

Second, in cases where the above standard is met and the evidence is not excluded, a defendant shall have a tort damage remedy against the Government for actual and punitive damages up to \$50,000.

Third, in addition, an officer who conducts a search and seizure in violation of the fourth amendment shall be subject to disciplinary action at the discretion of the law enforcement agency.

Comments

The exclusionary rule is a relatively seldom-used principle but, on occasion, it can result in the release of a known criminal. The purpose of the rule was to deter illegal police conduct, but the mechanism for this deterrence was often to throw out the case. The real victim then became the public since criminals were released without prosecution. A second casualty was police morale: An investigative error, however trivial or unintended, meant that the police agency has failed at its job. This proposal seeks to correct the problem by admitting evidence under certain, limited circumstances and by allowing disciplinary actions or fines against officers who act without good faith. Task force recommendation 40 is similar to this title as were statements made by the President on September 28 and by the Attorney General on October 23.

TITLE VI.—SENTENCING REFORM

Basic proposals

First, the U.S. Sentencing Commission will be established, and it will be composed of seven voting members (four Presidential appointees) and one nonvoting member.

Second, the Commission shall reform sentencing practices by (a) providing certainty and fairness; (b) avoiding unwarranted disparities in similar cases; (c) providing flexibility for sentencing individual cases with aggravating or mitigating circumstances; (d) measuring the effectiveness of criminal justice practices; and (e) reflecting advancements in sociological and scientific thinking.

Third, the duties of the Commission shall include establishing guidelines on probation, fines, imprisonment, conditional release, plea bargains, revocation proceedings, and sentencing ranges.

Fourth, the Commission shall submit a written report to Congress each year outlining recommended sentencing changes.

Fifth, there will be a new standard for appealing sentences. A defendant may appeal a sentence which exceeds the established guidelines while the Government may appeal a sentence that is under them.

Sixth, the U.S. Parole Commission shall be abolished.

Comments

The Sentencing Commission will have the power to establish what has been called truth in sentencing. Instead of punishments which confuse judges, attorneys, defendants, and the public with ranges of 2 to 20 years for the same crime, more fixed terms will be set. Thus if a crime has a 5-year penalty provision, a convicted person will serve 5 years. These kinds of determinant sentences will make penalties more uniform, more consistent, and easier to apply. This title is essentially the same as sections of the Senate Criminal Code Revision Act, S. 1630, which the President and the Attorney General have endorsed and is based on task force recommendation 41, report, pages 56-57.

TITLE VII.—HABEAS CORPUS CHANGES

Basic proposals

First, Federal courts shall not review habeas corpus petitions which raise a Federal question unless: (a) The Federal right asserted did not exist at the time of the trial and the right is now retroactive in application, or (b) State court procedures precluded assertion of the right, or (c) the prosecutor suppressed evidence which prevented raising a claim on the right, or (d) material and controlling facts have since been discovered by the defendant, and the violation of the Federal right prejudiced the petitioner's case.

Second, there is a 3-year limitation of filing petitions after the State court judgment becomes final.

Third, no Federal evidentiary hearing will occur if State court records demonstrate that the factual issues were litigated and determined.

Fourth, the State court record shall be viewed in a light most favorable to the prosecution.

Comments

In February, Chief Justice Burger complained about the "endless streams of petitions for writs" which cause cases to drag on for years and which often needlessly consume limited prosecutorial and judicial resources. Cases are occasionally reversed years after the witnesses and evidence needed for a retrial are gone. In addition, issues of federalism arise by the repeated intrusion of Federal courts into cases which were often thoroughly and fairly determined by State courts. The right of State prisoners to petition for Federal review is an important statutorily created principle. Unfortunately, it has so broadened itself in recent years that the petitions are putting great burdens on Federal and State courts. This proposal seeks to modify the availability of writs to habeas corpus to situations where it was originally intended to apply: emergency relief rather than frivolous and costly delays. The Attorney General is working on a similar proposal, possibly along the lines of task force recommendation 42, report, pages 58-60.

TITLE VIII.—CORRECTIONS FACILITY IMPROVEMENT

Basic proposals

First, the Attorney General will make grants to construct, repair, and improve correctional facilities.

Second, the Government will provide 75 percent of the grant money with the States supplying the remaining 25 percent but only if they can assure future operating funds.

Third, grant money will be apportioned equally on the basis of respective State populations, offender populations, and current corrections expenditures.

Fourth, Federal grant money will not exceed \$500 million per year over a 4-year period.

Fifth, the Administrative Services Act will be amended to allow the Director of GSA to transfer or lease surplus or unused Federal property to the States, free of charge if necessary, for correctional purposes.

Comments

This is the only title in the Violent Crime Control Act of 1981 which seeks an expenditure of Federal funds. While I am a supporter of the administration's fiscal policies, I must nonetheless state that Federal assistance for prison construction and renovation is absolutely essential.

In the face of steadily rising crime rates and rapidly falling State revenues, local governments simply are not prepared to come to grips with the crisis of overcrowded facilities. Early this year, my home State of Michigan, crippled by the recession, had serious prison riots in Jackson, Ionia, and Marquette. Michigan is one of at least three dozen States in which lawsuits have been filed charging that prisons

are so overcrowded that the inmates' constitutional rights are being violated. Several courts have already ordered that States must either improve their prisons and jails or begin to release prisoners. Similar rulings are sure to follow.

Critics of this proposal have said that throwing people in jail won't stop crime. That is probably a correct statement but the corollary is, not keeping criminals in prison will create crime. The job of prisons is to rehabilitate the individual, deter criminal conduct, and protect the public. Early release of criminals or, worse still, rioting will accomplish none of these purposes.

The Federal Government and the States have ignored the problems of overcrowding and deterioration for too long. With higher prosecution and conviction rates and ever-increasing crime this problem simply won't go away. The Bureau of Justice Statistics reported on October 4 that 1981 State and Federal prison populations jumped at a rate twice that of the 1980 level, bringing inmate populations to a record 349,118. The States cannot assume the entire financial burden for prison construction and improvement in these lean economic times. The administration has declared war on violent crime but part of that war is going to have to involve some Federal assistance. Otherwise, we will all have to stand back and watch as the public safety is placed more and more in jeopardy.

I am not alone in my views on this subject, either. Chief Justice Burger mentioned the impending problems of prison overcrowding on February 8 as did the task force in recommendations 54 and 56, report, pages 75-79. This issue involves a responsibility which the Federal Government cannot abdicate to the States in order to reach a balanced budget. The real cost will simply be too high.

In conclusion, let me say that I believe the Violent Crime Control Act of 1981 incorporates 10 of the task force's most pressing and most basic legislative changes in Federal criminal law. I believe each of these eight titles will achieve the ends sought by the President, the Chief Justice, the Congress, and the task force and that they will achieve them swiftly, fairly, and cheaply.

I would like to point out that since the task force report was issued on August 17, a number of critics have attacked the recommendations claiming that revisions in Federal laws will only affect a small portion of the huge volume of crime in America. On the surface this criticism appears sound but, in reality, it misses the fundamental point, granted crime will not instantly end if the Violent Crime Control Act becomes law, but crime will most certainly not stop if we continue to do nothing. Crime statistics and

public opinion polls are sending us a message. In an editorial on February 11 after the Chief Justice's speech in Houston, the Christian Science Monitor observed:

The magnitude of the problem is no reason to abdicate the struggle to roll back crime.

That struggle grows more intense each day in America and today is the time to do something about it. ●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, November 5, 1981, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

NOVEMBER 6

9:00 a.m.

*Energy and Natural Resources

To continue oversight hearings on the implementation of title I, establishing wellhead prices for natural gas, of the Natural Gas Policy Act (Public Law 95-621).

3110 Dirksen Building

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings on S. 1081, S. 1594, S. 1749, and S. 1764, miscellaneous tax proposals.

2221 Dirksen Building

Rules and Administration

Business meeting, to consider certain provisions of Title I, providing legislative and procedural changes in providing Federal assistance to State and local governments of S. 807, establishing procedures for the administration and auditing of Federal assistance programs and the requirements imposed on assistance recipients.

301 Russell Building

10:00 a.m.

Budget

Business meeting, to continue markup of proposed Second Concurrent Reso-

lution on the Congressional Budget for fiscal year 1982.

6202 Dirksen Building

Judiciary

*Courts Subcommittee

To hold oversight hearings on the administration of State and local court adjudication of driving while intoxicated.

2228 Dirksen Building

Labor and Human Resources

Investigations and General Oversight Subcommittee

To resume oversight hearings on the activities of the National Cancer Institute, examining deficiencies in the use of experimental drugs on cancer patients.

4232 Dirksen Building

Joint Economic

To hold hearings on the employment-unemployment situation for the month of October.

2359 Rayburn Building

NOVEMBER 9

9:30 a.m.

Foreign Relations

To resume hearings on the foreign policy and arms control implications of the President's strategic force modernization program.

4221 Dirksen Building

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.

4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

International Finance Subcommittee

To hold oversight hearings on nontariff barriers to the export of U.S. services.

5302 Dirksen Building

2:00 p.m.

Environment and Public Works

Nuclear Regulation Subcommittee

To resume hearings on S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.

4200 Dirksen Building

Finance

Oversight of the Internal Revenue Service Subcommittee

To hold hearings on S. 732, providing for the disclosure of IRS information to assist with the enforcement of Federal and State criminal laws.

2221 Dirksen Building

NOVEMBER 10

8:30 a.m.

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To hold oversight hearings on America's role in the world coal export market.

3110 Dirksen Building

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of F. Keith Adkinson, of West Virginia, to be a Federal Trade Commissioner.

1318 Dirksen Building

9:30 a.m.

*Commerce, Science, and Transportation Surface Transportation Subcommittee

To hold oversight hearings on the implementation and effects of the Staggers Rail Act of 1980 (Public Law 96-

448), reducing ICC regulations of the railroad industries and providing opportunities for railroads to improve their financial viability.

235 Russell Building

*Finance

Estate and Gift Taxation Subcommittee

To hold hearings on S. 649, amending current estate tax laws to ease the burden of inheritance taxes for the heirs of artists, and reversing the decline in donations of art to nonprofit institutions; S. 851 and S. 852, bills increasing the amount artists may deduct in taxes for their charitable contributions.

2221 Dirksen Building

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on international drug trafficking.

3302 Dirksen Building

Labor and Human Resources

To resume hearings on S. 234, to encourage the establishment of home health care programs and to provide expanded coverage of home health services under the medicare and medicaid programs.

4232 Dirksen Building

10:00 a.m.

Appropriations

Business meeting, to mark up H.R. 4241, appropriating funds for fiscal year 1982 for military construction programs of the Department of Defense, and proposed legislation appropriating funds for fiscal year 1982 for the Department of Defense.

1114 Dirksen Building

Energy and Natural Resources

Business meeting, to resume markup of Senate Joint Resolution 115, approving the President's recommended waiver of law to expedite the construction and initial operation of the Alaska Natural Gas Transportation System.

3110 Dirksen Building

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

Judiciary

Business meeting, to consider pending calendar business.

2228 Dirksen Building

11:00 a.m.

Foreign Relations

Business meeting on pending calendar business.

4221 Dirksen Building

NOVEMBER 12

9:30 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings on the proposed pipeline transporting natural gas from the Soviet Union's Yamal gasfields to Western Europe, focusing on the role of U.S. export controls.

5302 Dirksen Building

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings on international drug trafficking.

3302 Dirksen Building

Judiciary

Constitution Subcommittee

To resume hearings on Senate Joint Resolution 110, Senate Joint Resolu-

tion 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.

2228 Dirksen Building

Judiciary

*Criminal Law Subcommittee

To resume hearings on S. 101 and S. 751, bills to eliminate or establish an alternative to the exclusionary rule in Federal criminal proceedings.

5110 Dirksen Building

Labor and Human Resources

Labor Subcommittee

To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.

4232 Dirksen Building

10:00 a.m.

Energy and Natural Resources

To hold hearings on Senate Joint Resolution 111, consenting to an extension and renewal of the interstate compact to conserve oil and gas.

3110 Dirksen Building

Environment and Public Works

Nuclear Regulation Subcommittee

Business meeting, to mark up S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.

4200 Dirksen Building

1:30 p.m.

Judiciary

Constitution Subcommittee

To resume oversight hearings on the implementation of the Freedom of Information Act, and to hold hearings on S. 1247, S. 1235, and S. 587, bills providing for the exception of certain confidential information from disclosure requirements of the Freedom of Information Act.

2228 Dirksen Building

2:00 p.m.

*Energy and Natural Resources

Business meeting, to consider pending calendar business

3110 Dirksen Building

Environment and Public Works

Nuclear Regulation Subcommittee

Business meeting, to continue markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.

4200 Dirksen Building

NOVEMBER 13

9:30 a.m.

Governmental Affairs

To hold hearings on S. 864, to require each Federal agency to submit an annual report to the President on the adequacy of its internal accounting and administrative control systems.

6226 Dirksen Building

Governmental Affairs

Permanent Subcommittee on Investigations

To continue hearings on international drug trafficking.

3302 Dirksen Building

Judiciary

Agency Administration Subcommittee

To hold hearings on S. 1775, revising certain provisions of the Federal Criminal Code relating to tort actions filed against the United States and Federal employees.

5110 Dirksen Building

Judiciary

Courts Subcommittee

To hold hearings on S. 653, proposed Habeas Corpus Procedures Amendments Act.

2228 Dirksen Building

10:00 a.m.

Energy and Natural Resources

*Energy and Mineral Resources Subcommittee

To resume oversight hearings on America's role in the world coal export market.

3110 Dirksen Building

NOVEMBER 16

9:30 a.m.

Judiciary

Agency Administration Subcommittee

To resume hearings on S. 1775, revising certain provisions of the Federal Criminal Code relating to tort actions filed against the United States and Federal employees.

5110 Dirksen Building

Judiciary

Courts Subcommittee

To hold hearings on S. 1529, proposed National Court of Appeals Act.

2228 Dirksen Building

10:00 a.m.

Environment and Public Works

Business meeting, to markup S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.

4200 Dirksen Building

2:00 p.m.

Environment and Public Works

Business meeting, to continue markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.

4200 Dirksen Building

*Judiciary

Constitution Subcommittee

To resume hearings on Senate Joint Resolution 110, Senate Joint Resolution 17, Senate Joint Resolution 18, and Senate Joint Resolution 19, measures amending the Constitution to establish legislative authority in the Congress and the States with respect to abortion.

2228 Dirksen Building

NOVEMBER 17

9:00 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on United States-Canadian trade policies, focusing on impact on border States' industries.

6226 Dirksen Building

9:30 a.m.

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings on international drug trafficking.

3302 Dirksen Building

10:00 a.m.

Environment and Public Works

Business meeting, to consider pending calendar business.

4200 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

NOVEMBER 18

9:00 a.m.
Select on Indian Affairs
To hold hearings on S. 1613, requiring the U.S. Court of Claims to consider the merits of certain claims filed by the Navaho Indian Tribe, alleging U.S. breach of legal and treaty obligations.
1318 Dirksen Building

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on international drug trafficking.
3302 Dirksen Building

*Veterans' Affairs
To hold oversight hearings on the effects of the use of Agent Orange.
1224 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
Business meeting, to resume markup of S. 1692, providing for the operation, maintenance, and construction of deep-draft channels and national harbors.
4200 Dirksen Building

Judiciary
Juvenile Justice Subcommittee
To resume hearings on S. 1688, making it a Federal offense when a convicted criminal commits a series of crimes involving firearms, and S. 1689, providing that a convicted criminal sentenced to life imprisonment under State habitual criminal statutes be incarcerated in a Federal penitentiary.
357 Russell Building

Judiciary
Security and Terrorism Subcommittee
To resume hearings to discuss the retention or destruction of certain Federal Government files.
2228 Dirksen Building

2:00 p.m.
Environment and Public Works
Business meeting, to resume markup of S. 1662, establishing a Federal program for the interim storage and permanent disposal of high-level nuclear waste from civilian powerplants.
4200 Dirksen Building

NOVEMBER 19

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings on international drug trafficking.
3302 Dirksen Building

Labor and Human Resources
Business meeting, to consider the nomination of John R. Van de Water, of California, to be a member of the National Labor Relations Board.
4232 Dirksen Building

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to continue markup of S. 1692, providing for the operation, maintenance, and construction of deep-draft channels and national harbors.
4200 Dirksen Building

Judiciary
Criminal Law Subcommittee
To resume hearings on S. 186, authorizing funds through fiscal year 1988 for the Department of Justice, to provide assistance to State and local governments for the improvement of the States criminal justice system.
2228 Dirksen Building

Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on S. 312, a private relief bill.
357 Russell Building

NOVEMBER 20

9:30 a.m.
Rules and Administration
To hold hearings on the application and administration of the Federal Election Campaign Act of 1971, as amended.
301 Russell Building

NOVEMBER 23

9:30 a.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on certain preference provisions of the Immigration and Nationality Act.
5110 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 1370, authorizing the Secretary of the Army to acquire such oil, gas, coal, or other mineral interest owned by the Osage Tribe of Indians necessary for the construction of the Skiatook Lake, Osage County, Okla.
5302 Dirksen Building

10:00 a.m.
Judiciary
Security and Terrorism Subcommittee
To hold hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 24

9:00 a.m.
Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on State implementation of Federal regulations, focusing on standards of the Resource, Conservation and Recovery Act.
3302 Dirksen Building

9:30 a.m.
Rules and Administration
To resume hearings on the application and administration of the Federal Election Campaign Act of 1971, as amended.
301 Russell Building

10:00 a.m.
Governmental Affairs
To hold hearings on the nomination of Frederic V. Malek, of Virginia, to be a Governor of the U.S. Postal Service.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Labor and Human Resources
Education Subcommittee and Employment and Productivity Subcommittee
To hold joint oversight hearings on the implementation of vocational education programs and the Comprehensive

Employment and Training Act (CETA).
4232 Dirksen Building

2:00 p.m.
Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

NOVEMBER 25

9:30 a.m.
Veterans' Affairs
Business meeting, to mark up S. 349, providing for limited judicial review of the administrative action of the Veterans' Administration, and for reasonable fees to attorneys representing legal counsel for veterans.
412 Russell Building

10:00 a.m.
*Governmental Affairs
To hold hearings on proposed legislation requiring the Inspectors General of certain Federal agencies to periodically review their department's programs.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To continue hearings to examine the presence of Cuban intelligence operations within the United States.
2228 Dirksen Building

DECEMBER 1

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To hold joint hearing with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

DECEMBER 2

9:30 a.m.
Agriculture, Nutrition, and Forestry
To continue joint hearings with the Committee on Labor and Human Resources on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

Labor and Human Resources
To continue joint hearings with the Committee on Agriculture, Nutrition, and Forestry on S. 1442, revising and updating American food safety laws.
4232 Dirksen Building

DECEMBER 4

9:30 a.m.
*Banking, Housing, and Urban Affairs
To hold hearings on the use of Defense Production Act authorities to stimulate domestic production of titanium.
5302 Dirksen Building

DECEMBER 8

9:30 a.m.
Environment and Public Works
To hold oversight hearings on the Endangered Species Act (Public Law 96-159).
4200 Dirksen Building

November 4, 1981

EXTENSIONS OF REMARKS

26687

DECEMBER 10

9:00 a.m.
Judiciary
*Criminal Law Subcommittee
To hold hearings on S. 613, amending the Federal Criminal Code to revise the scope of, and penalties under the Hobbs Act, prohibiting interference with commerce by threat or violence.
2228 Dirksen Building

9:30 a.m.
Environment and Public Works
To resume oversight hearings on the Endangered Species Act (Public Law 96-159).
4200 Dirksen Building

JANUARY 13, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

JANUARY 14, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To continue hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

JANUARY 20, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

JANUARY 28, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

FEBRUARY 4, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

FEBRUARY 11, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

FEBRUARY 18, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

FEBRUARY 23, 1982

11:00 a.m.
Veterans' Affairs
To hold hearings on legislative recommendations of the Disabled American Veterans.
Room to be announced

FEBRUARY 25, 1982

9:30 a.m.
Judiciary
Constitution Subcommittee
To resume hearings on S. 1761, amending the Voting Rights Act of 1965, to provide for the application of preclearance provisions to all States and political subdivisions, and provide for submission of any changes under the preclearance provisions to the appropriate U.S. district court.
2228 Dirksen Building

CANCELLATIONS

NOVEMBER 10

10:00 a.m.
*Government Affairs
Energy, Nuclear Proliferation, and Government Processes Subcommittee
To hold hearings on S. 1226, establishing the National Nuclear Property Insurance Corporation, and providing supplemental insurance coverage for certain cleanup costs following damage to nuclear powerplants.
Room to be announced

NOVEMBER 11

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 1541, proposed Retirement Income Incentives and Administrative Simplification Act.
4232 Dirksen Building

DECEMBER 1

9:30 a.m.
Labor and Human Resources
To resume oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor
4232 Dirksen Building

DECEMBER 2

9:30 a.m.
Labor and Human Resources
To continue oversight hearings to examine affirmative action regulations of the Office of Federal Contract Compliance Programs, Department of Labor.
4232 Dirksen Building